

## CHAPTER X.

Visit to England of the Duchess of Orleans.—Secret Negotiations of the king Louis XIV.—Renewed persecutions of Non-conformists.—Trial of William Penn.—The Covenanter Act.—Assault on the Duke of Ormond.—Blood attempts to steal the Regalia.—The mystery of his pardon.—Shutting-up of the Exchequer.—Alliance with France.—War with Holland.—Naval War.—Invasion of the United Provinces.—Murder of the De Witts.—The Prince of Orange.—Shaftesbury Lord Chancellor.—Declaration of Indulgence.—The Test Act.

THERE is a brief record, in the Memoirs of Sir John Reresby, of an event, seemingly unimportant, which led to very serious consequences: "In the summer of 1670 the duchess of Orleans, the king's sister, came over to Dover, where she was met by the king, the duke of York, and the whole Court. Here it was that she confirmed his highness the duke in the Popish superstition, of which he had as yet been barely suspected."\* The duke of York required no confirmation in his belief. He had long been in secret a Roman Catholic, and attended the private rites of that religion; but at the same time he was in communion with the Church of England. A Jesuit missionary remonstrated with him against this double dealing. James communicated to the king his determination publicly to embrace the Roman Catholic faith. Charles professed the same desire. He, also, though known to be indifferent as to religious matters, had been suspected. Cosmo, the duke of Tuscany, came to England in 1669; and the author of the duke's travels says of Charles, that though he "observes with exact attention the religious rites of the Church of England, there is reason to believe that he does not exactly acquiesce, and that he may perhaps cherish other inclinations." Of the Cabal ministry Clifford and Arlington were attached to the Church of Rome. Charles and James took these ministers into their confidence at the beginning of 1669. The result was, a negotiation with France, which went on for many months; and of which the duchess of Orleans came over, in 1670, to urge the points which the French king was anxious to accomplish by irresistible temptations. The secret

\* "Travels and Memoirs of Sir John Reresby," 1831; p. 171.

treaty between Louis XIV. and Charles II. was concluded at Dover, on the 22nd of May, 1670.\* Its principal stipulations were, that the king of England should publicly profess himself a Catholic, when he should consider it expedient to make such declaration; that he should join with the king of France in a war against the United Provinces; that to enable Charles to suppress any insurrection of his own subjects, he should receive two millions of livres, and be aided with an armed force of six thousand men; that of the conquests arising out of the joint war Charles should be satisfied with a part of Zealand. The secret treaty having been accomplished, another treaty was prepared, in which the article concerning the king's change of religion was omitted; and to this Shaftesbury, Buckingham, and Lauderdale were privy. Charles and his ministers went back to London, to carry on a system of falsehood towards the nation, almost unmatchable amongst the frauds of Courts and Cabinets. The beautiful duchess of Orleans returned to France, to die a victim, as many believed, to the jealousy of her husband. At the meeting of Parliament in October, 1670, the Lord Keeper Bridgman—who we may conclude to have been ignorant of the atrocious confederacy of the king and his more confidential servants—set forth the advantages of the Triple Alliance, and the necessity of being prepared against the ambition of France, by an augmentation of the fleet. The Commons voted that "his majesty should be supplied proportionably to his present occasions;" and when a grant of eight hundred thousand pounds was obtained, the Parliament was prorogued.

The manifestation of a tolerant principle at home, at the beginning of 1668, was as short lived as the inclination to a high and honourable foreign policy. The Act of 1664 against Conventicles, which was about to expire in 1670, was renewed in a more stringent shape. The 12th Clause of this Statute threw down the barriers against the most illegal exercise of its severities: "That this Act, and all clauses therein contained, should be construed most largely and beneficially for the suppressing of Conventicles, and for the justification and encouragement of all persons to be employed in the execution thereof; and that no record, warrant, or mittimus to be made by virtue of this Act, or any proceedings thereupon, shall be reversed, avoided, or any way im-

\* It was published for the first time by Dr. Lingard, from the original in the possession of Lord Clifford. But the most important of the articles had long previously appeared in Sir John Dalrymple's History.

peached, by reason of any default in form." \* Waller, who, at his advanced age, was still the wit of the House of Commons, said of the dissenters, "these people are like children's tops; whip them, and they stand up; let them alone, and they fall." † Calamy attributes the saying to bishop Wilkins, who, with one other bishop, opposed this Statute. Sheldon, the primate, urged the most vigorous execution of the penal clauses, which were to drive the non-conforming preachers from the boarded hovels, which they called tabernacles, fitted up by their congregations when the parish churches of London were in ruins. This Act, according to Burnet, "put things in such disorder, that many of the trading men of the city began to talk of removing with their stocks over to Holland." The spirit of too many of the higher clergy was in decided opposition to the temper of bishop Wilkins. Parker, chaplain to Sheldon, and afterwards bishop of Oxford, laid himself open to the lash of Andrew Marvell, when he proclaimed that "tender consciences, instead of being complied with, must be restrained with more peremptory and unyielding rigour than naked and un-sanctified villainy." ‡ Burnet says of this Statute against Conventicles, "the king was much for having it pass, not that he intended to execute it, but he was glad to have that body of men at mercy, and to force them to concur in the design for a general toleration." This was a part of the scheme, upon which the Secret Treaty with France was built. Severity at one time against non-conformists, indulgence at another time, had one sole object in view,—to prepare the nation for such an exercise of the prerogative as would dispense with the laws against Papists, and make the people indifferent to a Roman Catholic king, and a Roman Catholic heir-apparent. It was not that Charles cared for any form of religion; but he had an earnest longing for the wages of proselytism which Louis was to bestow.

The fines and imprisonments under the Conventicle Act fell, for the most part, upon obscure persons. But there was one young man, whose father was of historical celebrity, and of an elevated station, who came under the penalties for non-conformity, and fought the battle of dissent in a manner very embarrassing to intolerant churchmen and arbitrary lawyers. William Penn, the only son of the famous admiral, much to the annoyance of his

\* Statutes of the Realm, 22 Car. II. c. i. vol. v. p. 656.

† "Parliamentary History," vol. iv. col. 445.

‡ See Marvell's "Rehearsal Transposed," vol. ii. p. 290, ed. 1673.

family, had embraced the principles of George Fox, the founder of the sect of Quakers. He had manifested his spiritual tendencies when a student at Oxford. He had been imprisoned in Ireland, in 1667, for attending the meetings of Friends; he had begun to preach and to publish in 1668. On the 14th of August, 1670, William Penn, who, in common with others of his fraternity, wholly disregarded the Conventicle Act, going to the Meeting-house in Gracechurch-street, found the door closed and guarded; and having addressed the people outside, was arrested. On the 1st of September, he, with William Mead, a linen-draper, was indicted at the Old Bailey for preaching and speaking, to the great disturbance of the king's peace. On the 3rd of September they were brought to trial. It was altogether a remarkable scene; in which the prisoners conducted themselves with unusual boldness; the lord-mayor and recorder manifested more than the common insolence of authority in bad times; and the jury could not be compelled to give a dishonest verdict. In the first instance the jury acquitted Mead, and found Penn guilty of speaking to an assembly in Gracechurch-street. They refused to find that it was an unlawful assembly, as the recorder insisted. They were locked up without fire or food through Saturday night. On Sunday, they again and again refused to amend their verdict. The recorder, Howel, a fitting predecessor of George Jefferies, who afterwards carried judicial infamy to its extreme height, in a paroxysm of fury declared it would be never well with England, till something like the inquisition was introduced. For another night the jury were locked up, to endure hunger and thirst. When they were brought into court on Monday morning, they still clung to their first verdict. But the recorder maintaining it was no verdict, they jointly and separately pronounced William Penn not guilty. The jury were each fined forty marks; Penn was fined for contempt of Court. All refused to pay the fines, and were imprisoned. The jury appealed to the Court of Common Pleas, and were released by a decision of the judges. Penn's fine was paid without his knowledge.\*

Doctor Parker, in his zeal for arbitrary power, had ventured to say "'Tis better to submit to the unreasonable impositions of Nero and Caligula, than to hazard the dissolution of the State." Marvell, with a terrible bitterness, pointed the moral of the crimes and

\* A full account of this trial is given in "William Penn, an Historical Biography," by W. H. Dixon.

the fates of Nero and Caligula.\* The profligacy of the Court had begun to show itself in more daring outrages than the indecencies and riots which rivalled the orgies of the lowest of mankind. "The jolly blades, racing, dancing, feasting, and revelling, more resembling a luxurious and abandoned rout than a Christian Court," might scandalise decent loyal gentlemen such as Evelyn.† The new concubine, Mademoiselle Querouaille, that Louis had sent over to confirm Charles in his proposed apostasy to his religion and his treason to his country, might suggest some fears to honest statesmen such as Temple. But the great majority of the Parliament, and especially of the House of Commons, chosen in the royalist excitement of the Restoration, had long looked upon such matters with indifference. Another feeling was now growing up. Suspicions attached to the foreign policy of the Court. The nation felt disgraced in its extravagant profligacy. Murmurs were heard even amongst the habitual supporters of the government. In a Committee of Ways and Means it was proposed in the Commons that a tax should be paid "by every one that resorts to any play-houses," of a shilling for a box-seat, sixpence for the pit, and threepence for other places. It was urged that the Players were the king's servants, "and a part of his pleasure." Sir John Coventry, member for Weymouth, asked "If the king's pleasure lay amongst the men or the women players?"‡ The offence was visited with a very summary punishment, perpetrated under the order of the duke of Monmouth, the king's son, and, as was universally believed, with the king's connivance. As sir John Coventry was passing through the Haymarket, he was set upon by Sandys, lieutenant of Monmouth's troop, and a number of his men, and by these ruffians his nose was nearly cut off. The House had adjourned for the Christmas holidays, and upon its re-assembly the first business was to inquire into this breach of privilege. Some members wished the matter to be left to the course of law; but the great body were resolved to have reparation for this outrage. Strong words were spoken, such as indicated that the spirit of 1640 was not dead. Are we to be under proscriptions, as in the times of Sylla and Marius, asked sir John Hotham. Sir Robert Holt exclaimed that Prætorian guards had been the betrayers of the empire. He alluded to a recent assault upon the duke of Ormond, saying, "Lords' noses be as ours are, unless they be of steel."\* A Bill was passed "to

\* "Rehearsal Transposed," vol. ii. p. 155.

† "Parliamentary History," vol. iv. col. 461.

‡ "Diary," October 21, 1671.

prevent malicious maiming and wounding." It recited the outrage upon sir John Coventry on the 21st of December; and setting forth that sir John Sandys and three others, who had been indicted for felony, had fled from justice, enacted that they should be banished for ever unless they surrendered by a given day. Other clauses of this Bill constitute what is known as the Coventry Act, by which malicious maiming is made a capital felony.\* The king, as if to show his resentment of the humiliation to which he was subjected in giving his assent to this Bill, had the indecency to grant a pardon to all the persons who, on the 28th of February, had assaulted the watch, and deliberately killed the beadle of the ward. His son, Monmouth, was the leader of that riot, as he was the contriver of the assault on sir John Coventry.

The outrage upon the duke of Ormond, to which allusion was made in the House of Commons, took place on the 6th of December, 1670. He was returning in his carriage from a city dinner. Two footmen at the side of the carriage were suddenly stopped; and the duke being dragged out, was placed on horseback behind a man to whom he was fastened by a belt. Onward they sped towards Tyburn; but the duke contrived to hoist his companion out of the saddle, and both coming to the ground together, the ruffian unloosed the belt, and fled upon the approach of some passengers. At Tyburn preparations were made for hanging the duke upon the common gallows. An inscrutable mystery surrounded this crime. Large rewards were offered, with pardon to accomplices. On the 9th of May, 1671, five months after the assault upon the duke, the famous attempt was made to steal the regalia in the Tower. It was not till after the Restoration that the crown jewels were exhibited to strangers. In April a man in a clergyman's cassock, with his wife, came to see the regalia. The lady being taken ill, was kindly accommodated in the house of Talbot Edwards, the keeper of the jewel-office. An acquaintance commenced. The pious clergyman said the grace at dinner with the extremest unction; proposed that his wealthy nephew should marry the keeper's daughter; altogether a most fascinating man. The nephew was to come on a certain day. The clergyman was duly there, with three friends. One remained in the house, whilst the three others went with the keeper to behold the crown, and orb, and sceptre, and other regal splendours. They gagged the old man; beat him till he was senseless; began to file the sceptre into

\* 22 & 23 Car. II. c. 1.

two pieces, but being disturbed by the unexpected arrival of Edwards' son, made off with the crown and orb. The alarm was given; and they were finally seized on the Tower Wharf. The matter being reported to the king, they were sent for to Whitehall; and Charles was himself present at their examination. The chief in the robbery of the regalia was found to be a man known as colonel Blood. He boldly avowed that he was the leader of the assault upon the duke of Ormond, and that he meant to have hanged him at Tyburn. He once, he said, had been prepared to shoot the king himself, but awed by the presence of majesty, the pistol dropped from his hand. He might be put to death; but there were three hundred ready to avenge his blood; who, if he were spared, would become the king's faithful followers. Charles pardoned him; asked the duke of Ormond to pardon him; and gave him a pension. The king told Ormond that he had certain reasons for asking him to pardon Blood. There were mysteries about that Court of which the good nature of "the merry monarch"—to use the dainty words of glib historians—was the convenient veil. It is difficult to believe in such a state of society as we find recorded by Evelyn: "Dined at Mr. Treasurer's, in company with Monsieur de Grammont and several French noblemen, and one Blood, that impudent bold fellow who had not long before attempted to steal the imperial crown itself out of the Tower." How he came to be pardoned, and received rewards, Evelyn says he could never come to understand. "This man," he adds, "had not only a daring but a villainous unmerciful look, a false countenance, but very well spoken, and dangerously insinuating."

A supply having been obtained, the Parliament was prorogued on the 22nd of April. The king candidly said it was not his intention that they should meet again for almost a year. The prorogation was hastened by the desire to put an end to a controversy between the two Houses, as to the right of the Lords to make alterations in Money-bills sent up from the Commons. The Lords had reduced the amount of an imposition on sugar. The Commons had established the right of originating money-bills, but the Peers contended that the power of alteration, as well as of rejection, remained with them.\* With the Parliament got rid of, at least for a year, the government had now a clear field for carrying

\* The arguments of the Conferences are given fully in the Parliamentary History, and there is a very able summary of the historical question as to this right in Mr. Hallam's "Constitutional History," Chap. xiii.

out their foreign policy. France was now to receive the fullest support in its designs upon the United Provinces. The Triple Alliance was to be flung to the winds. Temple had come home in the autumn of 1670; had been coldly received by the ministers and the king; and had been told by Clifford that he might declare publicly how the ministers of the States "were a company of rogues and rascals, and not fit for his majesty or any other prince to have anything to do with."\* Temple retired from public life to his garden and his books. Clifford was prepared to find resources for a war with Holland—a treacherous, wanton, and anti-national war—in an act compared with which Blood's stealing the crown was a small villainy. Bankers and other possessors of capital had been accustomed to make advancements to the Exchequer, upon receiving assignments of some portion of the revenue, to be set aside for paying the principal and interest of the money borrowed. One million three hundred thousand pounds, were at this time pledged for immediate payment. A proclamation was issued, suspending all payments for one year; but promising interest at the rate of six per cent. This interest was not paid for many years. The bankers made the advances to the government chiefly upon sums intrusted to them. Daniel Defoe, in 1671, was a boy of ten years' old; but he became early associated with trade, and he describes how the shutting the Exchequer came like a clap of thunder upon the city. The panic was universal. There was a run upon all the goldsmiths, whether their cash was in the Exchequer or in their own strong boxes. The most reputable traders were compelled to break. Private families were exposed to extreme distress. Widows and orphans were ruined, says Evelyn. The promise of payment in a year was, of course, not kept. There was not only the war to provide for; but a new mistress, exceeding in prodigality all who had gone before her. Mademoiselle de Querouaille, the agent and spy of the French king, became duchess of Portsmouth. The lady had been installed as chief "Miss," with ceremonies, short of those of the altar, "after the manner of a married bride." † "Rob me the Exchequer, Hal," said the king to Clifford; and then "all went merry as a marriage-bell." Clifford hinted the scheme to Evelyn, "but," says he, "it will soon be open again, and everybody satisfied." A scheme was concerted, as iniquitous as the shutting the Exchequer. At a

\* Letters of Temple in "Courtenay's Life," vol. i. p. 344.

† Evelyn, 10th October, 1671.

time when the confidence of the government of the States in the faith of England was not wholly destroyed, it was decided to capture a fleet of Dutch merchantmen from the Levant as it passed up the Channel. The scheme, worthy of a band of pirates rather than of a great nation, signally failed. The Hollanders, though not prepared for any act of hostility, appointed a convoy to the vessels which bore the rich Smyrna merchandise. Sir Robert Holmes and Lord Ossory had been appointed to the command of the fleet that was to make prize of the Dutch merchantmen. Holmes had no desire to share the prize with any other admiral, and therefore in his cruise asked no assistance from Sir Edward Sprague's fleet from the Mediterranean, that he met at the back of the Isle of Wight. The English admiral was unprepared for the Dutch convoy of seven men of war. He was gallantly met; and was repulsed, having captured only four sail out of sixty. The government of King Charles was not able to repay the subjects whom it had robbed, by the robbery of its neighbours, as it had proposed. The agents of this inglorious enterprise were ashamed of it. Lord Ossory deplored to Evelyn that he had been ever persuaded to engage in an expedition which revolted against his sense of honour and justice.

The declaration of war from England against Holland appeared on the 17th of March, 1672. That of France was issued at the same time. Some show was made in the English declaration of causes of offence—commercial injuries; refusal to strike to the English flag in the narrow seas; insults to the king by defamatory publications. Supporters of the government in England, as well as its opponents, felt that it was a war of wrong and tyranny. Evelyn writes that the pretended occasion was that, "some time before, the Merlin yacht chancing to sail through the Dutch fleet, their admiral did not strike to that trifling vessel. . . . Surely this was a quarrel slenderly grounded, and not becoming Christian neighbours." It was a corrupt attempt to aid the powerful in oppressing the weak. At first successful, it ultimately failed. At the beginning of May, the Duke of York took the command of the English fleet. Having united with a French squadron, they found the Dutch fleet lying near Ostend. But the skill of De Ruyter avoided an engagement, and the English fleet returned to the coast to take in further supplies of men and provisions. De Ruyter came out, and a stubborn battle took place on the 28th of May, in Southwold bay. The French had little share in the

engagement. The fight lasted the whole day, with little advantage on either side. The Earl of Sandwich and most of his crew were lost in the Royal James, which was blown up by a fire-ship. Evelyn insinuates that the Earl was left to perish, fighting like a lion, though hating the war, "to gratify the pride and envy" of some that were not his friends.\*

Whilst England was battling at sea with little real advantage, the French armies were pouring into Holland. The fortresses on the Rhine were quickly in their possession; town after town of the United Provinces yielded without a struggle; the outposts of the French were seen from Amsterdam. Then was the great commercial republic on the point of becoming an easy prey to the ambition of that power that had already visions of universal dominion. The Government of the United Provinces was torn by factions. Petty oligarchies presided over the separate States. The dignity of Stadtholder had expired with Prince William II. in 1650. His widow, the daughter of Charles I., gave birth to a son, a few days after her husband's death. That son was now twenty-two years of age—the head of the illustrious house of Orange-Nassau, but without power in his own country. The highest duties of the first magistrate of the republic had been honourably discharged by John de Witt, the Grand Pensionary of the Province of Holland. When the French invasion filled the people of the Seven Provinces with terror, their rage was not directed against their enemies, but against their government. The popular feeling in favour of the prince of Orange broke forth in the blind hatred of an infuriated multitude against the statesmen who desired the permanent suppression of the office of Stadtholder, a dignity almost monarchical. The young prince William was called to the command of the forces when the French troops entered the States. Cornelius de Witt was arrested, upon an accusation of having plotted against the life of Prince William. The accusation could not be established; and his brother John went to his prison at the Hague to convey him away. Both the brothers were murdered by an infuriated mob. Suspicious as was the commencement of his great career, the young prince of Orange proved the deliverer of his country. He roused the fainting courage of the Deputies in the States General. He rejected all the overtures of Charles and Louis. No terms of advantage to himself would induce him to compromise the honour of his nation. Relationship with the

\* Evelyn, "Diary," May 31.

Crown of England was to him nothing in comparison with saving the Seven Provinces from the yoke of France. The dykes were opened. The land was subjected to the dominion of the water, an enemy less to be dreaded than a foreign foe. There was no subsistence for the invading army in that desert of sand and sea. The French retreated. The guilty league of England and France was powerless. Louis returned to Paris, leaving some troops in the garrisons he had won. The Dutch admiral avoided another engagement with the English fleet. The war went on languidly for two years, amidst the dissatisfaction of the English people. The treasury of Charles was exhausted. The promised payment to the public creditors was postponed by proclamation. The Parliament had been prorogued from the 22nd of April, 1671. It was called together on the 5th of February, 1673. For twenty-one months the government had pursued an unmolested career. It had now to meet an opposition, jealous and indignant, but more factious than high principled.

In November, 1672, Anthony Ashley Cooper, who had been created earl of Shaftesbury in the previous April, was raised to the dignity of Lord Chancellor, upon the retirement, or dismissal, of Sir Orlando Bridgman from the office of Lord Keeper. The dislike which the lawyers of his time naturally felt at the elevation to the highest judicial office of a man not of the legal profession, may be found in the "Examen" of Roger North. His great offence was that he declaimed "against the tribe of the Court of Chancery, officers and counsel, and their methods of ordering the business of the Court. . . . For the Chancery, he would teach the Bar that a man of sense was above all their forms."\* Shaftesbury possibly saw that a servile adherence to forms was a real impediment to the course of equity; and by a vigorous demonstration against forms which ruined the suitors by delay, was enabled to earn the high praise as a judge of the poet who was employed to blacken his character as a statesman. "Discerning eyes;" "clean hands;" "Swift of despatch;" "easy of access;"

"Unbrib'd, unbought, the wretched to redress;"

are qualities which have some weight with us, although "the great poet probably never was in the Court of Chancery in his life, and, though the first of English critics in polite literature, he could not have formed a very correct opinion as to the propriety of an order or decree in Equity."† Dryden, as is reported, displeas'd the

\* "Examen," p. 46.

† Lord Campbell; "Lives of Chancellors," p. 310.

king by this tribute to the judicial virtues of Shaftesbury. Abhorring the statesman, he ought not to have praised the judge. Another contemporary writer is to be disbelieved, according to lord Campbell, because his estimate of Shaftesbury was unmixed panegyric. The enemy, and the friend, are equally untrustworthy. "Except being free from gross corruption, he was the worst judge that ever sat in the Court."\* How is this to be proved? "There are a few of his decisions to be found in the books, but none of them are of the slightest importance."† We still hold ourselves free to believe Dryden, and the other contemporary, who says that, under Shaftesbury, "justice ran in an equal channel, so that the cause of the rich was not suffered to swallow up the right of the poor;" that "the mischievous consequences which commonly arise from the delays, and other practices, of that Court were, by his ingenious and judicious management, very much abated."‡ Nor do we consider that as Chancellor he "played fantastic tricks which could be expected only from a fool and a coxcomb,"§ because he revived the ancient form of the Chancellor and the Judges riding to Westminster Hall, on the first day of Hilary term, on which occasion Judge Twisden "was laid along in the dirt;" and because he sat upon the bench "in an ash-coloured gown, silver laced." These amusing characteristics of one who, not wholly different from subsequent Chancellors, possessed some of the eccentricities with the more sterling qualities of genius, are set forth with much vivacity by Roger North, who hated Shaftesbury with an intensity that the opposite opinions of factions alone can engender. Whenever we encounter this remarkable man in his future political career, we must judge him not uncharitably if we would judge him rightly. He was long made the scapegoat for the political offences whether of the Court party or the Country party. It is very difficult to understand his principles or his policy; but it is sufficient to make us cautious in his condemnation, to know that he was maligned by the supporters of arbitrary power, and looked up to by the advocates of freedom and toleration. Mr. Fox probably came to the safest conclusion upon his character when he said, "As to making him a real patriot, or friend to our ideas of liberty, it is impossible, at least in my opinion. On the other hand, he is very far from being the devil he is described."||

The Parliament met on the 4th of February, 1673. In March,

\* Lord Campbell; "Lives of Chancellors," p. 311.

† *Ibid.*, p. 313.

‡ "Rawleigh Redivivus."

§ "Lives of Chancellors," p. 307.

|| Introduction to "History of James II."

1672, two days before the war was declared against the United Provinces, Charles had issued a Declaration of Indulgence in religion, in which he declared his "will and pleasure to be, that the execution of all and all manner of penal laws in matters ecclesiastical, against whatsoever sort of non-conformists or recusants be immediately suspended, and they are hereby suspended." The relief to Protestant dissenters may be estimated from the fact that John Bunyan, who for twelve years had been confined in Bedford gaol, during which long period he had written "The Pilgrim's Progress," was almost immediately released. It would be difficult to understand how such a measure of justice and humanity should not have been universally acceptable to all but the most bigoted, unless we take into account that through its general operation the laws against Papists were relaxed, as well as those against Protestant non-conformists. But the Declaration of Indulgence produced a ferment in the nation which rendered it unpopular even amongst the numerous class who had been harassed by the Act of Uniformity, the Five Mile Act, and the Conventicle Acts. They were more favoured than the Roman Catholics, who were expressly refused public places for their worship, though its private exercise was indirectly sanctioned. In a tract, written by John Locke, the intimate friend of Shaftesbury, the arguments in favour of the Declaration of Indulgence are fully set forth. The writer of this "Letter from a Person of Quality to his friend in the country," says that he asked Lord Shaftesbury what he meant by supporting the Declaration, which seemed to assume a power to repeal and suspend all our laws, to destroy the Church, to overthrow the Protestant religion, and to tolerate Popery. He represents the earl to have contended that a government ought to be enabled to suspend any penal law, in the interval of the legislative power, but that the two Houses of Parliament ought to determine such indulgence, and restore the law to its full execution; that he had joined in the Declaration for preserving the Protestant religion, by opening a way for the English Church to live peaceably with the dissenters; that Papists ought to have no pressure laid upon them except to be made incapable of office; and he asked whether, in this age of the world, articles and matters of religion should become the only accessible ways to our civil rights? \* There was a passage in the Declaration which was sufficient to fill the people with

\* The letter is printed in Locke's Works; also in "Parliamentary History," Vol. IV, Appendix V.

alarm: "We think ourselves obliged to make use of that supreme power in ecclesiastical matters which is not only inherent in us, but hath been declared and recognised to be so by several statutes and acts of parliament." Upon their meeting, the Commons voted, upon a division of 168 to 116, "that penal statutes, in matters ecclesiastical, cannot be suspended but by Act of Parliament." Mr. Love, one of the members for the city of London, strenuously supported the address to the king to withdraw the Declaration. A member said to him, "Why, Mr. Love, you are a Dissenter yourself; it is very ungrateful that you who receive the benefit should object against the manner." Defoe, who calls Mr. Alderman Love "that truly English Roman," records his answer to the objection: "I am a Dissenter, and thereby unhappily obnoxious to the law; and if you catch me in the corn you may put me in the pound. The law against the Dissenters: I should be glad to see repealed by the same authority that made it; but while it is a law, the king cannot repeal it by proclamation: And I had much rather see the Dissenters suffer by the rigour of the law, though I suffer with them, than see all the laws of England trampled under the foot of the prerogative, as in this example."\* The Parliament and the nation were not sufficiently advanced to repeal all penal laws that affected the exercise of religion. To prevent the dangers which were almost universally dreaded of the growth of Romanism, the principle of intolerance was still upheld. The Court, not indeed from any sense of justice, but for the advancement of its covert objects, for some time resisted this vote of the Commons. But the spirit of opposition was too strong to be rashly braved. The king withdrew the Declaration of Indulgence, after Shaftesbury, in the House of Lords, had turned to the popular side, and declared it illegal. But the Country party, as opposed to the Court party, were resolved to manifest their hostility to Popery by a practical measure which should reach the highest places. The duke of York's opinions were no secret; the king was suspected; the articles on religion in the treaty with France could not be shrouded in impenetrable mystery; the first duchess of York had died in the profession of Catholicism; another alliance was about to be formed with a young Catholic princess, Mary of Modena. The barrier to be raised against the great dangers to repel which the nation was rousing itself, was the Test Act. The House of Commons resolved on the 28th of February, 1673, "that all persons who shall refuse

\* See Wilson's "Life of Defoe," vol. i. p. 58.

to take the oaths of allegiance and supremacy, and receive the sacrament according to the rites of the Church of England, shall be incapable of all public employments, military and civil." On the 12th of March, the Test Act, entitled a "Bill to prevent the Growth of Popery," was read a third time. It required, in addition to the oaths, that a declaration renouncing the doctrine of transubstantiation should be made before admission to office. The proposed law affected the Puritans as much as the Papists, in the point of communion with the Church; but they made little opposition. They partook of the common dread that Romanism might come back in some bold or insidious form, and with it the arbitrary power which had so generally been its companion. An attempt to give them a special measure of relief was defeated by the prorogation of Parliament. The effect of the Test Act was decisive. The duke of York resigned his post of Lord High Admiral, and prince Rupert was appointed to the command of the fleet. Lord Clifford refused to take the test, and retired from his great office of Lord High Treasurer. The Commons voted the supplies with little reluctance, without going into the questions of the Dutch war or the shutting the Exchequer. There were six months of prorogation, during which the war was continued at sea with alternate success and defeat. At home the signs of an approaching storm were becoming manifest.

## CHAPTER XI.

The Danby Ministry.—State of Parties.—Separate Peace with Holland.—Charles pensioned by Louis XIV.—Popular Discontents.—Coffee-houses closed by Proclamation.—Re-opened.—Meeting of Parliament after fifteen months' prorogation.—Four Peers committed to the Tower.—Marriage of the Prince of Orange to the Princess Mary.—Violent contentions between the king and the Parliament.—Intrigues with France of the Parliamentary Opposition.—The Popish Plot.

THE Parliament had been prorogued to the 20th of October. The instant the Commons met they voted an address to the king, desiring that the intended marriage of the Duke of York with the princess of Modena should not take place. The Parliament was immediately prorogued for a week. On the 27th the king opened the Session in person; and his Chancellor, Shaftesbury, addressed the members in the usual terms of eulogy and hope. The address against the marriage of the Duke of York was presented; and Charles returned for answer that the alliance "was completed, according to the forms used amongst princes, and by his royal consent and authority." A spirit of decided hostility against the government was now evident in the Commons. They refused a supply until "this kingdom be effectually secured from the dangers of Popery, and Popish counsels and councillors." They voted that a Standing Army was a grievance. They resolved upon a second Address on the subject of the duke's marriage. It was to have been presented on the 4th of November, but the king came suddenly to the House of Lords, and ordered that the Commons should be summoned. A singular scene took place. The Speaker and the Usher of the Black Rod met at the door of the House of Commons; and the Speaker having entered, the door was shut, and he was hurried to the chair. It was immediately moved that the alliance with France was a grievance; that the evil counsellors about the king were a grievance; that the duke of Lauderdale was a grievance. The Black Rod was knocking at the door with impatient loudness; the House resounded with cries of 'question'; the Speaker leapt out of the chair, and in a wild tumult the members followed him to the House of Lords. The king then pro-