

lished a proclamation, vague and absurd enough, against subscribing petitions against the known laws of the land. What these laws were, the proclamation did not set forth. But there was a reaction. The timid were alarmed; the servile were zealous. Men who stood aloof from parties dreaded the signs of another Civil War. They joined in declarations of *abhorrence* of petitions for assembling of Parliament; and those who supported the king in what they considered his prerogative of calling a Parliament when he pleased, of acting without parliamentary advice, and without reference to public opinion, were denominated *abhorrrers*. The name *abhorrrer* soon became merged in that of *Tory*.

Tory—Whig—in a few years forgot that they each owed their birth to “the common laws of scolding.” The Irish savage grew up into a fine gentleman; the sour whey became the richest cream. The names of opprobrium blossomed into names of honour. They flourished in full glory for about a century and a half; and then passed into other distinctive titles, not so “fluent for the hasty repartee.” Whatever may be said for or against party distinctions—and there is a great deal to be said in either view of the question—one thing is clear: the invention of Tory and Whig has been a very pleasant boon for the writers upon politics and history. These once rival nicknames save many circuitous expletives; and, if they do not exactly define political principles, they answer as well as if one large section of public men and their followers had been called red, the other blue—or one big-endians, the other little-endians. The terms of Whig and Tory are vernacular; and we are thankful for their help in the labour that is before us.

CHAPTER XIII.

Charles the Second's alterations at Windsor.—The Duke of York presented as a Romish Recusant.—Progress of the Duke of Monmouth.—James leaves for Scotland.—Parliament.—The Exclusion Bill.—Trial and execution of Lord Stafford.—The Parliament dissolved.—The Oxford Parliament.—Its sudden dissolution.—The King's Proclamation.—The Whig Vindication.—State Prosecutions.—Stephen Colledge—Shaftesbury indicted for high treason.—The Ignoramus.—Court manoeuvres for the choice of a sheriff of London.—Shaftesbury flies to Holland.—Persecutions of the Scotch Covenanters.

WINDSOR CASTLE was now the summer residence of Charles II. In August, 1678, Evelyn went with the duke of Norfolk to Windsor, “where was a magnificent Court, it being the first time of his majesty removing thither since it was repaired.” Charles had changed the whole aspect of the Castle. By his command the palatial fortress had been adapted for those state-displays which were to rival the splendours of the Court of the great Bourbon. A new building, forming the most imposing feature of the north front, called the Star-building, had been erected from the plans of Wren; and by the connexion of the suit of rooms thus obtained with the older portion, that splendid series of state apartments was produced which terminated in St. George's Hall. But in these alterations the ancient character of the proud dwelling of the Plantagenets was utterly destroyed. If Wren had not had a violent distaste of Gothic architecture; if his royal employer had not been wholly wanting in that patriotism which would have preserved the main features of the Windsor of Edward III. and of Elizabeth, as associated with the glorious days of the monarchy—his incongruous pile would not have remained for a century and a half a significant monument of the corrupt taste of the latter days of the Stuarts. To Frenchify Windsor Castle was worthy of the king who needed French gold to pay for his buildings and his mistresses; to reward Signor Verrio for seating him enthroned amongst the cardinal virtues, or as the grand arbiter of the destinies of Europe. Catherine of Braganza sits in serene majesty, surrounded by the gods, on one of Verrio's ceilings. Mrs. Eleanor Gwynn had the more solid honour of dwelling within view of the Castle,

at Burford House, so called after her son, lord Burford, afterwards the duke of St. Albans.* Windsor is as characteristic of the age as Whitehall. Reresby describes Charles in 1680 as living an unusually quiet life whilst Wren was building and Verrio painting: "The king shewed me a great deal of what he had done to the house, which was indeed very fine, and acquainted me with what he intended to do more; for then it was he was upon finishing that most majestic structure. He lived quite privately at this time; there was little or no resort to him; and his days he passed in fishing or walking in the park." †

Charles was thus "sauntering" at Windsor when the *denouement* of the great drama of his house was rapidly approaching. Evelyn has this record in his Diary, on the 24th of July, 1680: "Went with my wife and daughter to Windsor, to see that stately court, now nearly finished. There was erected in the court the king on horseback, lately cast in copper, and set on a rich pedestal of white marble, the work of Mr. Gibbons, at the expense of Toby Rustat, a page of the back stairs, who, by his wonderful frugality, had arrived to a great estate in money, and did many works of charity, as well as this of gratitude to his master, which cost him 1000*l.* He is a very simple, ignorant, but honest and loyal creature." There were many others of the simple, ignorant, honest, and loyal of Charles's subjects who would be ready to aver, with Toby Rustat, as the Latin inscription on the pedestal of this statue avers, that Charles II. was not only the most merciful of masters but the best of kings. The page of the back stairs who witnessed his never-failing urbanity would receive that quality as the evidence of every other merit. But from the more rational thinkers a severer judgment was to be expected. The duke of York "now reigned absolute in the king's affairs," writes Reresby. ‡ Against the duke was all the Whig hostility now concentrated. The tale of Monmouth's legitimacy was revived. The king, on the 3rd of June, renewed his declaration that he was never married to any other than the queen. On the 26th of June, Shaftesbury, accompanied by several lords and commoners, came before the Grand Jury at Westminster, and presented the duke as a Popish recusant. The chief justice defeated this bold measure by discharging the jury, whilst

* Windsor has at length found fit chroniclers of its various subjects of historical interest, as well as of the minuter topographical details which illustrate manners and customs, in the elaborate work of Mr. Tighe and Mr. Davis—"Annals of Windsor," 2 vols. 1858.

† "Memoirs," p. 231.

‡ *Ibid.*, p. 23

Shaftesbury was in consultation with some of the judges. The Parliament had been summoned to meet on the 21st of October. The great question of the exclusion of the duke of York from the succession to the throne was sure to be renewed. It was thought that the king could be gained over to consent to this departure from the principle of hereditary right. The duchess of Portsmouth had been induced by the Whig leaders, by threats and promises, to undertake the recommendation of the exclusion to the king, he having the right of naming his successor by will. He was to receive an ample grant of money; he might secure the power of naming his favourite son, Monmouth, to wear the crown after his decease. Burnet says that he was assured that the duchess of Portsmouth "once drew the king to consent to it." James in his Memoirs implies this, when he found that "his being sent away again began to be more discoursed of than ever." He suspected that "the king himself began to waver; and accordingly he soon found by discoveries on that subject that his majesty now doubted whether he could stand by him or no. The duke represented to him his constant and late engagement to the contrary, but found him so changed that it gave him great reason now at last to apprehend what he had been oft told, but never believed, that his majesty would abandon him in the end."* The day before the meeting of Parliament the duke of York sailed for Scotland. The French ambassador, Barillon represents James as declaring that he would make his enemies repent—"as much as to say that he hopes to be able to excite troubles in Scotland and Ireland." Even in England his cause would not have been without supporters. "The papists lifted up their crest in great arrogance." † It was a moment of deep anxiety. Two of Charles's ministers, Godolphin and Sunderland, advised him to consent to a Bill of Exclusion. The duchess of Portsmouth had bribes and blandishments to mould that royal will upon whose consistency there could be no reliance. But the intrigue failed. The king wanted the vote of money to precede the Exclusion Bill. The Whig leaders wanted his assent to the Bill before the vote of money. The Session was opened on the 21st of October—that first meeting of the new Parliament which had been prorogued seven times. Charles in his speech promised to support the Protestant religion "against all the conspiracies of our enemies." He

* Clarke's "Life of James II."—Extract from James's "Memoirs" vol. i. p. 595.

† Reresby, p. 232.

would concur "in any new remedies which shall be proposed, that may consist with preserving the succession of the Crown in its due and legal course of descent." On the 26th lord Russell moved "that we may resolve to take into our consideration how to suppress Popery, and to prevent a Popish successor." On the 2nd of November, the Bill of Exclusion was brought in.

With the projected exclusion of the duke of York was intimately associated the design to set up the duke of Monmouth as the future heir to the Crown. The king's declaration of his son's illegitimacy was little heeded by the people. "This duke, whom for distinction they called the Protestant duke, though the son of an abandoned woman, the people made their idol."* Dryden has painted Shaftesbury remonstrating with Monmouth on his doubts and apprehensions, when a crown was within his view:

"Did you for this expose yourself to show,
And to the crowd bow popularly low?
For this your glorious progress next ordain,
With chariots, horsemen, and a numerous train." †

The "glorious progress" of Monmouth was in the West of England, in August, 1680. The country people came from miles round to see him in his way to Longleat. At Ilchester the streets were strewed with flowers. At White Lackington House, near Ilminster, he was met by two thousand horsemen. A woman pressed upon him, and touched his hand, to be cured of the king's evil, as if he already sat in the chair of Edward the Confessor. A thousand young men, all clothed uniformly in white linen, went three miles out of Exeter to meet him, and preceded him, hand in hand, as he entered their city.‡ There were no riotous proceedings; but these demonstrations were very significant of the feelings of the middle classes towards the duke of York. The Protestant duke and the Papist duke were in direct antagonism. Monmouth understood how to keep alive this political cry. Ralph Thoresby went to see him at Whitehall after his progress. Being told "that we came from Leeds, the great clothing-place, he answered, with a smile, we were not for Popery there, no more than they in the West, alluding to his extraordinary kind entertainment there, as in the public news."§ There was no political dishonesty in thus appealing to popular opinion against the dreaded predomi-

* Evelyn, "Diary," November 28, 1679.

† "Absalom and Achitophel."

‡ "Life of James, Duke of Monmouth." By George Roberts, vol. i. chapter vii.

§ Thoresby's "Diary," vol. i. p. 66.

nance of Popery. But to set up the son of Lucy Waters as a pretender to the Crown was a great mistake of some of the Whig statesmen—a mistake which inevitably tended to disgust the sober-minded, and to lead to that re-action which enabled Charles to walk once more in the old ways of despotism.

After many days' debate in the House of Commons, a Bill was passed on the 15th of November, "for securing of the Protestant religion, by disabling James, duke of York, to inherit the imperial Crown of England and Ireland, and the dominions and territories thereunto belonging." It was carried to the Peers by lord Russell. "A great number of members accompanied him and it; and as soon as it was delivered gave a mighty shout; which tumultuous and barbarous way of proceeding had too great a resemblance of forty-one, not to convince all judicious persons that this would prove a prelude of the same tragedy, if not timely prevented."* The debate of the Lords was carried on with unusual heat. The two great orators, Shaftesbury and Halifax, were pitted against each other in this contest, although their general principles were the same. All accounts of this debate assign to Halifax the honour of having thrown out the Exclusion Bill, by his almost unexampled eloquence. It was rejected on the first reading by a majority of 33—63 dividing against 30. Halifax and others who opposed the exclusion of the duke of York, desired to enact limitations of the sovereign power, should he succeed to the Crown. The constitutional difference between these two propositions has been forcibly put by Mr. Fox, in his History of James the second: "The question of what are to be the powers of the Crown is surely of superior importance to that of who shall wear it? Those, at least, who consider the royal prerogative as vested in the king, not for his sake but for that of his subjects, must consider the one of these questions as much above the other in dignity, as the rights of the public are more valuable than those of an individual. In this view, the prerogatives of the Crown are in substance and effect the rights of the people; and these rights of the people were not to be sacrificed to the purpose of preserving the succession to the most favoured prince, much less to one who, on account of his religious persuasion, was justly feared and suspected."

When Charles opened the Parliament on the 21st of October, he said, to give "the fullest satisfaction your hearts can wish for the security of the Protestant religion, I do recommend to you to

* "Life of James II.," vol. i. p. 61.

pursue the further examination of the Plot, with a strict and an impartial inquiry. I do not think myself safe, nor you neither, till that matter be gone through with; and therefore it will be necessary that the lords in the Tower be brought to their speedy trial, that justice may be done." In his private conversation at this period he expressed the utmost contempt of the witnesses for the Plot. He "proved to a demonstration that many articles they had given in evidence were not only improbable but quite impossible."* To turn the wrath of the Parliament against his brother to some humbler personages, there were victims in the Tower ready for the sacrifice. The first and only victim selected from these prisoners was lord Stafford. This nobleman, illustrious in the blood of the Howards, venerable for his age and infirmities, was impeached by the Commons, and brought to trial before his Peers on the 30th of November. It was his sixty-ninth birthday. Westminster Hall had been fitted up with a more than ordinary preparation. Places were assigned to the king and queen, to the Peers, to the members of the House of Commons, to the managers of the impeachment, to the judges. "I think it was the deepest solemnity I ever saw," writes Reresby. The same forms were gone through, with the same arrangements, as when Pym confronted Strafford, and the father of the peer now accused presided as High Steward. The forms and the arrangements of benches were the same; but the spirit was essentially different. It was not a trial which was to determine whether England was to be a free monarchy or an absolute monarchy. It was the struggle of a faction for a temporary triumph, to assert a power which was unable to reach the great delinquent. The witnesses against Stafford were Oates, and Dugdale, and Turberville. The accused peer defended himself with unexpected ability. He pointed out how unworthy Oates was of belief—one who pretended that he was never a Papist though he had gone over to the Church of Rome; who avowed himself a spy at St. Omers, though he went through all the discipline of a proselyte. Evelyn, who was present, was much struck by this, and thought "such a man's testimony should not be taken against the life of a dog." But Dugdale and others positively swore to Stafford's participation in a plot to assassinate the king. The majority of the peers, eighty-six to fifty-five, pronounced him guilty, each giving his judgment, with his hand upon his breast, "upon my honour." The unfortunate nobleman was condemned on the 7th of December, and he was

* Reresby, p. 234.

executed on the 29th. Though on the day of his trial he was assailed by popular invective, when he protested his innocence on the Scaffold the spectators cried, "We believe you, my lord—God bless you, my lord." The king, at the prayer of the House of Lords, had remitted that part of the sentence of a traitor upon which the most brutal could not look without disgust. The sheriffs raised a question, which they addressed to the House of Commons, whether the king could dispense with these barbarities. The House resolved that it was content that execution should be done upon lord Stafford by severing his head from his body. Lord Russell has been accused, upon the assertion of the historian Echard, of having sanctioned this interference with the dispensing power—of having, according to Hume, "seconded in the House the barbarous scruple of the sheriffs." There is no proof that Russell took any part in the debate upon the queries of the sheriffs. We scarcely think that lord John Russell, whatever impartiality he may thus show to the memory of his ancestor, is quite warranted in thinking the testimony of Echard sufficient to give probability to the assertion of a circumstance regarding Russell which is, "if true, the most to be lamented in his whole life."* In the reign of James the Second, a Bill was passed by the Peers, for reversing the attainder of Stafford. It was interrupted in the Commons by more urgent matters. It was not till the reign of George the Fourth, when religious animosity, if not wholly passed away, had lost their ancient character of vindictiveness, that by a special statute the attainder was annulled, and the descendants of lord Stafford were restored to the honours of their house. Whilst Stafford's blood was being shed upon evidence which the king considered that of false witnesses, he felt none of the qualms which his father felt when he consented to the death of the great earl who said "Put not your trust in princes." No one put any trust in the second Charles. Himself a Papist, he saw the Papist noble hunted to death without even a tear for his fate. On the 24th of December, says Reresby, "I was at the king's couchée, when there were but four present. His majesty was in a very good humour, and took up some time in displaying to us the fallacy and emptiness of those who pretend to a fuller measure of sanctity than their neighbours, and pronounced them to be, for the most part, abominable hypocrites and the most arrant knaves." Even mitred heads came in for the royal sarcasms. "He was that night

* "Life of William Lord Russell," vol. i. p. 235.

two full hours in putting off his clothes, and it was half an hour past one before he went to bed. He seemed to be quite free from care and trouble; though one would have thought, at this time, he should have been overwhelmed therewith.* There was enough, indeed, to overwhelm a king who would take any matter seriously to heart. The levity of Charles was his shield and buckler. The Commons were not only resolute in their persistent hostility to the duke of York, but manifested an arbitrary violence in the arrest of some who had signed the declaration of "abhorrence." They exercised a more constitutional power in the impeachment of Chief Justice Scroggs for dismissing the Grand Jury when the duke of York was presented as a Romish recusant; for stopping the publication of a newspaper called "The Weekly Packet of Advice from Rome;" and for inflicting enormous fines upon publishers of news, and requiring excessive bail, declaring "he would have regard to persons and their principles in imposing of fines." The House at last resolved that until the duke of York was excluded from the succession, they would not grant any supply. This impracticable Parliament was dissolved on the 18th of January, 1681.

The distracted condition of public affairs at this juncture excited so great alarm, that superstitions, arising out of unwonted natural appearances, produced the same effect, even amongst the educated, as in the days before scientific knowledge, although of the humblest kind, had taught men to separate the aspects of the physical world from their supposed connexion with moral causes. On the 12th of December, 1680, Evelyn writes, "This evening, looking out of my chamber-window towards the west, I saw a meteor of an obscure bright colour, very much in shape like the blade of a sword, the rest of the sky very serene and clear. What this may portend God only knows. But such another phenomenon I remember to have seen in 1640, about the trial of the great earl of Strafford, preceding our bloody rebellion. I pray God avert his judgments." The danger of another Civil War was not altogether to be associated with popular credulity. That great danger seemed approaching when the new Parliament met at Oxford on the 21st of March. Some covert design on the part of the Crown was apprehended in thus departing from the ancient custom of assembling the Parliament at Westminster, except in times of the plague. The Oxford Parliament of Charles the First was no precedent for this meeting-place of a new Parliament elected by the general voice of the nation.

* "Memoirs," p. 238.

The king went to Oxford surrounded by his guards. The Whig members went to Oxford accompanied by armed bands of retainers, wearing in their hats ribbons inscribed "no Popery, no slavery." Charles was indifferent as to the temper of the Parliament on the question of supplies. On the day that he went to Oxford he had concluded a treaty with Louis XIV. for a new subsidy of French gold. King James the Second records this transaction with the utmost *nonchalance*: "The king's necessities had been long so great, and the Parliament so refractory and insolent, that he had no way left of relieving one, without consenting to the unreasonable demands of the other, but by a private treaty with France. The duke first put the king in the way of it, which the French at first answered only by compliments and in general terms. But at last it was concluded they should give the king fifty thousand pounds every quarter, the first payment to be at the end of June, 1681, without any condition on the king's side but that of friendship, but promises on the French part not to disturb Flanders nor Holland."*

The Parliament of Oxford lasted seven days. The king and his Court were at Christchurch. The Commons sat in the Schools. Charles, in his opening speech, spoke in a bolder tone than had been his wont: "The unwarrantable proceedings of the last House of Commons were the occasion of my parting with the last Parliament; for I, who will never use arbitrary government myself, am resolved not to suffer it in others What I have formerly, and so often, declared touching the succession, I cannot depart from. But to remove all reasonable fears that may arise from the possibility of a Popish successor's coming to the Crown, if means can be found, that in such a case the administration of the government may remain in Protestants' hand, I shall be ready to hearken to any such expedient, by which the Religion might be preserved, and the Monarchy not destroyed." † The "expedient" which was proposed, with the sanction of the king, was to this effect—that the duke of York should be banished during his life to the distance of five hundred miles from the British dominions; that certain Roman Catholics of considerable estates should also be banished; that on the decease of the reigning monarch the duke should assume the title of king, but exercise no sovereign power, the government being administered by a regent—the princess of Orange being the first regent, and the lady Anne regent after the princess. The

* "Life of James II.," p. 715. † "Parliamentary History," vol. iv. col. 1303:

expedient was rejected. The Commons again resolved, "That a Bill be brought in to exclude James, duke of York, from inheriting the imperial crowns of England and Ireland, and the dominions and territories thereunto belonging." The refusal of the Commons to agree to the proposed compromise is regarded by some as factions, by others as imprudent. James himself thought the expedient, which originated with Halifax, "fully as pernicious" as the Bill of Exclusion.* The majority of the Parliament thought the expedient futile. In a "Vindication" which we shall presently notice, it was said, "The Parliament, observing the precedents of former ages, did wisely choose rather to exclude him, than to leave him the name, and place the power in a regent. For they could not but look upon it as folly to expect that one of his temper, bred up in such principles of politics as made him in love with arbitrary power, and bigoted in their religion which always propagates itself by blood, would patiently bear these shackles, which would be very disgusting unto a prince of the most meek disposition. . . . This would certainly have bred a contest; and these limitations of power proposed to keep up the government must unavoidably have destroyed it." During the eventful week of the Session at Oxford, the Commons were not only agitated by this great question of the succession, but the apple of discord was thrown between the two Houses, by the refusal of the Lords to entertain an impeachment by the Commons for high treason of an impudent spy and libeller, Fitzharris. The story of this man is merely the story of one of those miserable games of plot and counter-plot which disgraced these times. Being in the pay of the Court, he wrote a violent libel against the king, which it is conjectured that he intended to put into the pocket of some Whig leader, to implicate him in a treasonable design. Lady Russell, in writing to her husband, bids him look to his pockets. Fitzharris next pretended he had important discoveries to make of Court secrets; and the Whigs turned to him as a valuable auxiliary. The Attorney-General then having been ordered to prosecute him at law, the Whigs resolved to save him by an impeachment from the certain destruction of a trial at law. The Lords voted that Fitzharris should be left to the ordinary course of justice. The Commons asserted their right to impeach any peer or commoner for high-treason, and held that the refusal of the Lords to proceed upon this impeachment was a vio-

* "Life of James II., vol. i. p. 670.

lation of the constitution of Parliament.* This dispute between the two Houses was a sufficient pretence for a dissolution. Charles accomplished this measure with a decision very unusual with him. The Theatre had been ordered to be fitted up for the Commons, who required more space than they found in the Schools. On Saturday, the 26th of March, the king was exceedingly busy amongst the workmen in the Theatre. On Sunday evening, he was describing to the circle about him how admirably his faithful Commons would be accommodated. On the Monday morning two sedan-chairs were moving out of Christchurch. At the door of the House of Lords the king got out of the first chair; his robes were taken out of the second chair. But "the Garter robes were put up instead of the robes of State; so the chair must go back, with an officer to bring the right." † A peer who saw the manœuvre was forcibly detained till the robes of State arrived. Then the king went into the chamber of the Peers; the Black Rod summoned the Commons; and these unexpected words came from the royal mouth: "My lords and gentlemen: That all the world may see to what a point we are come, that we are not like to have a good end when the divisions at the beginning are such, therefore, my Lord Chancellor, do as I have commanded you." My Lord Chancellor dissolved the Parliament. "The king immediately departed with all speed to London," says Reresby. "It was not to be expressed," writes North, "what clutter there was in town about getting off. The price of coaches mounted cent. per cent. in a quarter of an hour. It was the conceit of a foreign minister that the town looked as if it had been besieged, and just surrendered upon articles forthwith to remove." On the 8th of April the king published a Declaration of the causes for the dissolution of the two last Parliaments. Undutiful as was the behaviour of those Parliaments, his majesty declared, "That nothing should ever alter his affection to the Protestant religion as established by law, nor his love to Parliament: for he would still have frequent Parliaments." During the four remaining years of the life of Charles no other Parliament was summoned. The royal Declaration was answered in a very elaborate "Vindication of the proceedings of the two last Parliaments"—a calm and logical paper, which assumed the existence of a real

* Mr. Hallam maintains that the "inadvertent position of Blackstone, that a commoner cannot be impeached for high treason, is contrary to the latest determination of the supreme tribunal." "Constitutional History," chap. xii. Lord Campbell is opposed to this opinion of Mr. Hallam; "Lives of the Chancellors," vol. ii. p. 357; edit. 1845.

† North, "Examen," p. 104.

conspiracy for the establishment of Popery.* The king's Declaration was read in the churches. The arguments of the Vindication, set forth by Sydney, Somers, and Jones, produced little effect. The terrors of the Popish plot had passed away. The danger of another Civil War excited, with few exceptions, an apprehension that the Whig leaders were looking beyond a constitutional resistance to arbitrary government and to a Popish successor. Addresses of attachment and confidence were now as unmeasured in their servility as in the days of the first James. Learned bodies sent their deputations to Whitehall to tell the king that he derived not his title from the people, but from God; that to God only are kings accountable; "that it belongs not to subjects either to create or censure, but to honour and obey their sovereign, who comes to be so by a fundamental hereditary right of succession, which no religion, no law, no fault, no forfeiture, can alter or diminish."† Thus encouraged, it can scarcely appear surprising that the king should have followed up his triumph at Oxford—his *coup de maistre*, as North terms the sudden dissolution,—by governing without Parliaments; and by calling in all the machinery of tyrannous judges and corrupt juries to crush the leaders of the Opposition; that he should have deprived adverse Corporations of their Charters; that he should have dispensed with the laws that interfered with his Papist brother; and have himself died with the avowal on his lips that contradicted the lie of his life,—the avowal that he belonged to the Romish Church.

The lawyers had ample business on their hands immediately after the dissolution of the Oxford Parliament. Fitzharris was put upon his trial in the Court of King's Bench. He pleaded his impeachment in bar of the jurisdiction of that court. The judges evaded the plea; and he was convicted of a treasonable libel, and was executed. Plunket, the titular archbishop of Armagh, was at the same time convicted of an Irish Popish plot. There is no infamy of the reign of Charles II. greater than this. The innocence of the Roman Catholic prelate was believed even by his persecutors; but he was sacrificed by the Court, that the popular suspicion of the Popish tendencies of the king might be removed by an ostentatious piece of bloodshedding. Thus far the law went in the old direction of religious intolerance. But the re-action of

* It is printed in the "Parliamentary History," vol. iv. Appendix, No. xv.

† Address of the Vice Chancellor of Cambridge, quoted from Wilkins' "Concilia," by Dr. Lingard.

public opinion was not to be left unused. Some of the witnesses for the Plot were still in hand; and they were now as ready to give evidence against Protestants as they had been to swear away the lives of Papists. Stephen College, a London joiner, commonly known as "the Protestant Joiner," had been swaggering at Oxford with sword and pistol. He was accused of a treasonable attempt to seize the person of the king. The evidence against him was chiefly that of Dugdale. A London grand-jury ignored the indictment. College was then indicted in Oxfordshire, where a jury was more compliant. He was tried on the 17th of August, and on the trial Oates contradicted the evidence of Dugdale. We have shown the amount and duration of the payments to these witnesses.* It is to be observed that Oates ceased to be paid at this exact period. "To punish Oates for his conduct at this trial, his pension was taken from him, and he was turned out of his lodgings at Whitehall," says Dr. Lingard. The documents we referred to show that Dugdale received his wages for a year and a half longer. In spite of the contradictory evidence Stephen College was hanged; the Lord Chief-Justice Guilford having manifested his fitness for the dirty work of the government by intercepting the papers that were handed to the prisoner as materials for his defence, and withholding some that he asserted were libellous. "It had been a prime jest," says Roger North, "if, under the pretence of a defence, the criminal should be allowed to vent seditious libels, full of mutiny and reflection to amuse the people; and so to come forth and be published in print."† Burnet says of this trial, "North's behaviour in that whole matter was such, that, probably, if he had lived to see an impeaching Parliament, he might have felt the ill effects of it."

A man of far higher mark than "the Protestant Joiner" was now to be assailed through the great engine of the law. The Irish witnesses who came over to give testimony against the Roman Catholic primate had been believed by an English jury. Would they be less worthy of credit when they swore that they had been suborned by the earl of Shaftesbury to give false testimony against the queen, the duke of York, and other personages? Shaftesbury was sent to the Tower in July. In November he was indicted of high-treason before a London grand-jury, preparatory to a trial by his Peers in the Court of the High Steward. Had a true bill been found Shaftesbury would unquestionably have finished his career

Ante, p. 253.

† "Life of Lord Keeper Guilford," vol. i. p. 301