

which then happened to break out, whereof some were taken and made examples of, but many more were won over by the great esteem his presence had gained amongst them."\* In his own Memoirs of this period, he wonders how men could apprehend danger from Popery, "while they overlooked the imminent danger of being swallowed up by Presbytery and Fanaticism." †

Congenial as his pursuits in Scotland were to the duke of York, he desired to return to England. He accomplished this object by enlisting the duchess of Portsmouth in his interest, by some secret arrangement for settling a pension upon her out of the income which he derived from the Post Office, upon which annuity she might raise a hundred thousand pounds. The affair could not be managed; but Charles gave the duchess 10,000*l.* quarterly out of his French pension, and she went abroad. The duke came to England for a short time, and then returned to Scotland, having narrowly escaped shipwreck in his passage. He again came to give that impulse to the schemes for arbitrary power which Charles had not resolution himself to carry out. Halifax and Seymour, two of the king's ministers, opposed the duke's return to London. Charles wanted his brother to fortify his resolves to take "those vigorous councils and resolute methods the duke had long pressed him to." ‡ The prince of Orange had been in England in 1681; and Charles then said to him that "he was confident, whenever the duke should come to reign, he would be so restless and violent that he could not hold it four years to an end." § Charles permitted the duke to try his hand in government before he "should come to reign." The duke's biographer says, "He shewed by his management in Scotland a good example of the doctrine he preached, which, when his majesty followed, it set him at rest for the remainder of his days." ||

\* "Life of James II.," vol. i. p. 644.

† *Ibid.*, p. 656.

‡ *Ibid.*, p. 799.

§ Burnet.

|| "Life of James II.," p. 734.

## CHAPTER XIV.

The army establishment.—Quo Warranto Information against the Corporation of London.—Surrenders of the Charters of other Corporations.—The Rye-House Plot.—Arrests of Russell, Essex, and Sidney.—Trial of Russell.—Russell's Execution.—Trial of Sidney.—Scottish persecution.—The duke of York's power in England.—Decree of the University of Oxford.—Repeal of the Test Act.—Death of Charles the Second in the faith of the Romish Church.—William Penn.—Settlement of Pennsylvania.—Penn's Treaty with the Indians.

THE "rest for the remainder of his days" which Charles secured, through following the doctrine which the duke of York preached, was something very different from the ease which he enjoyed in the early years of the Restoration. There were to come, two years of a desperate struggle against the liberties of the people, the termination of which struggle was to be left to the greater energy of his successor. All the real power seemed now to lie in the hands of the Crown. London had lost its popular sheriffs; the choice of other sheriffs throughout the land was chiefly directed by the Court; the sheriffs could pack the jury men upon state-trials; the jury men would be duly exhorted from every pulpit to believe, upon the authority of the Scriptures, that, as all resistance to authority was a sin, the support of authority in all its desires was a virtue. When a subject stood at the bar, indicted for treason or misdemeanor at king's command, it was necessary for the country's peace that the Crown should have its wished-for verdict. A trial was a ceremony at which good men should assist, by their unanimity of opinion with the king's judges and the king's attorney, to place the throne upon the solid foundation of the people's implicit obedience. There was now an army sufficient to make men understand the danger of insurrection. It was something more than two regiments of horse-guards, as in the recent days when the Parliament was jealous of a royal force, and relied for defence against external enemies upon a national militia. In addition to two regiments of household cavalry, there were two regiments of foot guards, a regiment of dragoons, and five other regiments of foot. There was no war to give employment to this

small army. There was no foreign garrison to absorb any portion of that military strength which was available for the repression of sedition at home. Tangier, which, when it came to the English Crown as the dowry of queen Catherine, was held to be equivalent to Dunkirk, was abandoned in 1683, and the garrison was brought to England. Two millions had been expended upon the mole and fortifications. The Parliament had objected that the garrison was a nursery for a popish army. When the opinion of the Parliament had ceased to be regarded, Charles brought this army home; after the works of Tangier had been utterly destroyed, and the harbour blocked up with the rubbish. With an adequate military power about the Court, the lesser wheels of the machinery of government would be all in order. The rebellious city of London was now to be taught its duty. In the corporate franchises of the metropolis, and in those of other cities and towns, rested the chief force of the middle classes. The old puritan spirit was not dead. Liberty and Protestantism were names which stirred the most sluggish spirits into patriotism; and in the freedom of civic proceedings the temper of the people found a lawful right of assertion. Take away the charter of the city of London, advised the slavish lawyers, and break up that strong-hold of democracy. We are "the finest flour," said the courtiers; the common people are "the coarsest bran."\* There was no precedent for a forfeiture of corporate privileges; but such forfeiture was to be accomplished now by the example of the surrender of the abbeys to Henry VIII. An Information, *quo warranto* technically called, was laid in the King's Bench against the Corporation of London for two misdemeanors—for having taken tolls under a by-law, and for having petitioned the king to assemble the Parliament, in 1679, which petition was published. On the 18th of June the lord mayor, sheriffs, and aldermen knelt before the king, and humbly petitioned that his majesty would not enter-up judgment against the City; and they were required to make no future election of mayor, sheriff, aldermen, recorder, or other officers, without the royal approbation; that if the king should disapprove of the mayor, they should proceed to re-election, when, upon a second disapproval, the mayor should be nominated by the king himself; that in the case of the sheriffs, if the king did not approve the first choice, he should at once nominate his own sheriffs. The Corporation, thus bound hand and foot, continued to be the slaves of the Court, till their shackles

\* See Chamberlayne's "Present State of England," 1687, p. 37.

were knocked off by the Revolution of 1688. Other corporations were terrified into the surrender of their Charters. In 1684 the Lord Chief Justice, Jeffreys, did "great matters towards bringing in the Charters, as it was called," in his Northern circuit; and the king "was persuaded to present him with a ring, publicly taken from his own finger, in token of his majesty's acceptance of his most eminent services;" and thus encouraged, Jeffreys "went down into the country, as from the king *Legatus à Latere*, esteemed a mighty favourite; which, together with his lofty airs, made all the Charters, like the walls of Jericho, fall down before him; and he returned laden with surrenders, the spoils of towns."\* There was little chance, after this, that a Parliament should be chosen in which the burgesses of England, who had fought the battles of freedom for four centuries, should have any due share of parliamentary representation. Prudent royalists were alarmed at such proceedings. Evelyn saw nothing but evil in "these violent transactions"—a learned recorder set aside to make way for an obscure lawyer—the Lord Mayor and two Sheriffs holding as *custodes*, at the king's pleasure. "The pomp and grandeur of the most august city in the world thus changed face in a moment: which gave great occasion of discourse, and thoughts of hearts, what all this would end in."† The Court judged that resistance to its behests was now utterly at an end. The king "at last subdued entirely that stubborn and rebellious city."‡ The duke of York had a little private revenge to accomplish: "He thought it necessary to terrify others by making an example of the late sheriff, Pilkington; who having said, upon the duke's return, 'he had fired the city and was now come to cut their throats,' he caused him to be indicted, May 8, and the words being proved by two aldermen, the court assigned his royal highness a hundred thousand pounds for damages."§ The royal influence could not only effect the utter ruin of a citizen for hasty words, but it had a year before shown that it could so manage the administration of justice that a detestable murderer should escape unpunished. Lady Ogle, a widow of fifteen, had, against her wish, become the wife of Thomas Thynne, of Longleat, called, on account of his great wealth, "Tom of Ten Thousand." The rich man and his bride were parted for a time; and she went abroad, where she had previously met Charles John, count Königsmark. The intimacy was

\* "Examen," p. 625.

† "Diary," October 4, 1683.

‡ "Life of James II.," vol. i. p. 738.

§ *Ibid.*

probably renewed. On Sunday evening, the 12th of February, 1682, Thynne was passing in his coach along Pall Mall, and near a part then known as St. Alban's-street, where now stands the Opera-arcade, he was murdered by a mounted ruffian, attended by two others, who fired upon him with a blunderbuss loaded with four bullets. Thynne expired on the following morning. The assassin, George Borosky, a Pole, and his confederates, two Swedes, were apprehended. Count Königsmark was captured a week after, in endeavouring to escape from the country. The four were tried at Hick's Hall, on the 28th, the count being indicted as an accessory before the fact. The Pole and the two Swedes were found guilty and were hanged. The count was acquitted. Sir John Reresby, who was very active in communicating with the king and the council about this murder, says, "being at the king's couchée on the 21st, I perceived by his majesty's discourse that he was willing the count should get off." He was the first that carried the news of the count's acquittal to the king, "who seemed to be not at all displeas'd at it; but the duke of Monmouth's party, who all appeared to add weight to the prosecution, were extremely dissatisfied that the count had so escaped."\* Of Königsmark's guilt there was not the slightest doubt.

"Nothing," says the Memoirs of James, "now was wanting to make the king perfectly easy in his affairs but the duke's assistance in the management of them. . . . The discovery of a cursed conspiracy, which in part they had already providentially escaped, but still in great measure hung over their heads, hastened the duke's re-admission into business for their mutual security."† The providential escape was from the assassination of the king and the duke, which it was alleged was intended to be accomplished at the Rye-House, in Hertfordshire. Keeling, a vintner, communicated to one of the Secretaries of State, that a plot had been devised for engaging forty men to way-lay the king and his brother, as they returned from Newmarket, at a farmhouse called the Rye, belonging to Rumbold, a maltster; that the king returning sooner than was expected, that scheme was given up, and a general insurrection was projected by certain eminent persons, amongst whom were the duke of Monmouth, lord Essex, lord Howard of Escrick, and lord William Russell. Some of the inferior persons accused were first apprehended. The Rye-House Plot was in every mouth. The place was not so well known to Londoners as at the present day,

\* "Memoirs," p. 261-2.

† "Life of James II." vol. i. p. 738.

when hundreds of summer holiday-folks go to make merry at the Rye-House on the pleasant banks of the Lea. It was then described as "a place so convenient for such a villainy as scarce to be found in England; besides the closeness of the way over a river by a bridge, gates to pass, a strong hedge on one side, brick walls on the other."\* The Rye-House Plot appears to have been a real conspiracy amongst obscure men. That the Whig leaders participated in the design of assassination was not considered probable even amongst royalists of the time. Upon the committal to the Tower of Russell, Essex, and Sidney, Evelyn writes, "The lords Essex and Russell were much deplored, few believing they had any evil intention against the king or the church. Some thought they were cunningly drawn in by their enemies, for not approving some late counsels and management relating to France, to Popery, to the persecution of the Dissenters, &c." The duke of Monmouth, lord Grey, sir Thomas Armstrong, and two others, for whose arrest a proclamation was made, escaped. The trials of three minor conspirators were hurried on, and they were convicted on the evidence of their associates. On the 13th of July, lord Russell was brought to trial. From the first he gave himself up for lost. As he entered the Tower he told his servant Taunton that he was sworn against, and his enemies would have his life. Taunton hoped that his master's enemies had no such power. "Yes," said Russell, "the devil is loose!" †

According to the political creeds of men of a past age, it has been customary to speak of Russell and Sidney as martyrs in the cause of liberty, or as scoundrels who had no just notions of government. ‡ To regard the conduct and character of either of these eminent men with enthusiastic admiration is to us as impossible, as to consider them as selfish and ambitious intriguers, ready to plunge the nation into civil war for the advancement of a faction, or the advocacy of a wild theory of a republic. Their notions of political perfectibility were essentially different. Russell, the calm and practical representative of a great party, sought to attain freedom under a monarchy sufficiently checked by a Parliament, and to exercise religion under a Protestant establishment, tolerant to all forms of dissent but that of Roman Catholicism. Popery

\* "Autobiography of Sir John Bramston," p. 182.

† "Life of William Lord Russell, by Lord John Russell, vol. ii. p. 25.

‡ The Tory opinion is thus delivered by the Tory Johnson, with his usual vehemence. See Boswell's "Johnson."

was his one great terror, and not unreasonably so. He was violent towards Papists, because he regarded Popery "as an idolatrous and bloody religion." He was their relentless and persecuting enemy when his party was all-powerful, for reasons which he thus expressed: "As for the share I had in the prosecution of the Popish plot, I take God to witness that I proceeded in it in the sincerity of my heart, being then really convinced, as I am still, that there was a conspiracy against the king, the nation, and the Protestant religion."\* The political principles of Algernon Sidney were essentially different. He was the last of the old Commonwealth-men, of the school of Vane. He hated the legitimate tyranny of Charles as much as he hated the usurped power of Cromwell. He disliked Popery rather with the dislike of the philosopher than that of the Christian. Neither Russell nor Sidney contemplated the removal of political evils by the assassination of the king. When Charles gave for his reason for denying mercy to Russell, "If I do not take his life he will soon have mine," he was thinking of his father's fate rather than of such danger as that of the Rye-House. He told Russell upon his first examination before the Council that nobody suspected him of any design against his person, but there was good evidence of his being in designs against his government. Russell was as conscious of his own political importance as Charles was aware that in removing him he removed the great obstacle to the designs which James now steadily advocated with the zeal of a bigot and the blindness of a despot. "Arbitrary government," said Russell to his chaplain, Mr. Johnson, "cannot be set up in England without wading through my blood."

The trial of Russell derives its chief interest from a circumstance which associates it with the tenderness, the devotion, the fortitude of woman. The day before the trial, lady Russell, the daughter of the earl of Southampton, wrote a note to her husband in these words: "Your friends believing I can do you some service at your trial, I am extremely willing to try;—my resolution will hold out; pray let yours. But it may be the Court will not let me; however, do you let me try." On the 13th of July the forms of indictment having been gone through, and the prisoner having in vain requested a postponement of the trial for a day, that he might produce witnesses not yet arrived, he said, "May I have somebody to write, to help my memory?" "Yes, a servant," was the answer.

\* Russell's paper delivered to the sheriff before his execution

"My wife is here to do it." And so, by her lord's side, sat that noble wife, calmly doing her office amidst the most exciting scenes. Lord Howard of Escrick appears. He was Russell's relative. To save himself, he offered to criminate his friends. He is put in the witness-box. His voice falters. "We cannot hear you, my lord," says one of the jury. Howard explains, "There is an unlucky accident happened which hath sunk my voice: I was but just now acquainted with the fate of my lord of Essex." The news ran through the court that Essex had committed suicide in the Tower. "This fatal news coming to Hicks's Hall upon the article of my lord Russell's trial, was said to have had no little influence on the jury and all the bench to his prejudice."\* The Attorney-General said, "My lord Russell was one of the council for carrying on the plot with the earl of Essex, who hath this morning prevented the hand of justice upon himself." Men doubted whether Essex perished by his own hand. His head was so severed from his body "that an executioner could hardly have done more with an axe. There were odd reflections upon it."† The evidence of Howard and other witnesses went to show that Russell, before Shaftesbury left the country, had attended a meeting in the City, at which a rising was debated, and there was talk of the feebleness of the king's guard at Whitehall. Howard also asserted that there was a cabal of six persons, Monmouth, Essex, Russell, Sidney, Hampden, and himself; and that one of their objects was to draw the Scotch malcontents to join with them. Russell made a very short defence, in which he solemnly denied the charges imputed to him; I have looked upon the assassination of any private person as an abominable, barbarous, and inhuman thing, tending to the destruction of all society. How much more the assassination of a prince, which cannot enter into my thoughts without horror and detestation; especially considering him as my natural prince, and one upon whose death such dismal consequences are but too likely to ensue. . . . As for going about to make or raise a rebellion, that, likewise, is a thing so wicked, and withal impracticable, that it never entered into my thoughts. Had I been disposed to it, I never found, by all my observation, that there was the least disposition or tendency to it in the people. And it is known, rebellion cannot be now made here, as in former times, by a few great men."‡ And yet we cannot doubt that "a few great

\* Evelyn "Diary," July 13.

† *Ibid.*

‡ Lord John Russell's "Life," vol. ii. p. 60. From the MS. in Lord W. Russell's handwriting.

men" contemplated some coercion of the government, perhaps short of rebellion, despairing of "having things redressed in a legal parliamentary way." It is difficult to draw the line between legal and illegal resistance when men are hopeless of just government. Russell was convicted of treason, though certainly he was illegally convicted. He had committed no overt act, imagining the king's death, which had brought him within the Statute of Treasons of Edward the Third. The Act of William and Mary, annulling his attainder says that he was, "by partial and unjust constructions of law, wrongfully convicted, attainted, and executed for high-treason." Russell went to his death with Christian fortitude. Extraordinary efforts were made to save his life, but Charles was not to be moved, even by the offer of a hundred thousand pounds. Russell was beheaded on the 21st of July, on a scaffold erected in Lincoln's Inn Fields. His parting with his noble wife had something more touching than sobs and tears. "This flesh you now feel, in a few hours must be cold," he said. They then kissed and separated, in eloquent silence.

The trial of Algernon Sidney was postponed till the 21st of November. Pemberton was Chief Justice when Russell was tried. He was removed to make room for Jeffreys. Lord Howard of Escrick was again the chief witness against the friend who had confided in the betrayer's professions of republicanism. Two witnesses were required by the Statute of Treasons. There was no second living witness against Sidney; that defect was supplied by a manuscript found among Sidney's papers, in which treasonable principles were held to be advocated. He approved of conspiracies against Nero and Caligula, and therefore was ready to compass the king's death. Howard's depositions were different from those which he gave on the trial of Russell. Sidney appealed to the jury whether any credit was due to a man who deceived and betrayed his friends—who had said he could not get his own pardon from the king till he had done "some other jobs." Of course Sidney was convicted in the utter absence of all legal evidence of treason. He was brought up for judgment on the 26th. When he heard his sentence he prayed God that, "if at any day the shedding of blood that is innocent must be revenged, let the weight of it fall only on those that maliciously persecute me for righteousness' sake." Jeffreys, although he had kept his brutal nature in some subjection to decency, then exclaimed, "I pray God to work in you a temper fit to go into the other world, for I see you are

not fit for this." Sidney stretched out his arm, and said, "My lord, feel my pulse, and see if I am disordered." Evelyn records that on the 5th of December, he was at a wedding where he met Lord Chief Justice Jeffreys and Mr. Justice Withings. "These great men spent the rest of the afternoon, till eleven at night, in drinking healths, taking tobacco, and talking much beneath the gravity of judges; who had a day or two before condemned Mr. Algernon Sidney, who was executed the 7th on Tower Hill, on the single witness of that monster of a man, lord Howard of Escrick, and some sheets of paper taken in Mr. Sidney's study, pretended to be written by him, but not fully proved." Sidney died with a simple courage and unostentatious composure worthy of his strength of mind. "When he came on the scaffold, instead of a speech, he told them only that he had made his peace with God; that he came not thither to talk, but to die; put a paper into the sheriff's hand, and another into a friend's; said one prayer as short as a grace; laid down his neck, and bid the executioner do his office."\*

Connected with the other chief participators in the alleged conspiracy of 1683, we may mention that Monmouth was ultimately pardoned; and that sir Thomas Armstrong was given up by the States of Holland, and executed without a trial upon his sentence of outlawry. He had surrendered within the year, during which the law allows the accused to claim a trial. Jeffreys rudely resisted this legal demand of Armstrong.

The connexion of the English Whigs with the discontented in Scotland gave birth to a terrible persecution in that enslaved kingdom. In England, even a Jeffreys could not go beyond a certain point under the forms of law. In Scotland those forms were utterly set at naught. Scotsmen, arrested in London, were sent to Edinburgh for their mock trials. Some eminent haters of the tyranny under which the land had fallen fled to Holland. Torture was administered to other suspected and accused persons with a ferocity exceeding even the times when the duke of York superintended the process of the boot. Sentences of forfeiture were lavishly pronounced, by which such tools as Graham of Claverhouse were enriched. The prisons were crowded with Covenanters. In England, James had openly succeeded to the chief administration of public affairs. He had not withheld his consent from the marriage of his daughter, Anne, to the Protestant prince

\* Evelyn, "Diary."

George of Denmark. The king rewarded the duke by his restoration to his offices of High Admiral and Privy Councillor.\* Titus Oates was indicted for *Scandalum Magnatum*, and damages of 100,000*l.* for a libel against the duke were awarded. The Rev. Samuel Johnson, chaplain to the late lord Russell, was summoned before the Council, to answer whether he was the author of a book called "Julian's Acts and Methods to undermine and extirpate Christianity." He acknowledged that he was. He was commanded to produce one of the books. He said that he had suppressed all the copies, "so that they were now his own private thoughts, for which he was not accountable to any power on earth." No copy could be obtained; and he was therefore prosecuted for writing a book called "Julian the Apostate." He was condemned in a fine of five hundred marks, which he was unable to pay; and was committed to prison. In prison he remained till the time when James had the regal power, and exercised it with a frantic violence, of which the barbarity perpetrated upon this exemplary clergyman, whose only fault was a love of his country's liberties, was one of the most hateful examples.† Arbitrary government had now its full swing. The Oxford divines came boldly forward to give their aid to degrade the free monarchy of England into an unmixt despotism. They published a decree against pernicious books and damnable doctrines. They anathematised the seditious and impious principle that civil authority is derived originally from the people; that there was any implied compact between a king and his people: passive obedience was the only concern of the subject with the government under which he lived. Sir George Mackenzie, the Lord Advocate of Scotland, published his treatise "Jus Regium," which he dedicated to the University of Oxford, in which he maintained that "whatever proves monarchy to be the best government, does, by the same reason, prove absolute monarchy to be the best government." Sir Robert Filmer's posthumous work, which had the honour of calling forth the refutation of its doctrines by Locke, went to the same extremes. Mr. Hallam truly says, "We can frame no adequate conception of the jeopardy in which our liberties stood under the Stuarts, especially in this particular period, without attending to this spirit of servility which had been so sedulously excited." The confidence of the ultra-royalists was unbounded: "now the king had brought his affairs

\* "Life of James II.," vol. i. p. 745.

† "Memorials of Mr. Samuel Johnson," prefixed to the folio volume of his works. 1710.

to a more happy situation than ever they had been since the Restoration. He saw his enemies at his feet, and the duke his brother at his side; whose indefatigableness in business took a great share of that burthen off his shoulders, which his indolent temper made uneasy to him.\* Charles had his brother officially at his side through dispensing with the Test Act. Louis XIV. was carrying on his ambitious designs without any apprehension of the interference of England. By turns he bribed and he bullied the abject Charles. There were some even amongst Charles's advisers who felt the degradation. Halifax ventured to suggest the calling a Parliament. James was diametrically opposed to such a measure. Halifax advised that France should no longer dictate to England. James knew that the French alliance ratified the slavery of England. Charles was undecided—or pretended to be so. The great arbiter stepped in to settle many doubts and difficulties.

On Sunday evening, the 1st of February, 1685, Evelyn was at Whitehall. A week after he recorded his impressions of the scene which he there witnessed: "I can never forget the inexpressible luxury and profaneness, gaming, and all dissoluteness, and as it were total forgetfulness of God, it being Sunday evening. The king sitting and toying with his concubines, Portsmouth, Cleveland, and Mazarine, &c.: a French boy singing love songs in that glorious gallery; whilst above twenty of the great courtiers and other dissolute persons were at Basset round a large table, a bank of at least two thousand in gold before them." On Monday morning, the 2nd of February, the king was struck with apoplexy. On the Tuesday, he had somewhat recovered. On the Thursday his case was considered hopeless. Two bishops came to him; he said he was sorry for what he had done amiss; heard the form of absolution; but declined to receive the sacrament. The duchess of Portsmouth, who had manifested a real grief, told Barillon, the French ambassador, that Charles was really a Roman Catholic; she urged Barillon to tell the duke that if any time were lost, his brother would die out of the pale of his Church. James tells the result himself. The duke "asked him if he desired he should send for a priest to him? to which the king immediately replied, 'for God's sake, brother, do, and please to lose no time.' But then, reflecting on the consequences, added, 'But will you not expose yourself too much by doing it?' The duke, who never thought of danger when the king's service called, though but in a

\* "Life of James II.," vol. i. p. 746.

temporal concern, much less in an eternal one, answered, 'Sir, though it cost me my life, I will bring one to you.'\* James found Father Huddleston, a Benedictine monk. The king confessed, received extreme unction; and then the Sacrament was administered by Huddleston. His natural children were called around the dying man's bed. Monmouth alone was absent, though his father had been privately reconciled to him. The queen sent to ask her husband's pardon for any offence she might have committed. "It is I that ought to ask her pardon," said Charles, with a passing remorse. "Do not let Nelly starve," he said to his brother. He apologised to the watchers around him for the trouble he was giving. The politeness of the gentleman remained with him to the last. Charles died at noon on Friday, the 6th of February. The people of London, odious as was the government of the king, lamented for the man. In that lament was probably mingled the fear that a worse king was coming.

About three years before the death of Charles the Second, an event took place which would then attract little of the regard of English courtiers and politicians, but which was fraught with important consequences never to be forgotten in the history of the Anglo-Saxon race. On the 5th of March, 1682, William Penn, who we last saw standing undaunted at the bar of the Old Bailey, was before the king in council at Whitehall. His father, the admiral, had died in 1670, leaving his Quaker son a considerable property. The duke of York, a friend of admiral Penn, had undertaken to be the young man's protector. Two years after his father's death William Penn applied to James to use his influence to procure some remission of the persecution of the Quakers. The duke made some of those professions of toleration which he had learnt to employ upon particular occasions. He was kind to Penn; who became a person of consequence at Whitehall. A considerable sum, about 16,000*l.*, was due from the Treasury to Penn as his father's heir—the amount of money lent by the admiral, with accumulated interest. He petitioned to have his claim settled, not by a money-payment, but by the grant of a large tract in America—a region of mountains and forests and prairies, accessible from the sea by the river Delaware. During sixty years the colonisation of the great North American continent by Englishmen had gone steadily forward. The plantation of Virginia, the plantation of New England in the reign of James I., laid the foundations of that

\* "Life of James II.," vol. i. p. 747.

mighty community whose present marvellous progress appears but the faint realisation of its ultimate destinies.\* In the reign of Charles the Second, Carolina was also settled. Maryland had been a previous acquisition; New Jersey had been conquered from the Dutch. The commercial importance of the English North American settlements was stated by De Witt in 1669, when he wrote "The Interest of Holland." He says, "The long persecution of Puritans in England has occasioned the planting of many English colonies in America, by which they drive a very considerable foreign trade thither." Penn knew well that in the persecuted of his own sect he would find the best of settlers—men always remarkable for their industry and frugality. Not so solicitous for worldly profit, as for a home for his followers beyond the reach of penal laws, Penn assiduously pressed his suit; and on the 5th of March, he stood before the king and council, to have his charter signed. The name suggested for this mountainous and wooded region was first New Wales; and secondly, Sylvania. The king prefixed Penn to Sylvania. The Quaker legislator and his friend Algernon Sidney, the republican, drew up a constitution for the new colony. It was essentially democratic. Religious liberty was its great element, and with that was necessarily connected civil freedom. There was to be an executive Council, of which Penn, the proprietor, or his deputy, was to be president; which Council was to consist of seventy-two persons. There was to be an Assembly. Both were to be chosen by universal suffrage. It has been justly observed, that "as the proprietor and legislator of a province which, being almost uninhabited when it came into his possession, afforded a clear field for moral experiments, he had the rare good fortune of being able to carry his theories into practice without any compromises, and yet without any shock to existing institutions." †

The *Welcome*, a vessel of three hundred tons, in which Penn was to embark, set sail from Deal on the 1st of September, 1682. There were a hundred passengers on board, of whom a third died of the small pox during the voyage. On the 27th of October, the survivors, with their governor, landed at Newcastle, on the Delaware. The next day Penn assembled the inhabitants, consisting of families of various nations, Germans, Dutch, Swedes, English. He produced his charters. He explained his system of government. Penn's relation, Colonel Markham, had arrived before him, and

\* See *ante*, vol. iii. p. 276.

† Macaulay, "History," vol. i. 8vo, p. 507.

had prepared the way for him, by calling an Assembly for the purposes of legislation. In three days, Penn's constitution was adopted; and supplementary laws were enacted to carry out its spirit. The industrial education of rich and poor was provided for; justice was to be cheaply administered; prisons were to be regulated with a view to the reformation of the criminal; death punishments, except for murder and treason, were to be abolished. The governor had much labour before him, but he went through it resolutely. The lands of the province were surveyed, and divided into lots for grant or purchase. Philadelphia was founded upon a plan which contemplated the growth of a magnificent city. In a year many houses had been built, and emigrants came in great numbers to become farmers or traders in a land where men could dwell without fear of oppression. Schools were founded. A Printing-Press was set up. A Post was established. The great outworks of civilisation were won. The principles of justice, upon which the new colony was founded, were to guide the conduct of the colonists towards the native Indians. The treaty with the red men—the only treaty that was never sworn to and never broken, says Voltaire—was one of friendship, and brotherhood, and mutual defence. An American has painted the scene, with the vagueness of his time as to portraiture and costume; but West's picture gives some notion of a solemn ceremony, in which the Great Spirit, the common Father of all, was appealed to in the pledge that the power of civilisation should not be abused by the exercise of force or injustice against the weakness of barbarism.\*

\* The interesting Biography of William Penn, by Mr. Hepworth Dixon, furnishes a very complete view of the settlement of Pennsylvania, of which ours is necessarily the briefest sketch.

## CHAPTER XV.

Address of James the Second to his Council.—He is proclaimed.—He goes openly to Mass.—Illegal levying of Customs.—The king's ministers.—Roman Catholic counsellors.—Roman Catholics and Quakers released from prison.—Renewed severities against Covenanters.—Elections in England.—Money from France.—Constitution of Parliament.—Its meeting.—Conviction and punishment of Titus Oates.—Conviction of Richard Baxter.—Argyle lands in Scotland.—Disastrous result of his expedition.—His execution.—Monmouth lands at Lyme.—His Declaration.—He enters Taunton in triumph.—He is proclaimed king.—March to Bristol.—Skirmish of Philip's-Norton.—Monmouth returns to Bridgewater.—Battle of Sedgemoor.—Flight of Monmouth.—His apprehension.—His abject submission to the king.—His execution.—Military executions in the Western Counties.—The legal massacres under Jeffreys.—Transportations.—The Court traffic in convicts.—The legal traffic in pardons.

THE chamber of death is closed. James retires for fifteen minutes to the privacy of his closet, and then comes forth as king to meet the Council. It was necessary that he should address the assembled counsellors. He declared that he would follow the example of his brother in his great clemency and tenderness to his people; he would preserve the government in Church and State as by law established; he knew that the principles of the Church of England were for monarchy, and that the members of it were good and loyal subjects, and therefore he should always have to defend and support it; he knew that the laws were sufficient to make the king as great a monarch as he could wish, and therefore, whilst he would never depart from the just rights and prerogatives of the Crown, he would never invade any man's property. Some members of the Council asked for copies of this "benign and gracious declaration." The king said that he had spoken from his heart without much premeditation, and had not his speech in writing. Finch, the Solicitor-General, stated that he thought he could write it down word for word. He did write a report; the king approved, and ordered it to be published. The biographer of James says that Finch worded the speech as strong as he could in favour of the established religion, and that James passed it over without reflection: "He was afterwards convinced it had been better expressed by assuring them he never would endeavour to alter the established religion, rather than he would endeavour to preserve