"And whereas it is requisite and necessary that some further provision be made for securing our religion, laws, and liberties, from and after the death of his majesty and the princess Ann of Denmark; and in default of issue of the body of the said princess and of his majesty respectively, be it enacted by the king's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, and by the authority of the same,

"That whosoever shall hereafter come to the possession of this crown shall join in communion with the Church of England as by law established.

"That in case the crown and imperial dignity of this realm shall hereafter come to any person, not being a native of this kingdom of England, this nation be not obliged to engage in any war for the defence of any dominions or territories which do not belong to the crown of England, without the consent of Parliament.

"That no person, who shall hereafter come to the possession of this crown shall go out of the dominions of England, Scotland, or Ireland, without consent of Parliament.

"That from and after the time that the further limitation by this Act shall take effect, all matters and things relating to the well-governing of this kingdom, which are properly cognizable in the privy council by the laws and customs of this realm shall be transacted there, and all resolutions taken thereupon shall be signed by such of the privy council as shall advise and consent to the same.

"That after the said limitation shall take effect as aforesaid, no person born out of the kingdoms of England, Scotland, or Ireland, or the dominions thereunto belonging, (although he be naturalised or made a denizen, except such as are born of English parents), shall be capable to be of the privy council, or a member of either house of Parliament, or to enjoy any office or place of trust, either civil or military, or to have any grant of lands, tenements, or hereditaments from the crown to himself, or to any other or others in trust for him.

"That no person who has an office or place of profit under the king, or receives a pension from the crown, shall be capable of serving as a member of the House of Commons.

"That after the said limitation shall take effect as aforesaid, judges' commissions be made quam diu se bene gesserint, and their salaries ascertained and established; but upon the address of both houses of Parliament it may be lawful to remove them.

"That no pardon under the great seal of England be pleadable to an impeachment by the commons in Parliament.

"And whereas the laws of England are the birthright of the people thereof, and all the kings and queens who shall ascend the throne of this realm ought to administer the government of the same according to the said laws, and all their officers and ministers ought to serve them respectively according to the same, the said lords spiritual and temporal, and commons, do therefore humbly pray, that all the laws and statutes of this realm for securing the established religion, and the rights and liberties of the people thereof, and all other laws and statutes of the same now in force, may be ratified and confirmed. And the same are, by his majesty, by and with the advice and consent of the said lords spiritual and temporal, and commons, and by authority of the same, ratified and confirmed accordingly."

CHAPTER VI.

Accession of queen Anne.—Her declaration to the Privy Council.—Parliament continues sitting.—Preponderance of Tories.—Marlborough sent as envoy to the States-General.—War declared.—Marlborough's first Campaign.—Expedition to Cadiz.—Vigo.—New Parliament.—Tory majority.—Bill against Occasional Conformity.—Defoe's Shortest Way with the Dissenters.—Marlborough created a Duke.—Revolt in the Cévennes.—Marlborough's second Campaign.—The Methuen Treaty with Portugal.—Occasional Conformity Bill again rejected by the Lords.—Aylesbury Election Case.—The Great Storm.—Oaths of Witnesses.—Queen Anne's Bounty.—Touching for the Evil.—May-Poles.

"WHEN the king came to die," says the duchess of Marlborough, "I felt nothing of that satisfaction which I once thought I should have had upon this occasion; and my lord and lady Jersey's writing and sending perpetually to give an account as his breath grew shorter and shorter, filled me with horror." It is the common story of royal death-beds. "As soon as the breath was out of king William," as lord Dartmouth affirms, "by which all expectations from him were at an end, the bishop of Salisbury drove hard to bring the first tidings to St. James's; where he prostrated himself at the new queen's feet, full of joy and duty." * From Edward III. to William III.,—from William III. to George IV.,—it was ever the same:

"Gone to salute the rising morn."

That Anne should have dropped a tear for her brother-in-law was scarcely to be expected. Friends they had never been. Since the death of Mary they had avoided all unseemly differences. Anne, subjected to the will of a domineering favourite, who hated William upon the well-known principle that we hate those whom we have injured, could form no independent opinion of his merits as a king. She regarded him as a disagreeable man, generally sullen, and rarely civil. His appointment of Marlborough in the summer of 1700 to an employment of high trust, had probably disposed the new queen to make no hesitation in accepting the great principles of foreign policy which William had rendered triumphant by his unshrinking constancy. It has been attributed to the foresight of the "master workman" in the Grand Alliance, that he appointed Marlborough to the command of the troops sent to the assistance

* Note on Burnet, vol. v. p. 1

but he arranged for a joint declaration of war against France by England, the States, and the Emperor, on the same day, May 4th;* and he concerted the plan of the first warlike operations. The skilful negotiator left the Hague on the 3rd of April. On the 4th of May war was proclaimed with the usual solemnities in Westminster and the City of London. The Parliament was prorogued on the 25th of May. It was dissolved on the 2nd of July. The Civil List that had been granted to king William was continued to queen Anne. Her majesty was empowered to appoint Commissioners to treat for Union between England and Scotland, not without some insolent reflections from sir Edward Seymour and others, in the same coarse and haughty spirit which had greatly irritated the Scotch in 1700. The queen's speech at the close of the Session was somewhat ambiguous on one point: "I shall be very careful to preserve and maintain the Act of Toleration, and to set the minds of all my people at quiet: My own principles must always keep me entirely firm to the interests of the Church of England, and will incline me to countenance those who have the sincerest zeal to support it."

When we open the valuable collection of Marlborough's Letters and Dispatches,† we at once perceive the high position in which he is recognised by the princes and states of the Alliance. Immediately on his return from Holland, we find him writing from St. James's to the king of Prussia and elector of Hanover, as one speaking with authority about "the common cause." Marlborough left London on the 18th of May; was detained at Margate by contrary winds; but soon after his arrival at the Hague was appointed by the States as Generalissimo of all their forces. He appears to have succeeded, as if by common consent, to the power which was wielded by king William—he, a man who had fought his way up to promotion by no very honourable means; who had alienated two kings by his treachery: who was known to have the most especial eye to his own interests; who had not acquired any high reputation as a general, though no doubt from want of opportunity; but who was now considered to have the entire favour of the new sovereign of England, and, what was of no small importance, had been trusted by William in the latter part of his life, and had justified the trust by his consummate ability. Marlborough went vigorously to the work before him. He drew the allied forces together, so as

* This is the date used for this declaration, according to the Old Style, which we must still follow, to prevent discrepancies in dates. After 1700 the difference between Old and New Style is eleven days. The 4th of May Old Style, is the 15th of May New Style.

† "Letters and Dispatches of John Churchill, first Duke of Marlborough, from 1702 to 1712." Edited by sir George Murray. 5 vols. 1845.

to be at the head of a powerful army. He carried Venloo by storm on the 18th of September, when, as he writes to Nottingham, the secretary of state, "the English grenadiers had the honour of being the first that entered the fort." He besieged and took Ruremonde and Stevenswart. He captured Liège by storm on the 23rd of October, the English being the first that got upon the breach; and in a few days afterwards the castle of the Chartreuse was surrendered to him. In these operations he had the same aid that was so valuable to William—the scientific knowledge of Cohorn, the great rival of Vauban. Marlborough, at the close of the campaign, had an adventure, in which he was compared to Cæsar amongst the pirates. He was seized in a boat, as he was going down the Maese, by a body of French partisans, and after some detention escaped, after being plundered by those who did not know the value of the man they had intercepted. For a short time the Allies were in consternation. But Marlborough safely returned to London, to receive high honours and rewards. Whilst he was fighting at Liège, and only a few hours before the surrender of the place, he wrote a letter to Nottingham which shows how thoroughly he had his eye upon all the distant arrangements for carrying on a vigorous war: "I had written a very long letter in answer to two of your lordship's; but yours of the 6th of October, which I received this morning, that brings the ill news of Cadiz, has made me burn my letter, most of it being my thoughts of what I wished might be done if we had been successful. I am sorry from my heart if it proves otherwise." He was not one to be daunted by misfortune. He might have learnt the value of perseverance from the great example of the man who took Namur after he had been defeated at Landen. "I hope ill success will not hinder you from advancing with sea and land officers, if this matter be capable of being retrieved." *

The ill success at Cadiz was the failure of an expedition which had been planned by king William. It was carried out with the usual results of divided counsels and separate commands. A large combined fleet of Dutch and English ships, with fourteen thousand troops of both nations on board, after many delays had reached the bay of Cadiz on the 18th of August. There was a commander of the fleet, sir George Rooke; and there was a superior commander of the land and sea forces, the duke of Ormond. There was an English general and a Dutch general at the head of their respective contingents. Three days were spent in debate upon the plans to be pursued. The leaders were "not only divided, sea

* "Dispatches," vol. i. p. 47.

against land, but land against land, and sea against sea." * They knew nothing of the localities where they proposed to disembark, and nothing of the force that might be brought against them. The marquis of Villadaria, the captain-general of Andalusia, was a man of energy and military skill. He had roused the population; and when some troops had landed and marched to Port St. Mary's, an unwalled place—which safe course had been preferred to a descent upon the Isle of Leon, and a vigorous attack upon Cadiz—they found the old town deserted. There was, however, abundance of specie and other valuables there, to satisfy a rapacious soldiery, under very imperfect discipline. The prince of Darmstadt had joined the expedition, in the hope that the Andalusians would declare for the cause of the Austrian archduke, who claimed the title of king of Spain. The Spaniards were disgusted by the outrages of those who held out the hand of friendship to the people, but acted as brutal enemies. No serious attempt was made to accomplish some object worthy of such an armament. If the army remained longer on shore the probability was that they would have become wholly undisciplined, and have fallen sacrifices to the just revenge of the indignant population. The troops re-embarked in the middle of September. But there was a prize yet to be reached. The Spanish fleet, which yearly arrived from the Indies, laden with bullion and rich merchandise, finding Cadiz blockaded, had run into Vigo. It was against the monopoly of the Cadiz merchants that any other port should receive these annual treasures. The galleons could not land their cargoes until the tardy officials at Madrid had given permission. Ormond and Rooke had obtained information that there were richer trophies to be won than the honour of fighting for the stronghold of Cadiz. They made for Vigo, which, during their useless sojourn at Port St. Mary's, had been strengthened, and a boom thrown across the harbour. Two thousand men were landed. The galleons fled down the bay, and attempted to put some of their valuable cargo on shore. The English squadron pursued them; and then the Spaniards threw their wealth into the sea, and fired their ships. Six galleons were seized by the English, and seven French ships of war. The loss of life on the side of the Spaniards and French was terrific. The destruction of property was immense, exceeding eight million dollars. Much of the treasure taken was embezzled. "The public was not much enriched by this extraordinary capture, yet the loss our enemies made by it was a vast one." †

* "Letter of Colonel Stanhope, quoted in Lord Mahon's "War of the Succession," p. 47.

† Burnet, vol. v. p. 45.

The first Parliament of queen Anne met on the 20th of October. Harley was chosen Speaker. The royal speech contained no decided expression which could indicate what temper of the Houses would be most agreeable to the Court. It was well known that there would be a large Tory majority. It was now thought desirable by this majority to compliment the queen upon the progress of the war under the command of Marlborough, and to insult the memory of him whose firmness and perseverance had alone enabled England and Holland to hold in check the power of France. It was carried in the Commons by a majority of a hundred and eighty against eighty, that these words should be used in their Address to the queen: "The wonderful progress of your majesty's arms, under the conduct of the earl of Marlborough, have signally *retrieved* the ancient honour and glory of the English nation." Those who proposed to substitute the word "*maintained*," had to learn that the grave is no shelter from the violence of party-spirit. This was harmless malice. But there was something more than the gratification of the old hatred of a constitutional king, when the queen was told, in the same Address, that as she had always been an illustrious ornament to the Church, "we promise ourselves, that, in your reign, we shall see it perfectly restored to its due rights and privileges."

Under the Toleration Act of 1689, the Protestant Dissenters, a numerous and wealthy body, had been relieved "from the penalties of certain laws," as the title of that Act expressed. Dissenting ministers might teach and preach, having subscribed some of the articles of the Church of England; and their followers were free to frequent conventicles, having subscribed the Declaration against Popery, prescribed by the Statutes of Charles II. Complying with these requisitions, the officers of Corporations were open to the very influential class that differed in some points from the Established Church under various denominations. In 1697 a a violent excitement was produced in the city of London, by the Lord-mayor, sir Humphrey Edwin, attending a Meeting-House, with the trappings of his office—a circumstance which Swift had in mind when he told "how Jack's tatters came into fashion in court and city; how he got upon a great horse, and ate custard." * During the reign of William, the feud between the Church and Dissent was confined to the preachers and the pamphleteers. The State looked on without taking any part in the quarrel about Occasional Conformity, by which the Dissenters kept their share of

* "Tale of a Tub." The Lord Mayor's great horse is of higher antiquity than the Lord Mayor's state coach.

civil power, without compromising, as most of them believed, their rights of conscience. But when Anne came to the throne, the High Church party were for extreme measures against the separatists; and one of the first proceedings of the Tory ministry in the new Parliament was to bring in a Bill to prevent Occasional Conformity. The spirit of the time of Charles II. was roused from its long sleep. Not only were holders of office to be subject to the Test Act, but also all electors for boroughs. To enter a Dissenting place of worship after having once taken the sacrament according to the rites of the Church, was to be punished with heavy fines, and with transportation upon a repetition of the offence. The Bill was quickly passed by large majorities of the Commons. In the House of Lords, where the majority of spiritual peers were distinguished for their moderation—where the learning of Somers and the eloquence of Halifax had their due weight—the factions of the Lower House were met with a firm and temperate resistance, although the Whigs were not strong enough to throw out the Bill. Amendments were introduced by the Peers, which the Commons indignantly rejected. Conferences then took place between the two Houses, in which the question was debated with great pertinacity on both sides; but in which the Lords manifested a regard for civil rights, a hatred of extreme penalties, and a respect for religious liberty, which ought to be borne in mind by those who are inclined to believe that the power in the state which does not directly represent the popular interest is necessarily indifferent to the welfare of the people. We may judge of the masterly reasoning upon which the Peers defended their amendments by the following passage: "The Lords think an Englishman cannot be reduced to a more unhappy condition, than to be put by law under an incapacity to serve his prince and country; and therefore nothing but a crime of the most detestable nature ought to put him under such a disability: they who think the being present at a Meeting to be so high a crime, can hardly think that a toleration of such Meetings ought to continue long; and yet the Bill says, 'The Act of Toleration ought to be kept inviolate.'" *

The chief business of the Session was this great battle of principle. The lords insisted on adhering to their amendments. The Commons persisted in rejecting them. The Court made every effort to get the Bill passed in the Lords,—the prince of Denmark, though not of the Church of England, and being an occasional conformist himself, having voted for it as a peer of Parliament. But the

* "Parliamentary History," vol. vi. p. 71.

vote of adhering was carried in the Lords by a majority of one. The battle of the Press was as violent as that of the Parliament. The most remarkable production of the time was Defoe's "The Shortest Way with the Dissenters." It is seldom that irony can be sustained through many pages; but the power which this great writer possessed in his fictitious narratives, of giving a reality to imaginary events and persons, enabled him to adopt the tone of a violent high-churchman, and carry forward the declamation of the party into an extravagance which made the general argument odious and ridiculous. It was the most successful literary hoax ever perpetrated. Furious Churchmen applauded the pamphlet. Sensitive Dissenters were indignant at the terms in which they were denounced. Dull moderate men stood aghast at the monstrous cruelty and wickedness of these "Proposals for the establishment of the Church," which thus argued: "If the gallows instead of the compter, and the gallies instead of the fines, were the reward of going to a conventicle to preach or hear, there would not be so many sufferers; the spirit of martyrdom is over; they that go to church to be chosen sheriffs and mayors would go to forty churches rather than be hanged." When the hoax was discovered, the rage of the followers of Sacheverell and other haters of toleration was unbounded. A reward of Fifty Pounds was offered by proclamation for the apprehension of Daniel Defoe, "charged with writing a scandalous and seditious pamphlet entitled The Shortest Way with the Dissenters:"—"a middle aged spare man, about forty years old." The House of Commons voted the little book to be burnt by the hangman. Defoe was indicted at the Old Bailey Sessions in February, 1703, and was brought to trial in July. He acknowledged himself to have written this piece of exquisite banter. To us who live in better times, which we owe as much to the Press as to the Parliament, it is inconceivable that all parties did not laugh at Defoe's wit. He was found guilty; and was sentenced to a fine, to stand three times in the Pillory, and to be imprisoned during the queen's pleasure. Defoe was pilloried, on three successive days, at the Royal Exchange, at the Conduit at Cheapside, and at Temple Bar. On the first day of this exhibition he published his "Hymn to the Pillory." His was the spirit that, in every age in England, has made oppression recoil upon the oppressor. The Hymn was read as its author stood before the crowd not ignominiously:

> "Earless on high stood unabashed Defoe."

Pope meant this for contempt. The more equal judgment of another age receives it as praise, and reads "fearless," not "earless"

—"unabashed by, and unabated in his contempt for, Tyranny and Dulness."*

"The earl of Marlborough is Grand Vizier, as you may imagine," writes a political observer at the time of the accession of Anne.† The successes of his first campaign encouraged the queen to shower honours upon her favourite's husband, which left nothing higher in her gift for the triumphs of his subsequent career. On the 10th of December, 1702, her majesty announced to the Commons that for the eminent services of the earl of Marlborough, she had thought fit to grant him the title of Duke. But the queen went further. She said she had granted the duke five thousand a year from the revenues of the Post Office. The Commons demurred to this grant; and Marlborough received the first check to that avidity for money, which was one of the conspicuous faults of his character. The cold support he obtained from his Tory friends was not to be readily forgiven. His views, moreover, as to the conduct of the war were far more comprehensive than the views of the administration. Louis XIV. had renewed the horrible persecutions of the French Protestants in Languedoc. In his anxiety to conclude the peace of Ryswick, William III. had made no stipulations for the free exercise of the reformed faith in the provinces of France. His attention was called to this omission by Heinsius, as the States were on the point of signing the Treaty. But the communication to William was too late: "God grant," he replies, "that some expedient may have been found before you can receive this letter, for it will probably not reach you till after midnight, and consequently not till after the expiration of the term fixed for the signature of the Treaty.‡ In 1702 a serious revolt of the persecuted Protestants broke out in the Cévennes, a mountainous district of Languedoc. The poor mountaineers, who held their religious meetings in solitary places, were again to be converted by the "booted missionaries" of the Roman Catholic Church. Their dangers called forth a spirit of fanaticism, such as had characterized the Cameronians of Scotland. They had prophets amongst them. They looked for miracles to be wrought in their favour. There was a ruthless bigot in the Cévennes, the Arch-priest Du Chaila, who had been the persecutor of the Protestants there from the time of the Revocation of the Edict of Nantes. In 1702 this detestable fanatic was endeavouring to tread out the fanaticism of his victims

* "Historical and Biographical Essays," by John Forster, vol. ii. p. 50. It is curious that Mr. Wilson quotes the line as if Pope had really written "fearless," and had not falsified the fact by assuming that Defoe had his ears cut off, as Prynne's were.

† Kemble. "State Papers." Ellis to Stepney, p. 259. ‡ Grimblot, vol. i. p. 32.

by unheard-of cruelties. He subjected his prisoners to frightful tortures. He flogged and mutilated young children, to obtain information of the concealment of preachers. His atrocities at length received their reward. He had imprisoned in his château—a strong place, capable of resisting any ordinary attack—a number of Protestants, whom he intended to put to death, as he had put to death a young girl six months before. The peasantry surrounded the château; forced the gates with a rude battering-ram; set the building on fire; and murdered the Arch-priest as he attempted to escape. The insurrection now became general. Leaders sprang up, who organized the embittered mountaineers. The contest seriously distracted the attention of the French government, and was so far favourable to the Allies. Marlborough desired to render assistance to the insurgents. Nottingham, and the other Tory ministers, would not sanction any rebellion against a legitimate king. The civil war in the Cévennes, when it first broke out, was looked upon as an effort of despair, which would quickly end in massacres and executions. It was at its height in 1703, when the Camisards, as the insurgents were denominated, were opposed, under the leadership of a young man named Cavalier, to a Marshal of France, with twelve thousand veteran troops under his command. Cavalier, who as a boy had tended sheep on his native hills, had fled from the persecution which threatened his home, and had apprenticed himself to a baker at Geneva. He was in his twentieth year when he suddenly appeared again in his birth-place, and became the head of the most daring band of insurgents. There is no romance more interesting than the adventures of this baker's boy, who displayed a courage, a sagacity, and a military genius, which compelled Marshal de Montrevel to give up in despair his system of terror and wholesale destruction by fire and sword. He was recalled, and Marshal Villars was substituted, who adopted milder measures. Cavalier concluded a negotiation with Villars in 1704. The allies could render him no assistance, such as he had expected. The revolt had, in some degree, worn itself out. Villars promised amnesty, with free egress to those who chose to emigrate, and a toleration of religion. The youth on whom the marshal of France looked with wonder, that he should have succeeded so long in defying the armies of the great monarch, trusted to French diplomacy without receiving any guarantees for the performance of the conditions which he required. They were partially adhered to; but the promise to the Protestants of the free exercise of their religion was soon broken. Cavalier's own comrades were indignant with him for making terms at all. Another chief, Roland, continued

the war. Roland was killed in 1704. The fire in the Cévennes "was covered up rather than extinguished," says Burnet. Cavalier afterwards served in Spain; subsequently entered the English service; and died at a very advanced age as governor of Jersey, with the rank of a major general.*

The campaign of 1703 was as barren of any signal advantages to the arms of the Allies as to the arms of France. The parliament had voted an augmentation of troops, and there was no want of decision on the part of Marlborough, to employ the forces of which he had the command in the manner most likely to be productive of a great result. "Our affairs go very ill in Germany," he wrote to Nottingham on the 26th of March.† The elector of Bavaria had now proclaimed his adhesion to France; had surprised the strong fortress of Ulm; and by effecting a communication with the French on the Upper Rhine, had opened a way for the armies of Louis to the centre of Germany. The French forces under Boufflers in the Netherlands threatened Holland; and Marlborough was desirous of attacking them, whilst the stronger French armies were otherwise engaged. The States-General pressed upon him the desirableness of securing Bonn, which capitulated after a short siege. Three months later Huy was surrendered to the Allies. But these successes were of comparatively small import. Marlborough had been in anxious correspondence with Coehorn on a matter which he repeatedly terms "le grand dessein," and "la grande affaire."‡ Marlborough and Coehorn had matured a plan for attacking Antwerp, and carrying the war into Flanders. The failure is attributed by Marlborough to "M. de Coehorn's stubbornness, and the dissensions amongst the generals." He, therefore, had to return towards the Maese; and having taken Huy, to propose some other plan that would have terminated the year with an energetic operation that promised success. The duke proposed, in a council of war, on the 20th of August, to attack the French lines between Mehaigne and Leuwe. This plan was agreed to by the generals in command of the forces of Denmark, Luneburg, and Hesse, as well as by the English generals. The French carefully avoided a battle, and were safe beyond their lines, which Marlborough desired to force. The plan was submitted to the States-General, and was by them rejected. They wanted another fortress, Limbourg, to be taken, which Marlborough said could be accomplished by a detachment of the army. The great general

* Cavalier wrote an account of the Wars in the Cévennes. There is an excellent notice of this remarkable man by Mr. Kemble, "State Papers," p. 384 to 431.

† "Dispatches," vol. i. p. 74.

‡ *Ibid.*, pp. 113, 118.

was naturally irritated by this interference with his plans; but he submitted. Marlborough wrote to their High Mightinesses that, from the undoubted information he had received of the situation of the enemy, the design was not only practicable, but almost sure of success. "The opportunity is lost, and I wish from my heart that there will be no cause for repentance when it is too late." * He attacked Limbourg, which surrendered after a short siege. In the next campaign, Marlborough laid his plans with such secresy, and carried them out with such promptitude, that the States-General had scarcely time to find fault with the independence of his movements before they heard of their complete success.

On the 9th of November, the queen opened the second Session of her first Parliament. The foreign policy which she announced assumed larger proportions than the object which had been originally defined for the war. Its object was no longer simply "to resist the great power of France," but "for recovering the monarchy of Spain from the House of Bourbon, and restoring it to the House of Austria." The queen announced that she had made a treaty for this object with the king of Portugal; and that subsidies would be required for the duke of Savoy, who had declared his intention to join the Alliance. The principles of the agreement with Portugal were laid down in what is known as the Methuen Treaty, —called after the name of the ambassador who negotiated it,—and that treaty, and its effect upon the commerce of England and the habits of her people, lasted through five generations even to the present time. The wines of Portugal were to be admitted upon the payment of a duty 33½ per cent. less than the duty paid upon French wines; and the woollen cloths of England, which had been prohibited in Portugal for twenty years, were to be admitted upon terms of proportionate advantage. Up to that time the Claret of France had been the beverage of the wine-drinkers of England. From 1703 Port established itself as what Defoe calls "our general draught." In all commercial negotiations with France the Methuen Treaty stood in the way; for the preferential duty was continued till 1831. France invariably pursued a system of retaliation. It was a point of patriotism for the Englishman to hold firm to his Port. The habit was established; and even now, when the vine-growers of France, and the Iron-masters of England, are equally desirous that commercial restrictions should be removed, it is in vain to say, as Hume said more than a century ago, "We lost the French markets for our woollen manufactures, and transferred the commerce of wine to Spain and Portugal, where we buy worse liquor at a higher price." †

* "Dispatches," p. 173.

† "Essay on the Balance of Trade."

The arch-duke Charles of Austria was now hailed as king Charles of Spain. He came to England on the 26th of December. On the 29th he was entertained for two days by the queen at Windsor. Her majesty, according to the official account in the London Gazette, received at their first meeting the compliment of the king of Spain, "acknowledging his great obligations to her for her generous protection and assistance." He was all courtesy and humility. He would scarcely take the right hand of the queen at table; and "after supper he would not be satisfied till after great compliments he had prevailed with the duchess of Marlborough to give him the napkin, which he held to her majesty when she washed." Had the new king, without a kingdom, stayed long enough in England to observe the temper of the Parliament and the people, he might have felt that her majesty's "generous protection and assistance" was not the only thing to be considered in our insular politics. At this time, the famous Leibnitz, whose acquirements as a philosopher did not interfere with his keen calculations upon political affairs, wrote from Berlin, "the great animosity that prevails between the Whigs and the Tories gives many people a bad opinion of the affairs of England." * How could the people of the continent understand these affairs? Here was England engaged in the greatest war, and committed to the most complicated alliances, of any period of her history, and her government was making the most strenuous efforts to disturb the internal tranquillity which had long subsisted under a system of toleration, and revive the bitter hatreds in matters of religion which appeared to have died out, except amongst the extreme bigots of either party. A fortnight had scarcely elapsed since the opening of the session, when a new Bill against Occasional Conformity was brought in, and the Commons renewed the work of the previous session with redoubled fury. They passed the Bill very quickly by a majority of two hundred and twenty-three to a hundred and forty. The Lords rejected it by a majority of twelve. To analyse the dreary debates would have little interest now. The excitement out of doors has been described by one of the greatest of humourists: "I wish you had been here for ten days, during the highest and warmest reign of party and faction that I ever knew or read of, upon the Bill against Occasional Conformity, which, two days ago, was, upon the first reading, rejected by the Lords. It was so universal that I observed the dogs in the streets much more contumelious and quarrelsome than usual; and, the very night before the Bill went up, a committee of Whig and Tory cats had a very

* Kemble. "State Papers," p. 306.

warm and loud debate upon the roof of our house. But why should we wonder at that, when the very ladies are split asunder into high-church and low, and, out of zeal for religion, have hardly time to say their prayers." * Marlborough, perhaps very little to his taste, was dragged in by the Tories to whom he yet pretended allegiance, to vote for the Bill. He wrote, during the heat of the discussions, to count Wratislaw, to show how this controversy interfered with the real business of parliament. "If it had not been for the Bill against Occasional Conformity, we had reason to flatter ourselves that the Session would have terminated with more of unanimity, and that a greater dispatch would have been given to public affairs than we had seen for many years." †

There were other parliamentary turmoils in this session which involved the most serious disputes betwen the Lords and Commons. One of these was the controversy about privilege in the matter known as the Scottish plot, which we shall refer to a Chapter on Scotland. The other was the constitutional question connected with the famous case of an Aylesbury Election. Ashby, a burgess of Aylesbury, sued the Returning Officer for maliciously refusing his vote. Three judges of the King's Bench decided, against the opinion of Chief Justice Holt, that the verdict which a jury had given in favour of Ashby must be set aside, as the action was not maintainable. The plaintiff went to the House of Lords upon a writ of error, and there the judgment was reversed by a large majority of Peers. The Lower House maintained that "the qualification of an elector is not cognizable elsewhere than before the Commons of England;" that Ashby was guilty of a breach of privilege; and that all persons who should in future commence such an action, and all attorneys and counsel conducting the same, are also guilty of a high breach of privilege. The Lords, led by Somers, then came to counter-resolutions, of which the most important is, "that the assertion that a person wrongfully hindered from giving his vote for the election of members of Parliament, by the officer who ought to take it, is without remedy by the ordinary source of the law, is destructive of the property of the subject, is against the freedom of elections, and manifestly tends to encourage corruption and partiality." The prorogation of Parliament put an end to the quarrel in that Session; but in the next it was renewed with increased violence. The judgment against the Returning officer was followed up by Ashby levying his damages. Other Aylesbury men brought new actions. The Commons imprisoned

* Swift, Letter to Rev. Dr. Tisdall. December 16, 1703.
† "Dispatches," vol. i. p. 218.

the Aylesbury electors. The Lords took strong measures that affected, or appeared to affect, the privileges of the Commons. The queen finally stopped the contest by a prorogation; and the quarrel expired when the Parliament expired under the Triennial Act. Lord Somers "established the doctrine which has been acted on ever since, that an action lies against a Returning Officer for maliciously refusing the vote of an elector." *

About the time when these violent political tempests commenced, the nation was terrified by that wonderful war of the elements, known as the Great Storm of 1703. On the night of the 27th of November a mighty wind arose in the western and southern districts of England, and in part of the eastern, which toppled down steeples, unroofed houses, drove great ships from their anchorage, and swept away the watch-towers of the coasts. The shores of the Channel were strewn with wrecks. The Thames and the Severn were crowded with dismasted merchantmen, and hulls whose crews had been swept into the raging sea. Fourteen or fifteen men-of-war were cast away, and fifteen hundred seamen perished with them. The Parliament went up with an Address to the queen, beseeching her to build new ships, which cost they would effectually defray. Marlborough, in his communications with foreign courts, spoke of the storm as a grievous national calamity, but one which he hoped would not interfere with the dispatch of troops for his Catholic majesty.† A general fast on the 19th of January was observed with unusual devotion, "the terror which the tempest had left on the people's minds," says an historian of the time, "contributing much to their affectionate discharge of that religious duty." Sermons of exhortation to hearken to God's judgments—one of which was called "A warning from the winds"—were preached throughout the land. Defoe wrote a circumstantial account of the unprecedented calamity. But this visitation was soon forgotten in the excitement of war. Marlborough's wonderful campaign of 1704 caused the passing terror of 1703 to be soon forgotten. Addison,—it may be somewhat profanely—compared Marlborough in the storm of battle to the angel "who rides in the whirlwind;"

"Such as of late o'er pale Britannia past."

This famous simile of "The Campaign," was pronounced to be wonderfully fine and true. The moralist was soon neglected who said, "I cannot but have so much charity for the worst of my fellow-creatures, that I believe no man was so hardened against his

* Lord Campbell's "Lives of the Chancellors." Life of Somers.
† "Dispatches," vol. i. p. 214.

Maker, but he felt some shocks to his wicked confidence from the convulsions of nature" *

The commotions of party, in the first and second years of the reign of Anne, were so extreme, that men who had higher aims than the possession of power for its own sake looked on with dread and sorrow. Somers wrote to Shrewsbury, who was abroad, in 1704, "Never man was wearier of a place than I have been of this country for many years; nor any one reckoned you happier than I have, for being out of the reach and hearing of all the malice, and baseness, and violence, that men are practising upon one another." † And yet calm and earnest reformers of gross abuses did contrive to carry some measures that were untainted by the breath of faction, and whose benefits still remain to us. One measure of law reform was passed in 1702, in a clause of a Statute entitled "An Act for punishing of Accessories to Felonies and Receivers of Stolen Goods, &c." We should scarcely expect to find, under this Act for extending the range of the Criminal law, a clause which, from that time, has afforded protection to a prisoner under trial, by placing the witnesses in his favour upon an equality with the witnesses for the Crown. This clause is as follows: "And be it further enacted, by the authority aforesaid, that from and after the said twelfth day of February, one thousand seven hundred and two, all and every person and persons who shall be produced or appear as a witness or witnesses on the behalf of the Prisoner upon any trial for Treason or Felony, before he or she be admitted to depose or give any manner of evidence, shall first take an Oath to depose the Truth, the whole Truth, and nothing but the Truth, in such manner as the witnesses for the queen are by law obliged to do, and if convicted of any wilful perjury in such evidence shall suffer all the punishments, penalties, forfeitures and disabilities, which by any of the laws and statutes of this realm are, or may be inflicted upon persons convicted of wilful perjury." ‡ Lord Lyndhurst, in 1836, when he so admirably urged the adoption of the Bill for giving to all prisoners the right to "full counsel," which had been given, in 1695, in cases of high treason,—pointed out that anomaly in the law which was corrected by this statute of Anne: "In cases of felony, no witnesses were examined on the part of the prisoner until queen Mary sent down directions to the Chief Justice of the Court of Common Pleas to take evidence on the part of the accused, as well as against him. Still the law remained imperfect, because, though witnesses were examined, they

* Defoe. "The Storm," 1704.
† "Shrewsbury Correspondence," p. 641.
‡ 1 Annæ, stat. 2, c. 9.

were not examined upon oath. Lawyers are sometimes very astute at finding out reasons to support every existing institution, and they assigned a very singular reason for this practice. They said it originated in lenity towards the prisoner, because the witness, not being bound by an oath, would speak largely and beneficially for him. This was rather a singular doctrine, the object of a court of justice being to elicit the truth. But let your lordships mark its practical effect, as exhibited in numerous instances in the State Trials,—the witnesses against the prisoner being examined on oath, and those in his favour not being examined on oath. The moment the judge began to sum up the evidence to the jury, and contrast the evidence for the prosecution with that given on the part of the prisoner, he always took care to inform the jury that, in estimating the degree of weight which was to be attached to the testimony on each side, they must not lose sight of the important fact, that the witnesses for the prosecution were examined on oath, whilst those for the defence were free from that obligation." *

Amidst the violent disputes in Parliament upon Conformity, stimulated by the equally violent divisions in the Convocation—which now claimed a right to sit during a Session of Parliament without being prorogued—there was one measure of real benefit to the clergy, which is popularly known as "Queen Anne's Bounty." The "first fruits and tenths" of all spiritual preferments had become part of the revenues of the Crown, under the Statute of Henry VIII., giving to the king, as head of the Church, what the clergy had been accustomed to assign to the Pope, in spite of the efforts of Parliament to prevent or restrain this practice. The "first fruits" were the whole profits of the preferment during the first year, and the "tenths, or *decimæ*," the tenth part of the annual profit of each living. When given to the papal see, they were computed upon a valuation of the time of Edward I. When they became part of the royal revenue, they were computed upon that valuation in the time of Henry VIII., known as "The King's Books." But by the Statute of the 26th of Henry VIII., the payments for the smaller rectories or vicarages were wholly or partially remitted; but the larger benefices were bound to contribute to the Crown these portions of their nominal value. Queen Anne, by letters patent of the 3rd of November, 1703, "restored to the Church what had been thus indirectly taken from it." † But the

* "Mirror of Parliament," 1836; quoted in "Suggestions for the Repression of Crime;" by Mr. M. D. Hill, Recorder of Birmingham, a volume which not only displays the large and benevolent views of its author, but contains a mass of valuable information on the great topics to which Mr. Hill has especially devoted his later years.

† Blackstone, vol. i. p. 281, Mr. Kerr's edition.

restoration was effected in the most judicious manner, not to relieve the larger benefices, but in some small degree to equalize the condition of incumbents, by vesting the first-fruits and tenths in trustees, to form a fund for the augmentation of the smaller livings. These letters-patent were confirmed by Statute, of which the preamble is suggestive of what some consider the evils of what is known in our day as "the voluntary principle:"—"Whereas a sufficient settled Provision for the Clergy in many parts of this realm has never yet been made, by reason whereof divers mean and stipendiary preachers are in many places entertained to serve the Cures and officiate there, who, depending for necessary maintenance upon the good will and liking of their hearers, have been and are thereby under temptation of too much complying and suiting their doctrine and teaching to the humours rather than the good of their hearers; which hath been a great occasion of faction and schism, and contempt of the ministry." *

When the accession of Queen Anne indicated a nearer, though not a complete approach to the absolute principle of legitimacy, which was set aside by the Revolution and the Act of Settlement, it became the policy of the extreme Tories and High-Churchmen to induce the people to look again with complacency upon some of the customs which, at the Restoration, had marked the triumphs of divine right and the downfall of Puritanism. Queen Anne received the ceremony of touching for the king's evil, by which all English monarchs, from the time of Edward the Confessor, whether saints or sinners, of the Roman Catholic or the Reformed Church, had asserted the miraculous power of the wearer of the "golden rigol." William III. was profane enough not to believe in this power. Whiston, who had himself a talent for humour, not generally belonging to the vain and eager controversialist, tells a story that William was once prevailed upon to touch for the malady which kings could cure, and that he said to the patient that he prayed God to heal him, and grant him more wisdom at the same time. The discontinuance of the superstition by the king,—who, although a truly pious man, made it "his rule all his life long, to hide the impressions that religion made upon him as much as possible" †—necessarily rendered queen Anne desirous to manifest its efficacy to the world. Her majesty was not perfectly successful in all cases. Dr. Johnson's mother carried him from Lichfield to London, to be touched by the queen, and he used to relate how he had "a confused, but somehow a sort of solemn recollection of

* 2 & 3 Annæ, c. 20, (in "Statutes of the Realm.")

† Burnet. "Our Own Time," vol. vi. p. 547.

a lady in diamonds, and a long black hood." Boswell says, with much gravity, "This touch, however, was without any effect." It was more effectual in a case related by Daines Barrington, of an old man who was witness in a cause, describing how the good queen had touched him when he was a child: "I asked him whether he was really cured? upon which he answered, with a significant smile, that he believed himself never to have had a complaint, that deserved to be considered as the Evil, but that his parents were poor, and had no objection to the bit of gold" *—the angel of gold, with the impress of St. Michael, which was hung about the patient's neck.

The May-poles that had been set up at the Restoration,—when the Puritan justices and constables who had pulled them down were no longer in a condition to declare war against them,—after the Revolution had the fate always harder than persecution, that of neglect. They had ceased to be indicative of party feelings; and they gradually mouldered away upon the village green, and were displaced from the streets of cities in which commerce was more important than merriment. But when Anne came to the throne there was a revival: "I appeal to common knowledge," says Defoe, "if in the first half-year of her present majesty, almost all the May-poles in England were not repaired, and re-edified, new painted, new hung with garlands, and beautified." Defoe associates this with the revival of "drunkenness and revelling." He was looking at the May-poles through the old Puritanical glasses which saw in harmless sports nothing but Popery and vice. But the setters-up of the May-poles probably loved as little the merriment of the people as the non-conformists did. "Up went the May-poles," writes Defoe, "that the Church's health might be drunk, till the people not only knew not what they did, but might be ready to do they knew not what, to the demolishing the Church's pretended enemies, the Dissenters." † A Puritanical rhymester of 1660 makes "Sir May-pole" say,

"There's none as I so near the Pope."

The satirist of the extreme opinions of this time is not grossly exaggerating, when he says that Martin, in his "mad fit, looked so like Peter in his air and dress, and talked so like him, that many of the neighbours could not distinguish the one from the other, especially when Martin went up and down strutting in Peter's armour which he had borrowed to fight Jack." ‡

* "Observations on our Ancient Statutes."

† "Review," quoted in Wilson, vol. ii. p 10.

‡ "Tale of a Tub." It is scarcely necessary to add a note found in most editions of Swift:—"Peter, Martin, and Jack, represent Popery, Church of England, and Protestant Dissenters.

CHAPTER VII.

Difficulties of recruiting the English army.—The Campaign of 1704.—Marlborough's secret plan of operations.—His march along the Rhine.—Arrives at the Danube.—Battle of the Schellenberg.—Devastation of Bavaria.—Junction of the French and Bavarian armies.—The battle of Blenheim.—Results of the victory.—Subsequent operations of the Campaign.—Marlborough returns to England.—Honours and Rewards.—Party Conflicts.—Parliament dissolved.

THE extreme measures taken by the House of Commons in 1699, for reducing the army to a point almost incompatible with the desire of king William to preserve to England its weight and influence abroad, must have proved a serious embarrassment to the government of queen Anne in the first two years of her reign. When, in the spring of 1704, Marlborough, taking no counsel of foreign princes or states, and imparting little of his plans to the civil directors of English affairs, was revolving in the most secret recesses of his own mind the plan of that daring campaign which was to exhibit war on its grandest scale, he must have sometimes contemplated with anxious doubt the insufficient means at his own command. We find him on the 29th of March writing from St James's to M. Hop, the Dutch minister, that the public funds not being sufficient to carry on the war with vigour, the queen had provided additional means out of the privy purse; and he announces that the transports will speedily arrive in the Meuse, with nearly a thousand recruits for the infantry of the English army.* A thousand recruits only, to supply the waste of two campaigns! But if we have reference to the difficulty of recruiting, we shall not be surprised at the small force which Marlborough could contribute, to be drafted into the regiments which he was contemplating to lead upon the most distant march ever attempted in our Continental wars. When preparing himself to embark at Harwich, on the 6th of April, he sends to Mr. secretary Hedges, "the list of officers for the two new regiments of foot to be raised under the command of the lord Paston and colonel Heyman Rooke." † But how to be raised? An Act of Parliament passed on the 23rd of March will inform us. When Farquhar was gathering that professional experience which he embodied in 1705 in his "Recruiting Officer,"

* Dispatches, vol. i. p. 247. † *Ibid.* p. 248.