

a stop to the pernicious practice of granting trading monopolies¹ to her favorites, she was obliged to yield her assent.

16. James I; the "Divine Right of Kings"; Struggle with Parliament. — James began his reign by declaring that kings rule not by the will of the people, but by "divine right." "God makes the king," said he, "and the king makes the law." For this reason he demanded that his proclamations should have all the force of acts of Parliament. Furthermore, since he appointed the judges, he could generally get their decisions to support him; thus he made even the courts of justice serve as instruments of his will. In his arrogance he declared that neither Parliament nor the people had any right to discuss matters of state, whether foreign or domestic, since he was resolved to reserve such questions for the royal intellect to deal with. By his religious intolerance he maddened both Puritans and Catholics, and the Pilgrim Fathers fled from England to escape his tyranny.

But there was a limit set to his overbearing conceit. When he dictated to the Commons (1604) what persons should sit in that body, they indignantly refused to submit to any interference on his part, and their refusal was so emphatic that James never brought up the matter again.

The king, however, was so determined to shut out members whom he did not like that he attempted to gain his ends by having such persons seized on charge of debt and thrown into prison. The Commons, on the other hand, not only insisted that their ancient privilege of exemption from arrest in such cases should be respected, but they passed a special law (1604) to clinch the privilege.

Ten years later (1614) James, pressed for money, called a Parliament to get supplies. He had taken precautions to get a majority of members elected who would, he hoped, vote him what he wanted. But to his dismay the Commons declined to grant him a penny unless he would promise to cease imposing illegal duties on merchandise. The king angrily refused, and dissolved the Parliament.²

Finally, in order to show James that it would not be trifled with, a later Parliament (1621) revived the right of impeachment, which had not been resorted to since 1450.³ The Commons now charged Lord Chancellor Bacon, judge of the High Court of Chancery, and "keeper of the king's conscience," with accepting bribes. Bacon held the highest office in the gift of the crown, and the real object of the impeachment was to strike the king through the person of his chief official and supporter. Bacon confessed his crime, saying: "I was the justest judge that was in England these fifty years, but it was the justest censure in Parliament that was these two hundred years."

James tried his best to save his servile favorite, but it was useless, and Bacon was convicted, disgraced, and punished.

¹ Monopolies: see pages 214, 215.

² This Parliament was nicknamed the "Addled Parliament," because it did not enact a single law, though it most effectually "addled" the King's plans.

³ See Paragraph 13 of this Summary.

The Commons of the same Parliament petitioned the king against the alleged growth of the Catholic religion in the kingdom, and especially against the proposed marriage of the Prince of Wales to a Spanish Catholic princess. James ordered the Commons to let mysteries of state alone. They claimed liberty of speech. The king asserted that they had no liberties except such as the royal power saw fit to grant. Then the Commons drew up their famous Protest, in which they declared that their liberties were not derived from the king, but were "the ancient and undoubted birthright and inheritance of the people of England." In his rage James ordered the journal of the Commons to be brought to him, tore out the Protest with his own hand, and sent five of the members of the House to prison. This rash act made the Commons more determined than ever not to yield to arbitrary power. James died three years later, leaving his unfortunate son Charles to settle the angry controversy he had raised.

17. Charles I; Forced Loans; the Petition of Right. — Charles I. came to the throne full of his father's lofty ideas of the Divine Right of Kings to govern as they pleased. In private life he was conscientious, but in his public policy he was a man "of dark and crooked ways."

He had married a French Catholic princess, and the Puritans, who were now very strong in the House of Commons, believed that the king secretly sympathized with the queen's religion. This was not the case; for Charles, after his peculiar fashion, was a sincere Protestant, though he favored the introduction into the English Church of some of the ceremonies peculiar to Catholic worship.

The Commons showed their distrust of the king by voting him the tax of tonnage and poundage¹ for a single year only, instead of for life, as had been their custom. The Lords refused to assent to such a limited grant,² and Charles deliberately collected the tax without the authority of Parliament. Failing, however, to get a sufficient supply in that way, the king forced men of property to grant him "benevolences," and to loan him large sums of money with no hope of its return. Those who dared to refuse were thrown into prison on some pretended charge, or had squads of brutal soldiers quartered in their houses.

When even these measures failed to supply his wants, Charles was forced to summon a Parliament, and ask for help. Instead of granting it, the Commons drew up the Petition of Right³ of 1628, as an indignant remonstrance, and as a safeguard against further acts of tyranny. This petition has been called "the Second Great Charter of the Liberties of England." It declared: 1, That no one should be compelled to pay any tax or to supply the king with money, except by order of act of Parliament; 2, that neither soldiers nor sailors should be quartered in private houses; 4 3, that no one should be imprisoned or punished contrary to law. Charles was forced by his need of money to assent to

¹ Tonnage and poundage: certain duties levied on wine and merchandise.

² See Taswell-Langmead (revised ed.), page 557, Note.

³ Petition of Right: see Constitutional Documents, page 417.

⁴ The King was also deprived of the power to press citizens into the army and navy.

this petition, which thus became a most important part of the English constitution. But the king did not keep his word. When Parliament next met (1629), it refused to grant money unless Charles would renew his pledge not to violate the law. The king made some concessions, but finally resolved to adjourn Parliament. Several members of the Commons held the Speaker in the chair, by force — thus preventing the adjournment of the House — until resolutions offered by Sir John Eliot were passed. These resolutions were aimed directly at the king. They declared: 1. That he is a traitor who attempts any change in the established religion of the kingdom; 2, who levies any tax not voted by Parliament; 3, or who voluntarily pays such a tax. Parliament then adjourned.

18. "Thorough"; Ship-Money; the Short Parliament. — The king swore that "the vipers" who opposed him should have their reward. Eliot was thrown into prison, and kept there till he died. Charles made up his mind that, with the help of Archbishop Laud in Church matters, and of Lord Strafford in affairs of state, he would rule without Parliaments. Strafford urged the king to adopt the policy of "Thorough";² in other words, to follow the bent of his own will without consulting the will of the nation. This, of course, practically meant the overthrow of parliamentary and constitutional government. Charles heartily approved of this plan for setting up what he called a "beneficent despotism" based on "Divine Right."

The king now resorted to various illegal means to obtain supplies. The last device he hit upon was that of raising ship-money. To do this, he levied a tax on all the counties of England. — inland as well as seaboard, — on the pretext that he purposed building a navy for the defence of the kingdom. John Hampden refused to pay the tax, but Charles's servile judges decided against him, when the case was brought into court.

Charles ruled without a Parliament for eleven years. He might, perhaps, have gone on in this way for as many more, had he not provoked the Scots to rebel by attempting to force a modified form of the English Prayer-Book on the Church of that country. The necessities of the war with the Scots compelled the king to call a Parliament. It declined to grant the king money to carry on the war unless he would give some satisfactory guarantee of governing according to the will of the people. Charles refused to do this, and after a three weeks' session he dissolved what was known as the "Short Parliament."

19. The "Long Parliament"; the Civil War. — But the war gave Charles no choice, and before the year was out he was obliged to call the famous "Long Parliament" of 1640.³ That body met, with

¹ The Puritans generally believed that the King wished to restore the Catholic religion as the established Church of England, but in this idea they were mistaken.

² "Thorough": Strafford wrote to Laud, "You may govern as you please. . . . I am confident that the King is able to carry any just and honorable action thorough [i.e. through or against] all imaginable opposition." Both Strafford and Laud used this word "thorough," in this sense, to designate their tyrannical policy.

³ The Long Parliament: it sat from 1640 to 1653, and was not finally dissolved until 1660.

the firm determination to restore the liberties of Englishmen or to perish in the attempt. 1. It impeached Strafford and Laud, and sent them to the scaffold as traitors.¹ 2. It swept away those instruments of royal oppression, the Court of Star Chamber and the High Commission Court.² 3. It expelled the bishops from the House of Lords. 4. It passed the Triennial Bill, compelling the king to summon a Parliament at least once in three years.³ 5. It also passed a law declaring that the king could not suspend or dissolve Parliament without its consent. 6. Last of all, the Commons drew up the Grand Remonstrance, enunciating at great length the grievances of the last sixteen years, and vehemently appealing to the people to support them in their attempts at reform. The Remonstrance was printed and distributed throughout England.⁴

About a month later (1642), the king, at the head of an armed force, undertook to seize Hampden, Pym, and three other of the most active members of the Commons on a charge of treason. The attempt failed. Soon afterward the Commons passed the Militia Bill, and thus took the command of the national militia and of the chief fortresses of the realm, "to hold," as they said, "for king and Parliament." The act was unconstitutional; but, after the attempted seizure of the five members, the Commons felt certain that if they left the command of the militia in the king's hands, they would simply sign their own death-warrant.

In resentment at this action, Charles now (1642) began the civil war. It resulted in the execution of the king, and in the temporary overthrow of the monarchy, the House of Lords, and the established Episcopal Church. In place of the monarchy, the party in power set up a short-lived Puritan Republic. This was followed by the Protectorate of Oliver Cromwell and that of his son Richard.

20. Charles II.; Abolition of Feudal Tenure; Establishment of a Standing Army. — In 1660 the people, weary of the Protectorate form of government, welcomed the return of Charles II. His coming marks the restoration of the monarchy, of the House of Lords, and of the National Episcopal Church.

A great change was now effected in the source of the king's revenue. Hitherto it had sprung largely from feudal dues. These had long been difficult to collect, because the feudal system had practically died out. The feudal land tenure with its dues was now abolished, — a reform, says Blackstone, greater even than that of Magna Carta, — and in their place a tax was levied for a fixed sum. This tax should in justice have fallen on the landowners, who profited by the change; but they managed to evade it, in great measure, and by getting it levied on beer

¹ Charles assured Strafford that Parliament should not touch "a hair of his head"; but to save himself the King signed the Bill of Attainder (see p. 446), which sent his ablest and most faithful servant to the block. Well might Strafford exclaim, "Put not your trust in princes."

² On the Court of Star Chamber and the High Commission Court, see pages 183, 211 (Note 1), and 224.

³ The Triennial Act was repealed in 1664, and re-enacted in 1694. In 1716 the Septennial Act increased the limit of three years to seven. This act is still in force.

⁴ The press soon became, for the first time, a most active agent of political agitation, both for and against the King. See page 244, Paragraph 495.

and some other liquors, they forced the working classes to shoulder the chief part of the burden, which they still continue to carry.

Parliament now restored the command of the militia to the king;¹ and, for the first time in English history, it also gave him the command of a standing army of 5000 men — thus, in one way, making him more powerful than ever before.

On the other hand, Parliament revived the practice of limiting its appropriations of money to specific purposes.² It furthermore began to require an exact account of how the king spent the money — a most embarrassing question for Charles to answer. Again, Parliament did not hesitate to impeach and remove the king's ministers whenever they forfeited the confidence of that body.³

The religious legislation of this period marks the strong reaction from Puritanism which had set in. 1. The Corporation Act (1661) excluded all persons who did not renounce the Puritan Covenant, and partake of the Sacrament according to the Church of England, from holding municipal or other corporate offices. 2. The Fourth Act of Uniformity⁴ required all clergymen to accept the Book of Common Prayer of (1662) the Church of England. The result of this law was that no less than 2000 Puritan ministers were driven from their pulpits in a single day. 3. A third act of Parliament followed⁵ which forbade the preaching or hearing of Puritan doctrines, under severe penalties. 4. A later act⁶ prohibited nonconforming clergymen from teaching, or from coming within five miles of any corporate town (except when travelling).

21. Origin of Cabinet Government; the Secret Treaty of Dover; the Test Act; the Habeas Corpus Act. — Charles made a great and most important change with respect to the Privy Council. Instead of consulting the entire council on matters of state, he established the custom of inviting a few only to meet with him in his cabinet or private room. This limited body of confidential advisers was called the Cabal or secret council.

Charles's great ambition was to increase his standing army, to rule independently of Parliament, and to get an abundance of money to spend on his extravagant pleasures and vices.

In order to accomplish these three ends he made a secret and shameful treaty with Louis XIV. of France (1670). Louis wished to crush the Dutch Protestant Republic of Holland, to get possession of Spain, and to secure, if possible, the ascendancy of Catholicism in England as well as throughout Europe. Charles, who was destitute of any religious principle, — or, in fact, of any sense of honor, — agreed to publicly declare himself a Catholic, to favor the propagation of that faith in England, and to make war on Holland in return for very liberal grants of money, and for the loan of 6000 French troops by Louis, to help him put down

¹ See Militia Bill, Paragraph 19 of this Summary. ² See Paragraph 13 of this Summary.

³ See Paragraph 13 of this Summary (Impeachment).

⁴ The first and second Acts of Uniformity date from Edward VI. (1549, 1552); the third from Elizabeth (1559).

⁵ The Conventicle Act (1664).

⁶ The Five Mile Act (1665). It excepted those clergymen who took the oath of non-resistance to the King, and who swore not to attempt to alter the constitution of Church or State. See Hallam.

any opposition in England. Two members of the Cabal were acquainted with the terms of this secret treaty of Dover.¹

Charles did not dare to openly avow himself a convert — or pretended convert — to the Catholic religion; but he issued a Declaration of Indulgence (1672) suspending the harsh and unjust statute against the English Catholics.

Parliament took the alarm and passed the Test Act (1673), by which all Catholics were shut out from holding any government office or position. This act broke up the Cabal, by compelling a Catholic nobleman, who was one of its leading members, to resign. Later, Parliament further showed its power by compelling the king to sign the Act of Habeas Corpus (1679), which put an end to his arbitrarily throwing men into prison, and keeping them there, in order to stop their free discussion of his plots against the constitution.²

But though the Cabal had been broken up, the principle of a limited private council survived, and, after the Revolution of 1688, it was revived, and took the name of the Cabinet. Under the leadership of the prime minister, who is its head, the Cabinet has become responsible for the policy of the sovereign.³ Should Parliament decidedly oppose that policy, the prime minister, with his cabinet, either resigns, and a new cabinet is chosen, or the minister appeals to the people for support, and a new parliamentary election is held, by which the nation decides the question. This method renders the old, and never desirable, remedy of the impeachment of the ministers of the sovereign no longer necessary. The prime minister — who answers for the acts of the sovereign and for his policy — is more directly responsible to the people than is the President of the United States.

22. The Pretended "Popish Plot"; Rise of the Whigs and the Tories; Revocation of Town Charters. — The pretended "Popish Plot" (1678) to kill the king, in order to place his brother James — a Catholic convert — on the throne, caused the rise of a strong movement (1680) to exclude James from the right of succession. The Exclusion Bill failed, but henceforward two prominent political parties appear in Parliament, — one, that of the Whigs or Liberals, bent on extending the power of the people; the other, that of the Tories or Conservatives, resolved to maintain the power of the crown.

Charles, of course, did all in his power to encourage the latter party. In order to strengthen their numbers in the Commons, he found pretexts for revoking the charters of many Whig towns. He then issued new charters to these towns, giving the power of election to the Tories.⁴ While engaged in this congenial work the king died, and his brother James came to the throne.

¹ Charles signed a second secret treaty of Dover in 1678.

² See Habeas Corpus Act in Constitutional Documents, p. 446.

³ The real efficiency of the Cabinet system of government was not fully developed until after the Reform Act of 1832 had widely extended the right of suffrage, and thus made the government more directly responsible to the people. See, too, page 309, Note 2.

⁴ The right of election in many towns was then confined to the town-officers or to a few influential inhabitants. This continued to be the case until the passage of the Reform Bill in 1832.

23. James II; the Dispensing Power; Declaration of Indulgence; the Revolution of 1688.—James II. was a zealous Catholic, and therefore naturally desired to secure freedom of worship in England for people of his own faith. In his zeal he went too far, and the Pope expressed his disgust at the king's foolish rashness. By the exercise of the dispensing power¹ he suspended the Test Act and the Act of Uniformity, in order that Catholics might be relieved from the penalties imposed by these laws, and also for the purpose of giving them civil and military offices, from which the Test Act excluded them. James also established a new High Commission Court,² and made the infamous Judge Jeffreys the head of this despotic tribunal. This court had the supervision of all churches and institutions of education. Its main object was to further the spread of Catholicism, and to silence those clergymen who preached against that faith. The king appointed a Catholic president of Magdalen College, Oxford, and expelled from the college all who opposed the appointment. Later he issued two Declarations of Indulgence (1687, 1688), in which he proclaimed universal religious toleration. It was generally believed that under cover of these declarations the king intended to favor the ascendancy of Catholicism. Seven bishops, who petitioned for the privilege of declining to read the declarations from their pulpits, were imprisoned, but on their trial were acquitted by a jury in full sympathy with them.

These acts of the king, together with the fact that he had greatly increased the standing army, and had stationed it just outside of London, caused great alarm throughout England. The majority of the people of both parties believed that James was plotting 'to subvert and extirpate the Protestant religion and the laws and liberties of the kingdom.'³

Still, so long as the king remained childless, the nation was encouraged by the hope that James's daughter Mary might succeed him. She was known to be a decided Protestant, and she had married William, prince of Orange, the head of the Protestant Republic of Holland. But the birth of a son to James (1688) put an end to that hope. Immediately a number of leading Whigs and Tories⁴ united in sending an invitation to the prince of Orange to come over to England with an army to protect Parliament against the king backed by his standing army.

24. William and Mary; Declaration of Right; Results of the Revolution.—William came; James fled to France. A Convention Parliament⁵ drew up a Declaration of Right which declared that the

¹ This was the exercise of the right, claimed by the King as one of his prerogatives, of exempting individuals from the penalty of certain laws. The King also claimed the right of suspending entirely (as in the case of the Declaration of Indulgence) one or more statutes. Both these rights had been exercised, at times, from a very early date.

² New High Commission Court; see Note 2, on Paragraph 19 of this Summary.

³ See the language of the Bill of Rights (Constitutional Documents), page 445.

⁴ Seven in all; viz. the Earl of Derby, the Earl of Devonshire, the Earl of Shrewsbury, Lord Lumley, Bishop Compton (bishop of London), Admiral Edward Russell, and Henry Sydney.

⁵ Convention Parliament: it was so called because it was not regularly summoned by the King—he having fled the country.

king had abdicated, and which therefore offered the crown to William and Mary. They accepted. Thus by the bloodless Revolution of 1688 the English nation transferred the sovereignty to those who had no direct legal claim to it so long as James and his son were living. Hence by this act the people deliberately set aside hereditary succession, as a binding rule, and revived the primitive English custom of choosing such a sovereign as they deemed best. In this sense the uprising of 1688 was most emphatically a revolution. It made, as Green has said, an English monarch as much the creature of an act of Parliament as the pettiest tax-gatherer in his realm. But it was a still greater revolution in another way, since it gave a death-blow to the direct "personal monarchy," which began with the Tudors two hundred years before. It is true that in George III.'s reign we shall see that power temporarily revived, but we shall never hear anything more of that Divine Right of Kings, for which one Stuart "lost his head, and another, his crown." Henceforth the House of Commons will govern England, although, as we shall see, it will be nearly a hundred and fifty years before that House will be able to free itself from the control of either a few powerful families on the one hand, or that of the crown on the other.

25. Bill of Rights; the Commons by the Revenue and the Mutiny Act obtain Complete Control over the Purse and the Sword.—In order to make the constitutional rights of the people unmistakably clear, the Bill of Rights (1689)—an expansion of the Declaration of Right—was drawn up. The Bill of Rights¹ declared: (1) That there should be no suspension or change in the laws, and no taxation except by act of Parliament; (2) that there should be freedom of election to Parliament and freedom of speech in Parliament (both rights that the Stuarts had attempted to control); (3) that the sovereign should not keep a standing army, in time of peace, except by consent of Parliament; (4) that in future no Roman Catholic should sit on the English throne.²

This most important bill, having received the signature of William and Mary, became law. It constitutes the third great written charter or safeguard of English liberty. Taken in connection with Magna Carta and the Petition of Right, it forms, according to Lord Chatham, "the Bible of the English Constitution."

But Parliament had not yet finished the work of reform it had taken in hand. The executive strength of every government depends on its control of two powers,—the purse and the sword. Parliament had, as we have seen, got a tight grasp on the first, for the Commons, and the Commons alone, could levy taxes; but within certain very wide limits, the personal expenditure of the sovereign still practically remained unchecked. Parliament now (1689) took the decisive step of voting by the Revenue Act, (1) a specific sum for the maintenance of the crown, and (2) of voting this supply, not for the life of the sovereign, as had

¹ Bill of Rights: see Constitutional Documents, page 445.

² This last clause was reaffirmed by the Act of Settlement. See page 283, Note 2, and page 446.

been the custom, but for four years. A little later this supply was fixed for a single year only. This action gave to the Commons final and complete control of the purse.¹

Next, Parliament passed the Mutiny Act (1689),² which granted the king power to enforce martial law—in other words, to maintain a standing army—for one year at a time, and no longer save by renewal of the law. This act gave Parliament complete control of the sword, and thus finished the great work; for without the annual meeting and the annual vote of that body, an English sovereign would at the end of a twelvemonth stand penniless and helpless.

26. Reforms in the Courts; the Toleration Act; the Press made Free.—The same year (1689) Parliament effected great and sorely needed reforms in the administration of justice.³

Next, Parliament passed the Toleration Act (1689). This measure granted liberty of worship to all Protestant dissenters except those who denied the doctrine of the Trinity.⁴ The Toleration Act, however, did not abolish the Corporation Act or the Test Act,⁵ and it granted no religious freedom to Catholics.⁶ Still, the Toleration Act was a step forward, and it prepared the way for that absolute liberty of worship and of religious belief which now exists in England.

In finance, the reign of William and Mary was marked by the practical beginning of the permanent national debt and by the establishment of the Bank of England.⁷

Now, too (1695), the English press, for the first time in its history, became permanently free,⁸ though hampered by a very severe law of libel and by stamp duties.⁹ From this period the influence of newspapers continued to increase, until the final abolition of the stamp duty (1855) made it possible to issue penny and even half-penny papers at a profit. These cheap newspapers sprang at once into an immense circulation among all classes, and thus they became the power for good or evil, according to their character, which they are to-day. So that it would be no exaggeration to say that back of the power of Parliament now stands the greater power of the press.

27. The House of Commons no longer a Representative Body; the First Two Georges and their Ministers.—But now that the Revolution of 1688 had done its work, and transferred the power of the crown to the House of Commons, a new difficulty arose. That was the fact that the Commons did not represent the people, but stood simply as the representatives of a small number of rich Whig land-

¹ See page 363, Note 1. ² See page 282, Note 1. ³ See page 279 and Notes 4 and 5.

⁴ Freedom of worship was granted to Unitarians in 1812.

⁵ The Act of Indemnity of 1727 suspended the penalties of the Test and the Corporation Act; they were both repealed in 1828.

⁶ Later, very severe laws were enacted against the Catholics; and in the next reign (Anne's) the Act of Occasional Conformity and the Schism Act were directed against Protestant Dissenters.

⁷ On the National Debt and the Bank of England, see page 288.

⁸ See page 284.

⁹ Furthermore, the Corresponding Societies' Acts (1793, 1799) operated for a time as a decided check on the freedom of the press. See May's Constitutional History.

owners.¹ In many towns the right to vote was confined to the town-officers or to the well-to-do citizens. In other cases, towns which had dwindled in population to a very few inhabitants, continued to have the right to send two members to Parliament, while on the other hand large and flourishing cities had grown up which had no power to send even a single member. The result of this state of things was that the wealthy Whig families bought up the votes of electors, and so regularly controlled the elections.

Under the first two Georges, both of whom were foreigners, the ministers—especially Robert Walpole, who was the first real prime minister of England, and who held his place for twenty years (1722–1742)—naturally stood in the foreground. They understood the ins and outs of English politics, while the two German sovereigns, the first of whom never learned to speak English, neither knew nor cared anything about them. When men wanted favors or offices, they went to the ministers for them. This made men like Walpole so powerful that George II. said bitterly, "In this country the ministers are kings."

28. George III's Revival of "Personal Monarchy"; the "King's Friends."—George III. was born in England, and prided himself on being an Englishman. He came to the throne fully resolved, as Walpole said, "to make his power shine out," and to carry out his mother's constant injunction of, "George, be king!" To do this, he set himself to work to trample on the power of the ministers, to take the distribution of offices and honors out of their hands, and furthermore to break down the influence of the great Whig families in Parliament. He had no intention of reforming the House of Commons, or of securing the representation of the people in it; his purpose was to gain the control of the House, and use it for his own ends. In this he was thoroughly conscientious, according to his idea of right,—for he believed with all his heart in promoting the welfare of England,—only he thought that welfare depended on the will of the king much more than on that of the nation. His maxim was "everything for, but nothing by, the people." By liberal gifts of money,—he spent £25,000 in a single day (1762) in bribes,²—by gifts of offices and of honors to those who favored him, and by taking away offices, honors, and pensions from those who opposed him, George III. succeeded in his purpose. He raised up a body of men in Parliament, known by the significant name of the "King's Friends," who stood ready at all times to vote for his measures. In this way he actually revived "personal monarchy"³ for a time, and by using his "Friends" in the House of Commons and in the Lords as his tools, he made himself quite independent of the checks imposed by the constitution.

¹ The influence of the Whigs had secured the passage of the Act of Settlement which brought in the Georges; for this reason the Whigs had gained the chief political power.

² Pitt (Lord Chatham) was one of the few public men of that day who would neither give nor take a bribe; Walpole declared with entire truth that the great majority of politicians could be bought—it was only a question of price. The King appears to have economized in his living, in order to get more money to use as a corruption fund. See May's Constitutional History.

³ "Personal Monarchy": see Paragraph 15 of this Summary.

29. The American Revolution.—The king's power reached its greatest height between 1770-1782. He made most disastrous use of it, not only at home, but abroad. He insisted that the English colonists in America should pay taxes without representation in Parliament, even of that imperfect kind which then existed in Great Britain. This determination brought on the American Revolution—called in England the "King's War." The war, in spite of its ardent support by the "King's Friends," roused a powerful opposition in Parliament. Chatham, Burke, Fox, and other able men protested against the king's arbitrary course. Finally Dunning moved and carried this resolution (1780) in the Commons: "Resolved, that the power of the crown has increased, is increasing, and ought to be diminished." This vigorous proposition came too late to affect the conduct of the war, and England lost the most valuable of her colonial possessions. The struggle, which ended successfully for the patriots in America, was in reality part of the same battle fought in England by other patriots in the halls of Parliament. On the western side of the Atlantic it resulted in the establishment of national independence; on the eastern side, in the final overthrow of royal tyranny and the triumph of the constitution. It furthermore laid the foundation of that just and generous policy on the part of England toward her other colonies, which has made her mistress of the largest and most prosperous empire on the globe.

30. John Wilkes and the Middlesex Elections; Publication of Parliamentary Debates.—Meanwhile John Wilkes, a member of the House of Commons, had gained the recognition of a most important principle. He was a coarse and violent opponent of the royal policy, and had been expelled from the House on account of his bitter personal attack on the king.¹ Several years later (1768) he was re-elected to Parliament, but was again expelled for seditious libel;² he was three times re-elected by the people of London and Middlesex, who looked upon him as the champion of their cause; each time the House refused to permit him to take his seat, but at the fourth election he was successful. A few years later (1782) he induced the House to strike out from its journal the resolution there recorded against him.³ Thus Wilkes, by his indomitable persistency, succeeded in establishing the right of the people to elect the candidate of their choice to Parliament. During the same period the people gained another great victory over Parliament. That body had utterly refused to permit the debates to be reported in the newspapers. But the redoubtable Wilkes was determined to obtain and publish such reports; rather than have another prolonged battle with him, Parliament conceded the privilege (1771). The result was that the public now, for the first time, began to know what business Parliament actually transacted, and how it was done. This fact of course rendered the members of both houses far more

¹ In No. 45 of the *North Briton* (1763) Wilkes rudely accused the King of having deliberately uttered a falsehood in his speech to Parliament.

² The libel was contained in a letter written to the newspapers by Wilkes.

³ The resolution was finally stricken out, on the ground that it was "subversive of the rights of the whole body of electors."

directly responsible to the will of the people than they had ever been before.¹

31. The Reform Bills of 1832, 1867, 1885; Demand for "Manhood Suffrage."—But notwithstanding this decided political progress, still the greatest reform of all—that of the system of electing members of Parliament—still remained to be accomplished. Cromwell had attempted it (1654), but the Restoration put an end to the work which the Protector had so wisely begun. Lord Chatham felt the necessity so strongly that he had not hesitated to declare (1766) that the system of representation—or rather misrepresentation—which then existed was the "rotten part of the constitution." "If it does not drop," said he, "it must be amputated." Later (1770) he became so alarmed at the prospect that he declared that "before the end of the century either the Parliament will reform itself from within, or be reformed from without with a vengeance."

But the excitement caused by the French Revolution and the wars with Napoleon, not only prevented any general movement of reform, but made it possible to enact stringent laws against agitation in that direction.² Finally, however, the unrepresented millions refused to endure their condition any longer. They rose in their might,³ and by terrible riots made it evident that it would be dangerous for Parliament to postpone action on their demands. The Reform Bill—"The Great Charter of 1832"—was passed. It swept away the "rotten boroughs," which had so long been a disgrace to the country. It granted the right of election to many large towns in the midlands and the north which had hitherto been unable to send members to Parliament, and it placed representation on a broader, healthier, and more equitable basis than had ever existed before. It was a significant fact that when the first reformed Parliament met, composed largely of Liberals, it showed its true spirit by abolishing slavery in the West Indies. Later (1848) the Chartists advocated further reforms,⁴ most of which have since been adopted.

In 1867 an act,⁵ scarcely less important than that of 1832, broadened representation still further; and in 1888 the franchise was again extended. A little later (1888) the County Council Act reconstructed the local self-government of the country in great measure.⁶ The cry is now for unrestricted "manhood suffrage,"—woman suffrage in a limited degree already exists,⁷—and the demand is also for the recognition of the principle of "one man one vote."⁸

32. Extension of Religious Liberty; Admission of Catholics and Jews to Parliament; Free Trade.—Meanwhile immense prog-

¹ The publication of Division Lists (equivalent to Yeas and Nays) by the House of Commons in 1836 and by the Lords in 1857 completed this work. Since then the public have known how each member of Parliament votes on every important question.

² See pages 345, 346. ³ See pages 340-354. ⁴ See pages 363, 364. ⁵ See pages 373, 374.

⁶ The Local Government or County Council Act: this gives to counties the management of their local affairs and secures uniformity of method and of administration. See Chambers' Encyclopædia (revised ed.) "County Councils." ⁷ See page 373 and Note 4.

⁸ That is, the abolition of certain franchise privileges springing from the possession of landed property in different counties or Parliamentary districts, by which the owner of such property is entitled to cast more than one vote for a candidate for Parliament.

ress was made in extending the principles of religious liberty to all bodies of believers. After nearly three hundred years (or since the Second Act of Supremacy, 1559), Catholics were (1830) admitted to the House of Commons; and in the next generation (1858) Jews were likewise admitted. Recent legislation (the Oaths' Act of 1888) makes it impossible to exclude any one on account of his religious belief or unbelief.

Commercially the nation has made equal progress. The barbarous corn-laws¹ were repealed in 1848, the narrow protective policy of centuries abandoned; and since that period England has practically taken its stand on unlimited free trade with all countries.

33. Condition of Ireland; Reform in the Land and the Church Laws; Civil Service Reform; Education; Conclusion.—In one direction, however, there had been no advance. Ireland was politically united to Great Britain² at the beginning of the century (1801); but long after the Irish Catholics had obtained the right of representation in Parliament, they were compelled to submit to unjust land laws, and also to contribute to the support of the Established (Protestant) Church in Ireland. Finally, through the efforts of Mr. Gladstone and others, this branch of the Church was disestablished (1869);³ later (1870 and 1881) important reforms were effected in the Irish land laws.⁴

To supplement the great electoral reforms which had so widely extended the power of the popular vote, two other measures were now carried. One was that of Civil Service Reform (1870), which opened all clerkships and similar positions in the gift of the government to the free competition of candidates, without regard to their political opinions. This did away with most of that demoralizing system of favoritism which makes government offices the spoils by which successful political parties reward "little men for little services."

The same year (1870) England, chiefly through Mr. Forster's efforts, took up the second measure, the question of national education. The conviction gained ground that if the working-classes are to vote, then they must not be allowed to remain in ignorance—the nation declared "we must educate our future masters." In this spirit a system of elementary government schools was established, which gives instruction to tens of thousands of children who hitherto were forced to grow up without its advantages.⁵ These schools are not yet wholly free, although recent legislation⁶ practically puts most of them on that basis.

Thus England stands to-day on a strong and broad foundation of liberal political suffrage and of national education. The tendencies now indicate that before many years both will become absolutely free and absolutely universal.

This brief sketch of English Constitutional History shows conclusively that the nation's record is one of slow but certain progress. To-day England stands a monarchy in name, but a republic in fact; a sovereign reigns, but the people rule. The future is in their hands.

¹ Corn Laws: see pages 365-368. ² On the union of Scotland with England, see page 298.

³ See page 375. ⁴ See pages 376, 377.

⁵ The Assisted Education Act of 1891. ⁶ This gives such a degree of government assistance to elementary schools that the instruction in them is now virtually rendered free.

Abstract of the Articles of Magna Carta (1215).—1. "The Church of England shall be free, and have her whole rights, and her liberties inviolable." The freedom of elections of ecclesiastics by the Church is confirmed. 2-8. Feudal rights guaranteed, and abuses remedied. 9-11. Treatment of debtors alleviated. 12. "No scutage or aid [except the three customary feudal aids] shall be imposed in our kingdom, unless by the Common Council of the realm."¹ 13. London, and all towns, to have their ancient liberties. 14. The King binds himself to summon the Common Council of the realm respecting the assessing of an aid (except as provided in 12) or a scutage.² 15, 16. Guarantee of feudal rights to tenants. 17-19. Provisions respecting holding certain courts. 20, 21. Of amercements. They are to be proportionate to the offence, and imposed according to the oath of honest men in the neighborhood. No amercement to touch the necessary means of subsistence of a free man, the merchandize of a merchant, or the agricultural tools of a villein; earls and barons to be amerced by their equals. 23-24. Miscellaneous, minor articles. 25. Weights and measures to be uniform. 26. Nothing shall be given or taken, for the future, for the Writ of Inquisition of life or limb, but it shall be freely granted, and not denied.³ 27, 28. Provisions respecting land tenure and trials at law. 29. "No FREEMAN SHALL BE TAKEN OR IMPRISONED, OR DISSEIZED, OR OUTLAWED, OR BANISHED, OR ANY WAYS DESTROYED, NOR WILL WE PASS UPON HIM, NOR WILL WE SEND UPON HIM, UNLESS BY THE LAWFUL JUDGMENT OF HIS PEERS, OR BY THE LAW OF THE LAND."⁴ 30. "WE WILL SELL TO NO MAN, WE WILL NOT DENY TO ANY MAN, EITHER JUSTICE OR RIGHT."⁵ 31, 32. Provisions respecting merchants, and freedom of entering and quitting the realm, except in war time. 33-36. Minor provisions. 37, 38. Provisions disafforesting all forests seized by John, and guaranteeing forest rights to subjects. 39-40. Various minor provisions. 41. Provision for carrying out the charter by the barons in case the King fails in the performance of his agreement. 42. The freedom of the Church reaffirmed. Every one in the kingdom to have and hold his liberties and rights.

"Given under our hand, in the presence of the witnesses above named, and many others, in the meadow called Runnymede between Windsor and Staines, the 15th day of June, in the 17th of our reign." [Here is appended the King's seal.]

Confirmation of the Charters by Edward I. (1297).—In 1297 Edward I. confirmed Magna Carta and the Forest Charter granted by Henry III. in 1217 by letters patent. The document consists of seven charters, of which the following, namely, the sixth and seventh, are the most important.

6. Moreover we have granted for us and our heirs, as well to archbishops, bishops, abbots, priors, and other folk of holy Church, as also to earls, barons, and to all the commonalty of the land, that for no business from henceforth will we take such manner of aids, tasks, nor prises but by the common consent of the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.

7. And for so much as the more part of the commonalty of the realm find themselves sore grieved with the maletole [i.e. an unjust tax or duty] of wools, that is to wit, a toll of forty shillings for every sack of wool, and have made petition to us to release the same; we, at their requests, have clearly released it, and have granted for us and our heirs that we shall not take such thing nor any other without their common assent and good will; saving to us and our heirs the custom of wools, skins, and leather, granted before by the commonalty aforesaid. In witness of which things we have caused these our letters to be made patents. Witness Edward our son, at London, the 10th day of October, the five-and-twentieth of our reign.

And be it remembered that this same Charter, in the same terms, word for word, was sealed in Flanders under the King's Great Seal, that is to say, at Ghent, the 5th day of November, in the 25th year of the reign of our aforesaid Lord the King, and sent into England.

THE PETITION OF RIGHT.

JUNE 7, 1628.

The Petition exhibited to His Majesty by the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, concerning divers Rights and Liberties of the Subjects, with the King's Majesty's Royal Answer thereunto in full Parliament.

TO THE KING'S MOST EXCELLENT MAJESTY: Humbly show unto our Sovereign Lord the King, the Lords Spiritual and Temporal, and Commons in Parliament assembled, that whereas it is declared and enacted by a statute made in the time of the reign of King Edward

¹ These important articles were omitted when Magna Carta was reissued in 1216 by Henry III. Stubbs says they were never restored; but Edward I., in his Confirmation of the Charters, seems to reaffirm them. See the Confirmation; see also Gneist's Eng. Const. II, 9.

² This article is regarded by some authorities as the prototype of the statute of *Habeas Corpus*; others consider that it is implied in Articles 39-40.