

THE EXCLUSION BILLS 1679-81
DESCRIBED AS
A COUNTER-ACTION AGAINST
THE ATTEMPTED COMEBACK
OF ROMAN CATHOLICISM
IN ENGLAND

AND ALSO AS
THE FIRST POLITICAL STRUGGLE
BETWEEN THE TORIES AND
WHIGS IN THE ANXIETY OF
THE LATTER TO REDUCE
THE KING'S TITLE
TO A MERE FORM

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THE EXCLUSION BILLS, 1679-81

A DISSERTATION
SUBMITTED TO THE GRADUATE FACULTY
OF UNIVERSITY OF CHICAGO
IN CANDIDACY FOR THE DEGREE OF
MASTER OF ARTS

INTRODUCTION

Superficially the story of the Exclusion Bills, 1679-81, may be outlined in a few sentences which will convey to the reader the failure of the Whigs, during three different parliaments, to pass an act that should exclude James, the Duke of York, from the succession upon the English throne. A parliamentary Bill that failed to become a law seems to appear as a passing incident that leaves hardly any impression even upon the minds of its originators themselves.

However, the importance of these Bills cannot be neglected. It may be emphasized from various angles, while their ineffaceable imprints upon English history ought to be enumerated. They failed only as far as immediate results were concerned, but their principle was soon destined to become an inseparable part of the English Constitution. These Bills were the forerunners of the Bill of Rights, 1689. If not for the incessant attempts of the former to prevent the succession of one single "Papist," the latter would not dare to go so far as to exclude all "Papists." While these Bills tried to check mainly the arbitrary power of the English King with the additional intention to prevent the reestablishment of popery in England, the Bill of Rights succeeded in identifying both as one and the same evil, directly aiming to place a nail in the coffin of English Catholicism.

As the Exclusion Bills prepared the background for the events occurred a decade later, so the eventful and excited

period from after the Restoration till 1679 did its preparatory part in creating those antagonistic forces which participated in the colorful struggle of 1679-81. The growing fear of popery nourished the exclusion-theory till it exploded in 1679. Hence, the first chapter of this thesis will describe the four stages of that growing fear: the embryonic stage, the mere fear of popery caused by the marriage of Charles II; the panic-stricken period, incensed by the London Fire of September 2-7, 1666; the terrorized era that resulted from the King's "Declaration of Indulgence," 1672, which suspended "all manner of penal laws in matter of ecclesiastical against whatsoever sort of non-conformists or recusants"; and lastly, that stage of maturity which the growth of fear reached at the discovery of the Popish plot in 1678. These four stages accumulated in a "crazy time everywhere," and in an obstinate desire to interfere with the legitimate order of succession.

This interference itself reached its climax only after it underwent at least three different stages. First there came an unofficial scheming to direct the succession in Protestant channels. Then, in 1674, the House of Commons, attempted officially to regulate the succession by recommending members of the royal family to marry Protestants only. After 1678, it went a step further and assumed the right not only to regulate, but also to alter the descent of the crown, by excluding James, the Duke of York, from the succession. The second chapter will be devoted to the genesis of this exclusion idea, and it will render the narrative in detail, as traced from original sources.

The last two chapters will tell the story of the struggle itself, which marked the beginning of the decline of monarchy and absolutism in England. By an Englishman, action, very often, precedes its underlaying idea, and accomplished facts, their basic theories. This struggle to place the Exclusion Bill upon the Statute-Book might be used for an illustration. It was actually the first of a series of battles that tried to reduce the office of the English King to a mere figure head, while it appeared to be theoretically merely an attempt on the part of the Englishman to reassert his ancient rights, as embodied in the English Constitution. The Englishman, to assert his rights, then, as usual, could hardly recognize the reality of his action. He failed to see that "alteration" meant simply to reduce monarchy to a mere symbol.

From the same point of view, French interference in this internal political strife between the English king and his subjects might be explained. French intrigues were important as far as they won victory, though temporary, for the forces of Charles II. They appeared not only as an effort on the part of Louis XIV to safeguard French interests, but also as an attempt to reestablish and perpetuate absolutism and monarchism.

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1. *Essays, History of England*, vol. 1, p. 110.

CHAPTER I
GROWTH OF FEAR

There is an abundance of evidence that during the period of the Stuarts the English people lived under an ever-increasing fear lest popery would be reestablished in England. The more the Stuart-Kings disclaimed publicly all thoughts of recalling popery into England, the more the people distrusted them, and, on almost every occasion afterward, occurrences justified their mistrust. Charles I had issued privately directions to his generals to enlist and employ every papist that would serve in their armies, although at the same time, he had denied publicly the fact that papists were recruited in his armies. Officially he took the sacrament at Oxford as a pledge that never would he even connive at popery, while privately he assured his popish wife that he intended to tolerate popery in England. Furthermore, he had authorized Lord Glamorgan to promise the Irish people that popery would be established in Ireland.¹

However, though leaning toward tolerating Catholics, Charles I, as his father, James I, was not a Catholic himself, while the later two Stuarts, Charles II and James II, were faithful adherents of the Catholic Church, the latter more openly than the former. While the founder of the Stuart dynasty once said, "He could not admit the papists exercising

1. Macaulay, History of England, Vol. I, p. 118.

their religion without betraying his own conscience and this kingdom,"¹ his grandson, Charles II, as early as in 1662, endeavored to come to terms with the pope of Rome.² As soon as the Restoration had been accomplished, he had sent Sir R. Billings, a Roman Catholic, to Rome to negotiate with the Pope for the return of England into the Roman Catholic fold.

Besides his personal inclination toward Catholicism, his marriage to a Catholic princess originated and nourished, at least in its embryonic stage, that fear of popery which was destined from its outset to cause an upheaval in English history. The Infanta of Portugal, whom Charles II had married in 1662, was a devoted Catholic whom we shall later find involved in all kinds of plots and conspiracies which aimed to reintroduce Catholicism in England. She refused to be married to a Protestant, the Earl of Sandwich, standing as proxy, and, at Portsmouth, when she landed there,³ she compelled Charles to marry her privately according to the rites of the Roman Catholic Church.⁴ Of course, all this caused Charles II to re-examine the motives of English enmity toward Catholicism.

It is worth noting that the court's sympathy with popery was not as yet identified with a despotic system of government. Shaftesbury and his followers, avowed liberals, were also adherents of the new toleration policy. He once advised the English people to reconsider whether "articles and

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1. Grey, Debates of the House of Commons, Vol. III, p. 272.
 2. Pamphlet of Father Baorio. Published in Rome, 1863.
 3. May, 1662.
 4. Macpherson, Original Papers, Vol. I, p. 21.

matters of religion should become the only accessible ways to our civil rights."¹ The only differences between the attitudes of those two factions was that the liberals accepted toleration as an end in itself while the followers of the court might have used it as a means only whose end was to reintroduce popery in England. Charles, himself, expressed, very often, his grief at not being able to avow publicly his religion, and he asked "advise as the means of establishing the Roman Catholic religion in England."²

All those above mentioned forces that produced the nucleus of fear of popery were aided, in nourishing it, by the plague and London fire of 1665-66, which marked the ending of the period of "mere fear of popery" and the beginning of a "panic period" in which popery was visualized and found everywhere. During the summer and autumn of 1665, the plague carried off seventy thousand victims from London alone,³ and during the following spring it spread through the southern and eastern counties. It was the first visitation for over thirty years and proved to be the last. The London fire which followed the plague raged for five days, September 2-7, during which intervals it was estimated that at least two-thirds of the population were unroofed, 13,000 houses and 89 parish churches were burned. The French and the papists were accused of causing by a joint conspiracy these terrifying in-

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1. Cobbett, The Parliamentary History of England, Vol. IV, Appendix XIII, p. 43.
 2. Christie, Life of Shaftesbury, Vol. II, p. 16.
 3. Macpherson, op. cit., p. 35.

cidents. The fanatical mind of the English lower and middle classes became panic-stricken with the horror that popery was encroaching upon them.

This panic began to affect the political life of the nation. First it resulted in the failure of the second Dutch war, for the English people began to fear lest the forces that were fighting the Dutch would turn toward them in an attempt to reestablish Catholicism in England.¹ Secondly it caused, indirectly, the fall of Clarendon, and the establishment of the Cabal government.² Thirdly it brought Ashley, the later Earl of Shaftesbury, nearer to the idea of toleration for all Protestants as a direct remedy against the devastation caused by the plague and London fire. He looked for a measure that should attract foreign dissenters to settle in the destructed area. Hence came the proposal for toleration, though in a very limited form, while still excluding dissenters from national and local administrative and military offices.³

The treaty of Dover,⁴ which was signed by Colbert on the part of France and by Arlington, Arundel, Clifford, and Billings,⁵ on the part of England, may reveal to us that the intuitive fear of popery was sufficiently justified. It showed that the head of the church was ready to wreck the institution of which he was the supreme governor. However, it did not have the expected effect upon the panic-stricken minds of the

1. Macpherson, op. cit., p. 35.

2. Ibid.

3. Christie, op. cit., Vol. II, Appendix I, p. 8.

4. June 1, 1670.

5. Christie, op. cit., Vol. II, p. 19.

English people, for even almost all the members of the "Cabal," except Arlington and Clifford, were ignorant of Charles' secret engagement to reestablish popery in England.

Charles, now, had a program outlined before him. In alliance with France, he aimed to renew war with the Dutch, and, through victory, reestablish popery and absolutism in England. From 1670, Charles had recognized already the connection between Catholicism and his prerogative rights, while it took several years more for the opposition to learn their identity. In conformity with this policy, Charles¹ issued a "Declaration of Indulgence" in which provisions were made that licences were to be granted for places of worship to Protestant dissenters, and their preachers were to be approved, while the Roman Catholics were to be allowed to worship in private only.

Success for his policy seemed to be assured. Through that declaration, Charles made his first move toward the reestablishment of popery in England. He also reasserted his prerogative rights by issuing it without parliamentary permission. Furthermore, due to their ignorance of the secret clauses of the treaty of Dover, Charles succeeded in obtaining the support of the Whig² leaders for his pro-French policy.

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1. On March 15, 1672.
 2. This term Whig was used here for convenience only, although its formal usage started later in 1680. According to North "the terms of that distinction (Whig and Tory) were not coeval in practice, but the latter (Tory) had much the start, and was inflicted about a year before (1679) the other was thought on." The history of these terms can be traced in North, Examen, p. 321,

The latter, not being aware of the king's real motives, thought the declaration would appease dissenters and unite the nation on the eve of the impending third Dutch war. The King also, used officially this instead of his real motives. In his address, at the opening of the session,¹ he said, "I put forth my declaration for Indulgence to dissenters: and I have hitherto found a good effect of it, by securing peace at home, while I have a war abroad."²

However, rumors were spread that the army was prepared not to fight the Dutch, but to establish popery and absolutism in England. The above-mentioned address of the king will verify this statement. Among other things he made the following remark:

There is one jealousy more (he said) that is maliciously spread abroad; and yet so weak and frivolous that I once thought it not of the moment enough to mention; but it may have gotten some ground with some well-minded people; and that is, that the forces I have raised in this war were designed to control law and property.³

Meanwhile Buckingham and Shaftesbury were told of the secret clauses contained in the treaty of Dover,⁴ and Shaftesbury, who was appointed Lord Chancellor⁵ on November 17, 1672, and who thus became the chief defender of the "Declaration" and the French alliance against the Dutch, observed now how he was used as a tool to advance popery and arbitrary government.

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1. On February 4, 1673.
 2. Journals of the House of Commons, Vol. IX, p. 246.
 3. Ibid.
 4. Christie, op. cit., Vol. II, pp. 85, 88, 90; Martyn, Life of Anthony Ashley Cooper, Vol. I, p. 402.
 5. He was Lord Chancellor till November 9, 1673.

This discovery resulted in his opposition to Charles' policy, his condemnation of the Declaration of Indulgence, and his advocacy of the Test Act. Later, in 1674, from the king's remarks, we might learn that the English people themselves also began to suspect that there were secret clauses hidden in the treaty of Dover. In a speech delivered in parliament, in January, 1674, Charles said, "I assure you there is no other treaty with France (than that of 1672) either before or since, which shall not be made known to you."¹

So now in 1673-74 the panic-stricken minds of the English people became terrorized not only by the action of their King but also by the attitude of the papists in general.

Stringer tells us that

the papists were grown to so great height that our Earl, (Shaftesbury) who was then chancellor, expected every moment when they would openly declare war, and he, knowing himself in greatest danger from the interruption he had given them, caused his family to be well armed, and kept constant watch in his house all the summer (1673), resolving to sell his life at the dearest rate.²

It looked as if everybody was expecting the oncoming Catholic rebellion by which the reestablishment of popery would be attempted.

The situation became more intensive when the people uncovered the intention of the Duke of York to marry a popish princess, Mary, the daughter of the Grand Duke of Madena.

1. Journals of the House of Lords, Vol. XII, p. 595.

2. Christie, op. cit., Vol. II, p. 150.

Parliament reacted immediately by voting an address¹ to the King in which it was expressed "the humble desire of the House that the intended marriage of His Royal Highness with the Dutchess of Madena be not consummated, and that he may not be married to any person but of the Protestant religion."² But all this opposition was insufficient to prevent that marriage, while James had declared "that if the King should hinder the princess from coming into England, he would go and marry her in France."³

Now the issues before the court and anti-court parties were clearly drawn. Charles, who observed that he had to forget or at least postpone his popish schemes, as they were outlined in the secret treaty of Dover, became very sensitive about parliamentary encroachment on his prerogative power, while the parliamentary opposition began to check the same power in every way possible. It passed a resolution that the issuing of writs to supply vacancies in the House rests primarily with the House itself, and not with the Lord Chancellor.⁴ This was one of the important steps toward parliamentary supremacy. Then a resolution was passed "that penal statutes in matter ecclesiastical cannot be suspended but by act of parliament."⁵ The King was then compelled to cancel the Declaration of Indulgence.⁶

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1. On October 20, 1673.
 2. Essex Papers, Vol. I, p. 130; Journals of the House of Commons, Vol. IX, p. 281.
 3. Ibid.
 4. Journals of the House of Commons, Vol. IX, p. 248.
 5. Ibid., p. 251. It was passed by 168 against 116 votes.
 6. Journals of the House of Lords, Vol. XII, p. 549. The declaration was issued on March 15, 1672, and was abandoned on March 7, 1673.

Relieved from immediate danger, parliament then attempted to check popery forever. The first of the three successive steps¹ was taken by passing the Test Act by which all office holders, civil and military, had to take the oaths of supremacy and allegiance. Each officer was bound by the following declaration: "I do believe that there is not any transubstantiation in the sacrament of the Lord's supper, or in the elements of bread and wine, at or after the consecration thereof by any person whatsoever."² The opposition had also refused to grant further supplies for the third Dutch war, passed a resolution which condemned the newly recruited army as a grievance to the welfare of the people, and sent another address to the King which expressed their protest against the Duke's marriage.

The King retaliated by proroguing parliament on November 3, 1673, and six days later he dismissed Shaftesbury from the Chancellorship. Colbert's³ dispatch, on this occasion, is worth mentioning. He wrote:

The queen, the duke, congratulated me on the disgrace of the greatest enemy of France, and I may add, without passion, of the most knavish, unjust, and dishonest man in England. But a discarded minister who is very ill-conditioned and clever, left perfectly free to act and speak, seems to me much to be feared in this country.⁴

The truth of these words was confirmed by Shaftesbury himself

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1. The first test act was passed August 1, 1673; the second, 1678, including members of parliament; the third, 1689, included also the King's office.
 2. Christie, *op. cit.*, Vol. II, p. 136.
 3. At that time he was French Ambassador in England.
 4. Martyn, *op. cit.*, Vol. II, pp. 72-77.

who said, when the news of his removal reached him, "It is only laying down my gown and putting on my sword."¹ It meant that Shaftesbury was ready for an open political battle with the royal forces.

Whether he, the man who was destined to be the most active leader of the Whigs, was knavish, unjust, and dishonest, as charged by the French ambassador, is a thing unknown to us. Historians differ extremely at this point. But we do know from various extracts that he aimed mainly at one point to reduce monarchy to a mere symbolic form, and to invest sovereignty, not only nominal but also practical, in the legislative power of the English parliament. As a means to this end Shaftesbury began to excite the already terrorized minds of the English people with believable and unbelievable tales as to the immediate danger awaiting the nation from the popish schemes of the court-party.

On January 11, 1674, Ruvigny, the French ambassador, dispatched an extract from Shaftesbury's speech delivered in the House of Lords. Among others he had said that

He know well there were in the Suburbs of London more than 16,000 Catholics who were resolved to strike a desperate blow, and that no one could be sure of his life while such people were in liberty at the gates of the city, and that it was

1. Martyn, op. cit., Vol. II, pp. 72-77. North says that Shaftesbury possessed "the art of a statesman contriving that which to reasonable and wise men shall appear one thing, and in truth, and at the bottom, be clear another." Then he expresses his firm belief that Shaftesbury aimed at the destruction of "the King, the Duke of York, Royal family, and probably, the monarchic government of England."
-- North, Examen, p. 41.

necessary to think seriously to the means of preventing a massacre which might take place any day.¹

Through such agitation he induced both Houses to send a joint address to the king asking him to announce a day of fasting to implore the divine protection against popery.²

Shaftesbury not only excited public opinion against popery, but he also launched in an ardent agitation against England's servility to France, whose aggrandizement and supremacy he described as full of danger for England and Europe. In 1675, while delivering a speech in parliament, he said, "The French King is grown the most potent of us at sea. He had built twenty-four ships the last year, and has thirty more than we." Then he concluded with several questions that described France as the arbitrary ruler of the world.

Is it possible (Shaftesbury asked) that he (Louis XIV) should oversee his interest in seizing of Ireland, a thing so feasible to him, if he be master of the Seas, as he certainly now is; and which, when attained, gives him all the Southern, Mediterranean, and East and West India trade, and renders him both by situation and excellent harbours perpetual master of the sea without dispute.³

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1. Archives of the French foreign office; Christie, op. cit., Vol. II, p. 188.
 2. Journals of the House of Lords, Vol. XII, pp. 605, 608.
 3. Christie, op. cit., Vol. II, Appendix VI. Five years later, Shaftesbury suspected the Irish, as Catholics, and some English officials there as conspiring with France and Rome against England, and he proposed to change Ireland into the status of an English province. Earl of Ossory wrote to Ormond, April 3rd, 1680, that the council had also discussed "how these things have been enlarged in coffee-houses, saying that you and I were in a design of betraying Ireland to France." -- Ormond MSS., Vol. V, p. 297. Netterville wrote to the Earl of Longford, July, 1680, that Shaftesbury had said, "What! does Ireland, the snake, which we have harboured in our bosom and warmed it then when it could scarce live, think to give law to England? To give money to make the King independent of his people, to raise

All this agitation of the Whigs compelled Charles not only to abandon the provisions of the secret treaty of Dover or to cancel his declaration of Indulgence, but it also forced him to conclude peace with Holland, in 1674, and it began to drive him into an alliance with Holland against France. On May 26, 1677, parliament presented an address to the King refusing further supplies until the alliance with Holland should be realized.¹ Charles tried to resist, but in vain. He claimed that the power of determining war or peace rested with the King and it was not for the Commons to dictate alliances to him.² He was aware of the main issue advocated by the Whigs to reduce the authority of the crown to a mere figure head. And his answer to them was: "If I was to submit, no prince or state would believe that sovereignty of England was in the Crown, and I cannot consider myself as representing abroad more than the empty sound of a King."³ Nevertheless, regardless Charles' obstinacy, he concluded an alliance with Holland⁴ and recalled from French service the English troops which hitherto remained with Louis.

However, through many manipulations, Charles tried to check the parliamentary encroachment upon his prerogative

an army if they be so powerful! It's time for England to look about them, to make it a province; and for the grants of Ireland contrary to the intents of the declaration, and which has swallowed the satisfaction of Protestant adventurers, and soldiers, they will vote them null and void, and make a law also to that purpose."-- Ibid., p. 351.

1. Christie, op. cit., Vol. II, Appendix VI.
2. Ibid., p. 426.
3. Cobbett, op. cit., Vol. IV, p. 889.
4. Alliance was concluded on December 31, 1677.

rights. In April, 1675, Lord Danby introduced a new "Test Act" which prescribed the following oath for all officials and members of both Houses of parliament:

I do declare that it is not lawful upon any pretense whatsoever to take up arms against the King, and that I do abhor that traitorous position of taking arms by his authority against his person, or against those that are commissioned by him in pursuance of such commission, and I do swear that I will not at any time endeavor the alteration of the government either in church or state, so help me God.¹

Although he was not successful in placing this Test Bill upon the statutory books, yet Charles was not discouraged and turned his attention toward another expedient in order to check the advancement of the popular party.

The Prince of Orange's marriage to Mary, daughter of the Duke of York, was the King's next move to reconcile the opposition. On October 9, 1677, the prince arrived in England and that visit resulted in the above-mentioned marriage which was solemnized on November 5, 1677. The Duke of York pleaded the necessity of obeying his brother, and begged Barillon² "to assure Louis of his unaltered attachment."³ Louis XIV was

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1. Christie, op. cit., Vol. II, p. 204. "The author (Danby) called this a Test of Obhorrence, but that word was not then coined, and it was called the Earl of Danby's Test. It was strange that the Popish Lords, who were a considerable party in the House, joined with Shaftesbury against the King. The Earl of Shaftesbury suggested to them (Roman Catholic Peers) that if they would join to throw out this Test, there should be an order that no Bill should be received that, in any sort tended to deprive Peers of their rights." However, he did not live to his promise, and later in 1678, he himself advocated the Test Bill which forbade Catholics to sit in parliament. -- North, Examen, pp. 62-64.
 2. He was then the French ambassador in England.
 3. Christie, op. cit., Vol. II, p. 247.

dissatisfied with this new family alliance between England and Holland. However, "he instructed Barillon to offer his congratulations to Charles and James, and to express the hope that the prince of Orange would enter into their political views."¹

Nevertheless the opposition was not ready as yet to be reconciled. Shaftesbury and his followers believed that this marriage would result in "a general peace at the expense of England and Europe."² They thought that they lost, through this marriage, their best friend, and last man, the prince, who was willing and able to fight the French. The fear of popery was identified with the fear of the French power and ambitions. The Danby affair that followed proved as a reality that which was considered as a mere fear. The Danby letters uncovered by Montague showed how the lord treasurer betrayed English interests for French money, though Montague himself was after the same purse.³ And of course, this discovery was

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1. Christie, op. cit., Vol. II, p. 247. Fifty-six days after the marriage, on December 31, 1677, the treaty of alliance was concluded with Holland.
 2. Ibid., p. 276. Many thought that this marriage was "a thing of the French King's making." Others, it would result into a triple alliance "between England, France, and Holland, in order to compel the Spaniard to sit down with what we think proper for him, and therein for the peace of Europe." -- Historical MSS. Commission, Ormonde MSS., Vol. IV, pp. 376, 380.
 3. Barillon wrote to Louis that "Montague wants to accuse the English Lord treasurer of treason if he was assured of the protection and good will of your majesty in case of the consequences which the occasion might have." Montague had demanded that Louis should place at his disposal "a fund of 100,000 livres which should be employed to gain votes, and he was to make sure of seven or eight of the principal persons in the lower house who may support the accusation as

exploited by the court-opposition as to illustrate English servility to French interests.

Shaftesbury, when released from prison,¹ doubled his energy in order to promote the ascendancy of the popular party. He observed, then, that political strife, during the seventeenth century, did not mean a mere conflict over power, but it was in reality a life-and-death struggle. The defeated party lost not only power but perished on the gallows or in various prisons. Hence he attempted desperately to throw the nation into a state of hysteria, visualizing popery and danger everywhere. However, he and his followers would never push "their hatred so far as to banish the Duke of York from the kingdom and almost exclude him from the succession had not this unfortunate pretended Popist plot of 1678 come into their assistance."²

soon as it shall begin." For himself he asked a reward "of 100,000 crowns in hand" or a "pension of 50,000 livres during his life." On October 26, 1679, Montague had written the French minister De Pomponne, asking for the payment of "the money due him for ruining Lord Danby." He lamented that he was "upon the point of being reduced to the necessity either of losing his credit and reputation, or of selling his estate to disengage the promises he gave upon the promises of the king (Louis)." At last he received 50,000 out of the 100,000 crowns promised him "for ruining Lord Danby." -- Dalrymple, Memoirs of Great Britain and Ireland, Vol. II, App., pp. 196-97, 253, 318, 319.

1. Shaftesbury and several of his followers were imprisoned "during the pleasure of the King and the House," for raising the question, when parliament met in February, 1677, "whether this parliament be not dissolved because its prorogation for fifteen months is contrary to the statutes of fourth Edward III, and thirty-six Edward III." He was released from tower on January 28, 1678. -- Journals of the House of Lords, Vol. XIII, p. 49.
2. Clarke, Life of James II, Vol. I, p. 515.

On September 26, 1678, Titus Oates made his celebrated depositions before the London magistrate, Sir Edmund Godfrey. On September 27, he appeared before the Privy Council and repeated his story of a wide-spread scheme, organized by the Jesuits for the establishment of the Roman Catholic faith in the three kingdoms, no matter at what cost of rebellion and bloodshed. Parliament, then, passed a resolution¹ that "there hath been, and still is, a damnable and hellish plot, contrived and carried on by the popish recusants for the assassinating and murdering of the King and for subverting the government and rooting out and destroying Protestant religion."²

It appears that Oates was instructed to go abroad in order to find some evidence and to follow some model of a previous plot. Tonge, a conspirator of the popish plot, declared, "I gave Oates the draught of the old plot of Hobernfeld in my 'Royal Master' and sent him abroad among the Jesuits to try if he could match it, and this was in 1676 and 1677."³ And truly it was mainly Oates' own invention, especially this part of his revelations that a Jesuit convention was held on April 24, 1678, at the White Horse Tavern in the Strand, where plans for the King's assassination have been considered.⁴

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1. On November 21, 1678.
 2. Journals of the House of Commons, Vol. IX, p. 530.
 3. L'Estrange, The Observator, Vol. II, No. 71, for May 30, 1684.
 4. Pollock, The Popish Plot, p. 152. Oates himself was, according to North, a desperate republican. He always expressed his belief "that the supreme power was in the people; that the King was but their steward and servant, that the people had power to depose him, and set up another when they

At present we do know that the Jesuits' gathering was held not at the White Horse Tavern, but at St. James' Palace, the residence of the Duke of York. James II himself uncovered later this secret to Sir John Reresby.¹

Many historians asserted that the popish plot was the production of Shaftesbury and his followers. North's Examen mentions the fact that "a certain Lord asked once Shaftesbury 'What he intended to do with the plot, which was so full of nonsense?' 'It is no matter,' said he, 'the more nonsensical the better. If we cannot bring them to swallow worse nonsense than that, we shall never do any good with them.'"² Lord John Russell wrote in 1853 that "the character of Lord Shaftesbury is not so pure as to free him from reproach that he spread Oates' falsehoods, with knowledge of his knavery, that he might rouse an apathetic nation to salvation of Protestantism in danger."³

pleased, that the King was as deep in the plot, and as arrant a papist as his brother; that he (the King) had suborned witnesses to stifle the plot, and to throw it upon the Protestants." -- North, Examen, p. 223.

1. Reresby, Memoirs of Sir John Reresby, p. 325. "To Shaftesbury this knowledge would have meant everything. Witness of the fact would certainly have been forthcoming, and James' reception of the Jesuits in his home was a formal act of high treason. The Exclusion bill would have been unnecessary. James would have been successfully impeached and would have been lucky to escape with his head upon his shoulders." -- Pollock, op. cit., p. 153.
2. North, Examen, p. 95; Dalrymple, op. cit., Vol. I, p. 46.
3. Russell, Life of Lord William Russell, p. 114.

Dryden, a famous Tory, expressed his opinion that there was "some truth" in it. We may read his verdict from his own lines:

Some truth there was
but dashed and brewed with lies,
To please the fools
and puzzle all the wise:
Succeeding times
did equal folly call
believing nothing
or believing all.
From hence began the plot,
The nation's curse,
Bad in itself,
but represented worse.¹

The opposition managed the affair in such a manner that the spark enkindled by the popish plot should not be extinguished. "The death of Sir Edmund Bury Godfrey was so managed² as not only to revive, but heighten the fury of it to a great degree."³ All believed that he was murdered by Catholics. However, Clarke declared that "no one doubts but this unfortunate gentleman laid violent hands upon himself."⁴ No matter

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1. Dryden, Absalom and Achitaphel, pp. 114-117. Published November, 1681.
 2. He was found dead on October 17, 1678.
 3. Clarke, Life of James II, Vol. I, p. 526.
 4. Ibid., p. 527. North's Examen believes that he was assassinated by the Protestant prosecutors of the Popish Plot. It declares that "It was done by the procurement of those very execrable villains, behind the curtain, who first gave life and birth to the Plot, and Inspired the wicked testimony of it. And they ordered the matter so, that it did what was designed to be done by it, in an ample restoration of the then declining Plot." -- North, Examen, p. 197. North even remarks that Danby might have been complicated in this crime. He says that "every one knew he (Godfrey) did not love the earl of Danby, who apparently abetted the plot, and the latter had threatened Godfrey for communicating the information to the Duke (James) by his Secretary (Coleman)." -- Ibid., p. 200. The Exclusionists accused Mr. Samuel Atkins, Pepys's clerk,

what the truth was, whether he was murdered or he himself committed suicide, the very fact itself played very well into the hands of the parliamentary opposition. The first step they made was to petition the King to put the penal laws in execution. They pressed with such violence as the King "thought it necessary to yield a little to the current, and issued a proclamation for banishing priests, etc."¹ On November 2, 1678, Shaftesbury proposed in the House of Lords that the Duke of York might be removed from all councils and public affairs. Clarke says that "he (Shaftesbury) had not yet the confidence to extend it to an exile from Court too; though his Highness (the Duke) by the beginning might easily see what it would come to."²

However, the stream began to run so violently against the Duke of York that on November 8, the House voted an address to be sent to the king to the effect that the Duke might be exiled also from court. The king, finding that the opposition had begun already to talk of excluding James from the succession, decided to stop the haste of its action,³ and on November 9, 1678, he addressed both Houses, telling them that he would

as an accessory to this crime. North suspected "that they would have had him (Atkins) accuse his master, Mr. Pepys, in expectation that through Mr. Pepys they might have that murder charged on the Duke of York."-- Ibid., p. 243. Atkins was acquitted. -- Ibid., p. 96. However, "three poor men of Somerset-house (Green, Berry, and Hill) were convicted." -- Ibid., p. 206.

1. Clarke, op. cit., p. 523.
2. Ibid., p. 524.
3. Ibid., p. 525.

heartily concur in any reasonable bills for safety in the reign of his successor, "so as they tend not to impeach the right of succession, nor the descent of the crown in the true line, and so as they restrain not my power, nor the just rights of any Protestant successor."¹

Now the fear of popery reached its highest stage and it formed the background and scenery for the next battle to exclude the Duke of York from the succession. The tale of the Exclusion Bills themselves will be told in the next chapters which will be, to some extent, a continuation of the first.

1. Journals of the House of Lords, Vol. XIII, p. 345.

CHAPTER II

GENESIS OF THE IDEA

The genesis of the idea to exclude the Duke of York from the succession may be traced as far back as to the year 1668 after the conclusion of the second Dutch war which caused the fall of Clarendon and the organization of the Cabal government.¹ The members of the Cabal observed that they could not be "safe as long as the duke has so much credit with the king."² Then the Duke of Buckingham pressed the king "to own a marriage with the Duke of Monmouth's mother, and he undertook to get witness to attest it."³ This was the first attempt to prevent, though not to exclude, the Duke of York's succession by legitimizing the Duke of Monmouth.

The king's attitude toward this scheme was not conclusive. Though he opposed it, yet he made all believe that "he wished it might be done, but did not know how to bring it about."⁴ Then when it failed, partly by the opposition of the king, and partly by the vehement resistance of James, the Duke of York, the members of the Cabal attempted to map out other schemes as to defeat James' succession to the English throne.

1. In order to weaken the influence of Clarendon, Buckingham and others proposed to exclude his son-in-law and supporter from the succession and declare Monmouth legitimate and then heir to the crown. Hence the genesis of the idea can be traced even as far back as to the period of Clarendon's supremacy. -- Pepys's diary, December 24, 1662; Burnet, History of My Own Times, Vol. I, pp. 469-70; Pollock, op. cit., p. 332.

2. Burnet, op. cit., Vol. I, p. 452.

3. Ibid.

4. Ibid.

Their aim was now to get rid of the queen, by divorce or annulment of the marriage, in order to enable the king to marry a Protestant who might give birth to a legitimate child, who in turn, might succeed the throne. Various means had been suggested as motives for the severance of the royal marriage. One of them was that the queen was barren from nature, and that seemed to be a good reason for a divorce or annulment of the marriage. But the king himself made impossible such a procedure, for he often had said "he was sure she had once miscarried."¹

As this pretense of barrenness failed, Buckingham proposed another scheme, that of desertion as a sufficient motive for a divorce. He told the king that "he should give him leave to steal her (the queen) away, and send her to a plantation, where she would be well and carefully looked to, but never heard of any more; so it should be given out that she had deserted; and upon that it would fall in with some principles to carry an act for a divorce, grounded upon the pretense of a wilful desertion."²

There was a third proposition to attain a motive for a divorce by the queen's voluntary exile. This latter plan was a scheme "to deal with the queen's confessor that he might persuade her to leave the world and to turn religious upon which the parliament would have been easily prevailed on to pass a divorce."³ It seems that all these designs to get rid

1. Burnet, op. cit., Vol. I, p. 453.
2. Ibid., p. 456.
3. Ibid.

of the queen failed mainly because they "leaked" out before they got a "chance" to succeed and partly because the king did not approve of any of them. Burnet tells us that the "stealing scheme" the king himself "rejected with horror."¹ Such motives for divorce as barrenness, desertion, or voluntary exile did not appeal to his royal taste.

However, it seems that the king was anxious at that time to divorce the queen. His zeal that Lord Roos's Bill should be passed by parliament might verify his anxiety to use that Bill as a precedent that would pave the way for him to divorce the queen. Lord Roos presented evidence of adultery against his wife and obtained, in an ecclesiastical court, a sentence of divorce which amounted only to a mere separation. Then in 1669-70 he moved for a Bill to dissolve the bond of marriage and to enable him to marry another. The Duke of York and all his followers apprehended the consequences of a parliamentary divorce and they opposed vehemently the passage of the Bill. Burnet says that "the king was as earnest in the setting it on, as the Duke was in opposing it."²

Lord Roos's Bill, which was entitled "An act for John Mannors, called Lord Roos, to marry again," was passed on March 28, 1670.³ The king encouraged by the passage of this Bill agreed that on a certain day a Bill should be brought in

1. Burnet, op. cit., Vol. I, p. 456.

2. Ibid., p. 454.

3. It was passed against the dissenting votes of about thirty peers, among whom were such leading figures as James, Halifax, and Bristol. -- Journals of the House of Lords, Vol. XII, p. 329.

the House of Commons to divorce him from the queen.¹ But, three days before the motion was to be made the king called Mr. May, whose task was to introduce the Bill, and told him "that matter must be let alone, for it would not do."² Therefore, the second design to eliminate James from the succession, by divorcing the queen, failed as completely as the first, that of declaring the Duke of Monmouth legitimate and heir to the throne. These schemes remained mere ambitions only, while they did not even advance far enough as to become a parliamentary problem.

Although we do not find any "hint" about these divorcing plans and Monmouth's schemes in the parliamentary journals of this early period, however, we do find Colbert³ reporting to Louis XIV, in April, 1673, that there was a project to dissolve Charles' marriage, in order to enable him to marry again. Then the king would marry a Protestant and secure a Protestant succession. He reported further that there was also another project to declare Monmouth legitimate, and that Shaftesbury and Carlisle urged this project on the king by saying, if he would only declare Mrs. Barlow was his wife, they would find men to swear and testify the truth of that marriage.⁴

Shaftesbury appeared to be, from the beginning of his career, a political enemy of the Duke of York. Martyn's Life of Anthony Ashley Cooper brings us an interesting dialogue

1. Burnet, op. cit., Vol. I, p. 455.

2. Ibid.

3. The French Ambassador in London.

4. Clarke, Life of James II, Vol. I, p. 490.

supposed to have taken place between Shaftesbury and the Duke at the opening of parliament in 1673. The duke had occupied the seat of the Prince of Wales at the right side of the throne. Shaftesbury asked him to quit the seat. Observing the duke's unwillingness to comply with his request, he told him that he could not proceed upon business till the House would be in form. Then, as the duke was obliged to submit -- for Shaftesbury was then Lord Chancellor -- he said passionately, "My Lord! You are a rascal and a villain." Shaftesbury retorted immediately, "I am much obliged to your Royal Highness for not calling me likewise a coward and a papist."¹

Meanwhile the passiveness on the part of the parliamentary opposition came to an end. Since the passage of the Test Act,² Charles II was placed on the defensive, while the opposition since then had ever increased its boldness and aggressiveness. Very soon the Commons found an occasion to exhibit their new asserted power. Observing the intention of the Duke of York to marry the Catholic princess, Mary of Madena, they voted an address³ in which they expressed their desire "that the intended marriage of his Royal Highness with the Duchess of Madena be not consummated, and that he may not be married to any person but of the Protestant religion."⁴

That action on the part of the House of Commons marked the beginning of an "official interference" which led later to

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1. Martyn, Life of Anthony Ashley Cooper, Vol. I, p. 30; Dalrymple, op. cit., Vol. I, p. 47.
 2. March 29, 1673.
 3. On October 20, 1673.
 4. Journals of the House of Commons, Vol. IX, p. 281.

the Exclusion Bills. Although unofficial scheming might be traced as far back as to the period just following the fall of Clarendon, official meddling with the problem of succession appeared on that day, on October 20, 1673, when the Commons told the duke to marry a Protestant. And although they did not attain any results from their first address, they made another on November 3, 1673, protesting against the same duke's marriage.¹

Although failed again at the second time, the opposition was not yet discouraged. They began to attack the French alliance, the third Dutch war, and they also attempted to embody into law their desire to prohibit members of the royal family from marrying Catholics. On January 24, 1674, the House of Lords had referred to a committee of the whole House to prepare a Bill that should embody, among others, the following points: that the children of the royal family may be educated in the Protestant religion, as established in the Church of England, and that members of the royal family may marry Protestants only.²

However, that suggested bill contained a mere expression of a good wish only, while there was no provision in case a member of the royal family transgressed and married a Catholic. It seems that the opposition was still too scared to mention the word "exclusion." Nevertheless it did not mean that the entire opposition was afraid to assume the right of parliament

1. Journals of the House of Commons, Vol. IX, p. 285.

2. Ibid., Vol. XII, p. 618.

to alter the true line of succession. And two of its energetic leaders, Lord Carlisle and Lord Halifax, had yet the boldness to propose that the penalty of disobedience should be exclusion from the succession.¹

Although not destined to be inserted into the resolutions of January 24, 1674, this proposed punishment marked the beginning of a third stage in which the parliamentary opposition began to assert that parliament has the power to alter the succession of the crown. At the genesis of the exclusion idea in 1668, there appeared to be an unofficial scheming to side step -- whether by legitimizing the Duke of Monmouth or by divorcing the queen -- the succession of the Duke of York to the English throne. The next stage was reached in 1673 when there had begun official meddling with the succession aiming to regulate, not to alter, its legitimate line. And now in 1674 the third stage had been attained in which several members of the House claimed, though theoretically, the latter's right not only to regulate, but also to alter the line of succession, while it was followed by a fourth stage in which the right of alteration was not only theoretically assumed but it was practically and incessantly applied during the last two years of the struggle, 1679-81.

However, this tiny assertion of the right of "alteration," expressed during a parliamentary debate by Halifax and Carlisle, did not uncover the real aim of the opposition to exclude the Duke of York from the succession. Furthermore, we

1. Macpherson, Original Papers, Vol. I, pp. 73, 74.

did not find even this mere claim of "alteration" inserted into some officially published records. It was only three years later, in 1677, when Shaftesbury issued some "papers," arguing for the automatic dissolution of parliament after a fifteen-months' prorogation, that a clause was added to one of these papers assuming the right of parliament to alter the succession.¹ And even then Shaftesbury had apologized himself to the Duke of York "that without his knowledge that clause was put in."² Lord Wharton did likewise, claiming "that it was the lawyer whom they employed in the printing it, that put it without their order,"³ while the Duke of Buckingham assured the Duke of York "that it was the Lord Shaftesbury who had drawn it, and caused it to be inserted."⁴

It seems that the opposition was not ready as yet to come out in the open with their "real aim." And it did not mean that its leaders did not believe in their final success. On the contrary, their plan which provided for a gradual success by three successive steps had partly succeeded. The first step to drive out the Duke of York from office was accomplished very easily by the Test Act of 1673, while the other two, to eliminate his influence on the Court, and then to exclude him from the succession, had awaited the force of "public opinion" which might lead them to a glorified end. Shaftesbury, the shrewd popular leader, had begun a systemati-

1. Clarke, op. cit., Vol. I, p. 505.

2. Ibid.

3. Ibid.

4. Ibid.

cal campaign to prepare public opinion "by a number of pamphlets which pointed out the right of parliament to change the succession of the crown on account of popish principles."¹ And when the Duke of York reproached him for that agitation, he again excused himself by claiming "that the person who wrote them (the pamphlets) had gone beyond his instructions."²

This preparation of the public mind helped him later to utilize, if not to originate, the popish plot of 1678. The account of the plot, which involved the assassination of the king, the conflagration of the city of London, and a massacre of the Protestants, was calculated to gain the attention of the higher ranks of the nation, as well as that of the common people, of the approaching danger. Dalrymple says that "the crown lawyers, the crown judges, most of the king's servants, believed in the plot as firmly as the meanest of the people."³ He tells us further that Lord Danby had been the first to give credit to the plot in order "to present an object of prosecution to parliament in place of himself."⁴ It was his scheme to detract the public mind from his just uncovered correspondence with France, in which he tried to sell English interests for French money.

The English public opinion was more irritated by the seizure of Coleman's⁵ letters which revealed that the Duke of

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1. Dalrymple, Memoirs of Great Britain and Ireland, Vol. I, p. 48; North, Examen, pp. 88, 100.
 2. Ibid.
 3. Ibid.
 4. Ibid.; North, Examen, p. 200.
 5. He was the private secretary of the Duchess of York.

York had carried on a correspondence with France, against the religion and interest of England. It was further inflamed to a frenzy as news came that Godfrey, the magistrate, before whom Oates deposited, for the first time, his story, had been assassinated. Dalrymple declares that everybody, then, really "felt the danger in his breast."¹ And here also his description of Godfrey's funeral might illustrate the skill of the opposition to make use of everything in order to raise the passion of the people. He starts by telling us that "the body, ghastly and with the sword fixed in it, and lying on a bier, was exposed during two days in the public street." Then, "it was carried in procession through the city of London to the grave, as the remains of a martyr to the Protestant religion, seventy-two clergymen walking before, near a thousand persons of conditions behind, innumerable crowds in a long silent order, an expression of passion more dangerous than that clamour and confusion, bringing up the rear."²

Hence the wheels of the opposition began to move very rapidly. On November 2, 1678, Shaftesbury "moved in the Lords' House that the duke might be removed from all Councils and public affairs."³ On November 7, the House went a step further,

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1. Dalrymple, op. cit., Vol. I, p. 48.
 2. Ibid., p. 47. North's Examen declares that at the funeral there prevailed "an artificial fright so as almost every one fancied a popish knife just at his throat, and at the sermon, besides the preacher, two other thumping divines stood upright in the pulpit, one on each side of him, to guard him from being killed, while he was preaching, by the papists." -- North, Examen, p. 205.
 3. Clarke, op. cit., Vol. I, p. 524.

and demanded that "his Royal Highness might withdraw from his majesty's person as well as Councils."¹ The king, observing the approaching storm, persuaded the duke to withdraw from the Council. Later, on November 9, when the opposition began to talk about exclusion, he addressed both Houses and told them that he would heartily concur in any reasonable Bills for safety in the reign of his successor, "so as they tend not to impeach the right of succession, nor the descent of the crown in the true line, and so as they restrain not my power nor the just right of any Protestant succession."²

This address was the first signal of the "real" struggle. The hastening of the king with his compromising policy encouraged the opposition to immediate action which promised success while the impressions of the popish plot were yet fresh and deeply rooted. With rapid strides its leaders began to prepare the way for a final success, while the terrors of the people had caused all, whether living in town or country, to provide themselves with arms. In order to prevent the interference of the army, the commons petitioned the king to disband it, and supplied him with money for that purpose. With the aim to break up the Ministry, they impeached Danby, the Lord Treasurer, and in order to secure superiority of numbers in the House of Lords they procured the royal assent to a new Test Act which excluded Papists from sitting there. So the way was cleared for the execution of the real project to exclude

1. Clarke, op. cit., Vol. I, p. 524.

2. Journals of the House of Commons, Vol. IX, p. 536.

James, the Duke of York, from the succession.

However, the popular party felt that in order to assure success for an Exclusion Bill, a new election would be preferable. It would increase the number of their followers, and would place them in full control of parliament. Hence they eagerly encouraged dissolution of the old parliament which had been in session for seventeen years. Their wish would not be fulfilled, if not for the fact that Charles II himself was anxious for the same in order to protect Lord Danby and the Popish Lords who were imprisoned in the Tower.¹ So, in obedience to his own interest, Charles dissolved the "Pensioned Parliament," on January 24, 1679. It appeared that all worked in favor of the opposition that prepared, meanwhile, its program for the approaching battle.

1. North, Examen, p. 503. However, North himself considered "yet undoubtedly the greatest reason of all was to cover the Duke of York from the resentments of the Commons, and the general indignation of the people."-- Ibid. Another author claimed that even Louis XIV of France had demanded the dissolution of the Long Parliament, in order to save him from an armed conflict with England. -- F. C. Dietz, Political and Social History of England, p. 287.

CHAPTER III

THE FIRST EXCLUSION BILL

The new parliament met on March 6, 1679, and it was completely under the control of the popular party whose policy seemed to be triumphant in all directions and whose ultimate success might be easily predicted. The king, in his opening speech, on the same date, announced the ostracism of his brother James, the Duke of York. Among others, he said, "I have commanded my brother to absent himself from me, because I would not leave the most malicious men room to say I have not removed all causes which could be pretended to influence me toward popish counsels."¹

So Charles II began to yield to popular rage in order to save "the true line of succession."² At first he sent some of the bishops to urge James to conform to the Church of England, but in vain. It seemed that James from the beginning understood that his religion was more a pretense than a real point at issue. A year later, when some of his friends proposed the same to him that his conversion to Protestantism would be of great advantage to the king, James replied, "Let all the world see that it is not religion they drive at so much as the destruction of monarchy, and if this handle were taken away,

1. Cobbett, Parliamentary History of England, Vol. IV, p. 1058.

2. See page 31, an expression used by the king on November 9, 1678.

another would soon be found."¹

As he failed to return James to the Protestant fold, Charles, then, sent Lady Powis, the wife of one of the popish lords who had been committed to the tower, as participators in the popish plot, to persuade James to go abroad, "In order to take of the public off the four Lords."² But the duke refused to comply with her request. The king, then, was compelled to abandon his soft policy toward James, and ordered the latter to leave England. James, then, asked Charles to permit him to be escorted by his daughter, the Princess Anne, and he also begged him to issue a declaration about Monmouth's illegitimacy, fearing that, during his absence, the latter might be legitimized as heir to the throne. The king refused to permit the Princess Anne, a potential successor to the throne, to be raised as a Catholic, while he agreed to issue a declaration that he had never married Monmouth's mother. On March 3, 1679, Charles ordered to be placed in the records of the Privy Council, a solemn declaration that he had never given or made any contract whatsoever but "with his wife, the Queen Catherine,

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1. Clarke, Life of James II, Vol. I, p. 632. Some insist that the King, while trying to influence James to be a good Protestant was himself persuaded by James to adhere to the latter's religion. -- Anonymous letter to Ormonde, January 25, 1681, Ormonde MSS., Vol. V, pp. 561-63. North declares also that "they (Exclusionists) hope, through his brother, to smite him (the King); the former lay unguarded; and if they could carry a law, for the change of the succession, in the life of both, the King and his brother, then it was plain nothing could secure the future change, but possession of the present power." -- North, Examen, p. 84.
 2. Dalrymple, Memoirs of Great Britain and Ireland, Vol. I, p. 50.

the living,"¹ and on the next day, on March 4, James left England and went into exile to Brussels.

One triumph led to another, and after Charles yielded to the demand that he should exile his brother, he immediately hastened to curb arbitrary government by accepting Temple's plan of a reformed council, and on April 21, 1679, the king informed both Houses that he had reorganized his Privy Council whose number had been reduced from fifty to thirty members, and whose councillors would be his sole and constant advisers in all administrative matters.²

However, these two concessions on the part of Charles did not satisfy the opposition. Shaftesbury, drunken with success, and though Lord president of the newly constructed Privy Council, aimed to become a king-maker and to reduce the power of the king, though for private gain, to a mere figure head. In 1675 he appeared to be willing to accept the monarchical system of government, though with certain limitations, while four years later he drifted more and more toward the idea of Republicanism. In 1675, in a letter to the earl of Carlisle he wrote, "Our duties are to improve any good correspondence or understanding between the royal family and the people, and not leave it possible for the king to apprehend that we stand on any terms that are not as good for him as necessary for us."³ In the same letter, he also remarked that

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1. Dalrymple, op. cit., Vol. I, p. 50. The same declaration was issued repeatedly on June 2, 1679, on January, and in March, 1680. -- H. Belloc, James the Second, p. 172.
 2. Journals of the House of Commons, Vol. IX, p. 599.
 3. Christie, Life of Shaftesbury, Vol. II, p. 201.

"no kind of usuage will put me out of that duty and respect I owe to the King and Duke."¹ But in 1679, in extracts from a "paper" published by Shaftesbury at the opening of the new parliament, he mentioned that the duke "hath declared himself of the popish religion, of all others the most contrary to the interest of England, and which must certainly either lose him the crown or awaken the nation so as the government will not be worth the having."²

After the publication of this paper, the popular party attempted to arrive at their destination through two various channels. They tried to exclude James legally from the succession by a parliamentary bill, and to impeach him by judiciary action as a recusant. As a starting move toward success, through either of the both ways,³ they succeeded in passing two favorable resolutions through the House of Commons. One was passed on the proposal of John Hampden, "that the Duke of York being a papist, and the hopes of his coming such to the crown, has given the greatest countenance and encouragement to the present conspiracies and designs of the papists against the King and Protestant religion."⁴ It formed a good background for "Exclusion," while the other aimed at securing evidence for a

1. Christie, op. cit., Vol. II, p. 201.

2. Ibid. At a council meeting Lord Shaftesbury said, "If the King so governed as that his estate might with safety be transmitted to his son, as it was by his father to him, and he might enjoy the known rights and liberties of the subjects, he would rather be under kingly government, but if he could not be satisfied of that he declared he was for a commonwealth." -- Historical MSS. Commission, Ormonde MSS., Vol. V, p. 136.

3. On Sunday, April 27, 1679.

4. Cobbett, op. cit., Vol. IV, p. 1127.

judiciary prosecution. It ordered the committee of secrecy, which was appointed to prepare evidence against the Lords involved in the popish plot, to collect evidence and report on the duke's connection with that plot.¹

The passage of these two resolutions disturbed the king and he decided to disarm the opposition by championing the cause of the Protestant religion and by approaching the popular demands half way. Three days later, on April 30, Charles addressed both Houses, and declared, among others, "that it is my constant care to do everything that may preserve your religion, and secure it for the future in all events."² Then he announced, "I have commanded my Lord Chancellor to mention several particulars, which I hope will be an evidence that in all things that concern the public security I shall not follow your zeal, but lead it."³ So Charles decided to lead, instead to follow, the opposition, and before the latter introduced the Exclusion Bill, he ordered the Lord Chancellor to offer such limitations upon a popish successor, as "would have left him little more than the title of royalty."⁴

The Lord Chancellor, then, outlined a Bill of Limitations which provided "in reference to the church that all ecclesiastical and spiritual benefices and promotions, in the gifts of the crown, may be conferred in such manner, that we may be sure the incumbents shall always be of the most pious

1. Cobbett, *op. cit.*, Vol. IV, p. 1127.

2. *Ibid.*, p. 1128.

3. *Ibid.*

4. Dalrymple, *op. cit.*, Vol. I, p. 52.

and learned Protestants; and that no popish successor may have any power to control such presentments."¹ In reference to civil government, the chancellor spoke more definitely, offering that "no Lords or others of the Privy Council, no judges of the common law or in chancery, shall, at any time during the reign of any Popish successor, be put in, or displaced, but by the authority of parliament."² And in reference to military government, he projected that "no officer in the navy, during the reign of a Popish successor, be put or removed, but either by authority of parliament, or of such persons as parliament should entrust with such authority."³ At the end the Chancellor reiterated the King's well-known formula "that he (the king) is ready to consent to any laws of this kind, so as the same extend not to alter the descent of the crown in the right line, not to defeat the succession."⁴

This proposed bill of limitations, introduced by the king, demonstrated the latter's understanding of a mere fragmentary part of the exclusion-problem. Charles II conceived only the immediate and not the fundamental importance of it. He merely wanted to avoid any encroachment upon his title, prerogative rights, and control of the army and navy. He, even at the end of the struggle, in 1681, when he was so victorious, could not see the fundamental and far-reaching question involved in the Exclusion Bills, whether monarchy

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1. Cobbett, op. cit., Vol. IV, p. 1128.
 2. Ibid.
 3. Ibid.
 4. Ibid.

should remain an elder co-partner to a parliamentary rule or it should be reduced to a mere form. Although the most active figure in that struggle, he could not comprehend it as the first in a line of successive battles which ultimately resulted, in a century later, after George III fought the last of them, in a complete victory for the popular cause. We may believe Barillon,¹ who reported to Louis on July 28, 1681, that Charles had told him, "If parliament had been willing to grant him sufficient supplies without despoiling him completely of what remained of his authority, particularly in regard to the control over the army and navy, he would have consented to the Exclusion Bill, for in the end such a measure would have amounted to nothing as it never could have been put into effect."²

However, Ralph thinks that the king played politics. And by introducing the bill of limitations he meant only to win the support of the public by meeting the "opposition" half way, while he was certain the latter would not accept it. He says, "they (limitations) never would have been offered, but in the persuasion they would be rejected."³ It is worth noting

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1. The French Ambassador in London.
 2. F. A. Middlebush, The Dispatches of T. Plott, p. XI, footnote's quotation from Baschet's Transcripts, CXLIX, fol. 200: Barillon's dispatch, July 28, 1681.
 3. Ralph, History of England, Vol. I, p. 445. North had also the same opinion. He mentioned the fact that he "heard it said that the King out-witted the faction; and it was by resisting the Exclusion above board, and giving private hints that if he were pressed, he should, at length, come over. And this drew them into those indecent, undutiful and barbarous proceedings, as turned the stomachs of reasonable people; and thereof the King took advantage to justify himself in breaking with them." -- North, Examen, p. 98.

that, according to Ralph, Charles wanted to strengthen the king's power by proposing the limitations which officially curbed to a minimum his power, though only that of a popish successor, while the popular party aimed to belittle his power by rejecting those officially proposed reductions.

The argument of the opposition in rejecting those limitations was as follows. They thought that "these shackles would have no hold at all; and made no scruple to declare, that, if the duke had strength enough to take possession of the crown, the same strength would enable him to break through all restraints and limitations."¹ Mr. Sacheverall, an ardent follower of the popular party, illustrated the same fear that James would not pay any attention to any kind of limitations by declaring that the people cannot be secure "unless the king would grant these things he offered in his own lifetime."²

However, Ralph insists that this argument was a mere pretense only, with Shaftesbury especially. It was believed that the latter would have been satisfied with the king's concessions if not for the fact that "limitations of any kind gave a sanction to the duke's title, however they might curtail his power, and it was impossible for him to admit his Royal Highness of York on any term, without a breach of faith to his grace of Monmouth. It was for this cause, though for a different pretense, that he (Shaftesbury) gave his negative to all expedients."³

1. Ralph, op. cit., Vol. I, p. 445.

2. Clarke, op. cit., Vol. I, p. 548.

3. Essex Papers, Vol. I, p. 130; Journals of the House of Commons, Vol. IX, p. 281.

It was true that Shaftesbury continued openly to advocate measures for legalizing the Duke of Monmouth as successor to the throne instead of the Duke of York. The favor which Monmouth enjoyed from his father¹ and the great official position of Shaftesbury were likely to suggest that Charles was not unwilling to acquiesce in Monmouth's supplanting the Duke of York as successor to the English crown. Shaftesbury did all that was in his power to encourage this belief.

Sir William Temple had insisted that there was a perfect union established between the Duke of Monmouth and the Earl of Shaftesbury. There was an agreement among them "that all imaginable ways and means should be used to alter the course of the succession; and that, in case their endeavors took effect, in exchange of the name of king allotted to the former, the latter should hold the reins and drive the chariot of government according to his own good pleasure."²

However, the most leaders of the popular party emphasized mainly and at least officially the negative side of the issue to exclude the Duke of York from the succession, while conniving at its positive side to name the next successor to the English throne. Several reasons compelled to follow this policy. First it was much easier to work upon a half of the program than upon its whole. Second, unity among the ranks of the popular party could be gained only by placing the

1. During the year 1679 especially.

2. Memoirs of Sir William Temple, Vol. III, p. 335; Ralph, op. cit., Vol. I, p. 444.

most emphasis upon the negative part of the exclusion-problem. All of them agreed easily upon the exclusion of the Duke of York from the succession, but a very few could decide who should be named successor instead. Third, several of the oppositionary leaders, Shaftesbury especially, were determined to keep in the background this question about the next successor, in order "to flatter the ambition of the different parties who had views to the succession, and by that art to gain their concurrence in the promotion of the Exclusion."¹ Hence the popular party had decided not to mention the name of the successor in the original exclusion bill.²

This lack of having a united front on the positive issue and its elimination from the Exclusion Bills contributed largely to their failure. They created a gap in the organization of the popular party, while the court party made great effort to widen it in order to break up the former into a series of petty and antagonistic factions. It caused the opposition to be led more by individual passion than by pure group-reasoning. Clarke's Life of James II was not mistaken when it stated that "whatever any old manager moved, the new faction members still cried up and applauded, like so many young spaniels that run and bark at every lark that springs."³

The disorganization of the parliamentary opposition might be best illustrated with the many different proposals suggested by its various members. On April 27, 1679, when the

1. Dalrymple, op. cit., Vol. I, p. 49; passages from Lord North's Memoirs in North's Examen, p. 390.

2. Ibid.

3. Clarke, op. cit., Vol. I, p. 548.

Commons looked for measures adoptable "for the security of the king's person, and for the preservation of the Protestant religion established by law, "Mr. Bonet gave a hint that the king has already a son. He said, "if the king has a son then we are out of fear; but if way cannot be found out that the king may have a son, then we are to go another way to work."¹ What was the other way was explained by Colonel Birch, who proposed "that a bill be brought in, that at the fall of the king by any violent stroke, no person can come to the crown of England till that be examined."² Barillon in a dispatch to Louis on May 22, wrote, "Yesterday the setting aside of the king's marriage was spoken of, but no resolution on it come to. That is a matter which will come on its turn, and of which use will be made according to the interests of the chief cabals."³ All this illustrates that there was a unified strong desire to get rid of the Duke of York, as a popish successor, while, at the same time, a difference of opinions prevailed how to bring about and who should be substituted as a successor.

But dissention prevailed also among the ranks of the court-party. Shaftesbury flattered the Duchess of Portsmouth "with hopes of a parliamentary settlement of the crown upon her son, the Duke of Richmond."⁴ He alternately held up the

1. Cobbett, *op. cit.*, Vol. IV, p. 1125.

2. *Ibid.*, pp. 1126-27.

3. Christie, *op. cit.*, Vol. II, p. 330.

4. Dalrymple, *op. cit.*, Vol. I, p. 50. Some one wrote to Ormond that "the Duchess of Portsmouth, upon some resentment against the Duchess of York for a conceived slight of her, was resolved to ruin the Duke." -- Ormonde MSS., Vol. V,

view of a visionary crown before various members of the royal family that caused dissention everywhere. An Orange-party was organized whose members aimed to secure the crown for the young prince of Orange who was married to Mary, the daughter of the Duke of York. Temple and Sunderland were the chief adherents of the latter party, and they worked very secretly for the achievement of their goal.

The limitation-expedient caused also disagreement among the followers of the same court-party. While the king and a majority members of the Privy Council had advocated it, James, the Prince of Orange, and several of their adherents condemned it in very definite terms. Bishop Burnet tells us how he read a letter written by the Duchess of York, in which she wrote "that as for all the high things that were said by their enemies, they looked for them, but the speech of the Lord Chancellor was a surprise, and a great mortification to them."¹ James himself wrote a letter to the king in which he warned him that "they (Exclusionists) will never be satisfied unless your majesty unking yourself, for nothing less than the destruction of your family and the monarchy itself will content them."²

pp. 561-63.

Colonel E. Vernon wrote to the Earl of Arran that "the duke of Monmouth and the Dutchess of Portsmouth hath had several meetings, and it is said her grace stated upon terms to have the duke's (James) agents removed." -- Ibid., p. 458.

1. Burnet, History of My Own Times, Vol. I, p. 456.
2. Clarke, op. cit., Vol. I, p. 551; Dalrymple says "the duke in his exile complained of his brother's project more than of that of the House of Commons. -- Dalrymple, op. cit., Vol. I, p. 52.

For almost the same motive the Prince of Orange opposed the king's bill of limitations. He was extremely anxious that the king should drop this expedient. Dalrymple declared that the opposition of the prince was due "either because he thought monarchy would not recover its splendor in the person of his consort, or because he did not wish to see divisions terminated from which he might himself reap advantage."¹ In the same position do we find William Temple the leader of the Orange-faction, opposing also this scheme of limitations. He condemned it mainly for these two reasons: first, "that nothing from the king was likely to prove acceptable to the commons," second, "that it was evident to all men, that they would have the crown in shackles, which, though put on only to fetter the duke, might not be easily shook off by any of his successors."²

The value of this or other expedients had been discussed by the Commons on May 11, 1679. On that date the opposition pushed forward the two different schemes either to exclude or to impeach James from the succession. Mr. Pilkington declared, in the Commons, that he would humbly pray the king "that the duke may come over, that we may impeach him of high treason."³ Together with this solemn wish, the committee, that was requested, on April 27th, to investigate the duke's relation to

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1. Dalrymple, op. cit., Vol. I, p. 52; there are several letters in the paper-office from the Prince of Orange to Sir Leoline Jenkins, Secretary of State, extremely anxious that the king should drop his scheme of limitations. "He thought them derogatory to the monarchy." -- North, Examen, p. 153.
 2. Ralph, op. cit., Vol. I, p. 445; Memoirs of Sir William Temple, Vol. II, p. 47.
 3. Cobbett, op. cit., Vol. IV, p. 1131.

the popish plot, reported "that his highness had written thrice to the pope; that his first letter was miscarried, that the second letter gave his Holiness such an excess of joy, that the old gentleman could not refrain from tears; and that the third was to excuse the consent he gave to have his daughter married to the Prince of Orange, and to acquaint him that the run of the times had obliged him to such involuntary compliance."¹ This report had paved the way to impeach James through judiciary action in case legal procedure for exclusion would fail.

Then on the same date,² the House discussed Sir Tho. Player's proposition that a Bill should be brought in "for excluding the duke of York by name, and all papists whatsoever, from the crown of England."³ Sir F. Winnington supported this suggestion by saying, "If it be exclusion or banishment of the duke, let the Resolution be what it will, it is for our security."⁴ Then after a long and tedious debate, the House resolved "that a Bill be brought in to disable the Duke of York to inherit the Imperial crown of this realm."⁵ A committee was appointed to draw a bill, while another resolution of importance was passed on the same day. It provided "that in defense of the king's person and the Protestant religion, this House doth declare that they will stand by his majesty with their lives and fortunes; and that, if his majesty shall come to any violent

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1. Ralph, op. cit., Vol. I, p. 446.
 2. May 11, 1679.
 3. Cobbett, op. cit., Vol. IV, p. 1132.
 4. Ibid., p. 1134.
 5. Ibid., p. 1135.

death, they will revenge it to the utmost upon the papists."¹
This resolution drew an immediate response from James. In a letter to the king, he explained him that the resolution to revenge his death was "to expose your life to the bloody hand of any desperate fanatic, who shall think fit to attempt so unhuman an act."²

On May 15, 1679, the committee had reported that they had the bill ready and it was then read for the first time. After starting with some particulars of the execrable conspiracy, it declared that

the emissaries, priests, and agents for the pope had traitorously seduced James, Duke of York, presumptive heir to these crowns, to the communion of the Church of Rome; and had induced him to enter into several negotiations with the pope, his cardinals, and nuncios, for promoting the Romish Church and interest; and by his means and procurement had advanced the power and greatness of the French King, to the manifest hazard of these kingdoms. That by descent of these crowns upon a papist, and by foreign alliance and assistance, they might be able to succeed in their wicked and villainous designs.³

Then after another preamble, the bill began to state its high points.

That the said James, Duke of York, should be incapable of inheriting the crown of England, Scotland, and Ireland, with their dependencies; and of enjoying any of the titles, rights, prerogatives, and revenues belonging to the said crowns. That in case his Majesty should happen to die, or resign his dominions, they should devolve to the person next in succession, in the same manner if the duke was dead. That all acts of sovereignty and royalty that prince might then happen to perform,

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1. Cobbett, op. cit., Vol. IV, p. 1135. It was intended to react upon the royal family against the harshness and effect of the first resolution. -- Historical MSS. Commission, Ormonde MSS., Vol. V, p. 94.
 2. Clarke, op. cit., Vol. I, p. 552.
 3. Cobbett, op. cit., Vol. IV, p. 1136; Ralph, op. cit., Vol. I, p. 447.

were not only declared void, but to be high treason and punishable as such. That if anyone, at any time whatsoever, should endeavor to bring the said duke into any of the forementioned dominions, or correspond with him, in order to make him inherit, he should be guilty of high treason. That if the duke himself ever returned into any of these dominions considering the mischief that must ensue, he should be looked upon as guilty of the same offence; and all persons were authorized and required to seize upon and imprison him; and in case of resistance made by him or his adherents, to subdue them by force of arms.¹

Everyone might easily see the aim of each of the five clauses the bill had contained. While the preamble had introduced the fear of popery as a background for the exclusion, the first clause pointed out the exclusion, not of all papist successors, but of James, the papist, only. It might reveal to us the really political, though unwritten, motive the creators had in mind while composing this bill. It appeared that James, the despot, scared them more than James, the papist. The second clause provided for an unnamed successor. The phrase, "as if the duke was dead," was vague and indefinite. It was in conformity with the plan of the opposition, as described above, not to name a successor. The third and fourth clauses mentioned as an offense of high treason if James or any of his followers would try to place him upon the throne. The last clause provided for the banishment of the duke from the English dominions. As a whole this bill had embodied in itself every detail included in Shaftesbury's program. Banishment alone was not enough, but exclusion added to it was a more workable program.

1. Cobbett, op. cit., Vol. IV, p. 1136.

The second reading of the first Exclusion Bill was carried virtually without debate by 207 to 128.¹ Grey only reports Clarges's speech against the bill, and remarks that at the end of it "very little was said in answer to this, but a great cry, 'the Bill, the Bill!'"² Meantime, the king himself attempted to speak to almost every Lord, to dissuade him from assenting to the bill when it would come up before the House of Lords.³ At the same time James, from exile, wrote to the king that he should immediately dissolve parliament, "not to disband his army, to punish Monmouth, and to assure him that instead of having reasons to fear the Prince of Orange, he would find in that Prince his firmest friend."⁴ Clarke's Life of James II tells us also that James assured Charles II that "the Prince of Orange has given him all imaginable assurance that he will stand and fall by the King."⁵

Then Charles II, encouraged by his brother's strong policy, suddenly prorogued parliament on May 26, 1679,⁶ without even consulting the Privy Council, although he had but one month before⁷ announced to parliament that he would be ad-

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1. Cobbett, op. cit., Vol. IV, p. 1136.
 2. Grey, Parliamentary Debates of the House of Commons, Vol. VII, p. 314. However, Col. E. Cooke said that "the Bill against the Duke of York found much more opposition than was expected; the number who at first gainsaid it being 13, and now there appeared against it 128; so that many infer thence that it will scarce pass that House."-- Historical MSS. Commission, Ormonde MSS., Vol. V, p. 110.
 3. Clarke, op. cit., Vol. I, p. 553.
 4. Dalrymple, op. cit., Vol. I, p. 55.
 5. Clarke, op. cit., Vol. I, p. 551.
 6. Cobbett, op. cit., Vol. IV, p. 1149; Memoirs of Sir William Temple, Vol. II, p. 48; however in Ormonde's MSS., Vol. V, p. 116 we do find that parliament was prorogued on May 27th.
 7. See page 35; on April 21, 1679.

vised by it in all important matters. Later, in July, he dissolved parliament, though against the council's advice. This was the end of the first Exclusion Bill which had no chance to come to a third reading.¹ Shaftesbury, when he heard the news of the prorogation, was so enraged that he announced loudly, "he would have the heads of his late associates for advising this measure."²

Hence the first attempt to lop off the first branch of the royal family had failed. However, the axe was still in motion, and immediate failure could be interpreted as a fundamental success. The axe was destined to be employed by the root itself and monarchy was to bow exceedingly low before the almighty power of parliament.

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1. Grey, op. cit., Vol. VII, p. 314. See also Burnet, op. cit., Vol. II, p. 208.
 2. Dalrymple, op. cit., Vol. I, p. 55. Shaftesbury, then, had told the King that there was not any need "of holding a candle to his face, for his intent was visible by his actions." Henry Coventry expressed his opinion that if parliament would have been in session "a day longer in all appearance something of great inconveniency must have happened between the two Houses." -- Historical MSS. Commission, Ormonde MSS., Vol. V, pp. 118, 119; the king had assigned as his reason for the prorogation the differences between the two Houses, alluding probably to the discussions concerning the popish Lords. -- Cobbett, op. cit., Vol. IV, p. 1149; Memoirs of Sir William Temple, Vol. II, p. 48.

CHAPTER IV

THE SECOND AND THIRD EXCLUSION BILLS

Charles' third parliament did not meet till October 1, 1680. Of course, this long interval could not be assumed to be a mere political vacuum in the exclusion struggle. But it rather served to both antagonistic parties as a timely occasion for reorganizing and remapping the lines of battle. During this period new factors appears, while others became obsolete and useless. Its first effect was that the popish passion which prevailed in the last parliament lost much of its dynamic strength. "In proportion as the belief of the popish plot wore off, men's fear of danger from a popish prince grew more faint."¹

Hence this gain of time worked in favor of the court party in substituting reason for "passion." Consequently many adherents of the first Exclusion Bill began to emphasize "such a high notion as passive obedience and unbounded prerogative."² Furthermore in the same proportion time cooled the anti-popish frenzy, it increased the fear lest the Exclusion scheme would lead to the establishment of a republic.³ The Duke of York, in a letter to the Prince of Orange,⁴ emphasized these two points that "all things tend towards the lessening

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1. Dalrymple, Memoirs of Great Britain and Ireland, Vol. I, p. 58.
 2. Kennett, History of England, Vol. II, p. 381.
 3. Ibid.
 4. On May 11, 1679.

of the King's authority" or they "tend to a republic."¹ He also mentioned the fact that many of his opponents "have already lost their credit in that House, and that there are already new cabals and parties setting up."²

But James and the court-party did not satisfy themselves with the negative advantage of the gradual weakening of the mob passion. They began a systematic campaign, in which they charged that all machinations of the popular party -- as the popish plot and the Exclusion Bill - were motivated by the sole desire to advance Presbyterianism and republicanism. They aimed at weakening the argument that exclusion promoted the king's safety. James, in another letter to the Prince of Orange,³ wrote "that no thing will satisfy the Presbyterians but the destroying of the monarchy and the setting up of a commonwealth."⁴ Twelve days later, he wrote to the prince⁵ that "it was the Presbyterians and the duke of Monmouth's friends that carried it (the first Exclusion Bill) and now it is plain that these Presbyterians design nothing else than the ruin of the monarchy and family."⁶

The rebellion in Scotland, June, 1679, played into the hands of the court party by justifying their uproar of Presbyterianism and republicanism. It was due to Shaftesbury, they charged, who aroused the Scots to armed opposition. On

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1. Dalrymple, op. cit., Vol. II, Appendix, p. 217.
 2. Ibid.
 3. The letter was written on May 17, 1679.
 4. Dalrymple, op. cit., Vol. II, p. 218.
 5. On May 29, 1679.
 6. Dalrymple, op. cit., Vol. II, p. 219.

March 25, 1679, in a parliamentary speech, this popular leader had said "that popery was introduced to precede slavery in England and slavery had been the forerunner of popery in Scotland."¹ This speech appeared to be like the sound of a trumpet to the Scots, and eight thousand of them took up arms. The Scots, instead of making the Exclusion of James the object of their insurrection, had adapted the Solemn League and Covenant, and the abolition of prelacy as the basic principles of their union with England.² Charles, in

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1. Dalrymple, op. cit., Vol. I, p. 54; J. Pollock, Popish Plot, p. 234, p. xv; North's Examen, p. 85. Besides encouraging the Scots, the speech aimed to cause a parallel rebellion in England. North declares that "it (speech) was no other than a trumpet signal to the Scotch, when such bold things, concerning them, had been spoken in the English House of Peers. It gave them cause to think there was a party, in parliament, already formed to assist and sustain them. And had that Rebellion, which this speech gave fire to, stood a little longer, few doubted but the correspondents in England had followed the pious example." -- North, Examen. p.87.
 2. Dalrymple, op. cit., p. 58. The original and official orders given to Monmouth empowered him not only to suppress the rebellion, but also to conclude with the Scots any treaty he pleased. However, Charles was persuaded to alter them privately in such a manner that the right of treaty making was excluded. Monmouth was supposed "to fight, or treat, as he thought fit, which was to have been part of his commission. When the King rose from council, the Duke of Lauderdale (a Tory) followed him into the bedchamber, where having him alone, he asked his majesty, if he intended to follow his father. 'Why?' said the king. 'Because, Sir,' said the Duke, 'you have given that general (Monmouth) orders to treat; the consequence of which is encouraging and enlarging the Rebellion in Scotland, and raising another, by concert, in England, and then you are lost. Therefore if you do not change Your Orders, and send them positive to fight, and not to treat, the mischiefs, that befell your father in like case, will overtake you.' 'Why did you not,' said the King, 'urge this in council?' He answered suddenly, 'Were not your enemies in the room?' This touched the king so sensibly that he

the absence of the Duke of York, sent the Duke of Monmouth to suppress the rebellion in which he succeeded very rapidly. This rebellion had alienated many Protestant churchmen, previously adherents of the popular party in their prosecution of the popish plot, who became followers of the court party and voted against the second Exclusion Bill.

However, although during this interval the court party had increased its membership and power, it had to struggle against almost invincible forces. It was true that Charles did not have to lament then as in 1677, that he and his brother were the only members of his party.¹ It was also true that he was compelled to clarify his position and consequently he became the champion of absolutism in England. As never before, a clear line of division was drawn between the antagonistic parties. One stood for an absolute, while the other for a limited or constitutional monarchy. Those who feared the republicanism of the popular party or the unscrupulousness of Shaftesbury organized a third party which begged the Prince of Orange to become a candidate for the throne, in order to save the monarchy and the constitution.

Therefore, in the two last parliaments of Charles II, there was a three-cornered contest between the popular, the Orange, and the York parties. The latter two I would rather call the Dutch and French parties, for their formations were

caused the orders to be altered, and made as the Lord Commissioner (Lauderdale) advised." -- North, Examen, p. 81.

1. Dalrymple, op. cit., Vol. II, p. 127.

largely due, not only to internal political divisions, but also to the diversification of opinion among Englishmen concerning the security of the European "balance of power."

That James was an absolute monarchist might be proved easily by the letter he wrote to the Prince of Orange.¹ Then he declared, "I am not at all of your mind as to what concerns the meeting of the parliament, for I can hope no good from it, but on the contrary, all the ill imaginable, and not only to me but to his majesty and whole family as may appear by the Bill that was read in the House of Commons against me which was against law, and which destroys the very being of monarchy which I thank God yet has had no dependency on parliament, nor on nothing but God alone."²

The future James II was just talking and repeating the same language of his grandfather, James I, insisting and emphasizing the theory of "divine right." While the Prince of Orange seemed to recognize the dependency of monarchy upon parliament, James considered the former omnipotent and depended on God alone. Furthermore, it is worth noting the appeal James made to the prince that exclusion meant the ruin of the whole family which included the prince also, in order to get the latter's support to defeat the Exclusion Bill.

1. The letter was written on July 6, 1679.

2. Dalrymple, op. cit., Vol. II, p. 224.

North and all the Tories had accepted this theory of "divine right." In his Examen he says that "they (Exclusionists) have no excuse for themselves, but only this that they intended prefidiously to betray the Lord's Anointed." -- Examen, p. 357.

The same James, when criticizing the Habeas Corpus Act of 1679, said to Barillon¹ "that no government can exist when the law prevents any man from being kept in prison without trial more than a day."² And this was his utterances after his friends had warned him "to be cautious in his expressions, and on all occasions to declare, if ever the time comes, he will preserve the liberties of England, and the religion as by the law established."³ On one occasion he did follow the advise of his friends. When he visited London on his way to Scotland, he was invited⁴ to a "feast of the artillery men kept at Marchant Taylor's Hall." There in a formal speech, he promised that "he would always maintain the laws and liberty of the subjects."⁵ However, even at that solemn declaration, James found it necessary to add, "that yet he would not be catechised by any."⁶

Charles II, his brother, also adopted the same defiant and absolute attitude. He ignored all petitions that came from various parts of the country, praying him to convoke parliament. Charles once said to Mr. Thynne, who headed for the same purpose, the Weltshire deputation, "you would not take it well I should meddle with your affairs, and I desire you will not meddle with mine, especially in a matter that is

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1. The French ambassador in London.
 2. Christie, Life of Shaftesbury, Vol. II, p. 335, quotations from Archives of F. F. office.
 3. Clarke, Life of James II, Vol. I, p. 555.
 4. On Tuesday, October 27, 1679.
 5. Clark, The Life and Times of Anthony Wood, Vol. II, p. 466.
 6. Ibid.

so essential a part of my prerogative."¹ Then,² he issued a proclamation denouncing tumultuous and seditious petitioning as illegal. About two months before,³ he dismissed Shaftesbury from the office of Lord President of the Privy Council, and a month after,⁴ when Lord Russell, Lord Cavendish, Sir Henry Capel, and Mr. Powle waited on the king to ask his permission to resign from the Privy Council, he replied, "with all my heart."⁵

This attitude of Charles II and his brother was due not only to the former's urgent desire to be a king, but also to the new so-called French orientation through which they hoped to reestablish absolutism in England. The marriage of the Prince of Orange marked the climax of Charles' "swing to the left," which began with his repudiation of the declaration of Indulgence in 1673. Since then he became anxious to negotiate with France, in order to avoid the necessity to convoke parliament. To that effect he tried to conclude a treaty with France during the summer of 1679, but he failed mainly because Sunderland and Hyde conceived the danger awaiting to

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1. Martyn, Life of Anthony Ashley Cooper, Vol. II, p. 230.
 2. On December 12, 1679. Charles condemned those petitions "for they tend to promote discontent among the people, and to raise sedition and rebellion." -- North, Examen, p. 546. In the same Declaration his majesty had commanded "all magistrates and other officers to take effectual care that all such offenders against the law be prosecuted and punished according to their demerits." The declaration against Petitioners was issued on December 12, 1679. -- Ibid., p. 547.
 3. On October 15, 1679.
 4. On January 31, 1680.
 5. Christie, op. cit., Vol. II, p. 356.

any minister who should sign it.¹ However, although the negotiation had been broken off, Charles told Barillon,² "Do not believe I will let myself be constrained to do anything that can deprive me of the only prop which can support me."³

The Duke of York on the other hand was more resolute in his decision "to throw himself entirely upon France."⁴ He even told Barillon that "he wished to take refuge to France, but was prevented against his will."⁵ In a letter to Louis XIV,⁶ the duke promised the French despot some rewards for his protection. He said, "I shall use my endeavors to show your Majesty that I shall be all my life in your interests."⁷ While he tried to attain French support in his struggle with the English Commons, James also attempted to trade with the bitterest enemy of France, with his son-in-law, the Prince of Orange. Besides urging him that the Exclusion Bill aimed "to ruin the whole family," James tried to scare the prince by assuring him of the existence of a private correspondence and consequently a unanimity of action between the English and Dutch republicans.⁸

But what was the response of France and Holland to all this? Were they willing to support James in his struggle with

1. Dalrymple, *op. cit.*, Vol. II, pp. 235-243.

2. The French Ambassador to London.

3. Dalrymple, *op. cit.*, Vol. II, p. 236; Barillon to Louis, August 3, 1679.

4. *Ibid.*, p. 216. Barillon to Louis, March 13, 1679.

5. *Ibid.*

6. On October 18, 1679.

7. Dalrymple, *op. cit.*, Vol. II, p. 241.

8. *Ibid.*, p. 250; James to the Prince on October 17, 1679.

the English House of Commons? As far as Holland was concerned the answer was in the negative. The States general of Holland sent memorials to their agent in London, instructing him, in their name, to entreat the king to assent to the Exclusion Bill. Somerville declared that "such a partiality to the sentiment of the opposition was well understood to have been encouraged by the approbation, or even in the first instance suggested by the advice of the Prince of Orange."¹ The author of "two Tracts," called Cassandra, said, "the Dutch minister had instructions to enter into the cabals of the exclusionists, and with all his power to promote the passing of the Bill."² Dalrymple remarked also that those Dutch memorials "pressed him (Charles) in terms almost menacing to consent to the Exclusion."³ He also stated the fact that "the Spanish minister likewise urged the king in a memorial to consent to the exclusion, though in terms more decent."⁴

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1. Somerville, History of Political Transactions, p. 107. North brings a conversation that took place among his Majesty and the Prince of Orange when the former asked the latter to investigate the demands of the English people. The prince said "there must be more than the Bill of Exclusion, for that was but Parchment, which was nothing. The king understood that they (people) must have the militia, etc." -- North, Examen, p. 153. North also declares that there "appeared the Prince of Orange was not against the Bill of Exclusion, though some heard he (the prince) said he was not for it, but would have the nation satisfied." -- Ibid.
 2. Ralph, History of England, Vol. I, p. 520.
 3. Dalrymple, op. cit., Vol. I, p. 60.
 4. Ibid.

However, James was not aware of the existence of a Dutch or Orange party in England till after the House passed the Second Exclusion Bill. Then, when most of the Dutch party, except Halifax, voted for it, he became enraged and had told Barillon¹ that "he knows now he had been betrayed."² James also said that he comprehended now "that Mr. Temple, Lord Sunderland, and Mr. Henry Sidney had concerted with the Prince of Orange the treaty with Spain, and afterwards to bring affairs to the point they are at, that Mr. Vanleuve has come to try to make the Prince of Orange a gainer by his ruin, and that he was cheated by all those in whom he had the most reason to have confided."³ The treaty of Spain mentioned here, was concluded just after treaty negotiations with France were interrupted.⁴

France, till November, 1679, supported actively the Duke of York's cause since it hoped a money treaty with Charles would be concluded. But after that date, when Charles attempted another "swing to the left," Louis gave orders to Barillon to renew his intrigues with the popular party in England.⁵ Barillon then, would consent to anything which should only prevent the ratification of the English-Spanish alliance.

On January 30, 1679, Barillon wrote to Louis "that Montague had proposed France should aid Monmouth in getting him

1. The French ambassador to London.

2. Dalrymple, op. cit., Vol. II, p. 267, Barillon to Louis, October 28, 1680.

3. Ibid. Barillon to Louis.

4. "The treaty between us and Spain was concluded the latter end of the last week at Windsor." -- Francis Gwyn to Ormonde, June 15, 1680, Ormonde MSS., Vol. V, p. 335.

5. Dalrymple, op. cit., Vol. II, p. 255.

declared Prince of Wales."¹ Montague's argument was that a disputed succession in England would be of advantage to France. Furthermore, he told Barillon that the "severities against Catholics would cease, if the hopes which some entertained of the Prince of Orange's succession, and the fear which others formed from the prospect of the Duke of York's succession were at an end."² The French ambassador's answer, then, was that Louis "was not disposed to support so unjust a design."³

But after the second Exclusion Bill was passed by the House and was rejected by the Lords, Montague again asked Barillon "that he should enter further into Monmouth's affair."⁴ But the latter wrote to Louis that he was more conciliatory in Montague's second approach than in his first, almost two years ago. Barillon said, "I made him (Montague) easy by saying that to support such a pretension is not lightly to be taken."⁵ It meant that at the end of the year 1680, Barillon was nearer to accept Montague's argument, which he rejected in January, 1679, that Monmouth's succession would result in a weakened England which would be more advantageous to French interests. He seemed, then, to comprehend that Monmouth's elevation to the throne "would be the occasion of troubles for a long time in England, between two families pretending to the

1. Dalrymple, *op. cit.*, Vol. II, p. 230.

2. *Ibid.* Barillon to Louis, January 30, 1679.

3. *Ibid.*, p. 263. Barillon to Louis, December 14, 1679.

4. *Ibid.*, p. 286. Barillon to Louis, December 5, 1680.

5. *Ibid.*

crown."¹ It appeared that this turn in the Anglo-French relation was the best to be chosen as long as its aim was "to prevent England from being reunited by an accommodation between his Britanic majesty and his parliament."² Hence Barillon conceived that Monmouth's candidacy had to be more favored rather than that of the greatest enemy of France, the Prince of Orange.

However, it is worth noting that Louis thought otherwise. Barillon's dispatches stated as a fact the French king's order to his ambassador in London "to favor the Prince of Orange's pretensions rather than those of the Duke of Monmouth."³ Louis had a reason to think that Monmouth's elevation might contribute largely to the formation of a united front in England, not as Barillon had assumed it would cause trouble for a long time. Furthermore, it would establish "so weak a monarchy as at the bottom to be only a republic."⁴ An antagonistic but a strong monarchy in England was preferable to Louis than a friendly but limited monarchy or republic. And Barillon had to submit to his king's order, though he told his majesty that "it is prudent not to let anything appear of such an intention, and always to let his cabal flatter itself that your majesty is more disposed to favor the Duke of Monmouth than the Prince of Orange."⁵

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1. Dalrymple, *op. cit.*, Vol. II, p. 290. Barillon to Louis, November 21, 1680.
 2. *Ibid.*, p. 288. Barillon to Louis, December 5, 1680.
 3. *Ibid.*, p. 289. Barillon to Louis, December 5, 1680.
 4. *Ibid.*, p. 290. Barillon to Louis in the same dispatch.
 5. *Ibid.*

Hence the Exclusion Bill, in the last two parliaments, became an external as well as an internal problem. From almost a minor party issue, it was raised to international importance. Although France continued its intricate intrigues in order to divide and dominate English foreign policy, it supported actually the Yorkish party, while Holland and Spain took the opposite stand and advocated the passage of the Exclusion Bills. The European balance of power seemed to be depended on the success or failure of these Bills. The question appeared to be whether England would adopt the French or Dutch orientation. And the Prince of Orange judged rightly when he wrote to Sir L. Jenkins, on November 12, 1680, that "on this meeting of parliament depends the good or ill fortune of all Europe."¹

The popular party, during this interval, abandoned any foreign leanings whatsoever, and all its energy had been concentrated against the "internal foe." On January 30, 1680, Shaftesbury wrote the following concerning his party's foreign policy:

The Dutch alliance (he said) is a thing in itself good and desirable; but as wholesome and nourishing meat, though good in itself, yet to a disordered stomach serves only to add to the disease, so with us, if this alliance serve to raise money, men, and ships for our mutual defense, under the conduct of his royal Highness, it had been much better never made. Nothing is good but what tends to set things right at home in the first place.²

1. Dalrymple, op. cit., Vol. II, p. 305.

2. Christie, op. cit., Vol. II, p. 358.

The success of Monmouth in suppressing the Scottish rebellion of June, 1679, had won much honor and praise for the popular party and its candidate, though frustrated partly by the latter's exile on September 24, 1679.¹ They had another advantage in setting up a regular press to inspire the people for their cause. Parliament did not renew the Printing Act of 1662 which expired in June, 1679.² Consequently Shaftesbury was able to set up presses everywhere. Accordingly, on July 7, 1679, there appeared the first number of Shaftesbury's greatest newspaper, which was first called "Domestic Intelligence." In 1680 that periodical was renamed "The Protestant Intelligence," and then it lasted till April 15, 1681, when it was finally suppressed. Shaftesbury also published a tract entitled "Appeal from the Country to the City, for the preservation of his majesty's person, liberty, and the Protestant religion," written by C. Blount in October, 1679.³

It is worth noting that while all groups were busy in adopting better means in order to attain their desired ends, a state of terror or almost of Civil War prevailed in England at the opening of the third parliament. Shaftesbury expected, at any moment, an invasion of the French army "whose forces and provisions are ready upon the coast next to us."⁴ On the other hand, we find Tories terrorized by members of the popular party.

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1. A. Clark, op. cit., Vol. II, p. 463; Dalrymple, op. cit., Vol. II, Appendix, p. 249.
 2. J. G. Muddiman, The King's Journalist, 1659-1689, p. 213.
 3. Ibid., p. 216.
 4. Christie, op. cit., Vol. II, p. 357; Shaftesbury to his faction in Privy Council, January 30, 1680.

A. Clark tells us that "John Dryden, the poet, being at Wills Coffee-house in Covenant garden, was about eight o'clock at night, December 16, 1679, soundly cudgelled by three men. The reason was because he had reflected on certain persons in his 'Essay on the Satyr.'"¹

A further description is given in Clarke's Life of James II that states "Shaftesbury had struck such a terror into all the rest by threats of being brought into the Popish Plot by sham information."² It continues further to say that "most of the men think of nothing but how to cover their own heads, and be passive at least in all those critical debates."³ We can hardly blame either party and especially the Exclusionists for adopting such methods. Their own destruction, or the destruction of the enemy, were the only alternatives left to their choice. By promoting the Bill, the popular party had provoked the vengeance of the Duke of York, and should they fail, they would have to experience the full weight of that power which they wanted to annihilate.

We have also enough evidence that the Duke of York was expected "to be able to exercise troubles in Scotland and Ireland."⁴ It simply meant that Barillon encouraged James to organize these two countries against England if the Exclusionists would be successful. The project of a Civil War was re-

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1. A. Clark, op. cit., Vol. II, p. 473; see Luttrell, I, 30.
 2. Clarke, op. cit., Vol. I, p. 613.
 3. Ibid.
 4. Dalrymple, op. cit., Vol. II, Appendix, p. 274; Barillon in a letter to Louis, October 31, 1680.

ceived favorably by Louis XIV, as might have been expected. He instantly gave Barillon orders "to encourage the duke in it."¹ Hence we may understand Lord Russell's demand to execute the Duke of York. He once told Shaftesbury, who was satisfied with the Duke's exile and exclusion alone, "the Duke of York will not return in your time, but we who are younger have reason to fear his finding himself with power to take revenge."² Shaftesbury, however, was not inclined to use force, at least during the years 1679 and 1680, before the bill was rejected by the Lords. He frequently said, "we will keep within the bounds of law, and we shall easily find means by the laws of making him walk out of the kingdom."³

With such a state of terror and threats of civil war, we may understand the fear of both court parties when the king became suddenly ill in August, 1679. Sunderland told Henry Sidney that if the king should die, Monmouth would make trouble, either by proclaiming himself king or by setting up a Commonwealth.⁴ Hence they urged the king to recall from exile the

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1. Dalrymple, op. cit., Vol. II, Appendix, p. 276.
 2. Christie, op. cit., Vol. II, p. 371. Quotation from the Archives of French Foreign Office. Barillon to Louis, October 18, 1680.
 3. Ibid., p. 367. Barillon to Louis, July 8, 1680; Pollock, Popish Plot, p. 248. However, at the opening of the Oxford parliament the exclusionists advocated rebellion against the existing order. In a pamphlet titled "the Englishman speaking plain English," the people were warned that "if you can get no remedy from the next (Oxford) parliament, as certainly you will not, then up all as one man. O brave Englishmen! Look to your own defence, -- Never it be too late! Rouse up your spirits." -- North, Examen, p. 279.
 4. Romney, Diary of the Times of Charles II, Vol. I, p. 176.

Duke of York who ultimately arrived in London on September 1, and on the next day he went to Windsor "to see the king who received him kindly and both wept."¹ But the king recovered quickly and James again left London for Brussels on September 25. This time he did not go alone, but he persuaded his brother to ostracize also the Duke of Monmouth who went to Holland a day before, on September 24.² However, on November 29, Monmouth, without the king's permission, returned to England,³ while the Duke of York, with the king's permission, left Brussels, and settled in Scotland.⁴ It is worth noting that it was Louis who tried to persuade Charles to recall his brother, or at least to allow him to settle in Scotland. On October 18, 1679, the Duke of York wrote to Louis: "I look upon the orders I have received from the king, my brother, to repass the sea, as the effects of those which you gave to Mr. Barillon. I intend to embark tomorrow (October 19) and hope your majesty will continue to me your protection. From you it is that I expect to be again solidly settled near the king, my brother."⁵ Then, about a half a year later, his ex-

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1. A. Clark, op. cit., Vol. II, p. 461.
 2. Ibid., pp. 462, 463; Dalrymple, op. cit., Vol. I, p. 57, Vol. II, Appendix, p. 249; Ormonde MSS., Vol. V, p. 213.
 3. Muddiman, op. cit., p. 216; Christie, op. cit., Vol. II, p. 354; H. Coventry writes to Ormonde that Monmouth arrived in Whitehall on the 28th, and not on the 29th. -- Ormonde MSS., V. 244. The Earl of Ossory also stated that "the friends of the duke of Monmouth give it out that this journey was with the advice of the Prince of Orange, and that he was soon to follow in order to pursue the same ends." -- Ormonde MSS., Vol. V, p. 249.
 4. A. Clark, op. cit., Vol. II, p. 464.
 5. Dalrymple, op. cit., Vol. II, p. 241.

pectation was fulfilled, and on February 24, 1680, he returned to London.¹ But James was compelled again to leave England on October 20, 1680.² The day after, on October 21, witnessed the opening of the third parliament of Charles II.

The popular party managed the elections well and the result was that it had a still larger representation in the third as compared with that of the previous parliaments. Again, the king, in his opening address, assured the English people of his readiness "to concur with parliament in any new remedies which shall be proposed, that may consist with preserving the succession of the crown in its due and legal course of descent."³ The commons, on the other hand, through one of its ablest leaders, Lord Russell, declared, on October 26, that parliament should first "resolve to take into consideration how to suppress popery and to prevent a popish successor."⁴ The fear of popery seemed so great to him that he said "either this parliament must suppress the power and growth of popery, or else that popery will soon destroy not only parliament, but all that is near and dear to us."⁵ Sir Henry Capel supported Russell's motion, declaring that Coleman's letters had con-

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1. A. Clark, op. cit., Vol. II, p. 480; Pollock, Popish Plot, Vol. II, p. xvii.
 2. Clarke, op. cit., p. 600; Pollock, op. cit., pp. xvii, xviii; Pollock, Popish Plot, tells us that in 1679 James left England on September 27, not on the 25; so Monmouth returned to England on November 27, not on the 29, as Christie states.
 3. Cobbett, op. cit., Vol. IV, p. 1160.
 4. Ibid., p. 1162.
 5. Ibid.

firmed the identity of the French, the papist, and Duke of York's interests.¹

Hence the parliamentary machine was set in motion, and on November 2, Colonel Titus made a motion that "a committee should be appointed to draw up a Bill to disable James, the Duke of York, from inheriting the Imperial crown of this realm."² Lord Russell supported this motion which was adopted the same day.³ The history of the bill was as follows: on November 4, the committee brought in the bill which was read for the first time, and the House then resolved "that the Bill be read a second time on Saturday morning next, at ten o'clock" (November 6).⁴ On November 6, after it was read for a second time, the House decided "that the Bill be committed to a committee of the whole House."⁵ Then, on November 11, 1680, the House ultimately passed this second Exclusion Bill which was entitled "an act for securing of the Protestant religion by

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1. Cobbett, op. cit., Vol. IV, p. 1167. In the pamphlet titled "the Englishman speaking plain English," the opposition emphasized more clearly the identity of Popish, French, and monarchical interests. It says, "Believe me both these (Charles and James) are brethern in iniquity. They are in confederacy with the Pope and French, to introduce popery and arbitrary government, as their actions demonstrate. The parliaments, Magna Charta, and liberty of the subjects are as heavy yokes they'd willingly shake off, for to make themselves as absolute as their brother of France." -- North, Examen, p. 278.
 2. Cobbett, op. cit., Vol. IV, p. 1175.
 3. Journals of the House of Commons, Vol. IX, p. 645.
 4. Ibid., p. 646; Cobbett, op. cit., Vol. IV, p. 1192.
 5. Ibid., p. 647. Cobbett says that was decided on November 4. -- Cobbett, op. cit., Vol. IV, p. 1197.

disabling James, the Duke of York, to inherit the imperial crown of England and Ireland and the dominions and territories there to belonging."¹

The debates were of great historical importance. They brought out different legal, judicial, political, and religious points upon which the English system of government was based. Among the outstanding figures who participated in those debates were L. Jenkins, the Secretary of State, versus Sir William Jones, then the greatest lawyer in England. The former argued² that the bill should be rejected on account of these four principles; first it was contrary to natural justice "to condemn a person, not only before conviction, but even before any witnesses have been examined"³; secondly it was contrary to the principles of religion to dispossess a man of his right "because he differs in point of faith";⁴ thirdly

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1. Cobbett, op. cit., Vol. IV, p. 1205; Journals of the House of Commons, Vol. IX, p. 651. The only difference between the first and second Exclusion Bill was that "in that Bill (first) there was an acknowledgment of his highness being the presumptive heir of the crown," while in the second bill "no mention was made of his being presumptive heir of the crown, nor would it be admitted to be added to it by amendment." The latter "Bill passed the commons with scarce two negatives, not any of those of the Privy Council in that House except Lionel Jenkins and Lord Hyde having courage to oppose it." -- Historical MSS. Commission, Ormonde MSS., Vol. V, pp. 561-63.
 2. On November 4, 1680.
 3. Cobbett, op. cit., Vol. IV, p. 1191; Kennett, op. cit., Vol. II, p. 385.
 4. Cobbett, op. cit., p. 1191. The English clergy opposed the Exclusion Bill for the same reason. "They thought it not just by a new law to take away man's private, or which is more, public inheritance, for his conscience: or they thought it the same with the practice of Inquisitions, that always seized what a man had of temporal estate and goods, together with his person, for his religion, or

the bill was in conflict with the theory of "divine right." Jenkins believed that the rulers of England derive their right from God alone, and that no power of earth can deprive them of it. His fourth objection was that the bill was also against the Oath of Allegiance, "for," he said, "by binding all persons to the king, his heirs and successors, the duke, as presumptive heir, must be understood."¹

Sir William Jones, on the other hand, furnished replies to all, but the third, objections. He assumed that the first objection was based upon a great mistake. "For this Bill," he said, "is not intended as a condemnation to the duke, but as a security to ourselves."² He also pointed out that he "cannot understand how the Bill can be any scandal to our church or religion, if by church be meant our Protestant church."³ "Can our church," he asked, "be scandalized because we endeavor to secure ourselves against popery by lawful means?" Hence this question removed also the second objection, while about the fourth that the Bill was contrary to the oath of allegiance Jones declared that he "never found it (the oath) extended to the successor during the king's life."⁴ Sir F. Winnington also ridiculed the idea that the oath binds all persons to the next heir as well as to the king. He also fur-

exactly the same as the Popes pretended, and not seldom executed, power of deposing kings for heresy." -- North, Examen, p. 357.

1. Cobbett, op. cit., Vol. IV, p. 1191.
2. Ibid., p. 1208.
3. Ibid., pp. 1208-1211.
4. Ibid.

nished us with a reply to Jenkins' third objection that the Bill was contrary to the theory of divine right. Winnington declared that this theory is a most dangerous maxim. He recognized that there is an unlimited and uncontrollable power residing somewhere in all governments. In England, he assumed that "this power is in the king, Lords, and Commons."¹

This assumption that supreme power rested in a triumvirate was challenged by the Tories who insisted that ultimate sovereignty resided in the king only, while the function of both Houses was of a mere consultive, not legislative, nature. "It is true," they said, "that the two Houses make the Bill, but the king makes the law, and it is the stamp, not the matter, that makes it current."² According to their philosophy, the passing of a bill is but the granting of a request, not an expression of the people's legislative power.³ Such a political philosophy could be derived only from the theory of "divine right" which was championed by the court party.

Mr. Henry Booth, on the other hand, successfully outlined the political philosophy of the popular party. In tracing the genesis of monarchy, he said:

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1. Cobbett, op. cit., Vol. IV, p. 1191.
 2. L'Estrange, An Account of the Growth of Knavery, p. 45.
 3. Ibid. North was fair to grant both Houses not only consultive but also legislative power. He says that "it is not found that the two Houses, beyond this concurrent power in Legislature, claim any proper agency in the government whatsoever. And it appears that all the Supreme power of the government of England, saving only that which is lodged in the two Houses of parliament, is to be found in the Crown." -- North, Examen, pp. 334, 335.

The origin of our kings was that the people found it for their advantage to set one over them, because of his wisdom, valour, and justice. Therefore they gave him several prerogatives above the rest of the people, that he might be the better able to govern and defend them, for there is none of the king's prerogatives but are for the good of the nation if rightly employed. But it will be a strange conclusion to suppose that the people obliged themselves to submit to the posterity of that man whom they first chose for their king because of his extraordinary endowments, let them be what they would, and never so unfit for the government.¹

This outline was almost a copy of Locke's theory of the unwritten contract which assumed that the king exercises his power by virtue of statutory law and not by mere divine command.

There was another contested point whether the bill would cause division or unity among the English people. Ed. Seymour, a Tory, claimed that the bill "in all probability, will not only divide us amongst ourselves, but the three kingdoms one from the other."² Sir William Jones replied to this threat of division and civil war by declaring:

We have much more reason to fear a civil war without it (the Bill) than with it; for if we can get this Bill, we may be thereby so united, and enabled to defend ourselves, as that the Popish party never have the confidence to attempt us, but without it we shall not be in any capacity to defend ourselves, which, above all things, may encourage a civil war.³

Several amendments have been proposed. Sir Nich. Carew said he "would add a clause to the Bill, to exclude all other popish successors."⁴ Mr. Harbord proposed another clause to provide that "no king should marry a popish queen." Sir R.

1. Cobbett, op. cit., Vol. IV, p. 1195.

2. Ibid., p. 1185.

3. Ibid., p. 1209.

4. Ibid., p. 1196.

Markham remarked that there ought to be a provision, in case the duke should become a Protestant, the bill should be void. He also asked for another special clause to provide in case "the duke should have a son, after either of his daughters have ascended the throne."¹ Mr. Frenchard replied on the last proposed amendment that the "son would forfeit his crown."² It seems that none of these propositions was taken seriously.

Several others had raised the question whether it would not be more practicable to name a successor. Sir Charles Musgrave declared that "nothing is more natural than to declare a successor."³ Temple and Jenkins also pressed the Commons to name a successor. The latter said, "I humbly conceive there is a great necessity of naming a successor, and not leave that in dispute, lest an inter-regnum, or civil war, happen there upon."⁴ Colonel Titus replied that "there is no need of naming a successor, for I do not see how you can name

1. Cobbett, *op. cit.*, Vol. IV, p. 1206.

2. *Ibid.*, p. 1214. Col. Cooke wrote to Ormonde, London, November 20, 1680, that this unanswered question, what are they going to do in case the Duke should have a son, was one of the reasons that caused the House of Lords to reject the Bill of Exclusion. He mentioned that "three particulars I have heard repeated as wholly unprovided for by this Bill and yet unanswered. 1. The lopping off of the whole kingdom of Scotland, whose fatal consequences wanted not due illustration. 2dly, what if the princess of Orange should refuse to assume her father's seat during his life, who then should be king? 3. Should the princess accept be crowned queen and established in the throne, and after the Duke should have a son, what then?" -- Ormonde MSS., Vol. V, p. 496.

3. Cobbett, *op. cit.*, Vol. IV, p. 1196.

4. *Ibid.*, p. 1193.

a successor unless you can, in the same time, act to prohibit the queen from having children, the king from marrying again, and the Duke from having a son."¹ Sir Robert Howard gave another reason for not naming a successor. He said "Queen Elizabeth concluded that the naming of a successor to the crown, would be digging a grave for her."² Ralph thought that the court party had just changed their methods, and instead of opposing directly the bill, they confined their objections to the manner in which it was drawn.³ However, it might also be due to the fact that the Orange faction, who furnished the most arguments against the bill, aimed, in reality, to make it more suitable to the prince's pretensions. In fact, they did not oppose the exclusion of the Duke of York, as they were scared at the elevation of the Duke of Monmouth, while several of their groups like Sunderland, Essex, and Godolphin, who were dispossessed of the Monmouth illusion, actually voted for the bill.

The second Exclusion Bill was brought to the House of Lords on November 15, and was immediately read for the first time. Afterwards "the House was adjourned into a committee for a freer debate."⁴ Then the Lords voted in the affirmative on the proposition, "whether the question for rejection this Bill should be now put." The result was that the bill was rejected by 63 against 30 votes. Twenty-five of the thirty who

1. Cobbett, op. cit., Vol. IV, p. 1197.

2. Ibid.

3. Ralph, op. cit., Vol. I, p. 522.

4. Journals of the House of Lords, Vol. XIII, p. 666.

voted for the bill signed a protest against the decision of the House of Lords, among whom were the most prominent Orange-men, except Halifax who championed most vigorously the rejection of the second Exclusion Bill.¹

Halifax became known in history as the hero of November 15, 1680. Burnet said that "he (Halifax) gained great honor in the debate and had a vision of superiority to Lord Shaftesbury in the opinion of the whole House."² All were of the opinion that it was due to Halifax's brilliancy that the bill was thrown out upon the first day it was brought in. His real motives that moved him to oppose so strikingly the second Exclusion Bill must remain mainly a matter for conjecture. Burnet remarked that "Lord Halifax's arguing now so much against the danger of turning the monarchy to be elective was the more extraordinary in him, because he had made an hereditary monarchy the subject of his mirth; and had often said, 'Who takes a coachman to drive him, because his father was a good

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1. The names of the twenty-five lords are as follows: Anglesey, Monmouth, Salisbury, Stamford, Sunderland, Maclesfeld, Cornwallis, Pagett, North, Grey, Delamer, Essex, Rivers, Bedford, Suffolk, Kent, Crowe, Grey, Howard, Herbert, Lovelace, Rure, Shaftesbury, Manchester, and Clare. -- Journals of the House of Lords, Vol. XIII, p. 666. "Those who opposed the Duke's Bill would have compounded and willingly have consented to a Bill against a Popish successor, provided the Duke might not be named." -- Colonel Edward Cooke to Ormonde, London, November 2, 1680, Ormonde MSS., Vol. V, p. 475.
 2. Cobbett, op. cit., p. 1215; Burnet, op. cit., Vol. II, p. 246.

coachman?' Yet he was now jealous of a small slip in the succession."¹

However, Foxcroft pointed out three motives for Halifax's opposition to the Bill. First he looked with great alarm on the alliance which had taken place between Lord Shaftesbury and the Duke of Monmouth. He really believed that Shaftesbury played the role of a king-maker and aimed to place his nominee upon the English throne. Secondly, Halifax laid considerable stress on the danger of a renewed civil war, which, as he believed, must result inevitably from a disputed succession. Thirdly, he thought that to abrogate in so arbitrary a fashion the birth-right of the Duke of York was to strike a blow at the sacredness of property and the established law of descent.²

Sir William Temple had assumed that Halifax's sudden turn was due to his personal ambition to "be alone chief in the ministry."³ Previously Lord Sunderland, the secretary of state, was the supreme power in the Privy Council. Then while Halifax observed the latter was to vote for the Bill, he exploited the moment to champion the king's cause and to grasp power from his falling mate, Lord Sunderland.⁴ However, although all these motives might have partly contributed to cause Halifax's "sudden turn," his belief that such an action would advance the Prince of Orange's pretensions seemed to be his

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1. Foxcroft, Life and Letters of Sir G. Savile, First Marquis of Halifax, Vol. I, p. 153.
 2. Ibid., p. 154.
 3. Memoirs of Sir William Temple, Vol. I, p. 461.
 4. Ibid.

main motive. Sidney, in a letter to the Prince of Orange, wrote¹ that Lord Halifax assured him "that what he had done last winter was to carry on your (the prince's) interest, and for his part he would never think of any other."²

On November 16, Lord Halifax proposed an "expedient" to banish the Duke of York for a period of five years, in case the king lived so long.³ Lord Shaftesbury offered another which provided that Charles should divorce the queen, while Lord Essex proposed a third to organize a Protestant Association in defense against popery. Halifax's expedient could not meet the approval of either party. The duke's friend abhorred it, while the exclusionists considered it "as a thing that could never hold."⁴ The other expedient was found to be an unworkable scheme by Shaftesbury himself. The countess of Sunderland wrote to Sidney, "on November 25, "My Lord Shaftesbury had laid down his design to divorce the king. He said he found it would not do."⁵

The same expedient that Lord Essex introduced in the House of Lords, Lord Cavendish proposed in the Commons which resolved to bring in a bill for an association "of all his

1. On June 28, 1681.

2. Romney, Diary of the Times of Charles II, Vol. II, p. 213.

3. Ibid., p. 126; Clarke, op. cit., Vol. I, p. 618, stated that Halifax's expedient provided for unlimited banishment, while Burnet, op. cit., Vol. II, p. 252, mentioned another provision that the duke should be obliged to live 500 miles out of England during the king's life.

4. Clarke, op. cit., Vol. I, p. 619; Burnet, op. cit., Vol. II, p. 252.

5. Romney, op. cit., Vol. II, p. 136.

majesty's Protestant subjects for preventing the Duke of York, or any other Papist from succeeding the crown."¹ However, Ralph stated that this bill was not introduced till towards the end of December when the close of the session was in view. "Hence it may be concluded," he said, "that it was one of those parliamentary fire works that are accordingly let off, only to make a noise and expire."²

On November 17 and 19, a new bill of limitations was introduced in the House of Lords. It provided that neither the Duke of York nor any popish successor should have power over presentations to ecclesiastical benefices, as to which care should be taken that they be conferred on the "most pious and learned Protestant."³ It resembled in almost all the points the king's bill of limitations of 1679. But all such expedients had been rejected by the Duke of York who thought they were worse than the Exclusion Bill, itself. They were also condemned by Shaftesbury who delivered "a long and vehement speech, in the Lords, on December 23, in which he threatened with rebellion, if the Exclusion Bill is not passed."⁴

1. Cobbett, op. cit., Vol. IV, p. 1250.

2. Ibid.

3. Clarke, op. cit., Vol. I, p. 635.

4. Christie, op. cit., Vol. II, p. 380; Archives of the French Foreign Office, Barillon to Louis on December 27, 1680. North stated that the Exclusionists at Oxford "had a more consistent view, with less intrigue, and more dangerous, which was to fall to arms, and make a beginning. Scotland was ripe, Argyle at a Beck there, and Monmouth here." -- North, Examen, p. 99.

By such an extreme division, a collision must happen, in which the liberties of the English people would be entirely crushed. It came on January 7 and 10, 1681, when the Commons passed several resolutions which aimed to paralyze the whole governmental machinery. Those resolutions had provided:

(1) That neither the king's person nor the Protestant religion can be secured in any way without the Exclusion Bill; (2) that we can give no money, without endangering the king's person and Protestant religion, until we have that Bill; (3) that whoever shall hereafter lend, or cause to be lent, by way of advance, any money upon the branches of the king's revenue arising by custom, excise, or Hearth-money, shall be judged a hinderer of the sitting of parliaments, and be responsible for the same in parliament; (4) that whosoever shall accept or buy any tally, or anticipation upon any part of the king's revenue or whosoever shall pay such Tally hereafter to be struck, shall be adjudged to hinder the sitting parliaments, and be responsible therefore in parliament; (5) that all persons who advised his majesty in his last message, to persist in his opinion against the Bill for excluding the Duke of York, have given pernicious councils to his majesty, and are promoters of popery, and enemies to the king and kingdom; (6) and that George, Earl of Halifax, is one of the persons who advised his majesty to insist upon the opinion against the Bill, and that he therein has given pernicious counsel to his majesty, and is a promoter of popery, and an enemy to the king and kingdom.¹

The first resolution expressed the opinion of the popular party that nothing else could be acceptable to them but the Exclusion Bill, while the second, third, and fourth closed all sources of money to the king in order to compel him to surrender.² The fifth and sixth resolutions aimed to strike terror into the hearts of Charles's Privy Councillors, by declaring them enemies of the kingdom. Of course, it remained

1. Cobbett, op. cit., Vol. IV, pp. 1279-1294.

2. "Their (Exclusionists) mistake was in taking it for a principle that the King would yield to anything, if his quiet could not be obtained without it, and that misled them." -- North, Examen, p. 99.

for Charles to choose either one of these two ways, whether to surrender to the insatiable appetite of the popular party or to sell English interests for French money. Ultimately he chose the latter and began to negotiate with Louis, while, on January 10, 1681, he prorogued parliament which was dissolved later, on the 18th.¹

Although the negotiations of the money treaty with France had been almost finished in December, 1680, Charles hesitated to agree to its verbal terms until March 26, 1681. He was provoked probably by the exorbitance of some of its provisions, and he also hoped that he might come to terms with his Oxford parliament which met on March 21, 1681. Charles had a new plan to offer to that parliament which might have furnished him with supplies to relieve his necessities. It was the "Regency Scheme" which provided that the princess of Orange should be appointed "as a regent during her father's life."² Barillon³ wrote to Louis, on April 14, 1681, that this plan "was a project of Lord Halifax, and Lord Arlington."⁴

This statement confirms once again that Halifax's action, in opposing the Exclusion Bill, tended mainly toward the advancement of the Prince of Orange's interests.

However, this regency plan was received calmly everywhere. The Prince of Orange wrote to Jenkins, on February 11, 1681, as

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1. Cobbett, *op. cit.*, Vol. IV, p. 1295. North also admitted that "the rupture (with parliament) was upon the Bill (2nd) of Exclusion." -- North, *Examen*, p. 569.
 2. Dalrymple, *op. cit.*, Vol. I, p. 63.
 3. The French ambassador in England.
 4. Dalrymple, *op. cit.*, Vol. II, Appendix, p. 311.

follows: "With regards to the proposal which you intimate to me, and which cannot displease me, I confess that I cannot comprehend what it can be."¹ Dalrymple assumed that the reason "the prince slighted it (regency plan) was, perhaps, because it took no notice of himself,"² for it appointed the princess and not the prince as regent during James' life.

The popular party, on the other hand, rejected this new expedient on account of three different reasons. First, it insisted that members of parliament had to consult their constituencies which urged them to reject any expedient but the Exclusion Bill.³ Secondly, the leaders of this party abhorred the king's interference with their legislative functions. Montague said, in a speech delivered in the Oxford parliament, "this language is not to be used in an English parliament, but in a French, to be told what we are to do and what not."⁴ Thirdly, the lawyers of the opposition as Sir William Jones and Sir Fr. Willington, opposed this expedient from a legal point of view. "Act of parliament against Common sense are void in themselves," they said. They further declared that "to make a man king, and not suffer him to exercise kingly power, is a contradiction." This act of regency would be nonsense, and it would be said hereafter "that the House of Com-

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1. Dalrymple, op. cit., Vol. II, Appendix, p. 311.
 2. Ibid., Vol. I, p. 64; taken from the prince's letter written to Sir L. Jenkins, Hague, February 11, 1681.
 3. Cobbett, op. cit., Vol. IV, p. 1318.
 4. Ibid.

mons were outwitted."¹

Hence as the regency scheme was rejected, Sir N. Carew made a motion, on March 24, 1681, that a bill should be brought in to prevent a popish successor, and in particular against James,

1. Cobbett, op. cit., Vol. IV, p. 1328.

Edward Cooke wrote to Ormonde, on March 25, 1681, that "yesterday (March 24) the king being in the house to entertain himself called my Lord Shaftesbury and asked him whether no other expedient could be found out instead of the Exclusion. My Lord answered no, and that the whole nation seemed to be of that opinion. His majesty replied that he would take two more to him, and let my lord meet him with two more on his side. He doubted not but he should find out a better expedient. My Lord Shaftesbury accepted the motion and desired to know the place which the king would needs refer to him, who thereupon said that he thought no place fitter than my Lord Chamberlain's lodgings. The king asked why there above all other places, and was answered, first, that it was the most indifferent place in the world, because my Lord Chamberlain was neither good Protestant nor good Catholic; and next, because there was the best Wine, which was the only good thing that could be had from their meeting."

The reason for Shaftesbury's rejection of all other expedients but Exclusion might be found in another extract from a letter written by the same writer on March 26, 1681. Among others he mentioned that "a letter was sent to my Lord Shaftesbury from London by some unknown person recommending the Duke of Monmouth to be the Protestant entrusted with the civil power under a Popish successor according to the king's speech; which letter his lordship shewed the king, who said he should like very well to do good to his son, but he had a conscience, which hindered him from doing wrong to his brother. My lord answered it was the first time that a court conscience had hindered anybody from doing a thing so much for his own interest." -- Historical MSS. Commission, Ormonde MSS., Vol. VI, pp. 6-8.

However, it appears from North's Examen that Shaftesbury was not satisfied with the mere entrustment of the civil power into Monmouth's hand during the reign of a popish successor, but he desired that Charles should name his illegitimate son as successor to the English throne. North says, "I have a pamphlet by me, short, and put out soon after the dissolution of that (Oxford) parliament. It is titled 'The Lord Shaftesbury's expedient for Settling the Nation, discoursed with his Majesty at Oxford, March 24, 1681.' The overture was very shamish; a letter from an

Duke of York, the same Bill which passed the last parliament."¹ On March 26, the House appointed a committee to draw the third Exclusion Bill, and on March 28, the Bill was read for the first time. Then the House resolved to read the Bill a second time on the next day, March 29. Meantime, on March 28, Charles addressed both Houses and told them that this Oxford parliament was not likely "to have a good end, when the divisions at the beginning are such,"² and he suddenly dissolved his last parliament.

unknown hand, brought to the Earl of Shaftesbury, containing a proposition that, if the king would declare the Duke of Monmouth his successor, it might serve instead of the Bill of Exclusion. The Earl, being admitted, presented his discovery, to which the king made a most prudent answer, concluding in a clear negative." -- North, Examen, p. 100. The king told Shaftesbury "that, as I love my life so well as to take all the care in the world to keep it with honour, so I do not think it of great value, after fifty, to be preserved with the forfeiture of my honour, conscience, and the laws of the land." -- Ibid., p. 123.

1. Cobbett, op. cit., Vol. IV, p. 1308.

Col. Edward Cooke wrote that "the Excluding Bill was moved in the House (on March 24th) by Sir Robert Clayton, Seconded by the Lord Russell, etc., but opposed by Secretary Coventry." -- Ormonde MSS., Vol. VI, p. 7.

Coventry argued that "as the last Bill was drawn, it might keep out a Protestant (meaning the Duke, if converted), and let in a Papist (meaning the Duke of Monmouth, who might turn a Papist after he was in possession." -- Ibid. However, Francis Gwyn agreed with Cobbett that the "motion was made by Sir Nicholas Carey for the bringing in the Bill for exclusion of the Duke." -- Ormonde MSS., Vol. VI, p. 9, Gwyn to Ormonde, Oxford, March 25, 1681.

2. Cobbett, op. cit., Vol. IV, p. 1339.

Sir Cyril Wyche wrote to Ormond, on March 29, 1681, that the king, while he dissolved his last parliament, "was pleased to say no more than that 'so ill beginnings could not have a good ending,' and then commanded the Lord Chancellor to pronounce the dissolution." -- Ormonde MSS., Vol. VI, p. 21.

Sir L. Jenkins wrote to Ormonde on the same date that "the matters they (the Exclusionists) went upon and the manner

The immediate result was that Charles, James, and Louis, were the gainers, while the Dutch, and the popular party were the losers in this tedious struggle between absolute and limited monarchy, and between French and Dutch interests. The money treaty of March 26,¹ granted Charles a pension of two million francs for the first year, and a half million crowns annually for two more years.² Charles, on the other hand, promised Louis "to disengage himself by degrees from the Spanish alliance, and he should take measures to prevent parliament from counteracting his engagement."³ Besides these allowances, Charles was promised by Barillon "that he (Louis XIV) is not to attack the low countries."⁴ Hence, this Anglo-French verbal treaty occupied the place of the defeated Exclusion Bills.

of their proceedings forced the King to it (to dissolve the Oxford parliament). They brought in the Bill against the Duke and had given it a first reading before the Black Rod came upon them. They would not hear of any expedients with their good will, for they refused to resolve themselves into a Committee of the whole House, that they might not be embarrassed with the debate. Besides, the incident of Fitzharris (who was to be impeached for participating in the Popish Plot) was growing into flame between both Houses." -- *Ibid.*, p. 20.

1. Dalrymple, *op. cit.*, Vol. II, Appendix, p. 301, stated that the treaty was concluded on March 24, while on p. 297 he said, on March 26. John Pollock, *The Popish Plot*, xix, declared it was concluded on March 14.
2. *Ibid.*, p. 301; Christie, *op. cit.*, Vol. II, p. 403, stated, only 400,000 crowns annually.
3. Dalrymple, *op. cit.*, Vol. II, p. 307.
4. *Ibid.*, Part I, p. 8; Barillon to Louis, July 24, 1681.

BIBLIOGRAPHY

Contemporary Sources

- Burnet, Gilbert. History of My Own Times. Vols. I and II. Oxford, 1823.
- Cobbett, William. The Parliamentary History of England. Vol. IV. London, 1808.
- Clarke, J. S. Life of James II. Vol. I. London, 1816.
- Clark, A. The Life and Times of Anthony Wood. Vol. II. Oxford Historical Society, Oxford, 1892.
- Dryden, J. Absolom and Achitaphel, edited by W. D. Christie. London, 1681.
- Dalrymple, J. Memoirs of Great Britain and Ireland. Vols. I and II. London, 1773.
- Essex Papers. Vol. I. Edited by D. Airy. Camden Society, Westminster, 1890.
- Grey, A. Debates of the House of Commons. Vols. III, VII, and VIII. London, 1763.
- Historical Manuscripts Commission. Ormonde Manuscripts. Vols. IV, V, and VI.
- Journals of the House of Commons, Vol. IX.
- Journals of the House of Lords, Vols. XII, XIII.
- L'Estrange, Sir Roger. An Account of the Growth of Knavery. London, 1678.
- L'Estrange, Sir Roger. The Observator. Vol. II. London, 1687.
- Macpherson, J. Original Papers. Vol. I. London, 1775.
- Memoirs of Sir William Temple, Vols. II, III, edited by T. P. Courtenay. London, 1836.
- North, Roger. Examen. London, 1740.
- Pamphlet of Father Boerio, published in Rome, 1863.
- Pepys, S. Memoirs of Sir Samuel Pepys, edited by R. L. Braybrook.

Romney, H. Diary of the Times of Charles II. London, 1843.

Secondary Sources

Christie, W. D. A Life of Anthony Ashley Cooper, First Earl of Shaftesbury, 1621-1683. 2 Vols. London, 1871.

Dietz, F. C. Political and Social History of England. New York, 1927.

Foxcroft, H. C. Life and Letters of Savile, First Marquis of Halifax. Vol. I. London, 1898.

Kennett, W. History of England. Vol. II. London, 1706.

Macaulay, T. B. History of England. Vol. I. New York, 1855.

Martyn, B. Life of Anthony Ashley Cooper. Vols. I and II. London, 1836.

Muddiman, J. G. The King's Journalist.

Pollock, J. The Popish Plot. London, 1903.

Ralph, J. History of England. London, 1746.

Reresby, J. Memoirs of Sir John Reresby, edited by J. J. Cartwright. London, 1875.

Russell, J. Life of Lord William Russell. London, 1853.

Cobbett's Parliamentary History of England, Vol. IV, Grey's Debates of the House of Commons, Vols. VII and VIII, the Journals of the House of Commons, Vol. IX, and those of the House of Lords, Vols. XII and XIII are the most valuable contemporary sources that include the basic material for the topics discussed in this thesis. The Ormonde Manuscripts, Vols. IV, V, and VI, as a series of private letters, are very important for one who searches for unofficial channels. So North's Examen brings to us an invaluable account of the popish plot and the

Tory attitude toward all problems which appeared at that time, while Dalrymple's Memoirs of Great Britain and Ireland, the second volume especially, tries to reproduce the French ambassador's correspondence to Louis XIV.

From the secondary sources Christie's Life of Shaftesbury gives the best historical account of the life of this shrewd leader and of the political and religious struggles of that time. Foxcroft's Life of Savile describes Halifax's attitude toward the Exclusion Bill, while Pollock's Popish Plot renders to us, in a very detailed form, the story of the same plot. Kennett's History of England, Vol. II, and Ralph's History of England, Vol. I, ought to be mentioned also among those which reflect most emphatically upon the history of our period.

Many sources mentioned, such as Burnet's History of My Own Times, and the diary of Pepys, are English classics. Besides these there are memoirs which have less literary value, such as those of Reresby, Romney, and Clarke, but still we find in these an exhibition of undeniable facts and data.