

THOMAS OSBORNE,
EARL OF DANBY AND DUKE OF LEEDS.

1631—1712.

THE statesman whose life I now propose to narrate, filled the highest posts, and was concerned in the greatest events, during two reigns and a revolution : he exercised great power ; and, if not the leader of a numerous party, was certainly led by no other man.

Thomas Osborne, who became successively earl of Danby and duke of Leeds, was the eldest son of sir Edward Osborne, a baronet of Yorkshire, whose grandfather laid, in the reign of Elizabeth, the foundation of greatness, by an act of bravery and humanity. He was an apprentice to sir William Hewit, one of the most considerable merchants in London, and possessed of an estate of 6,000*l.* a year. Anne, the only child of the citizen, was accidentally dropped by her nurse from the window of his house on London bridge. Young Osborne jumped into the river, brought the child safe out, and afterwards, according to the laws of romance, married her, came into possession of estates in Yorkshire and Essex, and probably of a round sum in ready money ; and ultimately became sheriff * and lord mayor † of London, a knight, and one of the city members.‡

Sir Edward Osborne was a royalist, and a follower of Strafford. His wife was Anne, widow of Thomas Middleton, of Yorkshire, esquire, and daughter of Thomas Walmsley, of Dunkealch in Lancashire. She was heiress, through her mother, of the ancient family of Neville, lord Latimer.§

* 1575. † 1582.
‡ Collins's Peerage, i. 255.

‡ 1585. He died in 1591.

Of the education or early life of Thomas Osborne, nothing is known, except that he and sir William Temple were "young travellers, and tennis players together in France."* It is probable that the monarchical principles of his family had kept him in the country, or abroad, unconcerned in public affairs, from his accession to manhood until the restoration of the royal family.† Nor was he a member of the convention. His first appearance in public life was at the age of thirty, when, in the life-time of his father, he became member for the city of York in the long parliament, which met on May 8th‡, 1661. Clarendon was now the principal minister of Charles II.

Burnet § speaks of Osborne's being concerned with others, soon after the Restoration, in offering to the king an augmentation of revenue and power; in which scheme they were thwarted by Clarendon. But that historian himself says nothing of this. If the story be true, it shews that Osborne was from early life an advocate for the crown.

He had "always," according to the same contemporary testimony, been "among the high cavaliers."|| Yet we are told that one of his earliest votes was in opposition to a bill introduced into the Oxford parliament of 1665, for obliging all persons to make the declaration enjoined by the corporation act, act of uniformity, and militia act, of the unlawfulness of taking up arms against the king, or persons commissioned by him.

Certainly a man might have a reasonable and even a zealous attachment to the monarchy, and might hold that, in the days of Charles I., the cavaliers were in the right and the roundheads in the wrong, and might yet refuse to call upon all men to declare upon oath, that resistance to the sovereign could in no case be lawful.

* Life of Temple, i. 423.

† Some time before the Restoration, and probably soon after he came of age in 1652, Osborne married Bridget, second daughter of Montagu Bertie, second earl of Lindsey, who had fought for Charles I.

‡ Parl. Hist., iv. 200.

§ I. 435.

|| ii. 12.

But I am afraid that there was not, either in the character of Osborne, or in the times, sufficient of political refinement for these distinctions. If the vote was given, it must probably be ascribed to the spirit of opposition, operating in a young mind.

The party which Osborne joined on this occasion obtained a small majority; but I cannot recognise "the very remarkable providence," by which, according to John Locke, the bill was thrown out.*

Besides this, nothing is recorded of his votes in parliament, or political attachments, before the year 1667, when he took an active part in the proceedings against lord Clarendon. By his countryman, sir John Reresby†, he was considered as the principal enemy of the minister in the house of commons, as Buckingham ‡ was in the house of lords. Clarendon himself, indeed, considered him as "a dependent, and creature of the duke;" and says, that he had told many persons in the country, before the parliament met, that the chancellor would be accused of high treason, and if he were not hanged, he would be hanged himself.§

But one Wren, secretary to Buckingham, reported that the king, when asked by the duke whether Clarendon had advised him to govern by an army, had denied it, and had declared his intention to stop all proceedings against his minister. This report disheartened the prosecutors; but Osborne, as Clarendon tells us, then went to the king, and informed him what Mr. Wren had confidently reported in all places, "which very much dissatisfied that party that desired to do him service, so that they knew not how to behave them-

* He says, that Mr. Peregrine Bertie, in taking his seat that morning, had been introduced by his brother and sir Thomas Osborne, and that the three turned the scale. This is true; for the numbers, which were 57 to 51, would have been 54 on both sides, if the three had voted the other way. But P. Bertie was the only new member, the others only assisted at the ceremony of his introduction, and would have made a majority without him. But there is no ground for disputing the main fact. See Locke's letter in *Parl. Hist.*, iv. 328., and *App. xl. and Jour. viii. 622.*

† *Memoirs*, p. 14.

‡ George Villiers, second duke of Buckingham, celebrated by Dryden and Pope, and latterly by Scott.

§ Clarendon's *Life*, iii. 309.

selves." The king then disavowed Wren, and hereupon the committee was again revived.

The journals show that Osborne was actively engaged in the prosecution, with Mr. Seymour (afterwards sir Edward). He was teller for the majority against the reasonable motion, "that the heads of the accusation brought in against the earl of Clarendon be referred to a committee, to take the proofs and report.* There is a similar indication of unheeding factiousness, upon the unsuccessful motion to impeach lord Clarendon for high treason, upon an article of charge † vaguely stated, with no proof of the facts, and more than doubts as to the law.

Nothing could be more vague than the grounds, for it would be a mockery to call them evidence, upon which the charges were to be supported; and to Osborne certainly belongs a full share of the blame attached to these reckless proceedings in a criminal case. The eleventh charge, for the sale of Dunkirk, was thus supported: — "Sir Thomas Osborne said that *a great lord told him* that the earl had made a bargain for Dunkirk three quarters of a year before it was known." And there are other instances equally trifling.

As he is said to have been a copious as well as plausible speaker ‡, he probably brought his eloquence to bear upon the falling minister; but nothing is recorded but a few notes of one of his speeches: — "The king ready to change his religion. No money remaining! No person in employment but who can buy it. We are upon our last legs; no one man ever had more employments. Threaten any man that gave advice, — no vessel to swim without his hand at the rudder. No

* Nov. 6. 1667. Jour. ix. 15.

† "That Edward, earl of Clarendon, has designed a standing army to be raised, and to govern the kingdom thereby; advised the king to dissolve the present parliament, to lay aside all thoughts of parliaments for the future, to govern by a military power, and to maintain the same by free quarter and contribution." Journ., ix. 16. 18. Parl. Hist., iv. 374. 382. State Trials, vi. 432., where there is a much fuller report of the debate. See also Hallam, ii. 494. 497. Clar. Life, .iii. 252. 307. 315. 383. Hallam says truly, that Clarendon owned to having advised against summoning parliaments, and for levying contributions in a case of emergency.

‡ Burnet, ii. 12.

money issued out of the treasury without his approbation. Sir William Coventry brought order out of the chancellor's closet, when the king was with him. If any other men had the thoughts, they had not the power. He has no pique against him, but as he is one of the 400 of the house of commons thought by the chancellor useless and inconsiderable."*

The refusal of the lords to entertain the articles as an impeachment for treason, and Clarendon's departure from the kingdom, led to the substitution of a bill of banishment, which Osborne, no doubt, warmly supported. I am sometimes inclined to think that this bill, and perhaps other bills of the same nature, have been too severely censured, or censured upon wrong grounds. When an accused minister puts an end to proceedings which have been commenced against him, by withdrawing himself, he may fairly be deemed to have "let judgment go by default."

In the present case, however, it is said that Clarendon withdrew in consequence of a peremptory command from the king†; a command which in our days would be an idle word, but which in 1667 was deemed unquestionable. Clarendon himself did not assign this cause of his departure, which he ascribed to "the differences between the two houses, with the power and malice of his enemies, who gave out that they should prevail with the king to prorogue and dissolve this parliament in displeasure, and threatened to *expose him to the rage and fury of the people*; and he might therefore be looked upon as the cause which obstructed the king's service, and the peace and unity of the kingdom."‡

The apprehensions of Clarendon are not here very precisely stated; but his son tells us that he feared that, after parliament was dissolved, he should be left (not to the fury of the people, but) to be tried by a select number of peers, probably his declared enemies.§ Whatever we

* Nov. 7. 1667. Parl. Hist., iv. 382.

† See Lingard, xii. 182.

‡ Clarendon's Petition and Address to the Lords, Parl. Hist., 397-8.

§ Carte's Ormond, ii. App. 39.

may think of these reasons for absenting himself, the commons were justified in deeming it a flight from justice.

Another ground was stated in debate, upon which *ex post facto* bills are justified in cases of treason. Mr. Vaughan (afterwards chief justice) was of opinion that the counsel given to the king to govern by an army was treason at common law; and he appears to have held that as such it was reserved as treason by the statute of 25 Edw. III. Others thought, and surely that is the sounder opinion, that it rested with parliament (the king and two houses) to declare what was treason. And Blackstone*, following sir Matthew Hale, supposes the very vague clause of the statute† to contemplate a *declaratory act* in each. But, as I read the statute, the proceeding in parliament, whatever it may be, ought to proceed upon a case of doubt or difficulty stated by the judge of a court below, and the thing done must be such as to constitute felony, if it be not treason. I cannot pursue this legal question further; I am only anxious to show, that the measure, in which Osborne took a leading part was not altogether without vindication.

An ill opinion of Clarendon was not confined to a party in the house of commons, or to the followers of the duke of Buckingham. Sir William Temple, reporting the opinions of the conversers at Brussels, in which apparently he concurred, represented Clarendon as not only the enemy of Spain, but a *dependant upon France*; —“ His majesty has freed himself from a minister who was a great occasion of the people’s discontent, and who had personal interests distinct from those of his majesty and the kingdom.” ‡ A dislike of the

* Book iv. c. 6.

† “ And because that many other like cases of treason may happen in time to come, which a man cannot think or declare at this present time, it is accorded, that if any other case, supposed treason, which is not above specified, doth happen *before any justices*, the justices shall tarry without any going to judgment of the treason, till the cause be shewed and declared before the king and his parliament, whether it ought to be judged treason or any other felony.”

‡ Temple to Lord Arlington, Sept. 16. 1667, in the *Life of Temple*, 1836, i. 130.

French connection, a leaning towards Holland, and to Spain as interested with Holland in the preservation of the Netherlands from France, were now the favourite principles of foreign policy in England. To these Osborne was attached, from the first period in which we hear of him in connection with foreign affairs. In Clarendon, then, he opposed a minister of politics differing from his own. As "an old cavalier," Osborne was devoted to the church of England, and so far he may be said to have been of Clarendon's party; but that minister had lost his credit with the old cavaliers, who accused him of neglecting them after the Restoration. In the abhorrence of popery, daily becoming more violent in England, and soon afterwards the main principle of opposition to the court, sir Thomas Osborne largely participated.

Such were the sentiments of Osborne when he commenced his official career. In April 1667, he had been appointed one of the commissioners for examining the public accounts*; this commission was one of Charles's concessions, and the board was composed in great part of popular members of parliament. But it was then that, according to Burnet†, he was brought to the king, by whom it is not stated — to claim merit, at Clarendon's expense, as one of those who at the Restoration had been willing to aggrandize the crown.

In 1670 he was appointed to the office of treasurer of the navy, jointly with sir Thomas Lyttleton; he afterwards became sole treasurer‡, and a privy councillor.§

His first appointment took place just at the time at which the triple alliance, founded upon the policy which

* Kennet, iii. 286.

† Many members of the house of commons, such as Clifford, Osborne, Ker, Littleton, and Seymour, were brought to the king; who all assured him that, upon his restoration, they intended both to have raised his authority and to have increased his revenue; but that *the earl of Clarendon had discouraged it*, and that all his creatures had possessed the house with such jealousies of the king, that they thought it was not fit to trust him too much nor too far. — ii. 461. This is one of Burnet's unsupported statements. Clarendon himself says nothing like it. See Harris, iv. 344.

‡ See Burnet, i. 425.

§ May 3d, 1671.

he approved, was almost avowedly abandoned; its negociator * had been recalled, and the ministers most favourable to it † were displaced. It may excite surprise that Osborne should connect himself with the government by office just at this period; but we are not to measure sir Thomas Osborne's consistency by the standard used in our days. How far his principles would have carried him in opposition to his official superiors, I know not; but the truth is, that while the doctrine of compliance in a minister was almost, if not altogether, as prevalent in the days of Charles II. as in those of Elizabeth ‡ or James I.; conformity in the house of commons was not exacted of official members.

The treasurer of the navy will soon be found opposing one of the favourite measures of the Cabal, although it was under that notorious administration that he was sworn of the privy council. It has been said §, I know not upon what authority, that courtiers were now sometimes instructed to conceal their real sentiments, and to seek popularity by speaking and voting with the popular party. But Osborne certainly required no such deceitful instructions for his first proceeding in opposition to the government.

We find Osborne prominent among those who, on the first meeting of parliament in 1673 ||, addressed the crown against the dispensing power exercised ¶ in favour of the dissenters. ** In these addresses, the treasurer of the navy was associated with sir Thomas Meres and Mr. Powle; yet there was no identity of sentiment between Osborne and these leaders of the country party. Their desire was to resist popery and arbitrary power; his, to

* Sir William Temple.

† Sir Orlando Bridgman and the duke of Ormond. See *Life of Temple*, i. 338.

‡ See p. 35. and 126. in this volume.

§ Lingard, xii. 287. He says that this system was introduced by Clarendon.

|| Tenth Session of the Long Parliament, February 4, 1672-3. *Parl. Hist.* iv. 501. *Com. Journ.* ix. 245. *Lords*, xii. 521.

¶ On the 15th of March.

** *Journ.* ix. 251., Feb. 10. 1673. He was one of the committee to draw up an address on the vote, "That penal statutes, in matters ecclesiastical, cannot be suspended but by act of parliament."

maintain that form of protestantism only, which is in the church of England.

These addresses occasioned a violent dispute between the house and the king, who finally thought fit to cancel his declaration *; thus Osborne, the holder of an office during pleasure, was concerned in compelling the court to abandon a favourite measure.

Upon the famous act †, which passed in this session, for establishing not only the sacramental test, but the declaration against transubstantiation, as a qualification for civil or military office, Osborne concurred equally with the ministers and with the country party. Upon the unsuccessful bill, which immediately followed the test act, for relieving from its operation the non-conforming protestants, Osborne was separated from his new associates, equally as a churchman and as a cavalier.

The bill was confined to such dissenters only as would subscribe the doctrinal articles of the church: there was much debate on fixing the terms of admission; Osborne took the less liberal side. It is not easy to understand the proceedings upon this bill; but the line which Osborne took appears from the notes of a speech which he made, when it was proposed to dispense with the "assent and consent" to the doctrinal articles, and to abandon the renunciation of the covenant:—"He would have as many dissenters brought in as may be. Does think this most unreasonable, and cannot consent to it. It is both to the king and to this house: to the king, because we should seem to encourage the wickedness of those men (the covenanters, I presume); to the house, because of the vote. No man, he thinks, would ever come in, and he would exclude them. It is a great scandal to bring them in by special act of parliament; the nation groans under it, and he thinks they would return into rebellion." ‡

Osborne now became an active speaker on the side of

* March 7. 1673. See Lingard, 262—266. Parl. Hist. 561.

† Lingard, xii. 266. Act 25 Chas. II. c. 2.

‡ Parl. Hist. 540.

the government. On a proposal for delaying the money bill* until the test act should have passed, he urged the propriety of reposing confidence in the king, and of placing our fleet on a footing with that of the Dutch, with whom England was now again at war. But the reports of the parliamentary speeches of those days do not assist us in ascertaining whether, at this early period of his career, Osborne gave proofs of that skilfulness in debate and superior understanding which Lord Dartmouth, who knew him later, and in the house of lords, largely ascribes to him.†

The ministers were successful in passing their money bill; and the commons got little further than the assertion of their grievances, in addresses to the crown. These consisted, in England, of a convoy duty illegally imposed, and of abuses in the quartering and pressing of soldiers. The Irish grievances will show what different forms the liberality of a faction assumes.

The prayer of the party now was, that no papist should be admitted into the army of Ireland, or to hold any judicial or municipal office, or even to reside in a corporate town. But I dwell not upon these matters, because, up to this time, Osborne had no concern in the government.

His talents now obtained for him the great appointment of lord high treasurer of England.‡ This post had been held by Clifford, one of the members of the Cabal, who, as a Roman catholic, was under the necessity of resigning it, on the enforcement of the test act. Osborne's appointment has been ascribed by contemporaries§, to the duke of Buckingham, acting in concert with the retiring treasurer, Clifford. Reresby, who was Osborne's country neighbour, tells a story of a bargain, effected by the duke, whereby Clifford was to receive half the salary of the office. What we know of

* Parl. Hist. iv. 567. 571. Journ. ix. 269.

† Note on Burnet, ii. 12.

‡ June 19. 1673. See, in Appendix A, the chancellor's speech on this occasion.

§ Burnet, ii. 12. Reresby, p. 21.

the practice of the times renders this not impossible ; but I suspect the story to have been Yorkshire gossip. The compiler of James's memoirs * ascribes the recommendation, in which the duke concurred, to an opinion of his fitness for the conduct of the treasury, as shewn in his management of the pay office of the navy.

When Osborne, who was, in August, 1673, created viscount Latimer†, and in June, 1674, earl of Danby, first obtained the staff, all the members of the Cabal, except Clifford, remained in their posts. By joining the government at this time, Osborne made himself a participator in all the counsels of the Cabal, and became at once an obnoxious minister. He partook of the odium cast upon the other ministers of Charles, for the stoppage of payment at the exchequer, the attack upon the Smyrna fleet, and the second Dutch war. Upon him, not less than upon those who had cemented it, was visited the hateful connection with France ; and he became an object of jealousy and hatred with the enemies of popery.

It is almost needless to add, — because the remark is applicable to all times, that the treasurer had to contend also with the reckless factiousness of politicians, ambitious and corrupt : of some, whose principles of foreign or domestic policy gave way to the love of power ; of others, who were ready to join any cause for pay : a third class should, perhaps, be added, neither ambitious nor corrupt, but altogether careless.

At the opening of the first session, in which Danby sat as treasurer ‡, lord Shaftesbury addressed the two

* I. 484.

† The Gazette of June 19, 1673, announces the resignation of the staff by lord Clifford, and its being given to sir Thomas Osborne, knight and baronet. On the 23d of June, it is said—“ In the last Gazette there was an omission of the title of the right honourable sir Thomas Osborne, who, for his great merits and eminent services, was formerly created lord viscount Dumblaine in Scotland, and, in further confidence of his great abilities, is now made lord high treasurer of England.” (Ralph, i. 236.) Douglas says (l. 459), “ He was made viscount Dumblaine on Feb 2, 1673, and surrendered his patent to his son Peregrine, on the 14th of March 1694.” The surrender took place sooner, I believe.

‡ Eleventh Session of the Long Parliament, Oct. 27. 1673. Parl. Hist. iv. 586. Com. Journ. ix. 282. Lords', xii. 588.

houses as chancellor. It may be supposed to have been by the advice of the treasurer, that the king, in his own speech, recommended a consideration of "the debt he owed the goldsmiths, in which many other of his good subjects were involved,"—those, namely, who had been injured by the stoppage of the exchequer. But the speech of Shaftesbury, while it enforced the same popular topic, was principally directed against the Dutch, and savoured little of a disposition to conciliate them for the sake of peace.

The commons refused to grant a supply, "unless it should appear that the obstinacy of the Dutch should make it necessary."* In the former session, they had liberally supported the war, and were probably now influenced in withholding assistance, by the duke of York's public avowal of his adherence to the Roman catholic religion. It was thus the fear of popery that refused to fill the treasury, while in the hands of the most zealous protestant among Charles's ministers. The commons introduced new measures against popery, intended "to clear the house of lords (in which the duke still sat), as well as the court, of all papists †;" and they addressed the king to prevent the duke's marriage with the catholic princess of Modena; and they were about to attack the duke of Lauderdale, when the king suddenly prorogued the parliament. ‡

Another of the Cabal now left the council: Shaftesbury, who appeared, during this short session, to have co-operated with the leaders of opposition, especially in the attacks upon the duke of York §, was deprived of the great seal.

Buckingham was still (as well as Arlington) one of the confidential advisers of the crown||, when parlia-

* Oct. 31. Parl. Hist. iv. 602, 3.

† P. 592.

‡ Nov. 4., p. 608.

§ He was also suspected of having carried on an intrigue with the prince of Orange, with the view of putting an end, through the opposition in the house of commons, to the Dutch war, and uniting England with the Dutch against France. See Lingard, xii. 302, and Temple, ii. 292.

|| The foreign committee consisted, in Feb. 1674, of Finch, Danby, Arlington, and Henry Coventry. (Temple, ii. 254.) But this committee was not alone consulted on the conduct of affairs.

ment again met in January 1674.* But something more of Danby's politics now began to appear in the opening speeches: The king's, besides promising to agree to anything which the house might think wanting to secure religion or property, was a little more pacific, and contained a disclaimer of secret stipulations with France, of which the treasurer himself did not know the audacious falsehood.†

The speech too of the new lord keeper, though still full of the unreasonableness of the Dutch, regarded peace as more probable; but was chiefly notable for a boast of "the conviction of all recusants, and bringing them under the penal laws." Yet this did not deter the house of commons from renewing strong resolutions against "counsellors popishly affected ‡" and otherwise obnoxious, or from proceeding specifically against the three remaining members of the Cabal, Lauderdale, Buckingham, and Arlington. Not only the encouragement of popery, but the breach of the triple alliance, the Dutch war, and the intimacy § with France, were among the charges against these ministers. The house addressed the king to remove the two dukes: Arlington, whom Buckingham had accused of being the adviser of the war, but who rejected that imputation, and took credit for the triple alliance, was acquitted.

The examination of Buckingham disclosed the jealousy, and even enmity, which prevailed between these

* Twelfth Session, Jan. 7. 1674. Parl. Hist. 611. Com. Journ. ix. 286. Lords', xii. 594.

† "I know you have heard much of my alliance with France, and I believe it hath been very strangely misrepresented to you, *as if there were certain secret articles of dangerous consequence*; but I will make no difficulty of letting the treaties, and all the articles of them, without any the least reserve, to be seen by a small committee of both houses, who may report to you the true scope of them; and I assure you, there is no other treaty with France, either before or since, not already printed, which shall not be made known."—p. 611.

‡ P. 624.

§ The third charge against Arlington was, that he had traitorously betrayed his trust as secretary of state; and the first overt act was,—*"enter-taining a more than usual intimacy with the French ambassador, not only lodging him in his house, but letting him into the king's most secret counsels."*—p. 651.

two leading members of the Cabal. Danby probably differed from both, but at this time was united, at least in foreign politics, with lord Arlington, although there was certainly no friendship between them.

The commons renewed, but did not pass, their bill for a more effectual test. In the house of which Danby was himself a member, the measures were now first suggested, which afterwards took the name of *expedients*, by way of substitute for the *exclusion* of the popish successors. By these it was proposed, that persons of the royal line should marry protestants only, and all the royal children be educated in the church of England.* No one of these suggestions was carried into effect. I have not the means of ascertaining what part Danby took in the discussion of them. That he was favourable to them in his heart, I cannot doubt; and I think it probable that he supported them with the approbation of the king, who could be reconciled to anything short of the exclusion of his brother.

The commons passed the habeas corpus bill †, but it was dropped by the lords.

The refusal of Louis to comply with Charles's pecuniary demands ‡, while the English parliament still withheld supplies, now inclined the king to a peace, to which the States were at the same time influenced by the court of Spain, with which they had recently contracted an alliance. Acceptable terms were proposed by the Dutch, through the Spanish ambassador: these Charles communicated to parliament, and was advised to conclude upon that basis.§ The king set at nought, for the moment, the interests and probably the remonstrances of France, and the peace was signed in February, 1674. The king immediately prorogued the parliament ||, without giving effect to the votes of the

* Lords' Journ. 618. 626. Not a trace of these proceedings is to be found in the Parl. Hist.

† Parl. Hist., iv. 660.

‡ Parl. Hist., ib.

§ Dalr. i. 137.

|| Feb. 24. 1674, p. 636.

commons against his ministers, or receiving from them the requisite supplies.

I cannot undertake to say, that it was by Danby's advice or management that Charles was brought for a time into a more English policy; but the king did certainly display, at this period, the sentiments upon which the cavalier who was his minister, no less than the popular leaders, desired him to act. Danby's old friend, sir William Temple, the negotiator of the triple alliance, — whom Charles permitted to lecture him with patience proportioned to his disregard of the lecture, — was now again called forth and sent to Holland, furnished with reasonable and judicious instructions*, and flattering himself that he had left his master in the right mood.†

Now that the test act was in force, peace made with the Dutch, and the connection with France interrupted, there is nothing to object to in the policy of the administration of which lord Danby was a member. It was equally consistent with his own, and the public opinion.

The treasurer now gave relief, in what mode I am unable to say, to the sufferers by the perfidious shutting of the exchequer ‡; the commencement of a financial administration, which, although the subject of much controversy, most historians have lauded, and under which the revenue was augmented, while the expenses were diminished.

In these departmental matters, Danby had probably his own way, but he had by no means that dominant control over the king's affairs which now belongs to a prime minister. Buckingham was dismissed§ in the

* May 30. 1674. *Life of Temple*, ii. 405. They are countersigned by Henry Coventry. If drawn by him, they do him great credit.

† *Ib.* i. 424., and *Temple's Memoirs*, ii. 267.

‡ *Danby's Memoirs*, p. 7. The sum there stated is 1,200,000*l.*

§ Reresby says, that Buckingham's disgrace occurred through the duchess of Portsmouth, and that he in vain made use of the mediation of Danby; and, "to say the truth," adds sir John, "his lordship was not altogether so zealous for his grace as he ought to have been, especially if we consider that it was to him he owed the white staff." (*Mem.* 24.) Surely, after Buckingham's examination before the house of commons, no one of his colleagues could be very desirous of retaining him.

spring of 1674, but Arlington remained*, by no means indisposed to a renewal of the connection with Louis, very jealous of Danby, whom he envied for his easy acquisition of the treasurer's staff, and not unwilling, as it is believed, to support his rivalry by the aid of the parliamentary opposition. The two discarded ministers, Shaftesbury and Buckingham, had now become flaming patriots.

In this year, 1674, however, they had no opportunity of displaying their patriotism, for parliament was not permitted to sit. On its meeting, in November, it was at once further prorogued to April 1675. †

How far Danby was concerned in the first prorogation there are no means of learning; the second was the result of a renewed bargain with Louis, of which he had no knowledge. At the moment of the signature of the treaty of peace, Charles had apologised for it to Ruvigni; and Louis, apprehensive that the king of England might be forced by the parliament to go a step further, and join in the war against France, now bribed him to put off its meeting. ‡

The year 1674 was occupied in discussions tending to a general peace. Danby kept up a correspondence with sir William Temple, with whose views of foreign policy he coincided. The leaning of Danby's mind in reference to such matters may be inferred from his desire to bring Temple into the office of secretary of state. §

It appears to me certain that, although his son, lord Latimer, was attached to the mission, the treasurer was not fully informed of the objects with which lords Arlington and Ossory were sent over to the prince at the end of this year. The instructions were verbal only, and Danby was not acquainted with the intention, carried

* He resigned the office of secretary of state to sir Joseph Williamson, and became lord chamberlain, Sept. 14. 1674. — Ralph, i. 263.

† P. 666.

‡ Lingard, xii. 299. Dalr. ii. 98, 9.

§ Life of Temple, i. 423. ; ii. 24.

into effect by Ossory, of hinting to the prince the probability of giving to him the princess Mary in marriage.* This ignorance is indicative, not so much of Danby's want of success in his struggle with Arlington for the ascendancy, as of the irregularity and want of unity which prevailed, not at this moment only, but generally in this age, within the English cabinet. It has been conjectured, that the project of the match was devised by Arlington, in order to get beyond his rival Danby, in the favour both of prince and king.†

But Arlington failed entirely in conciliating the prince, whose inclinations were decidedly towards Danby.‡

Danby likewise flourished more and more in the favour of Charles §; and in proportion to this favour, was the jealousy of Arlington. The king sent for Temple from the Hague, (under a false pretence of business||,) in the hope that his friendship with both the rivals might effect a reconciliation. Danby, satisfied with his situation, was disposed to conciliate, but Arlington, so far from being reconciled to Danby, grew cool towards Temple himself. The treasurer however and the chamberlain each retained his situation; and the king, as we shall see, continued to make use of both, without giving to either an exclusive or entire confidence.

It is said that Danby was favourable, about this time, to a scheme of religious comprehension. "During this twelfth session," says Richard Baxter¶, "The earl of Orrery** desired me to draw him up in brief the terms and means which I thought would satisfy the non-con-

* That Danby was ignorant of at least this part of the object of the mission, is not only to be inferred from Temple's Letters and Memoirs, (ii. 293.), but is clearly proved by Danby's own statement, that the first motion in the affair of the match was made in a letter from Temple in April 1676. — Letters, p. 285.

† See Ralph, l. 264., and Lord Ossory's Letters, there quoted.

‡ See his letters in the Danby Collection, p. 124.

§ Temple, ii. 293.

|| See Life of Temple, l. 451.

¶ Sylvester's Reliquiæ Baxterianæ, 1696, part iii. p. 109.

** Roger Boyle, lord Broghill and earl of Orrery, himself a most distinguished man, and father of Robert Boyle. His biographer says of him,

formists so far as to unite us all against popery; professing that he met with many great men that were much for it, and particularly the new lord-treasurer, sir Thomas Osborne, and Dr. Morley, bishop of Winchester, who vehemently professed his desire of it."

I cannot enter into the detail of the proposals and answers to which this communication led; though I wish most earnestly that our church could have been brought to reject all articles not essential to Christianity, and to establish herself upon a wider basis than any church that has hitherto existed.

Among the demands made on the part of the non-conformists, some were such as no established church could reasonably be expected to admit. For the principle of the scheme was, to leave the liturgy, sacraments, and other ordinances, generally established and in force, but to allow of a great latitude in omission, alteration, or non-conformity; and this not only in private houses, but in the parish churches.

On the other hand, the terms offered by Baxter, as well in respect of religious doctrine as of political allegiance, were in some particulars extremely liberal: he proposed that all ecclesiastical ministers, and schoolmasters, should "subscribe the doctrine and sacraments of the church of England, as expressed in the thirty-nine articles, according to the 13th of queen Elizabeth, and the common subscription approving the doctrine of the homilies;" and moreover a declaration against rebellion and sedition.*

— "He was constantly visited by men of parts and learning, and the most eminent bishops of the church of England. As he always strictly adhered to the established church, he was a great favourite with these, though he often took the liberty to tell them, that he thought them a little too stiff in some points,—that he wished for nothing more than to see a union between the church and the dissenters; and conceived it highly barbarous to persecute men for any opinions which were not utterly inconsistent with the good of the state."—*Budgell's Lives of the Boyles*, p. 114.

* "I, A. B. do hold, that it is not lawful for his majesty's subjects, upon any pretence whatsoever, to take arms against the king, his person or authority, or against any authorised by his legal commission; and that there lieth no obligation on me, or any other of his subjects, from the oath commonly called "the solemn league and covenant," to endeavour any

Notwithstanding these concessions and offers, the negotiation, which was conducted on the part of the church by bishop Morley, produced no good result. That bishop, with Ward, bishop of Salisbury, was among the leading prelates, who soon afterwards met Danby and other ministers* at Lambeth in consultation upon the affairs of the church. The consequence of their consultation was, an order in council, forbidding attendance at mass, and subjecting the Roman catholics to other disabilities and penalties; and requiring the rigorous enforcement of the laws for suppressing conventicles.†

If these ordinances were intended by Danby, (as has been suggested‡) to court the popular party, it must be allowed that he did no violence to his own opinions. Indeed, the circumstance of including the protestant dissenters in these intolerant proceedings, serves to show that they originated in a zealous attachment to the church of England, either in the minister, or in those whom he desired to conciliate. For although, in 1669, a proclamation against conventicles procured for Charles the thanks of the house of commons§, I apprehend that the enemies whom Danby had now to dread in parliament, reserved all their virulence for popery, and were not inimical to the non-conformists.

If the measures which Danby pursued were consistent

change in the present government of these his majesty's kingdoms; nor to endeavour any reformation of church or state by rebellion, sedition, or other unlawful means."

* Lauderdale, the lord keeper Finch, and the two secretaries, Coventry and Williamson. — Sylvester, p. 153.

† Feb. 8. and 12. 1674-5.; Kennet, iii. 331.; and Lingard, xii. 309. See Burnet: — "The building of St. Paul's in London was now set on foot with great zeal. Morley and some of the bishops were sent for, and the new ministry settled a scheme with them, by which it was offered to crush all the designs of popery. The ministers expressed a great zeal in this, and openly accused all the former ministers for neglecting it so long. But, to excuse this to the duke, they told him, it was a great misfortune that the church party and the dissenters were now run into one; that the church party must have some content given them; and then a test was to be set on foot, that should for ever shut out all dissenters, who were an implacable set of people." (ii. 53.) It is said in the "Memoirs of James," (i. 499.), that Danby and Lauderdale, by the king's order, endeavoured to obtain the duke's consent, who, on the other hand, urged the king to withhold his sanction.

‡ Lingard, xii. 309.

§ Journ. ix. 101.

with his opinions, there is no necessity for questioning his motives ; nor would they be worthy of condemnation, although intended " to pacify the parliament."* But the historians of this time mention an incident, which shows that the gratification of the cavaliers and the church party was Danby's object, rather than the conciliation of the discontented commons. He set up at this time at Charing Cross, the fine equestrian statue of Charles I., which had been neglected or concealed.† The effigy of " the royal martyr " might encourage the hope that the services and principles of those who fought in his cause were not forgotten ; but it could not be very gratifying to those who contemplated a repetition of the measures of 1641.

Contemporary writers, indeed ‡, and others who have followed them §, have mentioned, and generally in a tone of censure or of sneer, the endeavour of Danby to conciliate and bring forward the old cavaliers, " who had been forgotten since the Restoration."|| Surely, this

* James's Memoirs, i. 499. Coleman says, that " Ministers would have sacrificed France, religion, and the duke of York too, to their own interests if occasion served." This remark is quite inapplicable to Danby, who had no favour either to France or to the religion of which Coleman speaks. He gives a not very intelligible account of an intrigue among members of parliament for keeping them quiet during this session ; but he says nothing that affects what I have written, either as to Danby or his conscientious opponents. — *Parl. Hist.* iv. lxxxvii.

† Burnet, ii. 53.

‡ Marvel, *Growth of Popery*, i. 509. " They began therefore, after fifteen years, to remember that there were such a sort of men in England as the old cavalier party ; and reckoned, that by how much the more generous, they were more credulous than others, and so more fit to be again abused. These were told that all was at stake, church and state ; (how truly said ! but meant how falsely !) ; that the nation was running again into forty-one ; that this was the time to refresh their ancient merit, and receive the recompence double of all their loyalty, and that henceforward the cavaliers should have the lottery of all the great or small offices in the kingdom, and not so much as sir Joseph Williamson to have a share in it." (p. 509.) This notion of an exclusive patronage of the old party, is not quite consistent with lord Gullford's averment, that it was Danby's practice to use pensions and promises in the purchase of enemies. — See p. 225. *post.*

§ Ralph, i. 271. Carrel, *Contre-Révolution d'Angleterre*, p. 167.

|| See Burnet's character of Charles, ii. 479, whose ingratitude to those who had formerly served him, is thus satirised by Rochester :—

His father's foes he does reward,
Preserving those that cut off's head :
Old cavaliers, the crown's best guard,
He lets them starve for want of bread.
Never was any king endued
With so much grace and gratitude.

is no matter of reproach. Even those who, whether from acuteness or evil-thinking, withheld from Danby the praise of high principle in his attachment to church and king, admit that he was of the cavalier *party*: is he to be blamed for calling staunch cavaliers about him? —and if he gratified those, or the sons of those, who had fought in the cause of Charles I., by setting up his statue, or even by honouring that unfortunate king, whose interment had been little ceremonious, with a magnificent funeral,—was there any thing but an harmless homage, to prepossessions in which he himself participated?

On opening the parliament, which met on the 13th of April, 1675*, after an interval of fourteen months, the king boasted in his speech of what he had done “to extinguish the fears and jealousies of popery,” and promised that he would leave nothing undone, that might show the world his zeal for the protestant religion as established in the church of England, from which he would never depart.” And the lord keeper Finch enforced the necessity of a national church, established and protected by law; observing, however, that the protestant dissenters were not so rigorously treated as catholics in the late proclamation.† If this speech be compared with those which were delivered from the throne during the Cabal administration, or spoken by Shaftesbury as chancellor, the increased in-

* Thirteenth Session. Parl. Hist. iv. 671. Com. Journ. ix. 314. Lords', xii. 652.

† “His majesty hath considered religion again more particularly, as it is the protestant religion established by law in the church of England: he sees that as such, it is not only best suited to the monarchy, and most likely to defend it, but most able to defend itself against the enemies of all reformation; and therefore upon this account it is, that his majesty, with equal and impartial justice, hath revived all the laws against dissenters and non-conformists, but not with equal severity; for the laws against the papists are edged, and the execution of them quickened, by new rewards proposed to the informers; those against dissenters are left to that strength which they have already. But these, and all other laws whatsoever, are always understood to be subject to the pleasure of a parliament, which may alter, amend, or explain them, as they see cause, and according to public convenience.”

fluence of the church of England, under Danby's administration, will be apparent. These speeches, it is true, often mentioned the king's attachment to the church of England; but they forthwith announced some measure apparently hostile to it.

But now that there was an administration afraid of popery, the party in opposition lost much of the interest they had in crying it down. Cold thanks were returned for the speech, and it became evident that "the ministers" (as Coleman expresses it) "having *turned their faces*, the parliament would do so too, and still be against them; and be as little for persecution now, as they were for popery before."*

It is not correctly said that ministers had "turned their faces." That of Danby had always been set against popery. New ministers had acquired power, and new interests had obtained favour.

Bills for enforcing the laws against papists, and for educating the royal children as protestants, were brought into the two houses, but were feebly supported, and made no progress.†

Although the opposition leaders had no ground for imputing either inconsistency or insincerity to the minister, he could not reasonably complain that they distrusted him. They could not place confidence in Charles, and in those days the wishes and character of the king were more important than those of the minister. Whatever might be the sentiments of Danby, he had shown himself a subservient follower of the court; and had made himself fairly responsible for doings which he disapproved.

It was natural that Danby should be opposed by Russell, by Cavendish, and all whom, anticipating a little, I will denominate whigs. But personal jealousy and political hostility now united against him the most

* Coleman's Letter. Parl. Hist. iv. lxxxvii.

† Lords' Journ. xii. 661. Commons', ix. 317. 320. Lingard, xii. 312.

heterogeneous opinions and characters. He had new enemies, from the centre of the Cabal itself. Not only Shaftesbury, who had, even when in office, shown symptoms of disaffection to the court, but Buckingham, quite reckless of consistency, joined in the opposition to a government, of which the main fault was, that it too nearly resembled his own.

The combined leaders were neither fair nor judicious in their mode of attack. Taking little notice of his more acceptable doings, and allowing no time to see what measures the minister might propose in parliament, they proceeded at once against the treasurer. Within the first fortnight of the session (in which they had addressed for the recall of the English troops from France, and for the dismissal of the duke of Lauderdale,) they embodied their charges against the minister in articles of impeachment. Lord Russell was the ostensible originator of this accusation. He appears to have been put forward on this occasion, as a young man of rank and character, without having made himself master of his subject. "All we give (to the king) is too little when the treasury is managed to set up private men and their heirs. The earl of Danby has acted in it in a high and arbitrary manner, and disposed of the treasure as he pleased; and has publicly declared at the treasury, that a new proclamation is better than an old law."*

Upon these unsupported accusations, this young nobleman moved, that lord Danby should be removed from his employments, and an impeachment drawn against him. The details of the accusation were conducted by others. Sir Samuel Barnardiston † presented the articles (seven in number), and Mr. Powle was the principal speaker in support of them.

Lord Danby was charged ‡ with perverting the ancient practice of the exchequer, by causing a portion of the

* Parl. Hist. iv. 688.

‡ Article i.

† P. 693.

revenue to be paid and accounted for, without passing through that court of multiplied checks; by which means he obtained the disposal of large sums, without the cognizance of the chancellor of the exchequer, and without record. This he effected, chiefly, by a royal patent obtained by himself, directing the excise moneys to be paid to a particular cashier, and then to be paid, either into the exchequer or otherwise, as the lord treasurer might direct. The inference was, that a part of the treasure was misapplied to personal and corrupt purposes.*

Another money charge † imputed to Danby the receipt of large sums from unnamed sources, besides the exchequer revenue, "which had been wastefully spent;" and the issue of unprecedentedly large sums for secret service, while the king's debts remained unpaid, the stores unfurnished, and the navy unrepaired. He was also charged ‡ with "stopping the legal payments due in the exchequer;" and "procuring great gifts and grants from the crown, whilst under great debts, by warrants signed by himself." §

Some of Lord Danby's colleagues expressed, on his part, a readiness for inquiry. But he was defended against the pecuniary charges by Mr. Garraway, one of the leaders of the popular party. This is, I presume, one of the circumstances from which the "high bribing" of Danby is inferred. But, apparently, not only was no evidence brought, but no facts were alleged, in support of the charges. Powles was the only member who stoutly maintained the accusation, and his facts were confined to the excise patent, already mentioned. Of this matter a satisfactory explanation was subse-

* In investigating this charge, it was proposed to vote that "the patent is illegal, and contrary to the course and constitution of the exchequer;" and — a curious incident in parliamentary practice — the question was so amended by the treasurer's friends as to leave it simply, "the patent is." This occurrence has been fastened upon as a trick and subterfuge. (Examination of the earl of Danby's case. Danby's Memoirs, p. 72.) It was, probably, by a mere omission, that after the sense of the house had been taken, the journals were not formally discharged of the main question.

† Article iii.

‡ Article iv.

§ Article vi.

quently given* ; and Garraway very fairly urged the amount of the exchequer receipts, as a proof that no material part of the revenue was irregularly anticipated.

A Mr. King asserted "that Danby had done good service in the treasury in paying of the navy and army ;" and historians have generally admitted Danby's merit in this respect. Sir Charles Harbord made a somewhat remarkable speech : — "He had had the honour to serve the king under seven or eight lord treasurers ; by the duty of his place he is to advise with all things relating to the revenue ; he has endeavoured all the time *to save the treasury, but sees he cannot do it.* So far as he has been acquainted with the lord treasurer, he has not found his understanding defective in it, and has wondered at it, that a young man† and a country gentleman should understand it so soon. In this business he would go as faithfully and as truly as any man ; as he had charity for the gentleman that brought in these articles, so he knew many of these things to be otherwise. Would have you view the state of the revenue first, and, if proper, then would enter into the merits of the cause : he can disprove many of these things alleged." I know not what office this gentleman held in the department. The reference to his unsuccessful endeavours to save the treasury, however unintelligible now, is supported, but not explained, by a speech of colonel Birch, — "that the treasury is gone is certain, but as to the treasurer's being in fault, he hopes he will come out purified like gold."

Another ground of attack may be attributed to the gradual change which was now taking place, though not

* Kent, who had a charge, as a creditor, upon the excise, was also receiver of the customs. The receivers of the excise, James and another, were also paymasters of the army, and were to be supplied out of the customs ; but properly, as I presume, not until the receipts had been paid into the exchequer. Kent had therefore to pay money destined for James, and also to receive money from him. It was arranged that a transfer should take place without the intervention of the exchequer ; with the view, I apprehend, of securing to Kent what was due to him from the excise. See Danby's Memoirs, p. 198.

† According to my computation, Danby was forty-three at the time of his appointment.

yet accomplished, in the conduct of our political concerns, by the disuse of the privy council as a deliberative and executive board, and the establishment of a committee, or cabinet, of which, at a later period, one person was placed at the head as prime minister. The lord treasurer was charged* with "assuming to himself the management of Irish affairs, which were, in preceding times, dispatched always by the secretaries, and passed in council. To this assumption the accusers added the pecuniary motive of converting a very great sum of money out of the Irish revenue to his own private advantage." I find nothing said in support of this charge, or in answer to it.

A supposed *obiter dictum* in a cause at the treasury, that a "new proclamation was better than an old law," was the foundation of another charge †, upon which we are equally without information. Upon each of these charges the house resolved, that there was no ground for impeachment.

The treasurer's financial administration will come under discussion hereafter. I may now say, upon every principle of justice and criticism, that, at this period, no official malversation was proved against the earl of Danby.

Upon the remaining very curious article we have more light, though it is still somewhat obscure. — Peregrine, the second son of Danby (who surrendered to him the dignity of viscount Dumblaine, in Scotland), sought in marriage Frances, daughter and heiress of sir Thomas Hyde. The lady, who appears to have been under the guardianship of her stepfather, Vynier, the lord mayor, had been married, or partly married, at a very early age, to one Emerton, her mother's nephew, but, apparently, a low man. As to this alleged marriage a suit at law was depending, and the article charged Danby with having caused a principal witness in the cause to be arrested, brought before the king himself to be

* Article v.

† Article vii.

examined in the presence of Dauby, and induced by threats and promises to give false evidence, with a view to setting aside the marriage. In support of this charge, it was proposed to ask several questions of the lord mayor, in which a fresh accusation appears, namely, that the treasurer endeavoured to purchase Vyner's co-operation, by a promise that a crown debt to him should be paid, and a place given to his son. It also suggested that Danby had advised and assisted Vyner in defending the suit. But the house, justly attaching the greatest importance to the charge of impeding public justice, refused to ask of Vyner any question but one; that one related to some tampering with the clergyman who married Emerton, and to the arrest and examination of Vyner's servant, the witness to whom the charge referred.

The journals record nothing beyond the fact, that the question was asked and answered; whereupon it was resolved that there was no matter of impeachment in this article.

It appears from Evelyn's Diary, quoted hereafter, that the suit was carried into the court of delegates: there were also proceedings in the King's Bench between Emerton and Vyner. The proceedings certainly gave much scandal to contemporaries.

As the impeachment did not go up to the lords, Danby was not called upon for an answer; but he declared upon his honour, in a letter written some years afterwards to lord Clarendon (to whom Mrs. Hyde was related), that neither he nor lady Danby knew any thing whatever of the affair, until he heard from the court of delegates that his son and Mrs. Hyde had acknowledged their marriage.*

It has been confidently asserted, that Danby did not rely altogether upon his innocence, or upon the justice

* Lord Danby to lord Hyde, July 15, 1682. Clar. Corr. i. 74.

of the house of commons, but secured his acquittal by "high bribing." *

Bishop Burnet † ascribes it to Danby as a novelty, that, instead of attempting the virtue of the more eminent speakers, he purchased the suffrages of the less important but more numerous herd of silent members. This assertion, which has been adopted by the generality of historians, is scarcely consistent with the supposed purchase of Garraway. I can throw no new light upon the subject. Certainly, nothing in the character of the age, or of the man, authorises me to dispute the probability of the statements of Burnet and Marvel, to which lord Guilford's ‡ may be added; but all persons must agree

* Mar. i. 427. It appears, from a piece of poetry called "The Chequer Inn,—a Supper given by the Treasurer to the Parliament Men, 1675," that Danby gave an entertainment upon his acquittal, which was attended by a host of his supporters. The poem (so called by courtesy), which is ascribed to Andrew Marvel, has not sufficient merit for insertion, and is moreover not distinguished in point of delicacy from other works of the age. I shall extract only the portrait of Danby himself:—

"The host, that lives in that same house,
Is now a man, but was a mouse,
Till he was burgess chosen;
And for his country first began,
But quickly turned cat-in-pan,
(The way they all have rosen);
And ever since he did so wex,
That now he money tells by pecks,
And hoards up all our treasure.
Thou'lt ken him out, by a white wand
He dandles always in his hand,
With which he strikes the measure.
* * * * *
He is as stiff as any stake,
And leaner, Dick, than any rake,
Envy is not so pale;
And though, by selling of us all,
He wrought himself into Whitehall,
Looks like a bird of gaol."¹

† II. 71.

‡ "I observed this good humour began to decay by taking off enemies by preferring them; and those friends that were low in the world, or had mercenary natures, had money given them: so that ambitious men expected to be sought too and caressed, because they were able to trouble the king's affairs; and the honest, plain, (but not discerning) country gentleman believed every vote that was given for the court was the effect of a pension, and would not join, lest he should be thought to do it because he had some hopes of a reward."—*Dairymple*, 8vo. i. 133.

¹ The members of parliament whose presence is celebrated, are these; Wheler, George Montague, ("the foreman of the British crew,") Mansell, and Morgan from Wales; the western glory, Harry Ford, sir Courtenay Pole, Nedenham, Birkenham, Chesney, Throckmorton, Neville, Delman, Lawley, Portman, Cholmeley of Vale Royal, Hanmer, Herbert, Sands, and Musgrave.

with Ralph* that, nothing is easier to be said, nothing is harder to be proved."† Defeated in their attempt to ruin lord Danby by personal accusation, the leaders of opposition now reverted to the more ordinary course of impugning the measures of his government. He had established, and sincerely desired to maintain, the neutrality of England between France and Holland. But a body of English troops still remained in the service of the king of France, and it was the joint object of the Dutch and Spanish ministers, and of the English opposition, to procure the return of these troops. The house of commons ‡ addressed the king to recall them and to prevent any more from going. Charles promised the latter, but refused the former of these requests as inconsistent with his honour.§ This answer produced much heat and disorder, and after the word *all* had been omitted by a bare majority, it was resolved, by the speaker's || casting voice, to renew the address, but no further proceedings are recorded.¶ The debates afforded a notable instance of the uncertainty of facts, in their nature easily capable of proof, and important in their bearing. The amount of the auxiliaries was stated, by one party, at 8000, by the other at 2000; a difference so material as fairly to justify a difference of opinion upon the main question; for unless there was any stipulation with the States-general to the contrary, the smaller number might reasonably have been left to waste itself by casualties. It was

* I. 96.

† The biographer of Marvel relates a story of an attempt to bribe him, by the lord treasurer in person, who visited him at his lodgings, offered him a place, and afterwards, 1000*l*. These Marvel refused, although, according to one edition of the story, he had on the same day to borrow a guinea of a friend; and, according to an improved version, convinced the minister of his independence, by exhibiting to him the frugality of his table. This version is quoted by Mr. Cooke, in his History of Party, i. 35. from a certain "Mr. Dove." (See Ralph, i. 344.) No trace of the story is to be found in Marvel's letters or tracts.

‡ April 19. and May 5. 1675. Parl. Hist. 678. 698.

§ P. 700.

|| Sir Edward Seymour, whom Burnet accuses of great partiality to the government side, and to whom it had been objected, that he was a privy counsellor. His vote may raise a question, whether he was courting the country party, wished to show that he was not partial, or whether he knew that the anti-French address was agreeable to Danby, with whom he was then, I believe, on good terms.

¶ Page 709. Lingard, xii. 315. The Parl. Hist. is incomplete, as it too often is. See Journ. ix. 335. 343. 354.

asserted on the part of government that an equal number of Englishmen were serving with the prince of Orange, and that the compromise suggested in the king's answer was conformable to the understanding had with the Dutch on signing the treaty of 1674. The point is of importance to our inquiry, because any favour shown to France in respect of these men, would detract from the earl of Danby's character as an opponent of the French interest. But there is unquestionable evidence in favour of the statement which was made by his friends in the house of commons. Sir William Temple, who negotiated the treaty with the marquis del Fresno, Spanish ambassador, empowered by the Dutch, declares that the question of recall, which was one of those in which he had the greatest difficulty, "was composed by private engagements to suffer those that were in the French service to wear out without any recruits, and to permit no new ones to go over; but at the same time to give leave for such levies as the states should think fit to make in his majesty's dominions, both of English and Scotch regiments."* Charles had not during his reign any other minister than Danby who would have sanctioned a stipulation so unequally injurious to France.

The passing of the first address, and the closeness of all the subsequent divisions, afford sufficient proof, either that Danby was not very zealous in opposing these anti-gallican votes, or that the influence which he is supposed to have maintained by corruption was not very effective. But it has been confidently said, that foreign gold, which had already mixed itself with the royal treasure, now found its way into the pockets of individual members; and that while France bribed on the one side, the efforts of the opposition were encouraged by money supplied by the ministers of Spain and Holland.†

* Temple's Memoirs, ii. 255.

† "The Dutch and Spaniards spared no pains for expense of money, to animate as many as they could against France; our lord treasurer (Danby), lord keeper (Finch), all the bishops, and such as call themselves old cavaliers, who were all then as one man, were not less zealous against popery." — Coleman's Letters; and Parl. Hist. iv. lxxxvii.

Danby now introduced into the house of lords, by the hands of the earl of Lindsey*, the most remarkable measure of his domestic administration, — the bill for enforcing a non-resisting test.† All persons in council, office, parliament, or the magistracy, were to make this declaration on oath: — “ I do declare, that it is not lawful upon any pretence whatsoever to take up arms against the king, and that I do abhor that traitorous position of taking up 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 endeavour the alteration of the government, either in church or state.” We have no particular account of the debates, extending over sixteen days, which this proposition occasioned: there is a long and spirited narration of what passed by John Locke; but, in this, the party feeling is too strong to admit of justice being done to the reasons and arguments of the court party.

The test was probably intended to operate in favour of the cavaliers, and to exclude altogether the remains of the republican party: “ It was necessary,” (said, as Burnet tells us,) “ the proposers of the test, to discriminate the good subjects from the bad. We had been lately involved in a long civil war, occasioned by the ill principles that some had taken up, with relation to government. It was fit to prevent the return of such miseries. The king had granted a very full indemnity, and had observed it religiously, but there was no reason, while so much of the old leaven still remained, to leave the nation exposed to men of such principles.” Roger North, a very high prerogative writer, says that the declaration against resistance was “ opposed to the old republican principle, which the faction began to set up afresh, — that all power is from the people.”‡

* Robert, third earl of Lindsey, was brother to Danby's wife.

† Parl. Hist. iv. 714. Ralph, i. 277. Burnet, ii. 73. Lingard, 316.

‡ Examen, p. 62. See on the other side, Marvel, i. 510.

Not having even the fragment of a speech from Danby on the subject of this measure, I can form no positive opinion as to its origin and motive. My conjecture is, that there was a mixed motive of principle and policy, for obtaining a parliamentary recognition of the justice of the cause of Charles I., or rather a condemnation of "the great rebellion;" and thus identifying the cause of the court and minister with that of the cavaliers.

But writers treat this test as if Danby were the author of it.* Now, the declaration against taking up arms against the king, or persons commissioned by him, had been framed soon after the Restoration, and was already required of all persons serving in the militia†, from the lieutenant of a county to the private soldier; of all persons in holy orders‡, and of all non-conforming ministers.§ The promise not to attempt alterations in church or state was not exacted from the militia, but it was in the clergyman's oath; and also in that of non-conformists, with a special disavowal, in this latter case, of the solemn league and covenant.

By Danby's bill, this test, in both its parts, was to be taken by all privy counsellors, magistrates, and members of parliament; certainly a great extension, but one which was recognised in principles by the previous acts; for, if resistance were to be abjured by the whole standing military force of the country, and all teachers of religion, it surely could not be deemed lawful in those who held civil offices. Was a statesman and a legislator to hold resistance lawful, at the same time that he required an abjuration of it from those who could make it most effectual, and from those who could most widely inculcate it?

I do not affirm that the proposers of the present bill used these arguments: I only wish to shew that the

* Burnet says, "the test that lord Danby had contrived, as was formerly mentioned." I do not know to what earlier passage he alludes.

† 13 & 14 Chas. II. c. 3. sect. 17, 18.

‡ Ib. c. 4. sect. 9, 12.

§ 16 Chas. II. c. 3. sect. 2.; and see Baxter's Proposals, p. 215. ante.

measure was not a novel and unheard-of attempt at the establishment of the doctrine of passive obedience.

The declaration against changes in church and state was required of ecclesiastical, but not of military persons; probably, because the latter had no means of effecting them, except by arms, which they disclaimed. We shall see presently that this, the more objectionable part of the oath, was neutralized.

The bill was opposed upon obvious reasons: the general inexpediency of tests, especially as exacted of the members of a legislature; the possibility of a case, in which resistance, even in the name of a king, might be justifiable and necessary; the imprudence and injustice of binding down a parliament against alterations, while every new law is in effect an alteration. Of the declaration against resistance, a French writer says, with great reason, that it is "one of those propositions," entirely metaphysical, the mere examination of which is in itself an evil.*

Shaftesbury and his friends judiciously and adroitly avoided these troublesome topics, and founded their opposition rather upon general objections and particular and speculative difficulties, which might, under various contingencies, be occasioned by the exaction of the test.†

The duke of York, Burnet tells us, was against the bill; but Danby made no attempt to conciliate the duke, or the romanists, by any concession injurious to the established religion; on the contrary, no sooner was it suggested during the discussion‡, that no papist would object to an oath, obliging him only to maintain the church government, without any mention of religious doctrine, than the promoters of the bill made an addition to their test, binding the taker against "endeavouring any alteration of the protestant religion as now established by law in the church of England."§ And

* Histoire de la Révolution de 1688 en Angleterre, par F. A. J. Mazure, p. 141.

† One clause was altered thus in consequence of these criticisms: — "Commissioned by him according to law, in time of rebellion or war, and acting in pursuance of such commission." — Lingard, p. 323. Parl. Hist. liv.

‡ Parl. Hist. iv. p. lv.

§ Lingard, xii. 323.

it is surely more reasonable to attribute to this insertion, than to any cajoleries of Shaftesbury, the conduct of the catholic peers ; who, though said to have been at first unwilling to oppose the king, or reject a monarchical test, finally joined, one and all, in the opposition which was made to it by the country party.

With equal readiness, the treasurer, upon its being objected that the exclusion of peers for the refusal of a test, or from any cause, from the house in which they had hereditary seats, was an infraction of their birth-right, consented to expunge that penalty.

Another important modification of the test was adopted by the peers at an early period of the proceeding, in order to secure freedom of debate and vote in parliament ; and this proviso was, by the special influence of Danby* made part of the declaration.

Locke's letter † describes some interesting discussions upon that part of the oath which affected the church ; and Shaftesbury made very clever speeches, shewing the necessary vagueness of all descriptions of the protestant religion ; but these only produced a more stringent obligation to support the church of England *as established by law.* ‡

It was proposed to limit the obligation to abstain

* So says Locke, (Parl. Hist. lxi.). The lords had resolved, on May 3. "That there shall be nothing in this bill which shall extend to deprive either of the houses of parliament, or any of their members, of their just ancient freedom and privilege of debating any matter or business which shall be propounded or debated in both or either of the said houses, or at any conferences or committees of both or either of the said houses of parliament, or touching the repeal or alteration of any old, or preparing any new law, or the redressing of any public grievance ; but that the said members of either of the said houses, and the assistants of the house of peers, and every of them, shall have the same freedom of speech, and all other privileges whatsoever, as they had before the making of this act." And these words were afterwards added to the test : — "And I do take this oath according to the true meaning of this act, and the proviso contained in the same."

† Page lvi. ; and Lingard, xii. 321.

‡ According to Lingard, the oath was finally settled thus : — "I, A. B. do declare that it is not lawful, on any pretence whatsoever, to take up arms against the king ; and I do abhor the traitorous position of taking arms by his authority against his person, or against those that are commissioned by him *according to law, in time of rebellion and war, and acting in pursuance of such commission.* I do swear that I will not endeavour any alteration of the *protestant religion, now established by law in the church of England,* nor will I endeavour any alteration in the government, in church or state, *as it is by law established.*" — p. 323.

from alterations in religion by the insertion of the words, "by force or fraud." Against this Danby spoke; but the great philosopher who records the debate, has not acquainted us with the reasons which he assigned. The proposed addition would have neutralised the oath, since no special security is required against force or fraud; yet without some such words the oath was assuredly liable to the objection made to it, as shutting out all improvement.*

The test bill never went beyond the house of lords: a question of privilege arose between the two houses, which occasioned a prorogation. This question, if not raised, was no doubt contested more obstinately by the commons, with a view to defeat the bill.† Shaftesbury, according to Burnet‡, boasted of having raised it, and though others assured the bishop that "it happened in course," Andrew Marvel teaches us that the commons, though clearly in the wrong, kept up the controversy with factious views:—"The lords," he says, "*according to their undoubted right*, being the supreme court of judicature in the nation, had, upon a petition of Dr. Shirley, taken cognizance of a cause between him and sir John Fagg, a member of the house of commons, and of other appeals from the court of Chancery, whether in good earnest, which I can hardly believe, or rather some crafty parliament men among them, having an eye upon the test, and to prevent the hazard of its coming among them, presently took hold of it, and blew the coals to such a degree that there was no quenching them."

I know not what part Danby took in the proceedings

* "This bill, as we humbly conceive, does strike at the very root of government, it being necessary to all government to have freedom of votes and debates in those who have power to alter and make laws: and besides the express words of this bill, obliging every man to abjure all endeavours to alter the government in the church, without regard to anything that rules of prudence in government, or Christian compassion [to protestant dissenters, or the necessity of affairs, at any time, shall or may require, upon these considerations, we, humbly conceiving it to be of dangerous consequence to have a bill of this nature, so much as committed, do enter our dissent from] that vote, and protestation against it." — Protest of Shaftesbury, Buckingham, Clarendon, and others, April, 1675. Lords' Journ. xii. 668.

† Parl. Hist. iv. 757.

‡ II. 75.

of the house of lords upon this occasion ; he is entitled to a share in the commendations which have been bestowed upon the king.* Charles called the two houses before him, ascribed their differences to the designs of men who desired a dissolution of the parliament, and recommended to them a free discussion. To an address from the lords for the removal of the lieutenant of the Tower, who, receiving contradictory mandates from the two houses, had obeyed the commons, by declining to produce at the bar of the house of lords the prisoners committed by the other house, the king answered, through lord Danby, that "he had considered the circumstances of the matter, and was not satisfied how with justice he could remove him."† Shortly afterwards, no hope existing of an amicable adjustment, the king finished the session in a short and judicious speech.

In that session nothing was done in the way of supply. The king having recommended a consideration of the state of the navy, a bill was brought in for appropriating the customs to that use, but it did not proceed.‡

The king opened the next session of parliament § after an interval of three months, with an exhortation to the two houses, at least to postpone their quarrels until some public business should have been done. He particularly recommended to them whatever might "tend to the security of the protestant religion as it is now established in the church of England." In asking for supplies, to take off anticipations upon the revenue, and for building ships, he said, "though the war has been a great cause of these anticipations, yet I find by a late account I have taken of my expenses, that I have not been altogether so good a husband as I might have been, and as I resolve to be for the future, although at the same time, I have had the satisfaction to find that I

* Lingard, xii. 326.

† June 9. 1675. Parl. Hist. iv. 738.

‡ Journ. ix. 315. 323. 330.

§ Fourteenth Session, Oct. 13. 1675. Parl. Hist. iv. 740. Lingard, 327.

have been far from such an extravagancy in my own expense, as some would have the world believe. It is now above three years since I have asked you for anything for my own use." — Neither this plausible speech, nor an eloquent harangue from the lord keeper which followed it, succeeded, either in obtaining adequate supplies from the commons, or in deterring them from the revival of their quarrel.

They resolved "not to grant his majesty any supply, for taking off the anticipations upon the revenue * ;" instead of granting supplies for the navy, they appropriated the customs to that service, and though they did grant money for building ships, it was only by a small majority † that a negative was obtained to a proposition, for placing that money in the chamber of London ; to be appropriated to its purpose by the lord mayor and common council. In the midst of these proceedings they resolved, in a committee on the state of the nation, "that the atheism and excessive debauchery now prevalent in this kingdom should be one part of the matter to be redressed in the state of the kingdom." ‡

A strong censure was passed upon those who had disobeyed the king's proclamation § for recalling Englishmen from the service of France. || This, again, was in effect, not in intention, a vote against the king, but not against his minister.

The votes of the preceding session on the case of privilege were renewed. ¶ Lord Shaftesbury, whose cooperation with his friends in the other house consisted, through a strange necessity, in taking the part opposite to theirs, persuaded the lords, in a long and elaborate speech, to assert their jurisdiction, and proceeded with

* Journ. ix. 359. Parl. Hist. 757. Burnet, ii. 78.

† Lingard says it was *carried* (xii. 328.); but he is clearly mistaken. Journ. 364.

‡ Parl. Hist. iv. 770. Correctly in Journ. 572.

§ May 19. 1675.

|| Oct. 23. Journ. ix. 362.

¶ Lingard says, defeated ; but see Parl. Hist. 791. ; Journ. 381. of Nov. 19., forbidding counsel or attorneys to prosecute an appeal against any commoner of England in the house of lords ; and Shaftesbury says, that the ministers did not oppose them. — p. 793.

the obnoxious appeal. The duke of Buckingham introduced, without opposition, a bill for the relief of protestant dissenters.* Lord Mohun, who was in the former session distinguished for "the violent part which he took against the commons †," having moved to address the crown for a dissolution of the parliament, the court party could only avert, by two voices ‡, a vote so decisive.

In this division the duke of York, desirous, as is supposed, of dismissing a parliament so hostile to the catholics, voted in the minority with nearly all the peers of that persuasion.

The king immediately prorogued the parliament for the unusual period of fifteen months.§

In the history of this session, there is little of the house of lords, and the name of Danby does not once appear among the speakers. But it has been impossible to separate the public and the personal histories. Danby was the chief minister of the crown; the person against whom the hostile motions were levelled; and by whom, it is reasonably to be supposed, the proceedings of the court party were directed, and the crown advised. Without attending, with some minuteness, to the proceedings of parliament, no fair judgment can be formed of the conduct of the treasurer, in the very embarrassing situation in which those proceedings placed both him and his royal master. Whatever may have been the faults of Charles during the administration of the predecessors of Danby, no charge of malversation at home, or neglect of English interests abroad, had at this time been substantiated against king or minister. The argu-

* Lords' Journ. p. 789.

† Parl. Hist. iv. 724.

‡ Fifty to forty-eight.

§ To February 15. 1676-7. Parl. Hist. 803. Journ. November 22., p. 383. At the commencement of this session, many anti-popish measures were begun, but none of them was carried forward. They were entirely in favour of the church of England, and one of them negatived, in effect, though not in words, the dispensing power of the crown. From their tenor it may be inferred that Danby was favourable to them; but the house entertained them coldly, they apparently excited little notice, and were dropped. (See Journ. October 20. 1675; ix. 360.) The Parl. Hist. makes no mention of them.

ments of the popular leaders against confidence in the government were founded, for the most part, upon the mismanagement of former ministers, with whom Danby had been too closely connected.

Of the value of financial statements, of a period so remote, it is impossible to judge. The only account of revenue and expenditure at this period, which I have seen, exhibits a small deficiency; at the same time that the anticipation amounted to 866,000*l.* This was, apparently, the account which sir John Duncombe tendered to the house of commons, and which that house refused to receive*, upon what ground it is difficult to imagine. No man appears so have laid his finger upon the point of extravagance. An economical reformer of the present day would doubtless have suggested great reductions: "the pensions of grace," 145,000*l.*, perhaps, bore too large a proportion to the whole; but the greatest admirer of the opposition of 1675 will hardly defend the refusal of the commons to take off anticipations, and discharge debts, which pressed as heavily upon individuals as upon the state, or to justify the attempts to divert the money voted for building ships, from the exchequer to the chamber of London; a vote justly characterised by sir George Downing†, as a setting up a new government, and imitating the proceedings of the beginning of the rebellion.

The distrustful behaviour of his parliament induced Charles to recur once more to the politic and intriguing monarch of France, whose pensioner he had become in 1670. In 1674, he had received 500,000 crowns from Louis, on condition of proroguing his parliament to April, 1675. However strange his ignorance may appear to us, who are conversant with the modern practice of the government, there is no sufficient reason for believing that lord Danby, high-treasurer of Eng-

* Parl. Hist. 756. Ralph, i. 288, who says that the commons calculated that the king, with the aid of 800,000 patacoons, under the Dutch treaty of 1674, and other extraordinaries, ought to have one million in pocket. Ralph seldom speaks without book, but I cannot find his authority.

† Parl. Hist. 773.

land at the time, was acquainted with this private bargain. He is not mentioned in the correspondence of the French ambassador in England*, who negotiated this disgraceful arrangement; he himself affirms, that it was not until 1677 that he had any concern in these proceedings. And although it may astonish us, that the motive of a prorogation should not be known to the man who held a situation in the king's councils which would now entitle him to be considered as first minister of the crown, it would seem that the decisions of the king, in this unsettled period of our constitution, were taken sometimes without the advice of any minister, or sometimes with the cognizance of only one, or more, of those who ordinarily composed the cabinet. My conviction is, that lord Danby was as ignorant of this degrading receipt in 1674, as those were who, in the following year, accused him of malversation for irregularities which, compared to this, would indeed have been venial.

It is important to observe the smallness of the sum at this time received by Charles; 500,000 crowns could by no means serve as a substitute for those supplies, which parliament had refused for public purposes; it would indeed, even in those days, have been impossible to apply this money to public purposes, without detection. It appears, accordingly, to have been paid to the notorious Chiffinch, the private agent of Charles, with the nature of whose services to that profligate prince, the public has been lately familiarised.†

At last, thwarted and wrongfully suspected by parliament, Danby, notwithstanding his predilections against the French interests, did become a party, unwilling and indeed scarcely consenting, to one of Charles's arrangement with the French court, founded upon the policy which he entirely disapproved.

Although there is no reason to doubt, but that the

* Ruvigni. September 2, 1674; in Dalrymple, i. 140.

† By sir Walter Scott, in his *Peveril of the Peak*.

stipulations of this treaty were sold to France for a renewal of Charles's pension, I cannot concur with those* who are of opinion that Danby's participation in these corrupt bargains commenced during the recess of 1676. I see no reason for doubting his own statement, which fixes after the prorogation in April 1677, "the first time of his knowing any transaction about French money." Nevertheless, the stipulations, of which he was undoubtedly conversant, were such as cannot be defended, in regard either to the policy of England, or the principles and professions of the minister.

A negotiation commenced in January 1676, between Charles personally, and Ruvigni, the French ambassador. The only record which we have of this transaction carries us at once into the middle of it. "Afterwards," says Ruvigni† to Louis, "the duke of York supported king Charles's reasons so strongly, that the high treasurer gave way to them, so that it was agreed in his council, to engage directly with your majesty if it was agreeable. The king of England informed me of it the same day, and pressed me much to go into France, to carry the news of it to your majesty, as he could not consent that a secret, which, in his opinion, could not be too much hid, should be trusted to paper, or to any person but myself. What the king of England charged me to make known to your majesty is, that he desired passionately to unite himself strictly with you; that without waiting till it can be done by a solemn treaty, it may be begun at present in secret by reciprocal promises in writing, which should bind him, as well as your majesty, *not to make any treaty with any state whatever,*

* Lingard, xlii. 4. Dalrymple (i. 141—3.) gives Ruvigni's letters of January 3. and 27., and February 3. 1676, in which the proposal of a new treaty, and Danby's reluctance to be concerned in it, are mentioned. One of the letters, Dalrymple heads as relating to the "money treaty." We have not the treaty; but there is not a word about money in the letters, nor any thing which gives reason to believe that it contained any article about money. (See Macpherson, l. 194., and Blancard's Memorial, in Dalrymple, i. 155.)

† January 9. 1676. Dalrymple, l. 141.

without the consent of the other, or to give any assistance to the enemies or rebellious subjects of either."

In making this proposal, Ruvigni proceeds, Charles pressed him to urge Louis to consent to make such an exchange of places, as that the Spanish towns in Flanders might no longer be separated by those belonging to France: the Dutch would not make peace without it; and "as long as the province continued in that state, all England would be always persuaded that Louis might make a conquest of it whenever he pleased; nor would there be any general peace nor quiet in England until he has contented his people, all of whom are fully persuaded that he abandons their interest, through an excess of affection for France; that this opinion raises all his subjects against him."

The further progress of the affair is thus related: — "The king of England, having convened the duke of York, the duke of Lauderdale, and the high treasurer, to confer with them upon *the paper which your majesty nows of*, his last minister (Danby) asked time to examine it before he gave his opinion upon it. . . . In fine, the treasurer has been to see the duke of Lauderdale, to whom he has represented the risk they should run of losing their heads, if they alone were to deliberate upon the treaty, and to sign it. It was therefore proposed to admit into council the high chancellor, and all the other ministers. Charles objected, insisted upon secrecy, which could not be maintained if the great seal were used, or the council acquainted with the treaty. He therefore took the resolution to sign the treaty himself, "without the intervention of any commissioners, as soon as he should have agreed upon the articles with Ruvigni." Charles would not even trust the secretaries of state, but copied the treaty with his own hand, and performed even the mechanical process of its execution. Charles had said that his three counsellors, the dukes of York and Lauderdale, and Danby, should advise in his presence upon Ruvigni's project; but the paper as completed was seen only by Lauderdale,

“ who was the only one in whom on this occasion Charles put an entire confidence.” “ Your majesty may well see, by all that has passed in this affair, that the king of England is in a manner abandoned by his ministers, even the most confidential ; that the treasurer, who fears the parliament much more than his master, and who is very opposite to the interests of France, thereby endeavouring to acquire the people’s favour, has formed all the difficulties which I mentioned with a design to hinder the treaty being concluded. The king is so abandoned by his subjects, that even among his ministers, he cannot find one in whom he can place an entire confidence. . . . All England is against your interests, and there is only the king of England and the duke of York who embrace them with affection. . . . There is good reason to believe that the king of England, without this new tie, which engages him more than ever in your interests, might have been drawn into his people’s sentiments. . . . The parliaments are to be feared, and it is a kind of miracle to see a king without arms and money resist them so long.”

However the stipulations into which Charles entered in this singular, and, as we should now say, unconstitutional manner, were qualified by a regard to the interests of the United Provinces and their frontier, they were certainly such as no minister, priding himself upon his fidelity to the principles of the triple alliance, and his abhorrence of French interests and the politics of Louis, ought to have sanctioned, even by a tacit or compelled acquiescence. The engagement to make no treaty without the consent of another power is of the essence of the most intimate alliance that can be formed ; and the whole tone of the language used by Charles, apparently in the presence of Danby, in negotiating with the agent of Louis, give a character to the transactions, which justify a charge against that statesman of acquiescing in measures which he thought injurious to the interests of his country.

According to Burnet, his disapprobation was openly

expressed. He now, at the very moment when the king had united himself with France, "began to talk against the French interest with open mouth*, . . . took so little pains to conceal his opinions from the representative of France, that Ruvigni taxed him with going into popular interests, against those of his master's honour, who, having engaged the king of France in the war, and being forced to leave him to fight it out alone, ought not to turn against him, especially since the king of France referred every thing to him as the arbiter and mediator of the peace. He remembered him of the old duke of Buckingham's fate, who thought to become popular by breaking the Spanish match, and it was his ruin. He said that the king of France was the king's best friend and truest ally, and if he made the king forsake him, and depend on his parliament, being so tempered as they were then, both the king and he might come to repent it when it was too late." † — "To all this lord Danby replied, that he (Ruvigni) *spoke as a faithful servant to his own master, and that he himself would act as a faithful servant to his master.*"

"Courtin, who succeeded Ruvigni in this same year, (1676,) spoke a great deal to the same purpose. Here was a strange reverse of things. Lord Danby was at that time suffering for being in the French interest, and Montagu ‡ was popular as being against it; whereas, to his knowledge, during his employment in England, lord Danby was an enemy to their interest, as much as Montagu was for it."

Lord Danby's reply to Ruvigni is to be commended: but, according to his notions, fidelity to the true interests of his master consisted in thwarting, by all the means in his power, the counsels, whether of the king or of his colleagues, which were opposite to those interests.

Macpherson considers the treaty of 1676 as "one

* II. 88.

† Burnet says, he had all this from Ruvigni himself.

‡ He called him *lord M.*; but Ralph Montagu, ambassador at Paris, is the person intended. In those days, ambassadors were addressed as *my lord*.

of the many deceptions which Charles played off with success on the king of France."* He describes it as containing nothing that was new, but he reckons among its provisions a stipulation to prorogue or dissolve parliament, if it should prove hostile to France. I have already said, that no such stipulation is to be found in Ruvigni's letters, which were Macpherson's sole authority, as they are mine also, for the terms of the treaty.

At all events, it appears, that Louis got nothing by this new agreement. At the congress of Nimeguent, England was represented by sir William Temple, Danby's friend, and, according to Burnet, his chief adviser on foreign affairs.† In Temple's hands, the interests of Holland were not likely to be sacrificed to France. Even without the treaty, Charles could not have co-operated actively with the Dutch; and the treaty did not induce him to direct his counsels against them.

England is said to have enjoyed tranquillity, and much commercial prosperity§, during this long parliamentary recess. "The laws," says the observing Ralph||, "had for the general their course; justice was indifferently administered; whatever influence the ministers had in parliament, it did not prove sufficient to sanctify any one mischief by the concurrence of the legislature; the complaints of the nation at this immediate crisis were rather founded on strong presumptions than known facts." It was chiefly by the proceedings of the duke

* I. 194.

† I have not thought it necessary to go minutely into foreign affairs, because, whether or not it were true (as Burnet says), that Danby knew little about them, it is certain, that although his opinions were sufficiently pronounced (like those of Temple), in favour of Holland and against France, they have not been recorded in any detail; nor is he known as the author of any of the instructions (some of them strikingly able), which were sent to sir William Temple, during the mission of which the commencement was mentioned in p. 212. England having offered her mediation between the other powers at war, a congress was opened at Nimeguen in July 1673; but the Emperor, Spain, and the prince of Orange were all bent upon war (into which they hoped again to engage England), as the means of obtaining the terms of the Pyrenean treaty, to which Louis XIV., on the other hand, would by no means consent. In truth, nothing was done at this congress; the subsequent pacification arose out of other circumstances.

‡ II. 63.

§ Lingard, xiii. 6.

|| Ralph, I. 296.

of Lauderdale in Scotland, that complaints, or rather apprehensions, were justified in England.

But, in one transaction of the domestic administration, the too arbitrary character of the ministerial policy did appear, in the revival of an attempt (which had been made by lord Clarendon, and then defeated by William Coventry,) to repress the free discussion of political topics. With this view, a proclamation was issued* for the suppression of coffee-houses, "because in such houses, and by the meeting of disaffected persons in them, divers false, malicious, and scandalous reports were devised and spread abroad, to the defamation of his majesty's government, and the disturbance of the quiet and peace of the realm."† This ordinance was, according even to the opinion of the judges, of at least doubtful legality; and it occasioned great complaints, and probably augmented the evil; and upon a petition of the coffee-men, "who promised to be wonderful good for the future, and to take care to prevent treasonable and seditious talk in their houses," the proclamation was withdrawn.‡

About this time, Sancroft was preferred to the archbishopric of Canterbury, on the death of archbishop Sheldon. If Danby advised this selection of the dean of St. Paul's for the highest post in the church, the advice does him no dishonour. Sancroft was a zealous, conscientious man; and if he was a high-churchman§, his conduct at the Revolution showed that he did not uphold the authority of the church from wordly motives.||

* Dec. 20. 1676. Kennet, iii. 307. Ralph, t. 297.

† Lingard, xiii. 8.

‡ North, 138.

§ See Burnet, ii. 90., and the notes upon him.

|| Under this year, 1676, Burnet tells a story (p. 103.), which his authority is certainly not sufficient to establish. Proposals being before the council for farming the revenue of Ireland, Danby turned suddenly from one competitor to another. "*The secret of this broke out,*" says our credulous bishop, "that he was to have great advantages by the second proposition. . . . Lord Widdrington did confess that he made an offer of a round sum to lord Danby, but said that he did not accept it. Lord Halifax was yet of the council: so he observed that the lord treasurer had rejected that offer *very mildly*, but not so as to discourage a second attempt. This nettled lord Danby, who upon this got him to be dismissed from that board." If it be true that the dismissal of Halifax was so

When at last the parliament re-assembled, Charles addressed it in a speech *, to which it was not easy to find an objection : — “ I come prepared,” he said, after much of exhortation to avoid differences, “ to give you all the satisfaction and security in the great concerns of the protestant religion, as it is established in the church of England, that shall reasonably be asked, or can consist with Christian prudence. And I declare myself as freely, that I am ready to gratify you in a further securing of your liberty and property (if you can think you want it), by as many good laws as you shall propose, and as can consist with the safety of the government ; without which, there will neither be liberty nor property left to any man. . . . Let all men judge who is most for arbitrary government, — they that foment such differences as tend to dissolve all parliaments ; or I, who would preserve this and all parliaments from being made useless by such dissensions.”

He urged the necessity of building ships, asked for the renewal of the additional excise, and offered to prove, by ample accounts, that the revenue scarcely exceeded the ordinary expenditure. — “ If any of these good ends,” he concluded, “ should happen to be disappointed, I call God and men to witness this day, that the misfortunes of that disappointment shall not lie at my doors.”

The session commenced with a majority in both houses on the side of the government. On the first great question, — the legal existence of the parliament after the prorogation for more than a year, the minister had a majority in the house of commons of 193 to 142.† The lords not only negatived the motion of the opposition, but committed the duke of Buckingham, lord Salisbury,

caused, the fact affords a strong presumption of the innocence of Danby, who would scarcely have ventured to provoke so able and so sarcastic an enemy. Halifax was put out of the council, together with lord Holles, on the 7th of January, 1675-6.

* Fifteenth session, Feb. 15. 1676-7. Parl. Hist. iv. 807. Lingard, xliii. 11.

† Parl. Hist. 834. Journ. ix. 385. February 17, 1676.

Shaftesbury, and Wharton to the Tower, for denying the legality of the parliament.

This committal is an indication of the great influence of Danby, and of the mode in which he was disposed to use it; and is assuredly one of the cases which exhibit the dangerous tendency of that indefinite privilege of parliament, which has recently excited so much of controversy. The minister, supported by a majority in the house of lords, deprived of their votes in parliament and personal liberty four members of the house, who had presumed to raise, in a manner perfectly regular, a great constitutional question. Here was, no doubt, an unwarrantable use of the power of a majority; but lest this arbitrary proceeding should be ascribed to the cavalier education of lord Danby, be it remembered, that the parliament of 1641 secluded* a large number of members, who refused to concur in the violent resolutions of their more numerous fellows.†

These majorities again excited the suspicion of bribery; and an historian, usually cautious, has stated, that "when the king received, in January, a portion of his annual pension from France, the whole sum was immediately devoted to the purchase of votes in the house of commons."‡

I have in vain searched for any proof of this application of the French money, or even of the bribery so generally attributed to the lord treasurer. The statement rests, generally, upon the allegations of opponents, and upon the assurances of Courtin, who succeeded Ruvigni as minister from France, and mentions that "*of his certain knowledge*, the money which we paid to Charles had been distributed to gain the votes he stood in need of." § This confidence of assertion, as to that

* Journ. vi. 93.

† Buckingham, Salisbury, and Wharton were released by the house, upon an ample apology, in April 1677. Shaftesbury stood out longer, and having applied in vain to the court of King's Bench, had also to apologise for that disrespect. He was discharged in Feb. 1677-8. See State Trials, vi.

‡ Lingard, xiii. 18.

§ Dalrymple, i. 149.

which he *could not* know for certain, gives no weight to the evidence : nothing could be more likely than that the French agent should be led to believe that the money received from him was used in forwarding his master's interests. But, as it appears that Chiffinch was still the receiver of the money, it is probable that he was also the paymaster ; and I believe that it will be admitted, that the expenses which he defrayed were personal rather than political.

But surely the charge of bribery is not supported by the result. If it is true that, on the question of the legality of their own existence as a parliament, the greater part of the members voted with the government, it is not true (as we shall soon find), that the government had an effective majority for carrying on its business.

One gentleman, well acquainted with Danby, but not backward in imputing to him great faults, has informed us of the means used by the treasurer, without pecuniary corruption, to reconcile him to the court. A little before the meeting of parliament in February 1676-7, Danby sent for sir John Reresby *, who "found him very open in his discourse upon several subjects, but for the most part lamenting that his countrymen would not allow him an opportunity to be of service to them with the king, and making many protestations that the jealousies of those who called themselves of the country party, were entirely groundless and without foundation : that to his certain knowledge, the king meant no other than to preserve the religion and government by law established ; and upon the whole, wished that neither himself or his posterity might prosper, if he did not speak what he really believed : that if the government was in any danger, it was most from those who pretended such a mighty zeal for it ; but who, under that pretence, were endeavouring to create such contentions between the king and the nation, as might produce confusion in the end ; and intreated me to be careful how I embarked myself with that sort of people. † Reresby,

* Reresby's Memoirs, p. 36.

† Reresby, p. 36, 37.

who, it is observable, had been conducted to his seat by Russel and Cavendish*, and who, before it had been hinted to him by Danby that the popular leaders might have at heart their private interests, "had great notions of the truth and sincerity of the country party," now refused to join in the violent measures or niggardly votes of that party. This moderation led to an interview with the king, whose disavowal of evil designs, and suggestions as to those of his opponents, made a great impression upon Reresby, while his knowledge of the indolence of Charles made him less ready to believe that he entertained any daring projects.

In this session of parliament, not only were the supplies tardily and scantily given, but the king was angrily addressed, to take a course of foreign policy inconsistent with his predilections and secret engagements.

The commons voted 584,000*l.* for the specific purpose of building ships†; but, in order to enforce the appropriation, directed that an account of the expenditure should be rendered to their house.‡ This was in itself reasonable, and it is now the constant practice of parliament; but it was, at the time, an indication of jealousy and distrust.§

The house of commons very soon began to press Charles upon foreign affairs, and to regulate their financial votes by the answers which he gave. They first addressed him on the danger arising from the growth of the power of the French king, and especially from his conquests in Flanders, and praying him to

* P. 25.

† Parl. Hist. 835. Journ. ix.

‡ A motion for appropriating the customs to the navy was negatived, 175 to 124. If I understand this proposition, it would have neutralised the supply.

§ Lingard says (xiii. 19.), that "no portion of the money was suffered to pass through the hands of the treasurer," and in p. 171 of the Hist. of England in this Collection, it is said that the lord treasurer was excluded from all participation. But it no where appears that the ordinary course of the exchequer was disturbed, or that any of the treasurer's functions were superseded; the money passed through the usual channels, but a strict account was required. The lords put in a clause, for an account to be rendered to them also, but withdrew it on a remonstrance from the commons, and at the suggestion of the king. (See Reresby, 45.)

make alliances for securing England and the Netherlands.*

The king's answer was favourable, but vague †, and produced a second address ‡, assuring the king, that if he went to war they would support him. § Secretary Williamson endeavoured in vain ¶ to weaken or modify the demand of new alliances. The king soon afterwards asked the house to enable him to make preparations. ¶ Secretary Coventry asked, reasonably enough,—“What if the king make alliances with one hand, and offend with the other, and be not provided with defence? A man would have his servant go a journey, but will not have him engage in it till he be provided with boots and horses.”—“Are we assured,” demanded Mr. Hopkins in return, “that the servant would go that journey when he has boots and horses provided?”—“Would it be wisdom,” rejoined Coventry, “in the king to tell you what journey he would go, or that he would go a journey, without being provided for it?”

This captious debate illustrated the state of feeling between the king and the commons; they wished for war, and were prepared to grant money for war; but they were afraid that Charles would take their money and neglect their wishes. They now told him that, having a bill in progress for granting an additional excise, they had enabled him to borrow 200,000*l.* upon

* March 10. 1677. Parl. Hist. iv. 845. The lords proposed to add Sicily; the commons reasonably objected, and the lords gave way.—Lords' Journ. xiii. 73.

† “He is of the same opinion with his two houses of parliament, that the conservation of Flanders is of great importance to England, and therefore he assures them, that he will take all the care for the present of Flanders, that can possibly consist with the peace and safety of the kingdom.”—p. 845, March 15, 1676-7.

‡ March 26., p. 860.

§ March 29. 1677, p. 859.

¶ He was beaten, 131 to 122. The lords' concurrence was not asked. Reresby says (p. 43.), that it was agreed that “the king should not be obliged to return any answer to this address, though a number, who would have drawn him into inconveniences, would have had him urged to declare his intentions therein; by which he must have either disobliged the nation on the one hand, or on the other have declared war with France, before he was prepared to prosecute it.” I do not reconcile this supposed tenderness with the rejection of Williamson's amendment.

¶ Message, April 11., p. 868.

it. The king said, he must have 600,000*l.* upon new funds. They answered, that they could do no more, as their members were dispersed for the Easter holidays; and begged to adjourn now, and meet again before the 200,000*l.* could be expended. The king did "graciously accept of this address"* , and immediately passed the bills, and desired both houses to adjourn to the 21st of May.†

These proceedings of the commons are thus explained by Reresby ‡:—"Some of the discontented had resolved to hasten the money bills as fast as might be, that so the house might rise before Easter, and the public bills that were preparing be left unpassed, hoping thereby to incense the nation, and bring about cause of complaint against the king, as if he called the parliament together for nothing but to get money from them."

It is said that, in the interval, the Imperial and Spanish ambassadors applied large sums to influence the commons to persevere in their votes for the security of the Netherlands§ ; and it is clearly proved, that the French ambassador took a similar method of inducing the opposition members to withhold money from the king.||

It has lately been said¶, and justly, that "the commons, however factious or corrupt, had good reason for their distrust;" but it was said, with equal justice, by the king, "How can I depend upon my parliament to furnish me with regular and equal supplies to carry on a war, which they will not so much as enable me to prepare for."**

The house did not re-assemble in better humour, when the king adverted to the insinuation, that he had called them together only to get money from them for other uses than they would have it employed, and told

* This was signified in a message through secretary Williamson; but this, and other incidental proceedings of some interest, are left unnoticed in the Parl. Hist. (See Journ. p. 422.)

† April 16., p. 863—870.

‡ Courtin, May 13. 1677. Dair. i. 149.

§ Cont. of Mack. vii. 174.

¶ P. 44.

|| See *post.*

** Reresby, p. 47

them, *on the word of a king*, that they might trust him; declaring, however, that "he would neither hazard his own safety nor theirs, till he was in a better condition than he was able to put himself, both to defend his subjects, and offend his enemies."* — They resolved that they would not comply with the king's demands until the alliances had been made.† This vote, and the consequent address, were preceded by debates, which must have shown to Danby the false position in which he had placed himself. Much distrust of the ministers who had broken the triple alliance was avowed; but no reply was made to secretary Coventry, who urged, that if the ministers were not to be trusted, they ought to be removed, — a doctrine, which was not at that time established, as it now is: the want of it occasioned, on this and other occasions, a great embarrassment to the public service. There was no government capable of using the resources of the country in the pursuit of its own policy. The king's ministers did not oppose the address, but they urged vehemently, but in vain ‡, that the particular call for an alliance offensive and defensive with Holland was against precedent, and an invasion of the king's prerogative; and was likely to embarrass the king in his negotiations.

The king took a day to consider his answer, and then made a very angry one, ending in an adjournment to the 16th of July, with an avowal, that it was the king's intention that parliament should not re-assemble before the winter.

In the midst of these discussions between the king and parliament, Danby introduced into the house of lords a bill for securing the protestant religion, in the event of the crown devolving upon a Roman catholic.§ His plan was to place ecclesiastical patronage in the hands of the bishops (the king, in the case of an episcopal vacancy, having only to nominate one of three); and to place also in the hierarchy the care of the royal

* King's Speech at Whitehall, May 23. 1677. Parl. Hist. p. 873.

† P. 879.

‡ P. 853. Lords' Jour. xlii. 48. 50. 56. 68.

§ Lingard, xlii. 17.

children. This plan was undoubtedly consistent with the acknowledged principles of Danby, in respect as well of the hereditary monarchy, as of the protestant religion. It was conformable also to the prejudices of the nation. But it was dropped in that house, in which Danby is supposed to have acquired a corrupt influence. The opposition was variously composed; the duke of York and his friends opposed it, as well as the ordinary opponents of the government. The nature of the opposition from the latter class may be gathered from the principal passages of Andrew Marvel's speech:—"The bill seems very unreasonable; the beginning is of two things, not of mature consideration. First, it supposes the death of the king. It might have had a more modest word to have disguised it from the imagination [demise]. Secondly, it supposes, that possibly the crown may devolve on a popish government; which ought not to be supposed easily and readily. God be thanked for the king's age and constitution of body! The king is not in a declining age, and if we intermeddle in things of this consequence, we are not to look into it so early, as if it were the king's last will and testament. The law makes it treason to imagine the death of the king that is—a word more in it.—The true and proper sense is not to imagine the king's death. His age may confirm you in no danger suddenly of the consequences of the bill; but as for that of 'a popish successor,' he hopes it is a matter remote in the event, and would not precipitate that evil, no, not in a supposition. For some reason, without doubt, this matter has been thought of in the house of lords, and next to the king living, he would cast as little umbrage on the successor as might be. There is none yet in sight, but whose minds are in the hands of God, 'who turns them like the rivers of water.' Whilst there is time there is life, and whilst life, time for information; and the nearer the prospect is to the crown, information of judgment will be much easier. When God 'takes him on high, and shows him the glory of

the world,' and tells him, 'all these things will I give thee, if thou wilt fall down and worship me,' he thinks there will be no temptation. Those who change for conscience sake, will have so much self-denial, that the crown will not make them alter the thing. It is unreasonable; it may be proper some other time, but not now." *

Marvel was unquestionably pure from corruption by money; but surely his mind was unduly biassed by party, when he opposed, upon such grounds, a measure calculated to mitigate the great evil of a popish successor.

The opposition, however, was successful; the bill was quietly dropped.

A more violent fate awaited the other measures which Danby introduced for suppressing popery. — He proposed to levy an annual penalty or tax upon popish recusants; to subject Romish priests to imprisonment for life, at the king's pleasure, instead of suffering for treason; and to educate as protestants the children of deceased catholics.† This bill was thrown out with indignation by the commons, because, as the journals record, "upon reading the said bill (for the more effectual conviction and prosecution of popish recusants), and opening the substance thereof to the house, it appeared to be much different from the title thereof, and thereupon the house *nem. con.* rejected the same."‡ As there is no record of the proceedings of the house of lords, and the ministers in the house of commons said little upon this bill, I cannot ascertain its real principle, or Danby's motive. It was opposed, as much too mild, and as favouring rather than discouraging popery. Mr. Sacheverel proposed that the journals should describe it as meaning "a toleration of popery §," and sir William Coventry suggested an entry, "That finding that the bill repealed many laws against popery; we

* Parl. Hist. iv. 855. The remainder of the speech consisted chiefly of reflections upon the bishops.

† Lingard, xiii. 16. Lords' Journals, *ut supra*.

‡ Parl. Hist. iv. 863. Journ. ix. 414. April 4. 1677.

§ Parl. Hist. iv. 863.

have thrown it out." If this bill, repealing the acts which made Romish ordination treasonable, allowed the milder penalty to be subject to *the king's pleasure*, it would certainly have become favourable to popery, should the king be a papist. The duke of York opposed even the former bill*, which was evidently meant as a substitute for exclusion. The conciliation of James, therefore, could not be the motive of Danby. The principle of rendering laws more effectual by the diminution of the penalties had scarcely reached the statesmen of this age. However, be the motive what it might, the measure was defeated, and the commons sent up a bill of their own to the lords, which was silently dropped.

The house of commons was occupied, during this session, in a case in which Danby was accused of acting harshly at the council table towards one Harrington †, who professed to give information of the seduction of the king's subjects into the service of France. The accounts of this proceeding are incomplete, and as the commons dropped the inquiry, it is probable that they found no great cause of censure.

It was during the interval occasioned by the adjournment of parliament in May 1677, that Danby (now adorned with the garter ‡) became, for the first time, a party in the negotiation with France for money. I trust that I have shown that he was not concerned in the arrangement of the preceding year, whereby Charles obtained the renewal of his pension; nor was he, I am satisfied, conusant of any thing that passed upon the subject until a very short time previously to the adjournment of July 1677.§

On the 21st of June, a letter had been addressed to the king by Montagu, from Paris ||, reporting to him

* Protest in Lords' Journals, xiii. 75. † Ralph, i. 114. Parl. Hist. 845.

‡ April 21. 1677.

§ When the houses met on July 16, in pursuance of the adjournment of May, they were immediately adjourned further to the 3d of December. Parl. Hist. p. 91.

|| Danby Letters, p. 1.

the disposition of the French court to increase Charles's pension during the war, and give him a round sum upon a peace. This he gathered from conversations with Ruvigni, who observed that "he found all the English ministers turning against France, and my lord treasurer, particularly, absolutely in the prince of Orange's interest; that he was afraid that Charles would be brought to join all the confederates, and abandon France." Montagu, who at this time, from motives which we shall presently appreciate, was making his court to Danby, observed, in replying to Ruvigni, that "my lord treasurer was the man the king now most trusted;" and he thus concluded his letter to the king of England;—"Since I do not know which of the ministers you are willing to trust, I have taken the boldness to give yourself this trouble; and if you trust any, I had rather it were my lord treasurer, because I think he is the best judge of such an affair; and except you shall think it for your service that he sees this letter, I humbly beg my sister* may see it burnt, because M. de Ruvigni is concerned in it †, whose utter ruin the story I told you might be. And your majesty is so wise and just, that I in no manner doubt of the secrecy."

Charles did communicate this letter to Danby, who thereupon wrote, on the 15th of July ‡, the first of a series of letters, which led to his impeachment and disgrace. He conveyed to Montagu the king's commands to proceed in the negotiation, and get all the money he could. "Unless he can be then, at the peace, certain of the four millions, the addition of one million during the war will not be enough, it being impossible, with less than the value of 200,000*l.* sterling a year, whilst the war lasts, to support his affairs, *in which he suffers so much for their sakes, as I confess, in my own opinion,*

* Mrs. Hervey. She was the wife of Mr., afterwards sir Daniel Hervey, ambassador at Constantinople.

† The letter mentioned Ruvigni's discontent with his own court.

‡ Danby Letters, p. 7.

no money can recompense." He instructs him not to proceed, unless he sees his way clearly through.

Danby wrote on the next day * a letter, apparently of a more private nature; — "His majesty is very well satisfied to know these passages you writ him of M. de Ruvigni: but *I confess, I wonder to find that his majesty has not had more than a million of livres a year, and that but for one year past;*" and he reiterates his opinion, that the loss of reputation belonging to these transactions outweighed the pecuniary advantage. "But so little faith have I in any of their promises, that unless you can secure what they promise, I shall expect the noise, rather than any benefit from them. *I perceive by you that Mr. Chiffinch has been, and is to be, his receiver of whatever shall be had from hence, and I am very glad of it, being truly desirous of having as little to do with them in anything as I can, unless it were to cudgel them out of that contempt they have, not only for our nation, but the very person of the king, although he be so unhappy as not to believe it.*" He then, in reference to the congress at Nimeguen, mentions the difficulty of persuading Charles "to change the character of mediator for that of arbitrator; but I fear," he continues, "his majesty will not do it, thinking himself to be tied up to such nice points of honour, as, I durst take the sacrament, would not be stood upon an hour by the king of France, if the condition of our master were his. I entertain you the longer upon this subject, because I think it our duty, by all the means possible, to convince the king of this truth. And if you, who have many opportunities of doing it, could send me *some of those frequent instances, which I am confident there are, of that court's despising the counsels of this, it might be a means of saving us from being ruined by that nation, which, I believe, designs nothing so much as to be the ruin of this.*" He then alludes to a supposed underhand proceeding of the French at Nimeguen, in reference to a commercia

* Danby Letters, p. 9.

treaty with Holland " I am so much a stranger to all the French counsels, that I neither know why M. Courtin is removed, nor upon what measures M. Barrillon is sent ; only I find, and I am not at all sorry for it, that I am likely to have no more of his conversation than I have had of M. Courtin."

After a letter of compliment and devotion, on the 7th* of August, Montagu writes to Danby on the 12th†, mentioning the proposals which he had made at the French court ; but " M. de Pomponne tells me this morning, that *M. Courtin has agreed this matter with the king my master, and in your lordship's presence,*" and that Charles would be contented with less advantageous terms, with which Montagu is much disappointed, and assures Danby of his own cleverness in gaining a point ; especially if he has the means of " making presents where it is necessary." He has engaged to make such presents now ; requests lord Danby's directions as to the mode of remittance ; and proceeds, "*I am to beg your pardon, my lord, and I think shall easily obtain it, if without your knowledge I have received some propositions, made to me, of great advantage to your lordship. If you will please to use your interests with the king your master, to be contented with a less sum than is insisted upon, they taking it for granted, that it was your advice that raised the market ; I tell you the very expression ; and my answer was, you served too good a master, and was too good a servant, to receive any advantage from any body else, and there could be nothing so disobliging to you as the thoughts of offering it.*" — On the same day, he wrote another letter‡, complimentary to Danby : — " I wish your king would have let this whole matter have been transacted by so wise and faithful a servant as yourself. He would have found the benefit, and either would have had nothing, or a larger sum than a million of livres a year." Danby's answer, of the 20th of August, is

* Danby Letters, p. 12.

† P. 13.

‡ P. 17.

remarkable. "The king is gone to Plymouth, and till his return I shall be able to say nothing to such surprising matter as your letter imparts in every part of it; for in the first place *I never spoke to M. Courtin in my life, about that or any such affair, till since I received this last letter from you, so that all he has said was done in my presence, is utterly false.* In the next place, I know nothing of the king's changes of mind in that business, only I know that he has more reason than ever to be positive in his resolutions; but I know not what to say in it, because, since I received your letter, I had some discourse with M. Courtin, who speaks much the same kind to me, that you had from M. Pompone; the truth of which must remain until his majesty's return, and then we shall both know what we are to do. In the mean time, I think it is not necessary to send any express, but *I give you thanks for making that answer you did concerning any advantages to myself.*"*

Although Danby acknowledges having concurred with Courtin on this affair, he was only partially informed of it. He was not aware of what had passed between Charles and Courtin, who had not only offered money to the king of England, but also troops. "His majesty (of France) being always ready to employ all his forces for the confirmation and augmentation of his (Charles's) authority, he would always be master of his subjects, and will never depend upon them."† On Charles's part also, the offers were more specific and extensive. "On the 18th of July 1677, Courtin writes, that Charles had insisted for 800,000 crowns, in consideration of which *he offered to prorogue the parliament till the end of April 1678.*"‡ It would be inferred from Danby's own statement, palliating his concern in a subsequent affair of money, that he was not aware of this, or of any condition, *except such as related to the terms of peace.* The letters of Courtin are not

* Aug. 20. 1677, p. 18.

† Courtin to Louis, July 12. 1677. Dalrymple, i. 150.

‡ Ib.

inconsistent with this statement, which indeed I see no reason to doubt. In the letter in which Courtin reports the conclusion of the bargain, he mentions repeated contests with the treasurer, who always urged his master to insist upon the larger sum, observing, (in conformity with the opinion repeatedly given to Montagu,) that "Louis hazarded nothing but money, whereas Charles hazarded his crown, by opposing, as he did, the universal desire of his subjects. In fine, after many conferences, I have agreed upon all things, in such a way, as makes me hope your majesty will not disavow me. *The king of England has given me a positive assurance, that he will adjourn his parliament from the 13th of December to the end of April.* I promised that your majesty would pay him this year 2,000,000 of livres."* The Frenchman does not mention Danby as a party to this engagement; and as it is clear that the treasurer was not always aware of Charles's motives for proroguing parliament, it is not improbable that the prorogation may have been *thrown in*, to obtain a larger sum. Even such as he understood it, the bargain was distasteful to Danby, who endeavoured, on the first opportunity, to defeat it, by pretending that the sum had been mistaken; and upon this point he pressed his master with uncourtier-like urgency. "In the name of God," said Charles to the new French ambassador, Barillon, "do not speak to me of this affair; I am so confused about it, that I cannot bear its being spoken of. Go to the treasurer, and do as you and he shall understand the matter. As to myself, I am driven to despair whenever it is mentioned to me."—"But your majesty," answered Barillon, "very well knows, that sending me to the treasurer is embarrassing the affair afresh, for the treasurer will not give it up. He lately made a difference about the 200,000 crowns which had been paid; and as he saw your majesty had

* Dalr. p. 151.

condemned that pretension, he now forms a new difficulty." *

Danby, obstinate upon the point, whereby he hoped to nullify the whole agreement, had in the mean time transferred the negotiation to Paris. Quite unmoved by the liberal offers of France to himself, he obtained the king's authority to apprise Montagu that the king had inadvertently consented to two millions of livres instead of 200,000*l.*, and to instruct him to insist upon the sum to be 200,000*l.*, saying, that he perceived that the king did once think to have made a shift with two millions but that now he finds so great cause to apprehend a breach with Spain, or at least so much appearance of it as will necessitate him to be at more charges than he intended in the Western Islands †, so that he must needs desire that sum." ‡

Montagu continued to report to the king and his treasurer his continued, but ineffectual, endeavours to obtain the larger sum. His letters are full of what Danby himself calls "over-great compliments §" to the minister. "I have played this business, which was almost spoiled, into your hands, that the ministers here may see the king trusts you as much in his foreign affairs as in those that relate to your office at home; and without compliment or flattery, you will serve him better than any secretary of state I ever knew him have yet, or *sir William Temple if he were it.*" ||

This gratuitous mention of Temple originated in Montagu's jealousy of Danby's favour towards that rival *diplomate*.

The king of France ordered the correspondence to be again transferred to London. Montagu solicited leave to come home for a fortnight, and begged that he might be permitted to see Danby at once. There was now a cessation of the correspondence.

* Barillon to Louis, October 4. 1677. Dalrymple, p. 153.

† The West Indies, I suppose.

‡ September, 13. 1677. Letters, p. 94.

§ P. 98.

|| Oct. 12., p. 36.

While Danby was impeding, by all means in his power, the conclusion of the pecuniary bargain with France, he was in close correspondence with the prince of Orange.

This correspondence began in 1674, being commenced by the prince himself*, to whom the favourable language of Danby had been reported. At the end of the same year, the good understanding was improved by a visit made to Holland by Danby's son, whom William commissioned to procure from his father the payment of a debt due to him by the king of England. This payment was effected by an assignment on the 800,000 patacoons exacted by the treaty of 1674; an accommodation which the prince, probably with justice, ascribed to the influence of the treasurer. †

In May, 1677, lady Temple ‡ brought over, with special instructions to communicate it to lord Danby alone, the first intimation of William's desire to court the princess Mary; and the treasurer immediately espoused, with much eagerness § an affair which promised to give an advantage to his favourite views of foreign policy, while his furtherance of the wishes of William connected him with a protestant prince, not remotely allied to the throne. He obtained, in September 1677, the king's permission to invite the prince into England, and was instrumental in removing the difficulties which were made, not only by the duke but by the king, who proposed that the marriage should be deferred until after the peace; and this auspicious union was completed on the 4th of November. The gratitude of William to lord Danby was expressed with considerable warmth, at the moment of his departure. ||

While the prince was in England, he arranged with Charles the terms that should be offered to Louis. By

* April 3. 1674. Danby Letters, p. 125.

† December 27. 1674, and February 20. 1675, p. 127. 129.

‡ P. 247. 285. See the Life of Temple, i. 468.

§ Burnet, ii. 119, 120. James's Memoirs, i. 508.

|| Margate, December 8. 1677, p. 157. Mary, when queen, had not ceased to "remember her obligations to lord Danby on account of her marriage." July 17. 1690. Dalr. iii. 95.

these a satisfactory frontier was secured, and every thing was to be mutually restored between France, the emperor, the empire, and Holland* : and Charles now took an active part in urging their acceptance upon the French king. At first it was intended that Temple should carry the terms to Paris ; but lord Duras (afterwards Feversham) was substituted ; partly, perhaps, on account of the very singular nature of the instructions contemplated ; partly, because that nobleman was more likely than Temple to conciliate the continued favour of Louis for his pensioner.

The instructions † were such as probably the world has not seen before or since. They gave the following exposition of Charles's motives, and most forcible reasons for the acceptance of the terms:—"We find the humour of our people so violently bent upon the preservation of Flanders, and for which we have so often assured them of our care and endeavours, that we do not see how we can live at any ease with them if we should suffer it to be lost by any further conquest there during this war, or by the terms of a peace ruinous and destructive: That this jealousy in the parliament, and the desire thereupon of engaging us in the war, had for these three years last past run us into so many difficulties, by hindering our supplies, and raising so general discontents among our subjects, because we alone have stemmed this tide for so long together, that we reasonably doubt whether the heat of a whole nation be always to be resisted: That we shall be necessitated to call a parliament in April, by reason of a very great branch of our revenue that will determine at Midsummer next, and that we cannot have the least hopes of getting it continued, if, after these assurances we have given them of the preservation of Flanders, they shall find it in so much a worse condition than when they parted: That if a peace shall not be concluded, or, at least, the main

* Temple's Memoirs, ii. 435. Lingard, xiii. 29.

† Nov. 10. 1677. Countersigned by secretary Coventry. — Lord John Russell's Life of Lord Russell, ii. 218.

points agreed upon before that time, the great influence that some of the confederates' ministers (less inclined to a moderate peace than the prince of Orange) seem to have amongst some warm men in the parliament, may raise many difficulties, which, by concluding it now, may safely be avoided. How far the irresistible temper of the house did necessitate us to a peace with Holland, is well known to the most Christian king; and they, having the like advantage now upon us in respect of our revenue, they then had in respect of our expenses, to what straits they may and are like to drive us, is not hard to guess: That besides this, the many obligations we have to take care of the welfare and safety of the prince of Orange needs not repeating to you; they will sufficiently occur to you of themselves; and we do find a thorough resolution in that prince to fling himself into the most desperate counsels imaginable, rather than consent to the loss of Flanders, by such a measure as must ruin it, in which he judgeth his own honour and country's safety concerned to the uttermost. This opportunity being lost, I* know not when we shall be master of such another, if the meeting of parliament should, as there is probability, cross the measures we have now taken." † In one respect, certainly, these were exactly such instructions as it would have befitted Temple to carry: in openness and candour, they have scarcely their counterpart in diplomacy!

Charles apologised privately to Barillon for proposing these terms of peace, and did not enforce the order to lord Duras, to return in two days if they should not be favourably received. ‡ And he fulfilled his secret treaty, so far as to proclaim his intention of proroguing his parliament to April 1678.

But Louis, though he detained Feversham two weeks

* This change from the plural to the singular number is remarkable.

† Dec. 4. 1677. Lord J. Russell, 4to. 294.

‡ Barillon, Dec. 16. 1677, mentioned (but not quoted) in Dalr. l. 180.

at Paris, decidedly rejected his proposals *, and the French army made a favourable commencement of a winter campaign. † Charles now took, or appeared to take, a more warlike resolution. “Your highness may judge,” writes Danby to the prince, “how much our temper is altered, when the principal end of this express is to tell you, that the king will join with Holland to oblige France to accept the proposals sent by lord Feversham, in case Holland will join with him to oblige Spain to the same if they shall refuse it. — And the king will rely upon your highness’s single engagement for this, without saying anything to the States of it. Your highness will easily remember how far the king was from coming up to this, when you made several essays to have gained it from him; so that, your highness will give me leave to say, the fault will now lie on your side of the water, if you have not either the peace upon the terms proposed, or us engaged as deep in the war as yourselves.” ‡

The prince was delighted with this message, and gave to Danby the credit, which he probably deserved, for bringing about this change in the English counsels. § The parliament, notwithstanding the public announcement that it was not to meet until April, was adjourned from the day of its meeting in December, only to the 15th of January. || Montagu was instructed to repeat the proposals to Louis. He was again to urge the king’s apprehension from the temper of his parliament: — “Our necessities and the conjuncture of our affairs are such, that a longer living at a distance from our people cannot be continued without apparent danger to our very being and crown. If you shall be asked the reason why we have antedated the day for the meeting of the parliament, you must plainly say, that the great preparations and present marches in Flanders, with the siege of

* Danby to the prince, Dec. 8. 1677, p. 160.

† Lingard, xiii. 31.

‡ *Ib.*

§ Hague, Dec. 21. p. 167. ; and see Bentinck’s letter of Jan. 7., p. 173.

|| *Parl. Hist.* iv. 895. *Journ.* ix. 426.

Ghislain, joined to the answer given to lord Feversham, made it seem necessary to us, lest Flanders should be lost before the meeting of our parliament, which, besides many inconveniences as to the reputation of our conduct and prudence, would probably have raised a storm too violent for us to allay."* This appeal also failed. Montagu was informed that Louis would never give up Valenciennes, Condé, or Tournay. But Louvois added, that "if Charles would procure a general truce for a year, and in that time manage the prince of Orange, so as not to insist upon those places, he should be paid as much as if those places were your own; and though such a sum of money as this would be hard to return, it should be put into wedges of gold, and so put into bales of silk, and sent over in a yacht. And as for my lord treasurer (*whom they looked upon as a chief adviser in this affair*), if I would do them the kindness here as to sound him, there is nothing they would not give him, to make his fortune. It should be given him in diamonds and pearls, that nobody could ever know it, and I myself should not be forgot if I would propose to him. I undertook to answer, that my lord treasurer is not to be gained for any interest, but what he thought to be his master's; and as for my proposing any such thing to your majesty, I durst not do it." †

Montagu, who had certainly at this time received money or liberal promises from the French court, was urgent with the king and treasurer in discouraging a breach with France. ‡ In one of these he hints a belief that the king only insisted upon Tournay, out of kindness to his nephew, the prince of Orange; and throws out a suggestion for marrying Charles's niece, the daughter of the duchess of Orleans, to the dauphin of France, although he was at that time engaged to a

* Lord John Russell, 297.

† Montagu to the king, Dec. 29. 1677, p. 38.

‡ Montagu to the king, Jan. 1. 10., pp. 43—48.; and to Danby, Jan. 8. 0, 11., pp. 46. 50. 53. In that of Jan. 8., he thanks the treasurer for some personal kindness shewn to his father.

princess of Bavaria. "If you were as kind to your niece as they thought you were, you might easier get her a kingdom than you a town;" thus, "her children, who would be your nephews, would have Tournay and all France besides, and owe it to you."*

In a letter of the same date to lord Danby, Montagu gives, as one reason for the rejection of lord Feversham's terms, the reliance of Louis upon the indisposition of the parliament of England to the war: a strange mystification this, seeing that, in order to avoid war, the French king had recently purchased a prorogation. "Believing this here," he says, "and that the king cannot do what he would with the parliament, makes them play such tricks here with the king our master."

Another letter partly explains the mystery, and gives a further insight into the schemes of Louis for neutralising the English parliament. In this letter he announces† the well-known journey of the younger Ruvigni into England:—"If his father's age would have permitted it, I believe they would have sent him, for they have chosen the son, who is to make use of lights his father will give him, and by the near relation he has to the lady Vaughan‡, who is his cousin-german, and the particular friendship which father and son have with Mr. William Russell, *he is to be introduced into a great commerce with the malcontented members of Parliament, and insinuate what they shall think fit to cross your measures at court, if they shall prove disagreeable to them here, whilst M. Barillon goes on in his smooth civil way.*"§

I would call particular attention to Danby's reception of these communications. Sir William Temple was with him when that letter arrived in which the offers of personal enrichment were held out. "My lord treasurer," he tells us, "read the letter to me; and I said,

* Jan. 10. 1678, p. 48, 9.

† Jan. 11. 1677-8.

‡ Rachel Wriothesley, married first to lord Vaughan, and afterwards to lord Russell. Her mother was a Ruvigni.

§ P. 53, 4.

Well, my lord, what do you say to the offer? He answered, that it was the same thing as if it should be made to the king to have Windsor put into the French hands, and so he should treat it; and we had nothing to do but to go on with the treaty with the confederates.*

And he wrote in this spirit to Montagu, so far as he was himself concerned, though he was not permitted to disclaim at all events, on the part of his master, the receipt of money:—

“ I have nothing to add as to the public, to what I writ you in my last of the 9th instant; but *I am on my own account to acknowledge the justice you have done me to the ministers in that court, who judge others by themselves*; and though I know I lose a great deal in reputation with them, to be thought one that will not make my own fortune upon any terms, yet I have the comfort of believing my credit so bad with them, that it can hardly be made worse; and I wish theirs was as little with others here, as it is with me. Upon that part of your letter to the king which speaks of money, he told me, he should be glad of their money, *provided the confederates might have such a peace as would satisfy them*; and if things shall at any time come to that pass, you need not fear but your advice of secrecy will be taken: and the management also will as certainly fall to your share, both for the reasons given by yourself to the king, and that *I shall very unwillingly enter into a matter, which, first, I believe they will not perform; but if they should, may perhaps do the king more hurt than good.*” † — “ Your intelligence concerning M. Ruvigni,” he says in his next letter, “ has not been the least of your favours; and, hitherto, his son’s steps have been very suitable to your informations; for yesterday he came to me with M. Barillon, and discoursed much of the confidence the king hath of the firmness of ours to him,—of the good opinion his master hath of me,—of his king’s resolution to consent to any

* Temple’s Memoirs, li. 443.

† Jan. 14. 1677-8, p. 54.

thing that is not infamous to him for the satisfaction of our king, — how certainly our king may depend upon all assistance and supplies from his master, in case the friendship be preserved, — and, in short, went so far as seem desirous to have me understand, although he would not directly say it, that his master might be brought to part with Valenciennes and Condé, but not with Tournay; and the main of their drift was, to engage me to prevail with the king, to prevail with the prince of Orange as to that town; and pressed the matter upon me as a thing wherein they thought I had an interest of my own with the prince of Orange, sufficient to persuade him to put an end to the war by that means. — I answered (as is most true) that there is nothing I am so desirous of as the peace; but I thought things were gone so far, that it was only in his majesty's power [the king of France] to prevent the war, and that I would contribute to any possible expedient to that end, but that *they must apply themselves to the king himself*; and when it came to my part, I should be found to contradict nothing which might be agreed for preservation of the friendship betwixt the two kings." He then mentions their going to the king, who desired to have their proposals in writing. . . . "As to the main points of peace and war, it will certainly depend upon the king of France his consenting to first propositions, our king being engaged to oppose any party that shall refuse them. Nor will the time for that consideration be much longer, since it will be impossible but the king must come to some declaration of his mind*, to the parliament when it meets." Now appears the effect of the princess Mary's marriage. "That which makes the hope of peace less probable is, that the duke grows

* Lingard says (xiii. 29.), that "No arts of the prince could draw from his uncle an engagement to join his forces with those of the confederates in case of a refusal of the terms agreed upon and sent to Paris by Faversham;" and he refers to Danby's letter of Dec. 4. (p. 162.), which he considers as outweighing the contrary testimony of Temple.

But, in that letter, Danby says to the prince,—"The fault will now lie on your side the water, if you have not either the peace upon the terms proposed, or us engaged as deep in the war as yourselves."

every day less inclined to it, and has created a greater indifferency in the king than I could have imagined; which, being added to the French king's resolutions not to part with Tournay, does I confess make me despair of any accommodation. Nevertheless, I am assured, that one principal cause of this adjournment* for thirteen days, has been to see if any expedient for the peace could have been found in that time; and the effect of the adjournment has hitherto been, that nobody will now believe other than that the peace is already concluded between us and France. †

The strange position of a minister in those days appears in the fact, that not only he was not the author of so important a measure as the adjournment of parliament, but he only inferred, or collected from doubtful information, the motives of that procedure. If this were consistent with the then acknowledged practice of the government, the allegation, that his measures were dictated by the king his master, was not so invalid or unconstitutional a defence as we have habitually esteemed it.

Montagu, about the same time, gave further accounts of the objects of Ruvigni's mission:—"His chief errand is to let the king know, that the king of France did hope he was so firm to him, as not to be led away by the grand treasurer. He was an ambitious man, and, to keep himself with the people, would gratify their inclinations, by leading his master into an unreasonable war against France. That as for money, if he (king Charles) wanted that, he should have what he wanted from hence; *his instructions are, if this does not take by the means of William Russell and other discontented people, to give a great deal of money, and cross all your measures at court.*" Montagu advises, that Ruvigni should be requested to retire, because the king knows he has a relation and commerce with people ill affected to the government." "*Ruvigni gave it to them as a*

* From Jan. 15. to 28. Parl. Hist. 896.

† Jan. 17. 1677-8, p. 56.

maxim, that they must diminish your credit before they can do any good." He then begs to know, whether the king is for war or peace, and engages, "if he hearkens to their money, to get him as much again;" but he desires to be fully informed of what passes in London, because, "believing me to be so much your lordship's servant, they will not believe me their friend."* Another letter of the same date speaks of intrigues with Colbert, who is more disposed to be liberal than his colleague Louvois. Whether from caprice, the influence, newly directed, of the duke of York, the management of Danby, the disappointment at the stoppage of the pension, or from whatever cause it might be, the counsels of Charles were at this time opposite to the interests of France, for he now concluded a league † with Holland, binding each to enforce upon France, by war, the acceptance of the terms which had been arranged with the prince of Orange.

One consequence of the change which the marriage of the princess Mary occasioned in the politics of the English court, was, that the prince of Orange was no longer the rallying point for the opposition. And, in one point at the least, the destruction of the earl of Danby, the interest of Louis and that of the leaders of this party became the same. They therefore were very ready to receive, if they did not themselves originate, overtures from France, of co-operation and assistance. Such overtures indeed, according to Courtin ‡ and Barillon §, had preceded the mission of Ruvigni. To some of these leaders, beyond all doubt, pecuniary aid was given; and in order to reconcile what would appear to be irreconcilable,—the respective views of the two parties as to the English troops in France, it was ingeniously suggested, that Charles's opposers in parliament might make use of his recalling them, by imputing it to a design of arming these troops to destroy the liberties of Britain!

* Jan. 18. 1678, p. 59.

† Laurence Hyde's Treaty. Life of Temple, i. 508.; ii. 463.

‡ July 15. 1677. Dalr. i. 182.

§ Nov. 13. p. 183.

Thus, at the re-assembling of parliament in January 1678, the politics of those enemies of Danby, who had imputed to him a leaning towards France, were really more French than those of the court. They, who had been declaiming against Louis, and urging their king to a war with France, were now "to work underhand to hinder an augmentation of the sum which has been offered for carrying on the war;" they promised to cause to be added to the offer of a million sterling, "such disagreeable conditions to the king of England, as they hoped would rather make him wish to *re-unite himself with France* than to consent to them." * And this re-union, lord Russell, lord Shaftesbury, lord Holles, and their friends, were to encourage by all means in their power; Louis co-operating with them in bringing about a dissolution of parliament. Lord Russell at this time announced to the representative of France, his intention of "supporting the affair against the treasurer." †

The fruits of these intrigues, not less disgraceful than those which have stamped eternal infamy upon Charles, were soon apparent in the parliamentary proceedings. When the houses met on the 28th of January ‡, Charles apprised them that he had made an alliance with Holland, for the protection of Flanders; that fair means having failed, he would endeavour to procure peace by force. He required the continuance of the wine and other duties, and supplies sufficient for putting ninety ships into commission, and for raising 30,000 or 40,000 men. The supplies to be granted for these purposes might be "appropriated as strictly as they could desire." § I know not whether this speech was drawn or advised by Danby, but there was nothing [in it which he might not have penned, in perfect consistency with

* Dair. p. 185, from Barillon's memorial of March 14. 1678, repeating a conversation with lord Russell. In this same conversation, Russell said, "He should be very sorry to have any commerce with persons capable of being gained by money."

† P. 186.

‡ 1677-8. Parl. Hist. 896. There had been only an adjournment.

§ Parl. Hist. 896.

his English politics. The thanks which the commons returned, for information which ought to have been acceptable to them, were cold and reserved.

The commons answered this speech by an address, in which they recommended a recurrence to the terms of the Pyrenean treaty * ; a step which gave some colour to a suspicion, entertained by Danby himself † amongst others, that the Spaniards had their share in the corruption of the house of commons ; but I rather suspect that the motion came from the French party, with the view of criminating the minister, who had proposed terms which fell very short of these.

The king answered the address very angrily ‡ : his objection, that it came from one house only, was not valid, according to the usage of parliament ; but he was quite justified in telling the house, “ that the old promises were put to new conditions ; ” and in urging that “ nothing could delay or disappoint new treaties, more than the failing of the house to support those which he had made.” This message produced some effect.§ The house did proceed to vote ships and men “ for the support of the present alliance, made with the States-general of the United Provinces, for the preservation of the Spanish Netherlands, and lessening the power of France.”|| They went on with the ways and means (a tax on new buildings, and a poll tax), and voted to raise 1,000,000*l.* “ for enabling his majesty to enter into an actual war with the French king.”¶

Notwithstanding that the king now actually sent troops to Flanders** , the commons were still distrustful, with reason, of the king ; and their jealousy included not only the duke, but the treasurer, who began about this time to hear of intended attacks.†† They addressed

* Parl. Hist. 907.

† Feb. 4, p. 907.

|| Feb. 5. Parl. Hist. 924.

†† “ March 10. His highness told me, he was informed of a design in the house of commons to fall upon him and my lord treasurer, and desired me to oppose it. My lord treasurer assured me of the same thing, and that it was to be done that very day. That among other articles they

† See his letter of March 4, *post*.

§ Reresby, 56.

¶ P. 940.

** Reresby, 58

the king to declare war against France, and to recall his ambassadors from Nimeguen.* Hitherto, notwithstanding the king's rebuke, the commons had acted independently of the lords, but they now sent lord Russell to desire their concurrence.†

The lords modified this warlike address: they would have left the time of the declaration to the king's discretion, and permitted the ambassadors to remain at Nimeguen. The commons rejected these amendments: the war, they said, grew necessarily out of the treaty with Holland, and they characterised as an imputation to be avoided, what was, in truth, the real purport of that treaty,— that it was to bring about a peace. But their most prominent reason was, that if war were not declared immediately, the forces to be raised would remain at home, “to the great danger and destruction of laws, liberties, and property.” ‡

On the avowed ground of avoiding controversy, the lords made no direct reply to these reasons; but dwelt upon the incomplete state of the alliance for carrying on the war, which required the co-operation of the emperor and Spain, as well as Holland.§ These reasons, however, were not communicated to the commons, who put the matter aside, by addressing the king for a short recess.|| He complied, and it lasted till the 29th of April.¶

laid to his charge a treaty between the king and the prince of Orange, but that, in reality, there was no such treaty, and had it been, he did not think it had been disadvantageous to England. Another of his crimes, he said, would be the advising the king to make a peace, which he never did, though it was not impossible that such a design there might be; but that if so it were, it proceeded from nothing but the king's own judgment, who was that way very much bent, if lawful it were so to say.” — Reresby, p. 60.

* March 15. 1678, p. 955.

† Parl. Hist. p. 956.

‡ Com. Journ. ix. 460. Lords', xiii. 192.

§ March 27., p. 196.

|| March 26., Journ. 461.

¶ The first adjournment was from March 20. to April 11., and renewed on the 15th, upon a communication from the crown, “that the Dutch ambassador had not at present full instructions, and that the affairs concerning the alliances were not yet so ripe or fit to be imparted to both houses of parliament, as it was expected they might have been upon the last adjournment.” (Journ. 464.) The message is fuller in Lords' Journ. 204.

While these discussions occupied the two houses, the votes of supply had been obtained with difficulty, and the ways and means proceeded slowly.

Yet the commons, after listening to a sermon on the anniversary of the 30th of January, acquiesced in a resolution proposed by lord O'Brien (whose son had married Danby's daughter,) "to consider the manner of a more decent and solemn interment of his late majesty king Charles I., of ever-blessed memory ;" and for this purpose, and the erection of a monument to the unfortunate prince, provision was to be made by a monthly tax.* But this ebullition of posthumous loyalty to the father was not followed by any active instance of devotion to the son.

The duke of York, in his correspondence with his son-in-law, expressed his concurrence in the prince's opinion, that, "in the temper of the house of commons they must have a war †;" and complained bitterly of their backwardness in providing the means. The opposition managed their plans with judgment and plausibility: their objection to trusting Charles with money, or relying upon his word alone for the sufficiency of the alliances, were not unreasonable. Yet Charles, and much more Danby, had reason to deem the government ill used, in being goaded on to certain measures, and deserted when they were ripe for execution. The popular leaders did not venture to oppose the warlike votes, or the grant of money; they were aware that "this would be a means of drawing upon themselves the hatred of the people, and the reproach of all that might hereafter happen;" but they avowed that the house had added to "the act" (for granting money) clauses *so contrary to the privileges and authority of his majesty ‡*, that they hoped, that neither the prince

* Journ. ix. 428, 9.

† Letters, Dec. 24. 1677, to March 1678. Dalt. i. 193—206.

‡ I do not know any thing to which this refers except the specification, that the million was granted to the king "to enable him to enter into an actual war with France." (Parl. Hist. 943.) If this was the condition, I cannot think it justly said, that "the avidity for money, and the desire of having troops on foot, which they thought they might dispose of, had

nor his majesty would have consented to them."* The French ambassador and his English coadjutors, — the gentlemen to whom the blind courtesy of whig writers gives the name of *patriots*, — were fairly taken in!

Barillon unquestionably made the most of what he heard from the members of opposition; and it is perhaps to be believed, that he somewhat exaggerated the language of Buckingham and Shaftesbury, still more that of Russell and Holles, when he represents them as suggesting, that, in order to prevent the carrying on the war with greater facility, and the supplies of men and money for Flanders being great, nothing would be more proper than "to press the declaration of war, and oblige his Britannic majesty to determine before measures are taken to support it."† Not impossibly this traitorous suggestion came from the two profligate and reckless peers; and Russell, who, though weak, imprudent, and factious, was a good man, and loved his country, and Holles who was remarkable for his reserve, had the more meritorious part in these dangerous intrigues, which consisted in the ascertainment of Louis's unwillingness to co-operate in the subjection of England.‡

If it is difficult to determine whether Barillon represented correctly the conduct and views of the opposition leaders, it is easy to see that he misunderstood the minister. If Danby now "let himself be driven with the torrent §," it is certain, that while it threatened France, it flowed in the course into which he would himself have directed it. The politics of Danby were, in truth, at this moment, honest and straightforward; much more so than those of king or commons. He had certain objects in foreign policy, — being those which his master professed to have, in common with the prince of Orange, and he was ready to pursue them by

made the ministers pass the act *without any consideration for the true interests of his Britannic majesty.*" Danby thought, that those interests lay in a war with France.

* Barillon to Louis, March 24. 1678. Dalr. i. 187.

† Barillon, April 11. Dalr. p. 189.

‡ Ib.

§ P. 188.

treaty or by war. Had the two other parties been equally sincere, the accomplishment of the objects would have been simple and easy ; but the king only took them up with the view of making a better personal bargain with France ; the opposition leaders approved of them more sincerely, but were ready to sacrifice them to their personal ambition. A mutual distrust, at home and abroad, was the necessary consequence.

No wonder then that Danby soon dropped the sanguine tone in which, in December and January, he had continued to write to the prince.* “His majesty,” he writes on the 8th of February† by Godophin, “finds such great discouragements both from the dilatory proceedings of the parliament and the untoward actings of the Spaniard with him, he is in hopes of little good but by a peace, and I must confess our appearances promise little good by a war.” He mentions a probability that Charlemont may be offered to France by the king, instead of Tournay ; but assures the prince that no concession shall be made without his sanction. “For my own part, I know not what either to wish or advise in this case: on the one hand the nation expecting a war from us, and yet on the other move so slowly towards one, that at best we cannot expect to have any considerable force in readiness before May, and not certain how long that shall be supported.”‡

The English minister here expresses, apparently by the command of his royal master, his distrust of the house of commons, and of the court of Spain ; but he had misgivings, which he was obliged to convey in a private communication. On the very next day, he writes a confidential letter §, with his apprehensions that France will agree to the proposal of Charlemont, but that a peace made upon that condition would be very fatal to the interests of England, and of the prince.

* P. 170. 174.

† P. 97.

‡ Dalr. i. 210. This historian observes upon the omission of this letter in Danby's collection. It appears to have been written under Charles's direction ; and perhaps was not considered by Danby as one of the instances of unreserved communication. See the next.

§ Feb. 9. Danby Letters, p. 197.

He mentions the vote of men and ships: "I am confident they will not stop there, in case his majesty will go freely into the war, which yet they all doubt, and not without cause." He urges the prince, upon the consideration mentioned, "and more which he must not say," not to consent to any alteration in lord Feversham's propositions. He begs that this letter may be burned.* From William's answer †, equally confidential, it appears that he was as much hampered by the States of Holland, as Charles by his parliament. They were willing to have peace upon lower terms.

The prince was grateful to Danby for his frankness, and followed his advice in counselling Charles to adhere to the original proposals.‡ But the probability of a cordial co-operation in the war was daily diminished. "I must needs say," writes Danby in his next letter §, referring to the posture of affairs in Flanders, "that the ill conduct of the Spaniards, both there and here, has contributed full as much to it as the good conduct of the French. They have not only been the cause why succours have not been sooner sent from hence ||, but I am sure, their negotiations here amongst the parliament men have been a very great cause of the slow proceedings to give supplies for the necessary preparation for a war; and there is not yet one act in readiness for any money." He mentions also that Spain

* I think that the continuator of Mackintosh (vii. 181.) goes too far, when he describes these two letters, as one "advising the compromise," and the other urging the prince against it. The first was very indecisive, and placed the question in the prince's hands. This writer considers the second letter as an act of treachery: this is too hard a word. He admits, however, that it is in a mitigated form as compared with that of the whigs; and assuredly there is this material distinction:—Danby, by the advice he gave, or the allusion to the king's unsteadiness, served no private end: he supported, by means which I cannot defend, though the habits of the times may palliate them, the policy which his master had announced as his own. It is possible that Danby did not refer to the king's unsteadiness or venality, but to the "discouragements he was under, to think how he should be supported in a war, when he was voted into it by a small majority." Danby to Hyde, Feb. 8. Clar. Cor. i. 5.

† Feb. 25., p. 205.

‡ This appears from the letter of the 25th Feb., p. 205.

§ Mar. 4., p. 210.

|| He probably refers to the not giving possession of Ostend to the English, as a place of disembarkation.

was ready to concede Tournay. "This, together with what the pensioner has said to Mr. Hyde, and his majesty's unprepared condition to give any present considerable assistance to your highness, did move his majesty to agree to the leaving Tournay and Valenciennes, in case your highness and the Spaniard should desire the peace on those terms."

The prince at last gave way, and expressed* his readiness to agree to give up Valenciennes and Tournay, without disguising his opinion of the "ill consequences that would in all probability arise" from so "destructive a peace."

About this time † Montagu warned Danby, whom he continued to flatter as "a man of no party nor faction ‡," of the projects of the duke of Buckingham, who had been readmitted to the presence of Charles. But Charles had also renewed, or now proposed to renew, his intrigues with Louis; and on the 25th of March, while parliament was adjourned §, ordered Danby to write to Montagu, communicating the new terms of peace, to which England, as well as the prince of Orange, was ready to consent. These terms, it was said, Charles would not formally propose, until regularly authorised by the confederates; but Montagu was authorised to propose them privately to Louis, with an assurance that, if he consented, the king of England would answer for Spain and Holland.

Montagu, however, was to conceal from the secretary of state, with whom he corresponded officially, the extent of this engagement; giving him only to understand, that he had felt the pulse of the king of France. "In case," Danby continued, "*the conditions of peace shall be accepted* ||, the king expects to have six millions of livres a year, for three years from the time that this agreement shall be signed be-

* March 27. N. S.

† Ib.

‡ See p. 272. *antè*.

§ It is to be observed that in this, as in all the letters from Danby concerning money, there is no condition but the terms of *peace*.

tween his majesty and the king of France, because it will probably be two or three years before the parliament will be in a humour to give him any supplies after the making of any peace with France, and the ambassador here has always agreed for that sum, but not for so long a time. If you find the peace will not be accepted, you are not to mention the money at all; and all possible care must be taken to have this whole negotiation as private as possible, from fear of giving offence at home, where, for the most part, we hear in ten days after of anything that is communicated to the French ministers. I must again repeat to you, that whatever you write on these subjects to the secretary (to whom you must not mention a syllable of the money), you must say only as a thing you believe they will consent to, if you had power formally to make those propositions. Pray inform yourself to the bottom of what is to be expected from France, and assure them, that you believe this will be the last time that you shall receive any propositions of a peace if they be rejected, as indeed, I believe, it will; so that you may take your own measures as well as the king's upon it." Danby took care to have it certified, that this important, and to him fatal, communication was written by the special direction of the king, — "This letter is writ by my order, C. R."

The king of France, confiding probably in the unwillingness of the English parliament to support a war against him, however warmly they might address for it, insisted upon Iprès and Condé, and would not agree to the terms proposed: Montagu, therefore, "made no mention at all of the money," to which, however, Louis, who had probably a hint from Barillon, appeared to allude, in saying that "he would send such orders to Barillon about Iprès and Condé, and other affairs, as he had no doubt would satisfy the king."* And it appears to have been Montagu's expectation that if, in the

* Montagu, April 11., p. 81.

words of Louis, when he was represented as desirous of peace, keeping Iprès, "the high treasurer would let Barillon alone", the English ambassador, as well as his master, would partake of French gratitude.

Parliament now again met, and the counsels of the court were all for war. Danby employed Temple to draw the opening speech†, but upon the news of a more pacific inclination in the States, another was substituted. This contained a fair narrative of what had passed, as well between Charles and his parliament, as between England and France. It was a communication apparently unexceptionable, but was not at all successful.

Instead of attending to the matter of the speech, the house began with angry votes about religion; but they resolved‡, that the league with the States was not consistent with their addresses, and they desired the king to make offensive alliances with the emperor and Spain, and the States-General, and all other princes who would agree to them, and to prohibit all commerce with France. The king returned an angry answer§; whereupon the house addressed against the counsellors who advised that answer, and one returned to their former address||; and also for the removal of the duke of Lauderdale.¶ Possibly they had by this time found out, or had been apprised by the French minister, that Danby was not the enemy of English interests. These proceedings, not unnaturally, put the king "in a rage;" the unwillingness with which, persuaded by Danby and Temple, he had resolved to unite with his people against France, broke out in reproaches against the latter for his "popular notions," and for inducing him to a hopeless reliance upon the house of commons.** He immedi-

* Letter of April 17., p. 84.

† April 29. 1678. Temple, ii. 445.

‡ May 4. 1678. Parl. Hist. iv. 968. Carried by 166 to 150.

§ May 6., p. 970.

|| Jan. 21. See *anté*, p. 271.

¶ May 7., by 137 to 92. (ib.) The address itself was carried only by two, 176 to 174. — p. 970.

** Temple, ii. 446. Lingard, xiii. 50. 53.

ately prorogued parliament for ten days*, and renewed his negotiations with Louis.† He soon concluded a secret treaty, engaging to withdraw his forces from the Continent, if the Dutch should not within two months accept Louis's terms. He was to disband all the newly-raised troops, except 6,000 men, to be reserved for Ostend and for Scotland.‡

These disgraceful stipulations did not form part of the treaty. But Danby was now a party to the whole arrangement. He attempted, however, to draw the affair into length, and to put off a conclusion §; and he obtained the king's leave to employ Temple in the negotiation, whom he knew to be unfavourable to all such proceedings. Temple || pretended to be sick, and would have no concern in the matter: but the duke of York recommended peace¶, and the bargain was completed.

When the parliament met after the prorogation**, the king, after reproaching the commons for their conduct in the former session, spoke thus of the state of affairs: — “ Since I asked your advice, the conjunctures abroad, and our distempers (which influenced them so much), have driven things violently on towards a peace. I am resolved, as far as I am able, to save Flanders, either by a war, or a peace, which way soever I shall find most conducing towards it, and that must be judged by circumstances, as they play from abroad. For my

* Mr. Secretary Williamson announced this prorogation to the *chargé d'affaires* at the Hague, with great lamentations on the untoward behaviour of the commons, and its effect upon the Dutch plenipotentiaries, who fairly said that they could not advise the States to confide in a people so uncertain. The prorogation was ostensibly for the purpose of obtaining a decision from the States. — Letters of May 7. and 17. 1678, in the State-Paper Office.

† Dalrymple, i. 212.

‡ It would seem that Charles had by this time become so familiarised to the receipt of money from France, that he cared not who knew it. He desired Temple to negotiate with Barillon on this occasion, who declined, or rather evaded the commission, requesting Danby to represent “ how much he was unsatisfied to be put upon a treaty that belonged not at all to his post, and which they knew that he thought dishonourable to the king;” he proposed rather to resign his employments; but Danby would not take his message to the king. — Mem. ii. 448.

§ May 28. Dalrymple, i. 221.

|| See Life of Temple, i. 514.

¶ Dalr. 222—227.

** May 23. 1678. Sixteenth session, p. 977. Lingard, xiii. 53. Reresby, 63. 222—227.

own part, I should think being armed were as necessary for peace as war." He set forth the necessity of a supply:—"I desire you will not drive me on to extremity, which must end all both for you and me, and (which is worst of all) for the nation, which we ought all to have equal care of; therefore, I desire we may prevent any disorders or mischiefs that may befall them by our disagreement; and in case they do, I shall leave it to God Almighty to judge between us who is the occasion of it."

The speech of the lord keeper Finch contained an exposition of foreign affairs. The advances abroad towards a peace, he said, though hastened by recent events in England, had been long meditated there. The Dutch, perceiving that the Spaniards failed them in every point, resolved to lay hold of the first occasion of coming out of the war. Last year they solicited the king to obtain peace, and "would then have taken such a peace as they now seek."

The king thought that he had done great service to the Christian world, when he had settled with the Dutch the terms of a better peace, and had brought them into a league offensive and defensive, to obtain that peace by force, if it could not otherwise be had. And it then appeared probable, notwithstanding that the Dutch were inclined to the propositions made by the French at Nimeguen, that a stop would be put to the growth of the French power. But, so soon as it was heard abroad that this league had, at home, met with undeserved reflections, and they understood that a resolution was taken to give no money till satisfaction was obtained in matters of religion, "which in all countries are the longest debates that can be entered upon;" and when the king had received an address, on which he had expressed his resentment, "then all sides began to wish for peace, even Spain, as well as Holland, and, if the cessation which is endeavoured to be made upon it take effect, as in all likelihood it will, we may conclude that the peace will soon follow." He urged the necessity of being prepared

for an hostile aggression even in time of peace from the mighty king to whom, by our prohibition of trade, and other measures, "we had given no small provocation." Urging the evil of divisions, he said, — "It has been so stale a project to undermine the government by accusing it of endeavouring to introduce popery and tyranny, that a man would wonder to see it taken up again. Have we forgotten, that religion and liberty were never truly lost, till they were made a handle and pretence for sedition? Are we so ill historians as not to remember when prelacy was called popery, and monarchy tyranny; when the property of nobility and gentry was held to be destructive of liberty, and that it was a dangerous thing for one to have any sense of their duty and allegiance?" He appealed to the acts lately passed against popery, and (alluding apparently to expedients in lieu of exclusions) undertook for further measures for securing the protestant religion.

In all that related to domestic politics it was the speech of a high cavalier; but Finch really had the best of the argument, when he traced the necessity of peace to the votes of the commons, and exposed the futility of the apprehensions of popery.

It made however no impression upon the commons, who resolved* that, if the king would go to war with France, they would support him in it; if not, they would disband the army. The king urged that the army must be kept up, and paid, at least till the 27th of July, the period of the proposed cessation.† To this, the commons replied by a vote to disband all forces raised since September, except those employed on colonial service.‡ But upon a second representation from the king, the period of disbanding the forces beyond sea was enlarged, by a very small majority§, to the 27th of July, and a provision was made accordingly. Although the government carried this point, they had not a de-

* May 27. p. 983.

† Page 984.

‡ Message, May 28. Ib.

§ Pages 985, 986. Journ. 491.

cided majority, being unable to resist a resolution against granting any further supplies before the recess.

On the other hand, they carried votes for discharging the 200,000*l.* borrowed in the preceding session*, and successfully resisted a vote, declaring that the proceedings of the house had not, as affirmed by the lord keeper, occasioned the peace.†

By these votes, the king and his ministers were led to over-rate their strength, and to make an application in which they were entirely unsuccessful. The king in person acquainted his parliament that Spain and Holland had accepted the French terms, and that he was resolved to guarantee the peace; but that it was represented that, unless England and Holland joined in the charge of maintaining Flanders, even after the peace, the Spaniards could not support it. It was therefore necessary “not only to keep the navy strong at sea, but to leave the world in some assurance of our being well united at home, and thereby in as great an opinion of our conduct hereafter, as they are already of our force.” He boasted of the reputation which England had obtained abroad, by “having in forty days raised an army of near 30,000 men, and prepared a navy of ninety ships, which would have been now ready at sea, if we had gone into a war.” His revenue, he said, was disproportioned, not only to that of the king, his neighbour’s, but even to that of the United Provinces; and proceeded thus: — “If you would see me able in any kind to influence the great conjunctures abroad, wherein the honour and safety of the nation are so much concerned, and wherein the turns are sometimes so short, as not to give me leave to call in time, either for your advice or assistances; if you would have me able but to pursue such a war as this of Algiers with honour, and, at the same time, keep such fleets about our own coasts as may give our neighbours the respect for us that has been always paid this crown; if you would have me

* See p. 248.

† June 1. Journ. 486.

pass any part of my life in ease or quiet, and all the rest of it in perfect confidence and kindness with you and all succeeding parliaments, you must find a way of settling for my life, not only my revenue, and the additional duties as they were at Christmas last, but of adding to them, upon some new funds, 300,000*l.* a year; upon which I shall consent that an act may pass for appropriating 500,000*l.* a year to the constant maintenance of the navy and ordnance, which I take to be the greatest safety and interest of these kingdoms."*

This bold proposition was viewed by the house as a plan for making the king independent of parliament, and for introducing a standing army. It was so ill received, as to induce secretary Williamson to acquiesce in its immediate rejection, without a division. Burnet says, that even the courtiers in parliament were against it, as tending "to make them useless;" and that it brought great unpopularity upon Danby.

I confess that I have not a sufficient knowledge of the finance of this time to be able accurately to appreciate the scheme. To make a permanent provision for the navy and ordnance, was not liable to much objection; but if the revenue, after making that appropriation, would have been such as not only to provide for the civil government and the king's household, but to leave a surplus applicable to the maintenance of an army, I must acknowledge that the attempt was alarming, and I must fairly add, audacious. This view of the speech strikes me so forcibly, that I can scarcely suspect Danby of making so false an estimate of his power as to have advised it, if the effect would have been such as I have supposed. Yet I can hardly think it possible that upon a subject of this kind even Charles II. would have acted against the opinion of the treasurer and ministers.†

This unaccountable communication from Charles to

* June 18, p. 994.

† Burnet says that Danby became from this time "the most hated minister that had ever been about the king." No doubt his enemies took advantage of this false step. See an aggravated view of it in Burnet, ii. 142.

his parliament was immediately followed by another, calculated to be more acceptable. Lord Danby brought a message to the lords*, that France would not evacuate the towns which she was to restore to Spain until Sweden should have been satisfied for her losses; that the Spaniards thereupon hesitated at accepting the terms; and the Dutch had inquired whether the English army was to be disbanded immediately, as "nobody could tell what end things might come to." When the lords communicated this message to the commons, that house, instead of taking any steps for keeping the army on foot, merely reminded the lords of the bill already before them for disbanding it. The lords enlarged the time to the 24th of August, and after a dispute about privilege, the commons concurred in that amendment †: and parliament was prorogued by the king, in a speech of more than usual good-humour. ‡

The commons probably took the king's message as a pretence for postponing the disbandment; but the king did really at this time instruct his plenipotentiary, sir William Temple§, to support the Dutch in their determination not to yield to the new condition imposed by France. And Temple himself tells us, that the duke of York and all the members of the foreign committee concurred in the propriety of sending him to Holland to make a treaty for carrying on a war, in case France should not consent, within a limited time, to evacuate the towns.|| And when, on the point of departure, he assured his early patron, the duke of Ormond, that the king seemed more resolved than ever he thought to see him, to pursue the measures which Temple was commissioned to forward, "I have some particular reasons," he adds, "which I cannot entertain your grace with at so great a distance, to believe that he is perfectly cured of ever

* June 20., p. 1004.

† They dropped the bill, but put a similar provision into another.

‡ July 15., p. 1005.

§ See the latter part of the instructions of June 28. 1678, in the *Life of Temple*, ii. 412.

|| *Memoirs*, ii. 453.; but see *Life of Temple*, ii. 3.

hoping any thing well from France, and past the danger of being cajoled by any future offers from thence."* Swift, professing to speak upon the authority of sir William Temple, tells us, that these particular reasons arose out of the disgust which Charles felt at the insolence of Louis, who had required him to stipulate, by a secret article in their money treaty, not to keep up more than 8,000 men of standing troops in England. I do not think Swift's authority sufficient to establish the fact; but Barillon† himself says, that having agreed with the king that the new levies should be disbanded, he had a struggle with Charles as to keeping up 3,000 of them, intended for service in Scotland. This must have been the foundation of the statement.

Historians differ as to the sincerity of Charles in his warlike indications.‡ And another question arises, whether the resolution of France in favour of Sweden, or the hard terms exacted by her representative in the private treaty, or a desire to obtain more money by a show of opposition, was the predominant motive. I confess myself unable to solve these questions; but I cannot for a moment doubt, but that Danby's vote in the foreign committee was cordially given for the mission of Temple; or that it was with views unfavourable to an agreement with France, that he had desired that Temple might be associated with him in the negotiation with Barillon. That he thought Charles sincere in his new counsels, I cannot doubt. He has already been seen writing confidentially to the prince of Orange, even on the caprices or uncertainties of his own master; and there is no reason to distrust him, when he tells the prince that it wholly depended upon him and the States, whether England would engage in the war.§

But the warlike intentions of June, 1678, had always a proviso, that France persisted in her refusal to evacuate the towns; and Charles is hardly treated, when he

* July 2, 1678. iv. 345.

† May 28. Dalr. i. 218.

‡ See Lingard, xliii. 55. Cont. of Mack. vii. 189.

§ July 1., p. 226.

is censured for endeavouring to persuade Louis to depart from this new resolution.*

It was to compel that departure by concert with the States, that Temple went to the Hague †, and made the treaty of the 26th of July. The truth is, that the prince of Orange and Temple, desirous to continue the war, and to involve England in it, would have gladly seized hold of this new pretension of France as an excuse. But good faith and policy were better satisfied, by adhering to the terms upon which all parties had agreed.

Nor is Charles to be blamed for his endeavours to induce Sweden to dispense with the interference of France. If with this view he suffered himself to be persuaded by the Swedish agent ‡, and promised to Sweden more than it was convenient to grant §, he was wrong, but there was no inconsistency, still less disgrace, in the attempt.

Shortly after this occurrence, Temple received orders to exchange the ratifications of his treaty, and Lawrence Hyde was again sent over upon a new mission to the Dutch, whom he was instructed to assure of Charles's co-operation. Sir William Temple regarded this proceeding as contradictory to the instructions which had been brought to him by De Cros; but, if I have rightly characterised those instructions, there was no inconsistency, as the compliance of the French was still doubtful. But Hyde's mission was specially intended to counteract the insinuations propagated by De Cros || as to the private intelligence between Charles and

* Cont. of Mack. vii. 192. "He sent Sunderland to negotiate with the French court a compromise respecting Sweden; in other words, to dissolve the alliance made by Temple." It was not to dissolve that alliance, but to accomplish its purpose.

† "Your lordship knows," says Temple to Danby on the 26th of August, "when I came away, his majesty's resolution was, to have the peace if he could, upon the evacuation of the places, and in the course of this whole matter, to follow and support Holland in the paces they should make, and not to lead them." — Temple, ii.

‡ De Cros. See the Life of Temple, ii. 11. 195.

§ See Life of Temple, ii. 8.

|| Danby, Aug. 22., Letters, p. 256.

Louis, and Charles's disposition to disconnect himself from the States.* These insinuations had tended to induce the States to make an immediate peace, without reference to the allies.

Danby, at this time, wrote that "the king and his whole council were unanimous in their opinion that the king of France has not performed his offers at Nimeguen, and, consequently, that the treaty between England and Holland was in force." He gave also the same opinion to the prince †; and troops were sent to Holland to enforce it. However, the prince of Orange was tired of the wavering counsels of England; the French, in the truly disloyal spirit of their diplomacy, made use of their engagements with Charles to persuade the States into a separate peace, and in spite of Lawrence Hyde, who was sent specially to prevent it, a treaty of peace between the two powers only was signed at Nimeguen. ‡

* See, in the Life of Temple, ii. 11., an extract from De Cros' memorial, pointing at a separation between England and Holland.

† "The French have not complied with the project of Nimeguen, having neither made any due declaration thereof before the 11th of August, and having made new demands from Spain, which were not contained in that project." August 12., p. 232.

‡ Aug. 10. 1678. Spain signed on Sept. 20., then the Dutch ratified, and Spain afterwards. A previous transaction is mentioned by Dalrymple, which historians have scarcely noticed, perhaps because they found it inexplicable. It has been said that the king of England offered to guarantee to Sweden a compensation or satisfaction for her losses in the war. Lord St. Albans, English minister at Paris, was instructed to propose a subsidiary treaty between France and England, whereby the latter was to furnish 15 ships and 10,000 men, to be paid by France, and to join the French forces which were to act in favour of the Swedes. (Dalr. i. 230.) I know not what came of this proposal, or at what exact moment it was made. But Barillon says, on the 8th of August, — "Danby represented to me, that the war which England was to make in favour of the Swedes, was entirely against the sentiments of the whole nation; and therefore his master could not undertake it, without great succour from your majesty." It is not clear against whom this war in favour of Sweden was to be waged. Against the emperor, I suppose, and against Holland and Spain, if they should assist him. This indeed would be a "counterpace" to Temple's treaty, as it would imply a re-union with France in the war. All that I can make of this transaction is, that it was an attempt to keep alive Charles's claim to the money of Louis under the treaty of May, notwithstanding the warlike demonstrations which England had made. For it would appear from Barillon's despatches (if correctly abstracted by Dalrymple), that about the 18th of August Danby applied for an instalment of the subsidy, which was refused, on the reasonable ground that Charles had not fulfilled the treaty.

I shall not dwell long upon the popish plot. Danby's part in that transaction has been mystified almost as much as the rest of it: it appears to me that nothing but his own statement, and the autograph memoirs of the duke of York, can be cited as authority in elucidating the treasurer's conduct. He was the first of the ministers to whom Charles communicated the papers furnished by Kirby; and was of opinion that Grove and Pickering, the two persons accused of the design to assassinate the king, should be apprehended, and the matter referred to the privy council. However unworthy of credit the story was, — and, although it was now very vague, it was not yet full of the contradictions and absurdities which it soon acquired, — Danby was right, as well in proposing to examine persons to whom high treason had been imputed, as in wishing that other ministers should be informed of the accusation.

But Charles enjoined silence, especially towards his brother. He may perhaps have acted from carelessness only, or he may have felt too conscious of his own plots against the protestant religion, to wish for an investigation of the proceedings of the papists. He gave the consent, which he could hardly withhold, to the arrest of certain persons, who, according to fresh information received by Danby from the same quarter, were to come to Windsor on a particular day, with a murderous intent; yet, when an excuse was made for postponing that scheme, he was more than ever convinced that the whole was a mere fiction, and positively forbade Danby to communicate with any other person upon it: — “He would alarm all England, and put thoughts of killing him into people's heads who had no such thoughts before.” Soon afterwards, some papers of a similar import with those that had been produced by Kirby and Tonge, were brought to the duke of York by one Bedingfield, a priest; and as the king did not resist the desire of his brother, that these might be laid before the council, Danby now got leave to communi-

cate to his colleagues the information previously received.*

From this time the investigation proceeded regularly: Coleman, secretary to the duke or the duchess of York, being named by some of the witnesses, was committed, and his papers seized. Danby claims the merit of causing these papers to be secured.* It has been said, but upon no sufficient authority, that the king, supported, not only by James, but by Lauderdale, was now anxious to bring the whole inquiry to a termination, and that Danby desired to protract it till the meeting of parliament, where it would probably be taken up by the opposition, and divert their attention from the proceedings which the treasurer, I know not why, is said to have expected to be instituted against himself. With this view, he is supposed to have encouraged Charles to go as usual to Newmarket in October, and to have neglected the royal injunction to prosecute the investigation without delay.†

Assuredly, I cannot say positively that Danby had no motive of this kind; but there is no proof that he had, nor any fact in evidence from which it can be reasonably inferred. There is no ground, in the first place, for believing that he protracted the investigation. I think it is not at all improbable, that he wished to have the plot before parliament. He was unquestionably of the no-popery party, an anti-gallican, and no friend to the duke of York; and he may have expected to weaken the opposite interest by this supposed discovery of treasonable projects among the papists. Nor is it at all improbable that he himself so far gave credit to the tales of Titus Oates, as to attribute such projects to the Romanists.

On this, as on other occasions, if Danby took the mea-

* This is Danby's account. (Memoirs, pp. 30. 37.) The first examination before the council, was on the 28th of Sept. 1678, after Oates had made his deposition before sir Edmundbury Godfrey. Council Reg. See Lingard, xiii. 69.

† Lingard, p. 79.; on the sole authority, I believe, of the compiler of James's Memoirs.

tures with the view to the conciliation of the commons, he was neither hypocritical nor inconsistent; nor would he be much to be blamed, though it were true, which is merely surmised, that the reviving favour of the duke of Buckingham, disposed him to rely less upon the king and more upon the people. But, whatever may have been his immediate motives, he attempted in vain to keep the investigation in his own hands. It soon became a powerful engine in the hands of his opponents, and was turned against the minister himself.*

In October, the two houses met.† Danby himself says, that Charles never showed so much displeasure towards him, as for bringing Titus Oates's information before parliament. "He would find," the king told him, "that he had given the parliament a handle to ruin him, as well as to disturb all his affairs, and that he would live to repent it." "And indeed," adds Danby, writing thirty years afterwards, "I have seen many villainous designs acted under the cover of the popish plot;" and of another matter, to which I shall hereafter refer, "that I have repented both, since I have seen such very wrong uses made of them."‡ I cannot ascertain what the precise step was, which Danby took in opposition to the opinion of Charles. The king's speech referred to the plot in few words, and did not invite an investigation.§ Both houses called, without delay, for information concerning the plot, which had by this time seized upon the imaginations of the whole people. Surely no instigation from Danby was required to produce the call for papers, nor would it have

* See Roger North's remark on Danby,—"thinking to work with a plot designed for the ruin of himself."—*Examen*, p. 121.

† Seventeenth session, Oct. 21. 1678. *Parl. Hist.* iv. 1017.

‡ *Introduction to Letters*, p. 11.

§ "I now intend to acquaint you, (as I shall always do with any thing that concerns me) that I have been informed of a design against my person by the Jesuits, of which I shall forbear any opinion, lest I may seem to say too much or too little; but I will leave the matter to the law, and in the meantime will take as much care as I can to prevent all manner of practices by that sort of men, and of others too, who have been tampering in a high degree with foreigners, and contriving how to introduce popery among us."—Oct. 21. 1678. *Parl. Hist.* iv. 1017.

been possible to withhold Oates's narrative. However, it is clear from Danby's admission, that he promoted the parliamentary inquiry into the plot. And it is equally clear, that the popular leaders took it into their own hands, and pursued it with blind fury.

During this time, Charles and his parliament went on very ill together. Lord Russell moved to address the king to remove the duke of York from his councils* ; and though this motion (which was supported by secretary Williamson) was suffered to drop, it drove the king to propose that restrictions should be put upon a popish successor.† A bill passed both houses, from which Charles dared not withhold his consent, for excluding papists from parliament.‡ The house of commons also addressed the king to remove his queen from the court§; and a bill was passed, of which the effect was to take the militia out of the hands of the crown. This, however, Charles would not permit, "not even," as he said, "for half-an-hour."||

If it was by the advice of Danby that the catholic test bill was passed, and the militia bill rejected, his counsels were perfectly consistent with his principles, as a protestant, and a tory. It is probable that he convinced Charles of the necessity of giving way to the national dread of popery. "The lord treasurer," says sir John Reresby, "had called several of us together, to consult us about an act to lessen the popish interest in this kingdom; when his lordship told us, the king was willing something to be enacted, to pare, (as his expression was) the nails of a popish successor; but that he would never suffer his brother to be taken away from him, or the right line of the crown to be interrupted; and to the same effect the king spoke to the two houses the next day."¶ It would appear from the same authority**, that Danby under-rated the effect which the

* Parl. Hist. p. 1026.

† P. 1035.

‡ The Duke of York obtained, in the house of lords, a proviso in his favour.— P. 1039.

§ P. 1050.

|| P. 1052.

¶ Reresby, p. 70. King's Speech, Nov. 9. Parl. Hist. 1035.

** P. 71.

popish plot had upon the house of lords, and that he did not expect the bill for incapacitating the catholics to pass through that house. But, although they passed this bill, the lords, on this, as on numerous occasions in all times, honourably distinguished themselves for temper and justice from the commons, by refusing to join the lower house in their address against queen Catherine.

Some votes against private counsels also passed the commons*, which were supposed to be particularly levelled against Danby; and Titus Oates was brought to prove that he had not an orthodox respect for him and his story.†

But the treachery of a friend now put into the hands of Danby's enemies the means of effecting his ruin. I have already noticed‡ the correspondence which took place in March, 1678, between Danby and Ralph Montagu, in which the treasurer became, reluctantly, and by the special order of the king, concerned in negotiating for money from France. Montagu was at the same time soliciting Danby's interest towards procuring him the office of secretary of state§, and took mortal offence at Danby's avowed preference of his old friend, sir William Temple. After a fruitless attempt to engage in his treacherous attempt the duchess of Cleveland, (who writes of him as "an abominable man ||,") he came over from Paris without leave, obtained a seat in parliament for Northampton, where Temple was again his rival¶, and commenced a skilful attack upon the minister.

He prepared his way by an intrigue with Barillon, to whom he opened his grievances, and boasted that it

* Reresby, p. 73. Parl. Hist. 1052. Journ. 551. "That a representation be made to his majesty of the dangers that have and may arise from private advices, contrary to the advice of parliament."

† He was reported to have said, on seeing Oates, "There goes one of the saviours of England, but I hope to see him hanged within a month."

‡ See p. 277. *antè*.

§ His letters, in Danby, March 29. April 11., June 4., pp. 76. 83. 88.

¶ Harris's Charles 11., v. 372.

‡ I find no notice of this in Temple's Memoirs, but it appears from the Journal, ix. 537.

was in his power to ruin the treasurer; and that he would accuse him of treason, if assured of the protection of Louis: and he specifically demanded, if Barillon be believed, a gratuity of 100,000 crowns, if he should succeed in ruining the minister. A fund of 100,000 livres was also to be furnished, to bribe members of parliament. In recommending this villainous scheme to the notice of his master, the Frenchman says, "As your majesty has commanded me to do every thing that is possible to occasion troubles to the king of England, it does not appear to me that any thing could possibly happen more disagreeable to him, than to see the man accused in parliament, in whom he has reposed the care of affairs and the government of the kingdom for two years. The treasurer's enemies, who are very numerous, will take courage, and it is not impossible that the duke of York may abandon him, and turn against him."*

The duke certainly was not well pleased with Danby, but I know not in what degree he acted hostilely towards him. Sir William Temple enumerates, among Danby's enemies, the duchess of Portsmouth, the duke of Monmouth, Shaftesbury, and Essex. Danby's English politics might sufficiently account for the hostility of the French lady, and it appears that the treasurer had obstructed her pension from France.† The others hated him, as the most efficient man in office.

Danby was now warned of Montagu's intentions‡, but could not believe that the man who had counselled him to take French money, and who had professed unaltered devotion to him§, would venture to impeach him; and he endeavoured to turn the tables against his intended accuser. He had heard through sir William Temple from M. Olivencranz, the Swedish minister at the Hague, of certain designs hostile to the protestant religion, plotted between Montagu and the pope's nuncio at Paris ||; and upon this slender ground,

* Barillon, Oct. 24. 1678. Dalr. i. 249.

† Danby Letters, p. 288.

‡ Reresby, 71. Danby Letters, 266.

§ July 1., p. 90.

|| "I showed it (a letter from Temple, Nov. 5. 1678) immediately to his majesty, who is thereby made very desirous of getting all the information

Danby ventured to take a step which accelerated his own ruin. He caused the papers of Montagu to be seized by royal authority, and acquainted the house of commons, in a message from the king, that such was the cause of the seizure.* The unprincipled Montagu was now closely allied with the opposition leaders, some of whom moved, and instantly carried, a vote, perfectly regular, for asking the king whether the information was upon oath. The person of Montagu was not attached; indeed, he was in the house of commons when the king's message came down, and after being a silent listener for a considerable time, he stated his belief that his papers were seized in order to get possession of "some letters of consequence, that he had to produce, of the designs of a great minister of state."† If this were Danby's object in the extraordinary, and, I must admit, unjustifiable seizure of papers, it signally failed. Lord Russell, and other leaders, now avowed that Montagu had apprised them of the purport of Danby's letters, and several members were sent for a box which Montagu pointed out‡, and of which the king's messengers

he can possibly, of what is yet but darkly hinted by M. Oliveneranz. You say he read to you a list of several persons designed for great offices, &c. . . But it is not plain, whether that was a list he had lately from England, or some other list he knows of, because he said he was sure the design was not only against his majesty and kingdom, but against all other protestant princes and states; and the designs of the papists against the protestant religion in England had been long a brewing. As for what concerns Mr. Montagu, I perceive his majesty knows nothing of his conferences with the pope's nuncio; and for what M. Oliveneranz supposes might have been the occasion of these conferences, viz. a treaty of marriage between the king of Spain and the duke of Orleans's daughter, his majesty says, that he never entered into any such treaty, nor ever gave Mr. Montagu any instructions about it."—Danby to Temple, Nov. 22. 1678. Danby, 266.

* "His majesty having received information that his late ambassador in France, Mr. Montagu, a member of this house, had held several private conferences with the pope's nuncio there, has, to the end that he may discover the truth of the matters, given orders for the seizing of Mr. Montagu's papers."—Dec. 19. 1678, ix. 559.

† Parl. Hist. 1058. Burnet, ii. 175.

‡ "Mr. Montagu acquainting the house that he had in his custody several papers which he conceived might tend very much to the safety of his majesty's person and the preservation of the kingdom, Ordered, that the lord Russell, &c. do take Mr. Montagu's directions, and repair immediately to the place where the said writings are lodged, and bring the same to the house."—Journ. 559.

had seized the key, without opening the box. This, however, the house did; and Montagu, being permitted to select such papers as he thought fit, leaving the rest untouched, drew forth Danby's letters of January 16. and March 25. 1678, — the latter being the ill-fated letter about French money. On the very same day, the house resolved, by 179 to 116, to impeach the treasurer.*

After the impeachment had been voted, Danby sent to the speaker two of Montagu's letters †, explaining the intrigues of the king of France with William Russell and other leaders of the opposition. The house heard the letters, but took no further notice of them. The king too, in answer to the call for the grounds of the arrest, sent several letters to the house ‡; these also the commons disregarded.

Lord Cavendish and Mr. Williams were the managers principally concerned in preparing articles of impeachment, which were substantially as follows: — 1. "That he had traitorously§ encroached to himself regal power, by treating with foreign powers, and instructing ambassadors, without communication with the secretaries of state, or council;" — this clause was directed against the Montagu correspondence, but it is not easy to explain what follows, — "against the express declaration of his majesty and his parliament; thereby intending to defeat and overthrow the provision that has been deliberately made by his majesty, and his parliament, for the safety and preservation of his majesty's kingdom and dominions."||

2. That he endeavoured to introduce an arbitrary and tyrannical way of government; and designed the raising of an army, upon pretence of a war with the French king, and to continue it as a standing army

* P. 1069. The solicitor-general, Winnington, spoke for the impeachment.

† Jan. 11. and 18. 1678, noticed in pp. 265. 269.

‡ Journ. 560. These papers were destroyed, I believe, in the fire of 1834.

§ A motion to leave out the word "traitorously" was rejected, 179 to 141.

|| On reading this article a second time, a motion for recommitting the articles was negatived, 179 to 137.

within the kingdom; and that he misemployed the money which was granted for disbanding the army, and took no security from the paymaster.

3. That to hinder the meeting of parliaments, and thereby to alter the constitution of the government, he negotiated a peace with the French king upon disadvantageous terms, for doing whereof, he endeavoured to obtain large sums of money from the French king, to enable him to carry on such traitorous designs.

“4. That he is popishly affected; and hath traitorously concealed (after he had notice) the late horrid and bloody plot and conspiracy, contrived by the papists against his majesty's person and government; and hath suppressed the evidence, and reproachfully discountenanced the king's witnesses in the discovery of it, in favour of popery, immediately tending to the destruction of the king's sacred person, and the subversion of the protestant religion.”

5. That he had wasted the king's treasure in unnecessary pensions and secret service, to the amount of 231,602*l.* in two years, and had diverted one branch of the revenue from the exchequer to private uses, and removed two commissioners who refused to concur therein.

6. That he had obtained divers considerable grants of the ancient revenue of the crown to himself.

To a contemporary, ignorant of the secret history of this time, the indignation of the house would appear natural; to us, it is disgusting. The principal speakers against the minister, Bennett, Titus, Harbord, and Powle, were themselves in the pay of France, and lord Russell was at least conusant of this fact. The shameless treachery of Montagu himself requires no comment*; and the association with him reflects no credit upon the leaders of opposition.

So soon as the articles were read in the house of lords, lord Danby made a hasty speech†, not only with

* See Lingard, xiii. 120.

† Parl. Hist. 1069. State Trials, xi. 627.

the confident profession, but in the tone of innocence. But his remarks were cursory and incomplete, and cannot fairly be taken as his whole defence. The charge of assuming regal power, he confessed he did not understand. To that which concerned a standing army*, he answered, that a treasurer must be a fool to create so great a charge. "The third charge," he said, (the negotiation with France) "is of the same nature with the first, and comes from the same foundation, which is what a gentleman has thought fit to produce to the house of commons. I will not now censure his action; I think it will do enough for itself. I can only say, that though I take it for one of the greatest misfortunes that can befall a man, to lie under such a charge of the house of commons, yet I would much sooner choose to be under that unhappiness, than under his (Mr. Montagu's) circumstances."

He spoke in just terms of the absurdity of accusing him, the favoured of the crown, of countenancing a plot for the destruction of the king: so far from concealing the plot, it was notorious that the king sent him the first notice of it, and that, in the opinion of his majesty, "it would have been much better, and more would have been discovered, if it had been longer kept private." And he boasted of the seizure of Coleman's papers.

Of the silly charge of being popishly affected, he spoke contemptuously; "and I hope," he added, "your lordships will forgive my weakness, in telling you that I have a younger son† in the house of commons, whom I shall love the better as long as I live, for moving to have that part of the article to stand against me, that, by that pattern, it might appear by what sort of zeal the whole hath been carried to my prejudice." On the charge of wasting the king's treasure, he said, that he had known no treasure to waste, having entered upon an empty treasury, and never seen one farthing given

* As to the disbanding of the army, see a report in Comm. Journ. 609. Sir Robert Howard evidently wished to criminate Danby; but the case is not made out.

† Lord Dumblaine.

to his majesty that had not been strictly appropriated and applied. He took credit for his punctuality in the payment of the seamen*, and for the discharge of debt.

He did not deny that his service had been profitable to him, but averred that in six years he had not, as high treasurer, got half of what others had gained in inferior places.

Some parts of this defence, upon the last two articles, require detail, and may be open to criticism, but in what followed he was quite invulnerable. "Had I either been a papist or a friend to the French, I had not been now accused. For I have reason to believe that the principal informer of the house of commons hath been assisted by French advice to this accusation; and if the gentleman were as just to produce all he knows for me, as he has been malicious to show what may be liable to misconstruction against me, (or rather against the king, as indeed it is,) no man could vindicate me more than himself, under whose hand I have it to show, how great an enemy to France I am thought, how much I might have had to have been otherwise, and what he himself might have had for getting me to take it. . . . He knows, as will appear under his hand, that the greatest invitations to his majesty for having money from France have been made by himself †; that if his majesty would have been tempted for money, he might have sold towns for as much as if they had been his own ‡, and the money have been conveyed as privately as he pleased; that his majesty might have made matches with France if he could have consented to give them towns, and yet that the king has always scorned to yield the merest village that was not agreed to by the Spaniard and Hollander. That gentleman hath often pretended how much his own interest in France was diminished, only by being thought

* The great evils which the former unpunctuality in the payment of seamen produced, may be seen in Pepys's Diary, 4to, 373., and elsewhere.

† See the letters noticed in p. 254.

‡ See Montagu's letter of Dec. 29. 1677, noticed in p. 264.

my friend. . . . I sent two of his letters* to the house of commons, which show how M. Ruvigni was sent here on purpose to ruin me, which, I am assured at this time, they would rather see than of any one man in England. . . . I hope his majesty will give me leave to say in his presence †, and in the hearing of divers lords with whom I have the honour to sit in the committee of foreign affairs, that which, were it not true, his majesty must think me the impudentest and worst of men to affirm before him — that ever since I had the honour to serve his majesty, to this day, I have delivered it as my constant opinion that France was the worst interest his majesty could embrace, and that they were the nation in the world from whom I did believe he ought to apprehend the greatest danger, and who have both his person and government under the last degree of contempt; for which reason alone, were there no other, I would never advise his majesty to trust to their friendship.

Lord Danby had still so much influence among his peers, as to defeat a motion, immediately made, that he should withdraw, and another, on the 27th, for his committal. But against these decisions, some of his former colleagues, who had been much more criminal than Danby, entered their protest. ‡ It must be owned, that the lords who had been committed in 1677 cannot be blamed very severely for wishing to incarcerate the minister who led the house on that occasion.

The king and his minister were probably now satisfied that it would be impossible to go on comfortably with the long parliament.§ At the end of the year, therefore,

* See Danby, 53. 61. and 102. and *anti*, p. 296.

† King Charles was in the habit of attending the debates; he frequently descended from the throne, and stood by the fire-side.

‡ Buckingham and Shaftesbury. Halifax also signed this protest, and Essex the first.

§ In this session, the commons made another attempt to place in the chamber of London the money which they voted for disbanding the army. The lords refused their content, and, in consequence of the dispute, the bill was dropped at the prorogation. See *Lords' Journ.* Dec. 1618, xlii. 424. 434. 443. *Parl. Hist.* 1053, takes no notice of the proposal or dispute.

it was prorogued, and immediately afterwards dissolved.* Another was forthwith summoned.

In meeting this new parliament†, Charles took credit for the banishment of his brother, and other anti-popish measures, and asked for a supply in the usual terms of complaint. But he commenced his dealings with the new house of commons by a proceeding which, if advised by Danby, as has been supposed, was injudicious, almost to infatuation. This was, the refusal to approve of Seymour, again elected speaker. There had been, as some say‡, a quarrel between this gentleman and the treasurer; others aver that lady Danby was the person offended.§ One republican writer says, that Danby advised the refusal, as an exercise of prerogative.|| A character that will not bend to a popular storm is, generally speaking, much to be admired; and Danby, whom Burnet describes, in his singular language, as "a positive and undertaking man," appears to me to have possessed this character. But this was an unnecessary provocation of a body of men, upon whose decision his fortune, if not his life depended; and certainly the commons were treated too cavalierly, when, in answer to a respectful remonstrance, the king said to them, "Gentlemen, all this is but loss of time; and, therefore, I command you to go back to your house, and do as I have directed you.¶ A short prorogation and a compromise** termin-

* Parl. Hist. 1074. Burnet says here: — "Danby saw little hope of recovering himself with that parliament, in which so great a majority were already so deeply engaged. So he entered into a treaty with some of the country party for a new parliament. He undertook to get the duke to be sent out of the way against the time of its meeting. Lord Holles, Littleton, Boscawen, and Hampden, were spoken to. They were all so apprehensive of the continuance of that parliament, and that another set of ministers would be able to manage them as the court pleased, that they did undertake to save him if he could bring these things about. But it was understood that he must quit his post, and withdraw from affairs. Upon which they promised their assistance to carry off his impeachment with a mild censure." (ii. 181.) This story is very questionable.

† First session of second parliament, Mar. 6. 1678-9, p. 1079. Com. Jour. ix. 567. Lords' Jour. xiii. 449.

‡ Burnet, ii. 199.

§ Temple, ii. 506.

|| Ferguson.

¶ P. 1104. The commons again addressed respectfully. The king promised to answer on the morrow, and on that day prorogued parliament for two days.

** Seymour was not proposed again, nor was sir Thomas Meres, who had

ated this first dispute ; but the house, in its second session, instantly renewed the attack upon the obnoxious minister. It was commenced by Powle, in a somewhat remarkable speech*, in which the French pensioner appeared rather too openly. That he should accuse Danby of financial mismanagement, suspension of parliaments, and arbitrary proceedings, was quite natural ; but when he styled him, "the person to whom we owe the dangers and fears of the French king against us," this celebrated whig † reversed the policy which the country had pursued from the time of the Restoration ; the neglect of which constituted, in truth, a part of the very impeachment which Powle now desired to renew. But in those days even the most profligate inconsistency was seldom matter of reproach between one politician and another.

But it was found necessary that Danby should resign the staff. There are no authentic accounts of this occurrence ; nor is it known whether the first suggestion came from the king, or from the treasurer. Temple says, that "the counsel of his removal had been carried on by the duke of Monmouth, in conjunction with the duchess of Portsmouth and lord Essex." The king tendered him a pardon, and was prepared to promote him in the peerage. But his enemies were not contented with driving him from office, and it was necessary to yield still further.

The commons having reminded the lords of the impeachment, with a request that Danby might be committed, the king announced, in a speech to both houses, that he came "to put an end to that business." He had given to Danby a pardon under the great seal, and if it should prove deficient would give it him ten times

been named by the court, in consequence, as Lingard suggests (p. 128.), of an understanding with the popular leaders, of whom Meres was one ; but serjeant Gregory was proposed by lord Russell, in a conciliatory speech, and elected.

* There is a difference between the *Parl. Hist.* 1115., and the *State Trials*, xi. 724., as to the period when this speech was delivered ; but it is of no importance.

† Powle was afterwards speaker of the convention parliament, which put the crown on the head of William and Mary.

over. He never denied a pardon to any of his ministers on quitting his service, as Shaftesbury and Buckingham well knew. "Besides," he concluded, "there are great mistakes in those matters concerning him, for the letters were written by my order. And for the concealing the plot, it was impossible, for he had heard nothing of that but what he had immediately from myself. I have dismissed him from my court and councils, and not to return." *

In furtherance of this announcement, a bill was introduced into the house of lords†, by which Danby was made incapable of office, employment, or gift from the crown, and of sitting in parliament. The secret history of these transactions is not known. As Danby nowhere complains of this disabling bill; it appears probable that it was introduced with his concurrence; yet it is difficult to believe that he acquiesced in eternal exclusion, not only from office, but from the privilege of his peerage. He has himself said, that rather than suffer a bill of *attainder* to pass against him, he must have produced all the letters‡; and it thus appears probable that he consented to endure any suffering short of the attainder, rather than disregard the appeal which Charles made to his loyalty and fidelity. The pardon was offered to Danby by Charles himself. So soon as it was questioned in the house of commons, Heneage Finch§, who had succeeded Winnington as solicitor-general, declared that his father, the chancellor, had refused the great seal, because the instrument did not come to him with the usual sanction of privy seal, or signet. The chancellor confirmed this; he had remonstrated with Danby on the informality, but Danby preferred privacy to regularity, and the seal was, by the king's own order, affixed by an inferior officer.|| When the bill was presented by lord Essex, the house ordered Danby into the custody of the black rod; but he kept out of the way,

* Mar. 22. State Trials, 725.

† Lords' Journ. 470. 476.

‡ Letters, p. 111.

§ Second son of Heneage, first earl of Nottingham.

|| On this very irregular proceeding, see State Trials, xi. 741.

and the usher reported that he could not be found. The lords were thus enabled to tell the commons that they had anticipated their request, that the accused might be committed; and on the report of the supposed absconding, they converted the bill into one of banishment.* Lord Anglesey and lord Berkeley protested against this bill in the first instance†; they were joined in a later stage by lords Northampton and Ailesbury.

The commons instantly rejected this bill, and sent up to the lords one which had been introduced when they heard of Danby's absence, for summoning him to surrender on a certain day, and attainting him in case of failure. This bill, the lords, by an amendment, converted into a bill of banishment; a few more of Danby's friends now ventured to record their dissent, — Lawarr, Arundel, Byron, Lindsey, and Hatton.

Danby had now put himself in the wrong, and the commons urged, not without reason, in reply to the lords' amendments, that, having fled from justice, he had confessed the charge of high treason; nor could they be satisfied with the lords' general reference to the prudential necessity which might sometimes exist for forbearing to act with the utmost rigour.

Ultimately the lords gave way, professing that they were ready to consent to any thing short of the destruction of the earl. The bill of attainder therefore passed on the 14th of April‡, whereby Danby was summoned to surrender on the 21st of April. Lords Ferrers, Lucas, Carnarvon, Frecheville, and Bath, were now added to the list of the protesters.

On the 16th of April, Danby surrendered. This measure surprised the court, or at least the duke, who was not prepared for the scrupulous fidelity with which the minister abstained from exonerating himself at the expense of the king.§ He was made to kneel at the bar of the house, in which he had lately held nearly the

* P. 479.

† Anglesey's reasons were, that "there was no hearing of the party, and so penal a bill ought not to be precipitated."—P. 476.

‡ Parl. Hist. 1115. 1118—21. Lords' Journ. xiii. 504, 24.

§ The duke to L. Hyde, May 2. 1679. Clar. Corr. i. 43.

highest rank, and decidedly the greatest power, and was committed to the Tower. When again brought up, he answered the charge, but pleaded his pardon.*

The house of commons showed some unwillingness to proceed at once to extremities, and requested the lords to demand of Danby whether he would rely upon his plea of pardon.† He answered, that he had put in his plea by advice of his counsel (Mr. Polexfen), and abided by it. The commons, after much debate, protested at the bar of the house of lords, with the speaker at their head‡, that the pardon was illegal and void, and therefore demanded judgment against the accused; and the lords appointed a day “for hearing the earl of Danby to make good his plea;” and they acquainted the commons that they had addressed the king to appoint a high steward, for the trial of Danby, and of the other five lords in the Tower. Thus commenced a series of disputes between the two houses §, which lasted from the 7th of May to the 27th, when the king prorogued the parliament. A dissolution soon followed.

At the present day one might reasonably distrust the innocence of a man, who should rely upon a pardon previous to trial: and this, Danby himself admitted. But, in this case, the accused had no opportunity of making a full defence. “If the king” says Danby|| “would have permitted me to produce Mr. Montagu’s letters, the crime of endeavouring to get money from France (if it could be called a crime, under the circumstances aforesaid) would have been laid to Mr. Montagu’s charge, and not to me; as I told the king when he offered me his pardon; but was answered by his majesty, that I owed him more duty than to expose his

* See appendix B.

† State Trials, 769.

‡ Id. 790.

§ In the course of the proceedings, the commons, by one of those tyrannous votes by which the parliaments of the seventeenth century distinguished themselves, forbade any commoner to maintain, as counsel for lord Danby, the validity of the pardon. (See State Trials, 807.; and Lords’ Journ. 564.) About the same time colonel Sackville was expelled for saying that they were lying rogues that said there was a plot.—Parl. Hist. 1118.

|| Remarks upon Montagu’s letters in Danby Letters, pp. 108. 110.

and his ambassador's letters of private negotiations between him and the king of France; and he was sure I would not be guilty of such a perfidious baseness to him, as Montagu had been guilty of."

It is also to be considered, that if Danby could have had all necessary evidence for his defence, still, he could not expect a fair trial, at a time in which perjury and credulity were striving for the mastery.

Such was the termination of the first stage of Danby's ministerial career. I am afraid that it is true, as Algernon Sidney wrote at the time, that "never was man less pitied in his fall than he."*

Yet, if his conduct be compared with that of each of the persons concerned in his downfall, Danby will not suffer by the comparison. Of the ingratitude and treachery of his immediate accuser, it is unnecessary to say more. But the most consistent of his opponents were far from blameless. That they did less than justice to Danby, was, as I have already admitted, in a great measure, his own fault. They had at least a technical, perhaps a moral right, to make him responsible for measures in which he acquiesced; and it is possible that his admirable loyalty to the king may have disguised from contemporaries the sincerity of his opposition to the French policy of Charles, and his zeal against popery.† He was assuredly untainted by per-

* To B. Furley, March 23. 1679. Original Lett. of Locke, &c. 1830, p. 94.

† See on this a tory writer. "The hon. R. M., then ambassador in France, was in measures with some topping men of the faction here, among other things, to ruin the earl of Danby, and for bringing that about somewhat very extraordinary must be done. For the said earl hath founded his policy upon the protestant cavalier interest, and opposition to the French; which he carried on steadily, so far as he thought consistent with his post at court, and also with a popular interest in parliament. And that management of himself, and also a care to appear opposite to popery, had rendered him very strong. He was the first prime minister (if I may except old Clarendon, who came in with the king) that built upon that foundation, and never wrought with either fanatics or papists, but courted the loyal gentry, and perhaps too much, if the usefulness of some of them for the employment he put them in might carry that construction. It is most certain that, whether judgment or policy directed his conduct, it was so far very well chosen; and his great parts and abilities to manage in public were much set off by the advantage of so good a cause at the bottom." — North's *Examen*, p. 528.

sonal corruption, and although he justified in Charles the acceptance — which nevertheless, he endeavoured to prevent — of the money of the French king, yet he steadily refused it for himself, though he would have had the excuse of not being diverted from his course, and moreover the sanction of the royal example.

It is not denied that many of his opponents received French money, and that his ruin was concerted between them and the court of France.* The defence that has been made for them, is precisely that which Danby made for Charles, (he did not require it for himself,) namely, that they did nothing in consequence of this receipt of money, which they would not otherwise have done. Granting that this was so, (for I do not think it necessary to discuss the question here,) I would observe, that what they did was in itself highly blamable. It is avowed that, believing, or pretending to believe, that a war with France was good policy for England, and having granted supplies for carrying on this war, they designedly annexed conditions to the grant, which they expected the king to reject. Considering that this rejection was the particular object of Louis, whose money they had taken, it is really drawing too largely upon candour, to admit that their object was to prevent

* Letters to Louis XIV. Extract from Barillon, Dec. 14. 1679 : — " In the affair of the high treasurer, and the disbanding of the army, no person was more useful to your majesty than lord Holles. I have had a strict connection with Mr. Lyttleton, who is one of the most considerable in the house of commons, and whose opinions have always been the most followed. I have also kept a particular correspondence with Mr. Powle. He was put into the council when the persons who opposed the court were put there. He has so conducted himself since that time, that he will always be useful when the parliament shall meet : he is a man fit to fill one of the best posts in England ; he is very eloquent, and very able. Our first correspondence came through Mr. Montague's means ; but I have since kept it by my own, and very secretly. Mr. Harbord is another of those whom I have made use of, and who bore an active part in the affair of the treasurer and the disbanding of the troops, but it would be difficult to employ him at present. He has considerable credit among people in the country ; he would be more fit if a minister was to be attacked, than he will be to speak in parliament against an alliance, which the court would make, and the other party hinder. These four have touched what was promised them, when the disbanding of the troops should be finished, and the high treasurer removed from affairs. Mr. Sidney has been of great use to me on many occasions. He is a man who was in the first war, and who is naturally an enemy to the court. I gave him only what your majesty permitted me ; he would willingly have had more, and if a new gratification were given to him, it would be easy to engage him entirely." — Dair. ii. 336.

the levy of an army, by which the liberties of England might be endangered.

But they went a step, and a long step, farther ; they endeavoured to persuade Louis to declare war against their king. To this "awkward attempt" lord Russell was a party ; his descendant quarrels with the historian Hume, for styling this conduct factious. To me it appears treasonable* : whether through faction, or through folly, I care not now to argue.

The descendant and panegyrist of lord Russell repeats, and apparently gives credit to, a statement, which surely fixes upon his hero the charge of factiousness:—"The opposition, on the other hand, sought alliances in every quarter. Lord Russell, sir Henry Capel, and others, had meetings with the duke of Monmouth, in order to concert the removal both of the duke and of the lord treasurer. They commissioned Monmouth to acquaint the king, that *they would supply him with any sum of money he might require, if he would lay aside the lord treasurer.* Overtures were also made to lord Danby by colonel Birch, who endeavoured to prevail upon him to favour Monmouth's legitimacy. Both these stories may be true." †

It is possible, and indeed probable, that lord Russell believed Danby to be too deeply engaged in the French policy, and disposed to extend the prerogative, and therefore not fit to be trusted with money. But it is scarcely possible that he could have deemed Charles more trust-worthy than his minister. His object then must have been a *party* object.

I will push my comparison no further at present than to say, that if Danby did not pursue, as he certainly

* I will not affirm that it is technically within the meaning of the statute of Edward III ; under that it is treason to levy war against the king, or to adhere to the king's enemies. The offence which the present secretary of state for the home department palliates is, exciting a foreign prince to make war against the king of England. It is not an adherence to the king's enemies, because, so soon as the foreign prince had become the king's enemy, at the instigation of the king's subject, it was intended, by a second act of treachery, to leave him in the lurch.

† Life of Lord Russell, 4to. p. 78.

did not, a straightforward and blameless course, and if he was swayed to his direction by the love of power, the path which his opponents pursued was equally devious from that of rectitude; and if some of them relying upon the jesuitical sanctification of the means, by the end, could justify themselves by a sincere opinion, that the measures which they favoured were beneficial to the country, this plea, from the greater part of them, is rendered suspicious, by the pecuniary benefit to which their crooked ways led them.

For Danby too, much more than we can now admit may be said as the minister of the king. A minister, now, submits to the king what he deems advisable for the people; a minister, then, received the king's commands, and thereupon communicated with the people.

Yet, while thus attacked by the commons for his complaisance to the king, he had nearly lost the royal favour. "I found," said Temple, who came to England in February, 1679, "within a fortnight after I arrived, that he sat very loose with the king his master, who told me several reasons of the change, whereof one was, his having brought the business of the plot into the parliament, against his absolute command." Though this is too strongly put, we know that it is partly true, and it is probable that the cold and reluctant concurrence of the minister in his intrigues with Louis, was another cause of the king's estrangement. At the same time, "he was hated by the French ambassador,"—and here we have the authority of Barillon himself,—"for endeavouring (as he thought) to engage the king in a war with France;" and "to complete"—I again quote from Temple—"the happy and envied state of this chief minister, the duchess of Portsmouth and earl of Sunderland were joined with the duke of Monmouth and earl of Shaftesbury in the design of his ruin." There was surely no disgrace in incurring the enmity of these persons; and it is a curious truth, that the cause of Danby's fall was his attachment to that policy, for the neglect of which he was condemned.

It is not easy to assign a character to Danby's administration, because he was always in a false position. A design has been freely imputed to him of introducing a more arbitrary system of government; and for support of the imputation we are generally referred to the despatches of the French ambassador; which despatches prove nothing, but that the charge was made by the enemies of Danby. I see no reason for believing that Danby had any scheme for the extension of the royal power; but the rejection of the habeas corpus bill in the first years of his administration by the house of lords, the committal of Buckingham and his companions by the same body in 1678, the proclamation against coffee houses, and the non-resisting test, are all indications of a disposition to exercise power to the utmost.*

While Danby was under impeachment, the commons introduced an inquiry into the disposal of money for secret service†, with a view of ascertaining the extent to which bribery had been carried. The result appears to be, that several members of the house had received during Danby's administration considerable sums of money‡ from the crown. Several of these were accounted for, as compensation for offices or contracts which had been suppressed or taken away; but there were many which can be characterised only as secret pensions, or bounty. But as this list of twenty-seven members contains many that were not pensioners in an offensive sense, so neither is it to be taken to comprise the whole of Danby's means of secret influence.

* See the character of Danby's administration, Hallam, ii. 535.

† Parl. Hist. 1131. 1137.

‡ The committee reported, that 252,000*l.* had been expended in secret service in three years. Danby reduces this sum to 194,000*l.*, or 64,900*l.* yearly. This is not an enormous sum, to include secret services, foreign and domestic, of all sorts. (See Danby's Memoirs, 122.) According to Ralph (ii. 449.), the annual sum shown to have been distributed in pensions to members, was only 3,400*l.* divided among twelve; 3,900*l.* occasionally disbursed among six, and other sums upon account, which we have no reason for classing under the same head. There is nothing in the journal to support this detail. But it is stated that Danby increased from 12,000*l.* to 20,000*l.*, the amount of pensions. (Parl. Hist. 1142.) Lord John Russell says, quite without warrant, that he increased in that proportion "the sum appropriated to the service of corrupting members of parliament." — *Life of Lord Russell*, p. 88.

There was not in those days, or for many years afterwards, any law for excluding placemen, of any description or in any number, from parliament; and many such sat in the long parliament.* That these or other means of influence were more largely used by Danby than by his predecessors, is not a fact of which there is any proof; but perhaps the general assertions of contemporary writers†, not all opposed to the court, may be taken to establish it. Foreign bribery was also new; and surely the supporters of government, who receive even a secret pension from that government, have all, and more than all, the grounds of justification, which is afforded to the most patriotic and sincere of the pensioners of Louis.

Historians have generally agreed in ascribing to lord Danby a judicious and frugal administration of the finances.‡

The unfortunate minister lay in the Tower from April, 1679, to February, 1683. The judges of the King's Bench, before which court he was more than once brought by habeas corpus, held, that it was not in their power to bail a prisoner committed by the house of lords. §

On the 27th of May, 1682, he was again brought up, and argued his own case with great learning and ability. He justly laid stress upon the fact, that he had been committed without any information on oath against him for any crime whatever, nor was any specific treason charged

* Andrew Marvell gives (il. 555.) a list of placemen, pensioners, and other so called, corrupted members. From this list it would appear, that some were bribed by dinners, others had an allowance for giving dinners.

† See Burnet and keeper Guilford, p. 225. *and*. — North, Examen, 456.

‡ See particularly Ralph (i. 270.) : — "He entered upon his charge with equal courage and ability; fully sensible what great demands he had to answer, and what little assistance he had to expect from the parliament: his first endeavours were to restore credit, and establish economy; and it appears he succeeded in both." I confess myself unable to master the several statements which are to be found in the "Memoirs relating to the impeachment of Thomas, earl of Danby," or in Ralph, i. 288. There is nothing to support the allegation, adopted by the continuator of Mackintosh (vii. 153.), that Charles had, at any time, a surplus revenue of 900,000*l.*, beyond "the reasonable expenses of the crown."

§ State Trials, xl. 831.

against him. He mentioned also the refusal of his counsel to plead for him at the bar of the house of lords, the king's pardon, and, notwithstanding all this, a close imprisonment of forty months. He contended that there could be no wrong without a remedy, and that the King's Bench was the only court in which, while parliament was not sitting, relief could be afforded to him. And he supported his argument by many cases, and much of legal learning, which I will not attempt to abridge for readers in general, and which lawyers ought to consult in the original.

The attorney-general gave, as he had on a former occasion, the king's consent to the bailing of Danby; nevertheless, the judges, while they admitted that he had said many things which could not easily be answered, could not make up their minds to it, and he was remanded. On June 29.* he was again brought up; and though the judges differed a little among themselves, not one of them would say positively that the court had power to bail the lords' prisoner, and he was once more sent back. But afterwards, on the last day of Hilary term, 1683, the judges, without hearing further argument, pronounced an unanimous opinion that he ought to be bailed.† He was himself bound in 20,000*l.*, and the dukes of Somerset ‡ and Albemarle §, and the earls of Oxford || and Chesterfield ¶, in 5000*l.* each. The whole history of commitments by the crown scarcely affords a case of more "wrongous imprisonment," as the Scots term it, than this of Lord Danby, at the requisition of the house of commons.

There is no record of Danby's mode of life in the Tower, or of the associates who visited him there. Lord Plymouth** had, in the session of 1679, the special permission of the house of lords to visit him "for one

* P. 859.

† P. 871.

‡ Charles Seymour, the sixth or proud duke.

§ Christopher Monk, second duke.

|| Aubrey Vere, twentieth earl.

¶ Philip Stanhope, second earl.

** Charles Fitz-Charles, natural son of Charles II., who married Danby's daughter Bridget.

time." It would thence be inferred that he was a close prisoner, yet sir John Reresby went to see him soon after his committal, and tells us that "he seemed to be very little concerned."* I cannot find that sir William Temple, who had never ceased to express gratitude to Danby, was among his visitors. Indeed, he was now closely connected with Essex, one of Danby's active enemies.

Reresby was more attentive to an old friend, but the only other visit which he mentions, occurred in March, 1682. "I found him," he says, "to express himself much more obligingly towards lord privy seal (Halifax) than he had been used to do heretofore; among other things, he said his lordship had taken a prudent and becoming course in declaring himself for a parliament; and that he was very glad of it upon a private account, for that he despaired of being enlarged till there was a sitting. He said, — 'Lord Rochester and his party might support themselves for a while, but the interest they built upon was no better than a sandy foundation.'"†

May it be inferred from this conversation, that Danby's reflections in prison had led him to think that the principles of the old cavalier or tory party, as men now began to call it, might be carried too far? Or did the ex-treasurer refer only to the political influence and strength of the two ministers?

Reresby, who kept up an acquaintance with great men of all parties, communicated this conversation to lord Halifax; and the celebrated trimmer professed himself more favourably inclined to Danby than he had been, though he was afraid of giving offence to others, if he should make him his friend.

Lord Danby, on his release from prison, presented himself to the king ‡, who received him very kindly, and assured him that his detention had been against his consent; but they had no private conversation. Halifax came in, and Reresby (who was present) observed

* P. 87.

† P. 158.

‡ P. 178.

that the salutation between the two statesmen was very cold. But he was the next day the bearer of a message from the minister in power to him that was in disgrace, apologising for his coldness, which he put on because "a more particular sort of notice would not prove so much for his service." The same motive of conduct was acknowledged by Danby, "for there was at that time," says Reresby, "great jealousy of a friendship between them." — "Lord Danby told me," continues Reresby, "he would retire to his house out of town nor concern himself with business; though he doubted not but he might if he would, but not upon the national foundation he desired, and, therefore, would have nothing to do with it; declaring his aversion to a French or a popish interest. He told me also the substance of what had passed between the duke and him, at the visit he made to his highness after he had been with the king; and I thereby understood his lordship was upon no very affectionate terms with that prince. He said, his highness told him he had heard he had spoken slightly of him, and he answered,—it was true, that he had often been so unfortunate as to differ with him in opinion, and could not help saying that he had never yet found any cause to repent him of it; but that, for expressing himself any how against his person, if he heard so, they were whispers and lies, and desired to know who were his informers; but the duke evaded that." Returning to the matter of Halifax, sir John observes, "I found by my lord privy seal, that he and the earl of Danby had a good understanding together." They were, in fact, both moderates, as compared with those who would have the king rely upon France rather than his parliament. But even lord Rochester, as Danby now thought *, "was closing in with the moderate men, not out of any affection for them, but to make himself a stronger rival against lord Halifax, who was suspected to stand upon a firmer bottom than he, and, consequently, to be better able to stand the shock

* Reresby, 183, 184.

of parliament, in case the king should be prevailed upon to call one." However, there was not much chance of a parliament assembling, as Danby's opinion, "that there was now a very strict conjunction between the courts of England and France," was certainly correct.*

It does not appear that Danby took any part in public affairs, during the remainder of the reign of Charles, or the early part of that of James. Under the latter, the struggle between Halifax and Rochester ended in the dismissal of Halifax †, who was therefore, as well as Danby, unconnected with the court, when the encroachments and evident designs of James, in favour of popery and arbitrary power, turned the attention of protestants, tories as well as whigs, to William, prince of Orange.

The first proceeding connected with the Revolution in which Danby appears, is his letter to the prince of Orange, of the 17th of June, 1687, carried over, with those of many other English protestants, by M. Dyckveldt.

William had sent over this confidential agent, after he had refused to concur, at the requisition of his uncle, in the abolition of the test; and Danby was amongst those with whom Dyckveldt had been instructed to confer. The prince had previously consulted Halifax, who, with strong expressions of attachment, gave him general advice to be quiet.‡ Halifax, as well as many other persons, wrote again by Dyckveldt, but did not venture either to put on paper, or to communicate verbally through the Dutchman, all the thoughts that William's messages had excited. Danby was, at this time at least, so far reconciled with Halifax, as to communicate with him upon the very delicate subject now in hand; and he gave the reserve of that deep politician as a reason for maintaining the same. I subjoin Danby's letter to the prince.§

"At the arrival of M. Dyckveldt|| in this place, I

* See Barillon's despatch of March 26. 1685, in Dalr. ii. 32.

† Oct. 1685.

‡ Dec. 7. 1686; and Jan. 18. 1687. Dalr. ii. 36.

§ London, May 30. 1687. Dalr. ii. 67.

|| Not having any better authority, I give an extract from Burnet to

did by him receive the honour of being remembered by your highness. He also then told me, that your highness had been pleased to name me, amongst some others, with whom it was your pleasure he should confer on such occasions as he should think were for the service of your highness. I am therefore, in the first place, obliged to return your highness my humble thanks for so great an honour, and next to do that justice to M. Dyckveldt to assure your highness, that as you could have employed nobody here who would have been more agreeable to your well-wishers in this country, so I am confident that nobody could have discharged themselves better than he hath done, both in his departments to the king, and with all the satisfaction that could have been wished to those with whom he has conversed concerning your highness (of which both the numbers and quality have been very considerable), his chief business having been to give assurances of your highness's great firmness in the protestant religion, and to make known not only your wishes, but endeavours, that no alteration may be made amongst us, otherwise than by parliament, and as our laws direct. . . . I am sorry he is able to give your highness no better an account of our services during his stay here ; but you know that our present stations do render most of us but little capable of doing any thing which can deserve to be thought considerable. I confess that, could there be a convenient opportunity for some of us to have a personal conference with your highness, it is not only my opinion, but the opinion of others, who have the honour of corresponding with your

elucidate Dyckveldt's instructions : — " He desired that those who wished well to their religion and the country would meet together, and consult such advices and advertisements as might be fit for the prince to know, that he might govern himself by them. The marquis of Halifax, and the earls of Shrewsbury, Devonshire, Danby, and Nottingham ; the lords Mordaunt, and Lumley ; admirals Herbert and Russell ; and the bishop of London (Compton), were the persons chiefly trusted. And by the advices that were sent over by them, the prince governed all his motions ; they met at the earl of Shrewsbury's, and there they concerted matters, and drew the declaration on which they advised the prince to engage." It was not until several months after Dyckveldt's departure that the declaration, by which I suppose is meant the invitation, was prepared." — Burnet, iii, 180.

highness, that some overtures might be made, which would be of some use to your service; and I hope from their hands your highness is well informed of their thoughts, who are devoted to your service. For my own part, I am so tied to be of that number, by what I have done already (besides my continued inclination to be so), that if I were disposed to alter that character, I should not be able to make myself believed, unless your highness would contribute to it by some proof of your displeasure towards me, which I can never fear, because I am equally assured of your justice, as I am of my own integrity to your service, and of the satisfaction I have received by those happy successes I have had in it, to which I am sure no competitor can pretend an equal share; and therefore, if in this I presume to say more than I ought, I hope I may be pardoned a little vanity, having been the happy instrument of so great a public good, as I doubt not it will at last prove, as well as a particular one to your highness. I am glad to find that M. Dyckveldt, who is so able to serve your highness, is so well established in your confidence, as I understand by my lord Halifax, to whom you gave him such credentials as made me willing to speak much more freely to him than otherwise I should have done; but yet I must confess to your highness (which I rely upon your justice to keep to yourself), that finding his lordship, who received those credentials, not willing to impart some things to him, which are not very proper to be written, I thought it less prudent for me to say to him all that I could wish your highness were truly informed of. I say not this with the least reflection upon my lord Halifax (who, I am confident, is truly zealous in your service), but to show our unhappiness who dare not, to second hands, speak what was necessary for your knowledge.

“ I have only to add, that if I can in any kind be serviceable to your highness, your commands will meet with so much obedience and faithfulness, that I shall not consider myself, if your highness shall think me

worthy of the continuance of that favour I have formerly received, and which I am sure I have not justly forfeited. In the mean time, I will beg the honour of being presented by your highness, with all duty, to the princess's memory, and that I may imagine 'tis your highness's opinion, as I truly am, your highness's most obedient and most devoted servant, — DANBY."

In the autumn of 1687, the prince sent another agent, M. Zulestein; by him Danby received a letter from the prince; an extract of his reply* follows: — "I can say nothing which is so pressing in point of time, nor would I commit to writing what the thoughts of others are besides my own, without their consent, for which I have had no opportunity since I received your letter, which was not till the 2d inst I confess I could wish that the understanding, both on your highness's part and ours, were more perfect, in relation to such future events as may probably happen, and which are too long to be expressed by letters; but I have touched upon some things of that kind to M. Zulestein, as questions which I have been asked by others, and he made me such answers as I was glad to hear, and which, he said, he was instructed to give, in case any such inquiries were made, of which he will give your highness an account. I made some open attempts in the last summer, and some private ones in this, to have seen if I could have gained leave to go into Holland with the same indifferency that it is permitted many others, but I still found designs were laid to do me more prejudice by that journey, than I could have done service to your highness. I must therefore deny myself the honour of waiting upon your highness, till my attendance may be as useful as such an occasion will be agreeable to me, and then nothing shall be an hindrance to, &c., DANBY." He mentioned an unsuccessful attempt to obtain leave to go to Holland.

A letter of March 27th, 1688 †, contains the first

* Wimbledon, Sept. 4. 1687. Dalr. ii. 80.

† Dalr. ii. 92.

indication, on the part of Danby, of the suspicions, which soon became general among the protestants of England, of an intention to impose upon the nation a supposititious heir.

It is difficult to pronounce upon the sincerity of these apprehensions. That they were *bonâ fide* entertained by great numbers, I have no doubt whatever; but whether the more eminent men really had the doubts, for which there appears to have been at no time any reasonable ground, is a different question. When it answers the object of a party to sustain a tale of this kind, zealous partizans scarcely admit into their own breasts the question, whether they believe it, or not. Could so old a politician, and so able a man as Danby, be in this state of mind? or did he sincerely entertain the doubts which he expressed? or did he feign them, with political views? * Another letter of the same time displays James's great jealousy of the communication of Englishmen with the prince, and the boldness; or imprudence of his avowals. Giving leave to the son of Danby to go beyond sea, the king added, "provided it be not into Holland, for I will suffer nobody to go thither." "My son," writes Danby, "answering that he had no design of any thing, but to see a country he had not seen, the king answered, perhaps so, but he had relations who had other designs there, and he knew there were those in Holland who gave themselves hopes of seeing some English lords at the head of some of their squadrons, but he would take care to prevent it. On the 28th, my son went to court to get his pass from one of the secretaries of state, and the king happening to see him, called him to one side of the room, and said, 'My lord, I had newly received some news last night when you spoke to me, which had disturbed me †, and made me

* Lord Devonshire's letter of March 13. to the prince, insinuates the suspicion; in one from Halifax of April 12. there is no allusion to the queen. But Halifax was backward in encouraging the prince.

† This news apparently was, that his raising three new regiments had surprised people in Holland.

“speak to you in some disorder, therefore I would not have you take notice of any thing I then said to you, for I dare trust you to go where you will; but said, if you only go for curiosity, you might as well satisfy that elsewhere as in Holland.”

The prince of Wales was born on the 10th of June, and the prince of Orange was among those who congratulated James upon the event. On the 30th of the same month, the day of the bishops' acquittal, lord Danby was one of the seven* who signed the famous invitation to the prince of Orange. By this act, this eminent tory committed himself to the enterprise which ended in the Revolution. But what the precise intentions of the inviters were — what they contemplated as the consequence of the measure which they advised — how far they were prepared to go in the use of force — are questions which it is impossible to answer now, and which, probably, those who signed the requisition could not have answered at the moment of signature.

According to Burnet†, upon whom, however, I do not rely, Danby was one of the first persons to whom the proposition for inviting the prince was made by Mr. Sidney. Lord Halifax, who had been previously consulted, had discouraged it, “and it was next,” says the bishop, “opened to lord Danby; and he not only went in heartily to it himself, but drew in the bishop of London (Compton), to join in it.”

On this occasion, we find Danby associated confidentially in a dangerous undertaking with the earl of Devonshire, — that lord Cavendish, who had been one of his foremost antagonists and prosecutors. There was not either disgrace or inconsistency in this union. Both the men were zealous protestants. When Cavendish attacked Danby, he believed that he was pursuing measures hostile to the protestant interest; he had probably now discovered that he was entirely mis-

* The earls of Shrewsbury, Devonshire, and Danby; lord Lumley; admiral Russell, Henry Sidney, and the bishop of London. Dalr. ii. 107., from the original in the hand-writing of Sidney.

† iii. 278.

taken as to Danby's views, in 1678; and at all events he was now satisfied, by unequivocal proofs, that Danby would not lend himself to popish measures. — They were united against a course of policy, which both disapproved.

I now subjoin the most important passages of the celebrated paper * to which Danby set his hand:—
 “The people are so generally dissatisfied with the present conduct of the government, in relation to their religion, liberties, and properties (all of which have been greatly invaded), and they are in such expectations of their prospects being daily worse, that your highness may be assured, that there are nineteen parts twenty throughout the kingdom, who are desirous of a change; and who, we believe, would willingly contribute to it, if they had such a protection to countenance their rising, as would secure them from being destroyed, before they could get to be in a posture able to defend themselves. It is no less certain, that the greatest part of the nobility and gentry are as much dissatisfied, although it may not be safe to speak to many of them beforehand; and there is no doubt but that some of the most considerable of them would venture themselves with your highness at your first landing, whose interests would be able to draw great numbers to them, whenever they could protect them, and the raising and drawing men together; and if such a strength could be landed as were able to defend itself and them till they could be got together into some order, we make no doubt but that strength would quickly be increased to a number double to the army here, although their army should all remain firm to them.”—They then notice the probability of a great defection from the king's army, and the probability of measures being taken by “a packed parliament,” which will deprive them of “all possible means of relieving themselves.” They proceed,—“These considerations make us of opinion that

* Dair. ii. 107.

this is a season in which we may more probably contribute to our own safeties than hereafter (although we must own to your highness there are some judgments differing from ours in this particular), insomuch that if the circumstances stand so with your highness, that you believe you can get here time enough, in a condition to give assistances this year, sufficient for a relief under these circumstances which have been now represented, we, who subscribe this, will not fail to attend your highness upon your landing, and to do all that lies in our power to prepare others to be in as much readiness as such an action is capable of, when there is so much danger in communicating an affair of such a nature, till it be near the time of its being made public."

The writers then advert to injury which the prince had done to his own cause, by his "compliment upon the birth of the child (which not one in a thousand here believes to be the queen's), the false imposing of that upon the princess and the nation, being not only an infinite exasperation of people's minds here, but being certainly one of the chief causes upon which the declaration of your entering the kingdom in a hostile manner must be founded on your part, although many other reasons are to be given on ours." They conclude with suggestions for bringing some good engineers, ammunition, artillery, and other preparations for war.

The proposer of the non-resisting test of 1675 is assuredly convicted, by this paper, of striking inconsistency; for the paper breathes nothing, from beginning to end, but forcible resistance. Yet the inconsistency is not to be charged peculiarly and personally upon Danby. In the former instance, he represented a very considerable party in the country, and he had the same party with him now. No popery, which was not a mere yell, as it has since been childishly called, but a sentiment deeply rooted in the hearts and consciences of the people, got the better of non-resistance, a speculative doctrine, which few men admit when they think themselves in the right.

I know not at what time Danby met lord Devonshire as a friend ; the meeting was at Whittington, in Derbyshire, and Danby tells us that the whig nobleman then “ did, in the presence of Mr. John D’Arcy, make a voluntary acknowledgment of the great mistakes he had been led into about him, and said that he, and most others, were entirely convinced of their error.” *

At the beginning of October, the two earls met again at sir Henry Goodricke’s, in Yorkshire, and their meetings now attracted the notice of lord Fairfax, the Roman catholic lieutenant of the north riding, who observed to sir John Reresby †, that “ it could be for no good end that they were come into the country.”

The intended expedition was by this time no secret, and now that the stone which he had put in motion began to roll, lord Danby felt the embarrassments of his situation. He was summoned to London, by the king’s order, through lord Belasyse ; and if we may give credit to the information which Reresby professes to have received from the duke of Newcastle ‡, a protestant, whom James, in a moment of fear, had made lieutenant of all Yorkshire, he had made some “ offers of service,” having, however, no manner of intention of going up. §

This dissimulation was absolutely necessary ; and the sin of it, if any, is involved in that of the invitation to the prince. If he was justified in that invitation, he was justified in concealing it from the king ; a direct refusal to obey the royal mandate, would have been tantamount to an avowal of the hostile design.

* Introd. to Danby Letters, p. vi. He also says :— “ Many, both of lords and commons, who had in 1678 voted against me (and particularly the lord Russell, and sir Henry Capel, who was the man that carried up that impeachment to the lords), having owned to me their being led into great mistakes concerning me, and that they were sorry for it, and that many others were then undeceived as well as themselves.”

† P. 275.

‡ Henry Cavendish, the last duke of that name.

§ Reresby, p. 278. Ralph. i. 1018. 1025. The Gazette of Oct. 11. 1688., contained this notification :— “ Whitehall, Oct. 10. Several of the nobility and gentry continue to offer their services to his majesty, amongst which are the earls of Pembroke, Westmoreland, and Danby, and the lord Huntingtower.”

Yet Danby was now uneasy about the possible consequences of his own act. "Upon some discourse," says his old country neighbour (who adhered to the king), "with the earl of Danby, at the Dean's house (of York, of which Reresby was governor), his lordship broke out into these expressions:—"We are now every way in an ill condition in this kingdom. If the king beats the prince of Orange, popery will return upon us with more violence than ever. If the prince beats the king, the crown and the nation may be in danger." *

He was nevertheless active in the service of the prince. When William was advancing from Exeter towards Salisbury, and a hostile encounter appeared probable, he put himself at the head of a hundred horse, consisting of gentlemen and their servants, and marched up to four troops of mounted militia. These came over to Danby's party, in favour of "a free parliament, the protestant kingdom, and no popery." This force then surprised the main guard; and Danby, having placed thirty men before the door of the governor's house, accosted him to this effect: to resist was useless; he and his companions were in arms for the protestant religion, and the government as by law established, which the king had almost brought to nothing, and which the prince of Orange was come to restore. The two cavaliers professed to agree "in principles," but Reresby said that, "he could not conceive it lawful to extort any thing from the crown by any manner of force," and that he could not act in concert with those who openly acted in contempt of his authority and commission. According to Reresby, and, indeed, to the probability of the case, Danby forbore from entering into an argument, but declared that he must imprison the governor; soon afterwards, however, he gave him his parole. The insurgent force then occupied the city of York. Danby obliged the mayor to convene a meeting, at which he addressed the citizens, many of whom

* P. 278., Oct. 15.

signed a declaration which he submitted to them, together with many principal men of the county.

Archdeacon Echard* relates the proceedings of lord Danby in the north, in more detail than even Reresby; but he gives no authority, and I cannot vouch for his accuracy.

He had formed, according to this writer, a little army and council, in which he acted with the lords Lumley, Fairfax, Willoughby, and others, who assisted him in the seizure of York. But when the prince landed in the distant part of the country, this adventurous band began to be a little apprehensive for their own safety; but Danby reminded them that they were already guilty of treason, and as they could not go back, they must go forward. He told them that James was a coward, and would not meet the prince. But he had recourse to artifice for keeping them in the right course. He intercepted all letters, and produced those only which answered his purpose; and when news came, which he could not intercept, that the king would pardon all that deserted the prince, he caused a fabricated letter to be brought to him by express, just as he was sitting down to dinner with his friends. — It was only a letter, he said, from lord——, and might be read at leisure. After dinner he drew the letter from under his plate, and read it; — his correspondent assured him, as a secret worth knowing, that the king, as soon as he could cause a disunion among them, was resolved to hang up all whom he could get into his hands. At another time he intercepted a letter from one of the king's friends in Yorkshire, acquainting his majesty that the adherents of the prince in those parts amounted to about 4000 men. Those to whom he showed this letter proposed that it should be stopped; but their artful chief added a cypher to the number, and thus sent to the king authentic information that 40,000 men of Yorkshire had risen against him.

* Hist. of the Revolution, p. 170. .

Lord Danby and his companions became masters of Hull, Newcastle, and Berwick. Decisive as these measures were, amounting beyond all doubt to high treason against the king, Danby did not join the prince, or repair to London. He was therefore no party to the proceedings of the 11th of December, when, after the flight of the king, many of the lords spiritual and temporal publicly declared their resolution "to assist the prince of Orange in obtaining a free parliament with all speed, whereby our laws, our liberties, and properties may be secured, the church of England in particular, with due liberty to protestant dissenters, and in general the protestant interest over the whole world may be supported."*

Sir John Reresby tells us, on the authority of Danby himself, that king James, before he went away, "offered to throw himself into his hands." Danby's reply, through Charles Bertie, his wife's brother, who brought the message, was this:—His own force which he depended upon in the north was not sufficient to trust to, but if his majesty would bring a considerable party with him, and come *without his papists*, he would sooner lose his life than he should sustain the least injury;" but the king, having no mind to part with his Romans, would not come.†

It is said that, at this time, the prince sent repeated messages to Danby, requesting him to come to London: it is not known what answer he returned, but he arrived in town on the evening of the 26th December ‡, the day after the meeting of peers, when they invited the prince of Orange "to take upon him the administration of affairs until a parliament could assemble."

It is possible that Danby purposely avoided this meeting, for he was at first very reserved; at least the

* Kennet, iii. 533.

† P. 325. Reresby says, in p. 321., that he had been told by a great court lady, that James had thought of joining Danby. According to this account, the intention was entertained after the king's first flight and return.

‡ Clarendon's Diary, ii. 236.

bishops of Norwich and Ely*, who visited him soon after his arrival, "could not make any discovery of his mind." To another of his visitors, lord Abingdon†, Danby appeared to be sorry that the king had withdrawn himself; but he avoided particular discourse, being, as I have no doubt, really and sincerely puzzled.

When the convention met on the 22d of January, 1689, lord Danby took his seat among the peers.‡ He had by this time reconciled his mind to their proceedings, so far at least as to take a prominent part§ in thanking the prince of Orange for what he had done, and praying him to continue in the administration of affairs. And he, no doubt, heartily concurred in the first vote of the lords, which was indeed unanimous, — "that it has been found by experience to be inconsistent with the safety and welfare of this protestant kingdom to be governed by a popish prince."||

Before the lords decided upon the famous vote sent to them by the commons¶, they debated upon the proposition of lord Nottingham, — "whether a regency with the administration of regal power under the style of king James II., during the life of the said king

* William Lloyd, and Francis Turner, both afterward deprived for not taking the oath to king William.

† James Bertie, first earl; he had contributed 30,000*l.* to the prince's expedition, but opposed the vote of vacancy. He was half-brother to lady Danby. — Collins, iii. 628.

‡ Lords' Journ. xiv. 101.

§ He was chairman of the committee for drawing up the address, as he was afterwards of the committee of the whole house on the state of the nation, in which the votes sent up by the commons were considered.

|| Parl. Hist. p. 52.

¶ The debate upon this resolution in the house of commons is reported at considerable length; but the proceeding being in committee, we know not the stages by which it came to its recorded form. It appears that Mr. Dolben moved "That king James II., having voluntarily forsaken the government, and abandoned and forsaken the kingdom, it is a voluntary demise in him." This resolution, with the help of the convenient fiction concerning James's son, would have put the crown on the head of the princess of Orange, as desired by Danby. (Parl. Hist. v. 36.) The final vote was, — "That king James II., having endeavoured to subvert the constitution of the kingdom, by breaking the original contract between king and people, and, by the advice of jesuits and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of this kingdom, has abdicated the government, and that the throne is thereby vacant." — p. 50.

James, be the best and safest way to preserve the protestant religion and the laws of this kingdom."*

Lord Danby voted with lord Halifax in opposing the affirmative of this proposition, and was one of fifty-one who carried the negative against forty-nine.† The first part of the commons' vote was then passed, but not without one division or more, upon the questions, whether there was an original contract between king and people, and whether king James had broken that contract.‡ These questions were resolved in the affirmative; but I know not how Danby voted upon them. The word *abdicated* was changed to *deserted*; but before a question was put upon the concluding proposition (the vacancy of the throne), it was proposed to supersede it by a resolution that the prince and princess of Orange be declared king and queen.§ This being negatived (by the previous question), the declaration of the vacancy of the throne was also omitted.||

It is probable that Danby was in the majority, by which the vacancy of the throne was denied.¶ It would seem that his doctrine was, that James having deserted the throne, and leaving no son (for it was assumed that the young prince was supposititious), the princess of Orange had become queen; and under this notion he sent a message to the princess, who was still in Holland, proposing that she should be made queen-regent. But Mary, who was an excellent wife, declined the proposal, and sent it with her answer to the prince.**

At a meeting at lord Devonshire's, the dispute ran very high between Halifax and Danby; the one for

* Lords' Journ. xiv. 110. Clar. Corr. ii. 256.

† Parl. Hist. v. 58, 59.

‡ These questions are not mentioned in the Journals; they probably occurred in the committee. I quote the Parliamentary History; it will be seen presently, that that work is not to be relied upon.

§ Journ. 112.

|| By eleven voices, according to the Parl. Hist.

¶ The Parl. Hist. v. 60, and many historians affirm, that he joined in a protest against the decision of the house; but his name is not among those of the protesters in the printed journal.

** Burnet, iii. 393.

the prince, the other for the princess. With great difficulty Halifax persuaded the Dutch minister Fagel to give his opinion, who, disclaiming all knowledge of his master's sentiments, gave it as his own, that the prince would not like to be his wife's gentleman usher; upon which lord Danby, finding it useless to press his particular project, broke up the assembly.*

Danby found by this time that he had gone too far. He could not realise his peculiar notion in favour of the princess of Orange. There was no alternative but to give the crown to William. But he was not left to arrive at this truth by inference from the circumstances. The prince himself called him, with Halifax and Nottingham, to a private meeting, in which he plainly said, that he must either be king or return to Holland. Thus driven to the wall, and feeling that a man of courage was necessary for the crisis, and that William would not last long, Danby acquiesced in the vote of vacancy †, and the party that concurred with the house of commons then obtained a majority. When he had made up his mind to a change of dynasty ‡, — for such, although attended with many qualifying considerations, the transfer of the crown certainly was, — Danby went warmly into it; for the only speech which, according to the historians of the time, he made during these transactions, was an “excellent speech to prove the vacancy of the throne, and the necessity of filling it by the prince and princess of Orange,” which was delivered on the day of the final vote.

I find no mention of Danby in any of the discussions concerning the Bill of Rights.

On the accession of William and Mary, Danby was

* Lord Dartmouth, on the information of sir W. Wharton. Burnet, iii. 394.

† I do not find the name of Danby among the speakers at the celebrated conferences between the two houses, nor indeed was he one of the managers for the lords. He was one of the committee for drawing up reasons for the disagreement. — Journ. 116.

‡ Lord Dartmouth's note in Burnet, iii. 396.

made president of the council, and soon afterwards marquis of Carmarthen.* This latter honour had been designed for him by Charles at the time of his disgrace, but neither it, nor the high office to which he was appointed, — not equal, indeed, either in rank or importance, to that which he had formerly held, — entirely reconciled Danby to the new government. If we give credit to the accuracy of Reresby, and the sincerity of Danby himself, nothing but the urgent request of the king induced him to accept the presidency. The more active post of secretary of state, which was offered to him in conjunction with the more dignified office, he declined. Nottingham and Shrewsbury were the two secretaries; and the latter had, according to Burnet †, the greater share of the king's confidence. No man, indeed, had been more zealous in the revolution than Shrewsbury, while Nottingham acquiesced in it with avowed reluctance. Danby was, on the whole, according to his rival Halifax, very much “down in the mouth.” ‡ It is conjectured that some jealousy of Halifax, whose office of privy seal was more lucrative, though slightly inferior in rank, helped to produce this melancholy feeling. But he had grounds of discontent which had more reference to political principle. Notwithstanding that he had lately made a prisoner of his old neighbour sir John Reresby (who was already reconciled to the new court), lord Danby now invited him to dinner, and imparted to him his griefs. “I found him,” says Reresby, “extremely cool with regard to affairs as now managed. He said, that being embarked with his all, he was sorry to see things no better conducted; that Ireland was now in a manner become invincible by our neglect of sending forces thither before now; that with regard to this and other material points, equally unheeded, he had been pressing with the king to a degree even of incivility; that he had told his majesty he plainly saw he did all he could to encourage the pres-

* April 20. 1689.

† IV. 3.

; Reresby, 321.

byterians *, and to dishearten the church, which could not but be absolutely prejudicial both to him and the government: though he at the same time observed, that his majesty interfered but little in councils, being prevented therefrom partly by inclination and partly by want of health." After mentioning the correspondence with king James already noticed, he observed that, "if the king (James) would but quit his papists, it might possibly not be too late yet for him. The duke of Gordon, a papist, and the governor of Edinburgh castle (the only magazine in Scotland), who was lately ready and willing to surrender it to any body, now held it obstinately for king James; and the discontents in England grew greater daily and greater. He then reflected on lord Halifax, the king, and all about him, as most strongly infatuated with notions of their own security, and particularly animadverted on the last-mentioned lord, for insisting with such violence in a speech of his, that the prince should be intitled legal and rightful king of this realm (which I suppose the lord Halifax did with a view of continuing the old oaths of allegiance and supremacy †, and to obviate all scruple about taking the new), saying it was mere nonsense; for that had the prince of Wales been made king he could never have been deemed our lawful sovereign while his father lived. But his lordship nevertheless appeared very serious and urgent about the legality of taking the new oaths, and condemned the bishops for their squeamishness in that respect, though they themselves had had so large a hand in bringing about this great and extraordinary change; and thereupon quoted lord Nottingham's speech, who, in the house of lords, had observed, that though he had never in the least consented to this revolution, but had with all his might opposed the prince's accession, as contrary to law, yet

* See Burnet, iv. 50.

† I find no notice of this in the Parliamentary History, or in the Journals: the latter omission is owing to the proceeding being in committee. See Burnet, iii. 401.

since his highness was here, and we must owe our protection to him as king *de facto*, he thought it but just and legal to swear allegiance to him."

Unfortunately, I cannot ascertain the part which Danby took in the most interesting measures which were discussed in the house, or even in those which were recommended from the throne. The parliament required not the influence of Danby to induce them to moderate the king's zeal in favour of dissenters. He would willingly have removed, in favour of *protestants*, all religious disqualifications for civil office; but all that was carried was the act of toleration.*

There was an abortive attempt at a *comprehension*; a bill for uniting their majesty's protestant subjects† passed the lords, but was rejected by the commons.‡ In discussing this bill, the lords were more than once equally divided, upon a proposition for leaving the kneeling posture at the sacrament a matter of indifference; and upon another, for uniting some laymen with the clergy, in a commission for considering the terms of union.§ Danby was present at these debates, and perhaps it may be inferred, from the equal division of the house upon certain points, and the final passing of the bill, and from the nomination of Nottingham to be chairman of the select committee|| on the bill, that he and the rest of the tory ministers supported it. This is the more probable, as some time afterwards a commission was issued by the king to some divines only, to prepare a scheme for the convocation; but the lower house of that body would not entertain it.

Lord Danby was at this time deemed in some sort the champion of the church party. Evelyn mentions a conversation at his house, between Lord Abingdon, the bishop of Ely, and others, about the then expected sus-

* William & Mary, c. 18.

† Lords' Journ. xiv. 147—171. Com. Journ. x. 84.

‡ They resolved, *sem. con.*, to read it, and then took no farther notice of it.

§ Journals, and Burnet, iv. 17.

|| Danby was not a member of this committee; perhaps, because he was not present on the day on which it was nominated.

pension of the bishops, who would not take the oaths to the new government. Evelyn's advice was, that an attempt should be made to interest lord Danby in the affair ; and, if he were convinced that it would not be for the king's service that the bishops should be deprived, the application might possibly be successful.* If Danby advised the king to dispense with the oaths (of which however there is no evidence), the advice was not successful.

This part of the life of Danby, (or, as I must now call him, Carmarthen), is not illustrated by his own letters, or other authentic evidence. I have not any authority beyond that of Burnet, and he says very little of Carmarthen. He tells us that king William soon grew jealous of the whigs, and was particularly (and reasonably) discontented with their failure to provide him with a civil list for life. The Tories, according to the same authority, took advantage of this, and made great promises to the king. I know not whether it is to be understood that Carmarthen was one of those Tories ; if he maintained the principle of a permanent provision for the civil government and royal household, he supported that which has now been for many years the doctrine of all eminent whigs.

The convention parliament soon began to turn against the leaders who had called it together. The house of commons was discontented at the slackness of the proceedings for the recovery of the protestant cause in Ireland. The appointment of a committee to consider this subject, is immediately followed by a motion, " that an address be presented to his majesty to remove from his presence and councils *such persons as have been impeached in parliament.*" † This motion, which was unquestionably directed against lord Carmarthen (though we are told that the mover refused to name any person), is said to have been made by Mr. Howe, who held at this time the office of vice-chamberlain to the queen, but

* Clar. Corr. ii. 298. ; Dec. 15. 1689.

† Journ. June 1. x. 162. Parl. Hist. 283.

was for some cause discontented with the court. The discussion was adjourned, and not renewed: nothing further appears, but an entry that a debate arose, whether a pardon was pleadable in bar to an impeachment in parliament; which question (which may also be presumed to have been pointed at Carmarthen), the house resolved in the negative.*

In the course of their proceedings, the commons addressed the king for leave to inspect certain official books; to which the king answered that he would consider of it. The house passed a general censure upon his advisers †; and Mr. Howe moved for an address to the king "for removing the marquis of Halifax and *marquis of Carmarthen* from his councils."

This vote shows us, how differently the constitution worked in those days. Here is a censure upon the king's ministers, carried unanimously in the house of commons, without occasioning a general resignation. The king gave way, and nothing further was mooted concerning lord Carmarthen.‡

In its second session §, the convention parliament renewed, in no very friendly part, its inquiries into the conduct of the war; but did not refuse the supplies for carrying it on. But the most important measure was a clause introduced by the whigs into the bill for restoring corporations; whereby they attempted to secure their predominance in all the towns of England; they proposed to exclude all who had concurred in the surrender of charters to James II., and thus to give the command

* P. 165.

† Resolved, *nem. con.*, that those persons that have been the occasion of delaying sending relief to Ireland, and those persons that advise the king to defer the giving leave for some members of the house to inspect the minute books of the committee for Irish affairs, are enemies to the king and kingdom."—July 13. 1689. *Parl. Hist.* 381. *Journ.* x. 217.

‡ Tindal says (iii. 97.), that after the house had resolved, on the 3d of August, that there had been delays in the succour of Ireland, it was proposed to represent to the king that it was inconvenient to his affairs that the marquis of Halifax was in his councils. I cannot find the vote. There is probably some mistake about dates. It would seem that the house had by this time discovered that the president of the council took not much part in public business.

§ Oct. 23. 1689. *Parl. Hist.* v. 405. *Com. Journ.* x. 279. *Lords' Journ.* xiv. 322.

of all corporations to their partizans. This clause was rejected by a small majority in the house of commons, and the lords went still further, in refusing to declare the surrenders illegal.*

These struggles of party almost drove the king to despair: calling to him Carmarthen, Shrewsbury, and some others, he avowed a resolution, real or pretended, of going back to Holland, "leaving every thing in the queen's hands †;" and, although dissuaded from this decisive proceeding, he substituted a resolution to disembarass himself for a time of the factions in England, by going in person to conduct the war in Ireland: but he adopted a course which his whig advisers, especially lord Shrewsbury ‡, thought almost fatal to that interest, in dissolving the parliament § which had placed the crown upon his head. Lord Shrewsbury, who was much valued by the king, was with difficulty persuaded to retain his office; but Halifax, immediately after the dissolution, ceased to hold the privy seal, and soon joined the opposition.

The tories were strong in the new parliament ||, and obtained at this time another triumph, in a new modelling of the lieutenancy of London. So says Burnet; and a vote of the house of commons, thanking the king "for the great care he has expressed of the church of England, in the late alterations he has made in the lieutenancy of the city of London ¶," confirms this statement.

A bill, now introduced, for recognising the king and queen, and sanctioning all acts of the convention parliament **, has been deemed a trial of strength between whigs and tories upon principle.

The quiescence, if I may so express myself, or per-

* Burnet, iv. 68. Parl. Hist. 508. 536. Com. Journ. x. 329. Lords', xiv. 423.

† Burnet, 70.

‡ See his letter to the king, Dec. 22. 1689. Shrewsbury Corr. 14.

§ Feb. 6. 1689, 90.

|| It met on the 20th March, 1689-90, and sat to 23d May, when it was adjourned. Parl. Hist. v. 541. 647. Comm., p. 348. 424. Lords', p. 430. 507.

¶ By 185 to 136. Parl. Hist. 594.

** April 5. 1690. Parl. Hist. 574. Lords' Journ. 450. 455.

haps the cautiousness of Danby's politics at this time, appears in his abstaining from the signature of either of the protests which the leading men of the two parties recorded on this occasion.* Except this negative evidence, I have none of Carmarthen's part in this transaction.

The same want of information prevails as to the bill for abjuring king James. But it may perhaps be presumed that Danby was against this bill, as the king himself is said to have desired that it might not proceed.†

These occurrences at last occasioned the resignation of Shrewsbury. Having been for a long time dissatisfied, not only with the inefficiency of the ministry, but with the increasing influence of the tories, he resigned the seals on the 2d of June, 1690‡; and was succeeded by Henry Sidney (lord Romney,) the king's personal friend.

That Danby took the more tory side on all these questions, may fairly be inferred from his known opinions. And others, who had been concerned in the revolution (especially bishop Compton, who was one of the seven inviters), were now forward on the tory side. But it may be inferred also, from the disposition which the whigs in the house of commons now shewed to attack him.

In a committee on the means of securing the nation during the king's absence, a sir John Thompson, after alluding to persons who, "having sold the nation to France once, would sell it again," moved "that all those who advised the king to dissolve the last parliament may be removed from his council."§ Another thought, that "those under impeachment in former parliaments

* See Hallam, iii. 166. The tory protest (which was expunged from the journals), affirmed that "the declaring laws to be good, which were passed in a parliament not called by writ in due form of law, is destructive of the legal constitution of this monarchy, and may be of evil and pernicious consequences to our present government under this king, and queen." — *Parl. Hist.* 577.

† Burnet, p. 80.

‡ Shrewsbury *Corr.* p. 17. *Clar. Corr.* ii. 311. 316. Burnet, iv. 81.

§ May 14. 1690. *Parl. Hist.* 643.

were not fit to be near the king." Colonel Granville went more directly to the point:—"I am for the head of the privy council—a great man, a bold man, and an able man, capable of making an attempt upon English spirits. When we reflect upon the arbitrary acts and counsels of the marquis of Carmarthen in king William's time, it reminds us of the same actions in king Charles the Second's time. I have heard of his merit in the revolution. A private life would have better become him, and been more for his interests. I cannot wonder if people be cautious in sending money to those that have so often miscarried. At one leap, from being prisoner in the Tower, to be president of the council, sticks with me. He has been impeached by the commons of England, and now to grasp at power, to satisfy his revenge upon those who have impeached him for betraying the liberties of England! I would pass some censure upon him, and pull him down, though he were greater than he is, and I will be ready to do always so to those that betray the liberties of England."

But Danby was not without friends. Sir John Lowther, sir Henry Goodricke, sir Edmund Jennings, and Mr. Dolben spoke for him, insisting chiefly upon the absence of specific charges against him, and his services in the match, and the revolution. Apparently the matter dropped.

The attempt to revive the impeachment was not confined to the house of commons; and Burnet, professing to have the very best authority, tells us that this ungracious design was set on foot by one who had been united in council with lord Carmarthen, both in office and out of office, subsequently to the impeachment.

The journals show that a question regarding the continuousness of impeachments was raised in the house of lords*; but Burnet says that it was through certain members of the house of commons, as the assembly in which such attempts were more likely to thrive, that lord Shrewsbury attacked his late colleague:—"All this discovered a

* Lords', xiv. 450.

design against that lord (Carmarthen), who was believed to have the greatest credit with the king and queen, and was again falling under an universal hatred. In a house of commons, every motion against a minister is apt to be well entertained; some envy him, others are angry at him; many hope to share in the spoils of him, or of his friends that fall with him; and a love of changes, and wantonness of mind, makes the attacking a minister a diversion to the rest. The thing was well laid, and fourteen leading men had undertaken to manage the matter against him, in which the earl of Shrewsbury had the chief hand, as he himself told me, for he had a very bad opinion of the man, and thought his advices would in conclusion ruin the king and his affairs."*

The administration, after the secession of Shrewsbury, which had been preceded by the placing of sir John Lowther at the head of the treasury, in the room of lord Monmouth, has been by some writers styled the Carmarthen administration, and often the administration of the tories. Halifax, Shrewsbury, Nottingham, and Carmarthen were assuredly the most eminent among the ministers of the king's first appointment, and as the former two, between whom and the lord president there was no friendship or political connection, were now out of office, it may fairly be presumed that Carmarthen had a greater influence with the king than he had had before. He took perhaps a more active part in affairs generally; but he had not by any means the power of a prime minister.† Indeed, in one part of the administration, namely, the war, the king was certainly his own minister.

Nor was the government exclusively filled with tories, or nearly so; neither with tories by principle, nor tories by party; for the confusion of party and principle had certainly begun by this time.

Immediately after the adjournment of parliament and

* Burnet, iv. 121.

† He knew nothing of the appointment of a successor to Shrewsbury until after it had been made. Burnet, iv. 8.

the resignation of Shrewsbury, the king went to Ireland*, He left a cabinet of nine persons, to advise the queen †, — Carmarthen, Devonshire, Pembroke‡, Marlborough, Nottingham, Monmouth, Dorset§, Sir John Lowther, and admiral Russell. Among these, Carmarthen was the minister whose advice the queen was desired chiefly to follow. Nottingham, Pembroke, Lowther, and Marlborough may be considered as tories, but by no means as forming a party at the command of Carmarthen.

The queen wrote constantly to her husband, during his absence. Her letters are very pleasing and affectionate, and indicative of much good sense and feeling. || Notwithstanding her husband's injunction to listen chiefly to Carmarthen, Mary had occasionally some distrust of him.

The French fleet were off the coast of Hampshire and Sussex, opposed by the English and Dutch, under lord Torrington and admiral Evertzen. The cabinet soon began to think the English admiral too slack in bringing the French to action; and it was proposed to associate some other person in the command with him. When objection was made to this, which would in these days be justly thought a monstrous proposition, lord Monmouth (afterwards well known as the enterprising Peterborough) offered to go as a volunteer, with a dormant commission. The queen objected to parting

* June 14. 1690. The two houses were adjourned on May 23. 1690, to July 7., and then prorogued. They met again for business on Oct. 2.; but sat only to Jan. 5. 1690-1., 'doing nothing remarkable. Parl. Hist. 649. 652. Comm. 425. 536. Lords', 513. 618.

† "The king (when he went to Ireland) left a cabinet council of eight persons, on whose advice she was chiefly to rely; four of them were tories, and four were whigs; yet the marquis of Carmarthen and the earl of Nottingham, being of the first sort, who took most upon them, and seemed to have the greatest credit, the whigs were not satisfied with the nomination." (Burnet, iv. 87.) Burnet is clearly wrong in his number, as the queen always speaks of "the nine," and she mentions all the names in the text except Dorset. (See Ralph, ii. 225. Dalrymple, iii. 85.) There appears some doubt between Dorset and Godolphin.

‡ Charles Sackville, sixth earl (descended from the treasurer Buckhurst,) one of the fine gentlemen of Charles's court, and a minor poet, celebrated by Dryden, Prior, and Johnson. Collins, ii. 169. Johnson, vi. 287.

§ Thomas Herbert, eighth earl.

|| I very much lament the necessity of confining myself to such of them as immediately concern lord Carmarthen.

with one of her advisers: — “ I said it,” she writes *, “ really as I meant, and besides, to hinder propositions of this kind for Mr. Russell, for I see lord Carmarthen has upon several occasions, to me alone, mentioned the sending Mr. Russell, and I believe it was only to be rid of him ; for my part, after what you have told me of all the nine, I should be very sorry to have him from hence. Now I have named Mr. Russell, I must tell you that at your first going he did not come to me, nor I believe, to this hour, would not have asked to have spoke with me, had not I told lady Russell one day I desired it. When he came I told him freely that I desired to see him sometimes, for, being a stranger to business, I was afraid of being too much led or persuaded by one party. . . . I hope I did not do amiss in this, and indeed I saw at that time nobody but my lord president, and was afraid of myself. Lord Carmarthen is upon all occasions afraid of giving me too much trouble, and thinks, by little and little, to do all : every one sees how little I know of business, and therefore, I believe, will be apt to do as much as they can. Lord Marlborough advised me to resolve to be present as often as possible ; out of what intention I cannot judge, but I find they meet often at the secretary’s office, and do not take much pains to give me an account. This I thought fit to tell you. Pray be so kind as to answer me, as particular as you can.”

If the reputation of Russell as a naval commander was now such as we have been accustomed to assign to the victor of La Hogue, Carmarthen was assuredly justified in being “ mighty hot,” as the queen expressed it †, upon giving to the fleet the benefit of his presence. The lord president, however, concurred with a majority of his colleagues in permitting Monmouth to go ; afterwards (if I understand what is not quite clear) Russell was sent also, by an unanimous vote ; in what capacity I cannot ascertain. ‡

* July 6. 1690. Dalr. iii. 77.

† P. 80.

‡ P. 84.

But while Mary and her cabinet were deliberating, lord Torrington had been defeated off Beachy Head.* Upon this, "the lords unanimously agreed," she says, "to send two of their number,"—for what good purpose, it is difficult to guess,—“and would have me choose them ; I desired help, and that they would name ; upon which the lord president offered his services. Lord Monmouth said he thought he might be excused, upon his relation to lord Torrington, especially as they were not to command the fleet. Mr. Russell said, he had served long under him, and it would seem something indecent in him to be forward in offering his service in this particular : though there was nothing that could be thought fit but he would do, yet he supposed others might be as well. The rest offered, except lord Nottingham and lord Marlborough, who said afterwards, they thought it would be ridiculous in them to do it. Upon this I thought fit to give my own judgment for the first time, and choose lord Devonshire and lord Pembroke. I thought I could not fail in this, for there was not much choice, and these seemed the most proper to me, upon what I had heard them say, and the manner they said it. I told lord president, when I named them, that he could not be spared ; but I saw he looked ill-satisfied ; so when the council was up, I spoke to him, and bid him remember how necessary he was ; he said he did not look upon himself as so tied, but he might go away upon occasions. I told him, if he were not by place, yet being the person you had told me whose advice I should follow, and rely the most on, I could not spare him.” The queen mentions another cause of dissatisfaction in the lord president. Two of the lords of the treasury objected to signing a warrant for 8000*l.* to lady Plymouth, alleging, and, as the queen thought, with some reason, that “the sum was too great to be spared at present.” This lady was Carmarthen’s daughter.†

* Campbell, iii. 27.

† I have ascertained at the treasury, that lady Plymouth had a yearly

The queen says, in the same letter, that lord Shrewsbury had attended her dinner and supper.*

At first, every thing went on smoothly in the queen's council. "I am very uneasy" (the queen writes,) "in one thing, which is want of somebody to speak my mind freely to; for it is a great constraint to think and be silent, and there is so much matter, that I am one of Solomon's fools, who am ready to burst. I believe lord president and lord Nottingham agree very well, though I believe the first pretends to govern all, and I see the other is always ready to yield to him, and seems to me to have a great deal of deference for him; whether they always agreed or not, I cannot tell. Lord Marlborough is much with them, and loses no opportunity of coming on all occasions with the others. As yet, I have not found them differ, at least, so little, that I was surprised to find it so. I mean the whole nine, for it has never come to put any thing to the vote; but I attribute that to the great danger, I believe all have apprehended, which has made them of a mind." †

A question now arose, who should command the fleet in the room of lord Torrington.‡ Monmouth put in his claim; admiral Russell declined; but "whether that may be only modesty," said the queen, "I cannot tell." § But a proposition was made, strange indeed to modern ideas, for uniting in the command "one person of quality, and two seamen." || It is undoubtedly possible, that this suggestion may have originated in a doubt of Russell's loyalty to the new government; but

pension of 2,000*l.*, granted, I presume, by her father-in-law, Charles II. and that this advance of 8000*l.* was in redemption of one half of it.

* "Lord Carmarthen will write to you about a thing he has just put in my head, and since I thought of it, I only fear that, and nothing else! I desired he would write it himself, believing what he said would have more weight with you than if it came from me, for you would believe I spoke much out of self-interest; I wish to God he could prevail. (p. 9.) Presuming that fear, means contemplate with fearful anxiety, I apprehend that Mary alludes to a request that her husband would return to England.

† July 17. 1690.

‡ Lord Torrington was brought to a court-martial, and acquitted. Campbell, p. 44.

§ July 16., p. 91.

|| P. 91.

it appears that Russell himself was desirous of a divided command *, as there was not one man in England capable of doing it alone !” Among the eminent courtiers who sought a share in command, was lord Shrewsbury, the retired secretary of state, who made the offer in a letter to lord Carmarthen.† Russell himself was willing to serve with Shrewsbury, but he, and Marlborough, to whom the queen remembered Williams’ predilection for Shrewsbury, and suggested it, were apprehensive that Carmarthen and Nottingham would object. The lord president was himself a candidate for the post. Lord Pembroke (who had been proposed) objected to have a man of quality to go, saying, “it was only to send him to be knocked on the head, without the hopes of having any credit of what was well done.” Upon which lord president offered to go himself. I put that off with compliment, and said that I thought the best would be to name the two seamen, which would be sir R. Haddock and sir J. Ashby, being now first in the fleet, and leave the third person to your naming. . . . This lord president approved.”

The lords of the admiralty proposed urgently that Russell should have the sole command‡ ; but this good advice was given, not upon a sound principle of unity, but because they were indisposed to Haddock, one of the naval officers proposed. I extract Mary’s account of this embarrassing proceeding :— “When they came, lord president told them what the resolution was ; sir Thomas Lee (one of the admiralty) grew as pale as death, and told me that the custom was, that they used to recommend, and they were to answer for the persons, since they were to give them the commission, and did not know but they might be called to account in parliament.§. . . . Lord president argued with them ; at last sir Thomas Lee came to say plainly, Haddock was the man they did not like. Lord Pembroke spoke for him, so did Sir John Lowther ; Mr. Russell was gone

* July 12, p. 130.
; P. 105.

† P. 103.

out ; Priestman spoke against it, so did lord Carberry, and sir Richard Onslow.* At last sir Thomas Lee said, I might give them a commission if I pleased, but they could not. He talked long, and insisted upon their privilege. I said that I perceived the king then had given away his own power, and could not make an admiral which the admiralty did not like. He answered, *No, no more he could.* I was ready to say, that then the king should give the commission to such as would not dispute with him, but I did not, though I must confess I was heartily angry ; it may be I am in the wrong, but as yet I cannot think so. Lord president, after more discourse, desired them to retire."

They were afterwards ordered to prepare the commission, when three of them sent to excuse their not signing. "I asked lord president what answer was to be sent, for he brought me the message. I told him I was much surprised : he was very angry, and talked at a great rate ; but I stopped him, and told him I was angry enough, and desired he would not be too much so, for I did not believe it a proper time : he said, the best answer he could give from me was, that they would do well to consider of it. I desired he would add this, — I could not change my mind, — if it were proper to say so much. He said it was rather too little." — King William approved of his wife's behaviour, even to her wrath. "Last night," she writes in reply, "I received yours of the 3d July, and with great satisfaction that it was so plain. Your approving my anger is a great ease to me, and I hope may make things go on better if it be possible." †

.... "I shall do as much as lies in my power to follow your directions in all things whatever, and am never so easy as when I have them. Judge then what a joy it was to me to have your approbation of my behaviour ; and the kind way you express it in, is the only comfort I can possibly have in your absence.

* All three, lords of the admiralty.

† Aug. 15., p. 114.

What other people say, I ever suspect, but when you tell me I have done well, I could be almost vain upon it. I am sure I have all the reason in the world to praise God, who has sustained me in things so difficult to flesh and blood, and has given me more courage than I could have hoped for. I am sure 't is so great a mercy that I can never forget it: we have received many. God send us grace to value them as we ought; but nothing touches people's hearts here enough to make them agree; that would be too much happiness."

These curious discussions ended in the appointment of Russell to the sole command.*

The difference about the fleet was hardly a question between the two parties of which the cabinet was composed. I know not whether we ought to ascribe to a dread of tory preponderance, — I speak of party, not of principle — lord Devonshire's suggestion, that the parliament should be dissolved, "for he was sure it would do no good. . . . I see it is a thing they are mighty set upon. Lord president, methinks, has very good arguments to try this point." †

It is not easy to imagine by what arguments lord Devonshire maintained the propriety of dissolving parliament, which had had only one, and that a quiet session. It is even less easy to account, upon any admissible reason, for the opinion professed by the whig admiral Russell upon another question which arose in the council: — "There has been a great debate this morning in the cabinet council, whether the commissioners of the admiralty should be trusted with the secret (of the expedition to Kinsale under Marlborough): Mr. Russell thought it was no matter if the whole town knew it. Lord president thought the whole success depends on its being a secret, and would not have the commissioners of the admiralty told of it by no means.' ‡

* I can find nothing concerning these transactions either at the Admiralty or at the State Paper Office. Russell's appointment is dated by Burchett on the 23d of December, 1690.

† Aug. 22., p. 120.

‡ Sep. 5., p. 128.

Did Russell desire that king James should be forewarned of the expedition? Carmarthen unwillingly consented to the expedition itself, disapproving of the defenceless state in which the withdrawal of troops left the English coast.

In parliament, matters went easily* during a whole session. But the continued war, as well on the Continent as in Ireland, produced in the next session † the usual complaints of mismanagement and profusion. Danby had not either the management of the finances, or the conduct of the war, and had now ceased to be the particular object of opposition and attack.

Still, the government generally now began to be unpopular. To the ordinary causes of discontent was added the cold and distant behaviour of the king, and his partiality to his Dutch favourites and Dutch guards.

Two constitutional measures of much importance were brought forward in this session ‡, and defeated by the influence, and in one case by the prerogative, of the crown. The first was a place bill, for excluding from the house of commons persons holding offices. This was rejected in the house of lords by a small majority.§ The other was the bill for triennial parliaments, which, after passing both houses, was rejected by the king.||

It would naturally be supposed that Carmarthen was in some degree responsible for the loss of these bills, though his name has never been particularly connected with them.

But we know, on the authority of the lord president

* Second session.

† The third session of the second parliament lasted from Oct. 22. 1691 to Feb. 24. 1691-2. Parl. Hist. v. 405.

‡ Fourth session, Nov. 4. 1692 to March 14. 1692-3. Parl. Hist. v. 707.

§ Jan. 3. 1692-3. Lords' Jour. xv. 172. Parl. Hist. v. 751.

|| March 14. 1692-3. Lords' Jour. 289. Parl. Hist. 768. It has been lately asserted in the house of commons, that in consequence of the refusal of the royal assent to this bill, the commons withheld the supplies. I can find no foundation for this assertion. The royal assent was refused at the end of the fourth session of this parliament; in the next session, the commons themselves rejected a similar bill, and I find no record of any proceeding connected with the king's refusal.

himself, that he concurred in the triennial bill; though whether that concurrence was given on this occasion, or when the same bill was introduced again, I cannot say. Lord Carmarthen's words are consistent with either supposition.*

It is probable that the rejection of this bill was very much the act of the king himself, for it is recorded that he consulted sir William Temple† upon it; not through one of his ministers, but through his favourite, the earl of Portland. All intimacy had by this time apparently ceased between Carmarthen and Temple.

Some not unimportant changes were now made in the administration, one of which gave the great seal to Somers.‡ This appointment is not to be regarded as a decided symptom of William's returning partiality to the whig party. Considering that Somers was at this time attorney-general, and a very rising lawyer, it is hardly necessary to find a special cause for this promotion.§ And when we recollect that it immediately followed the rejection of the triennial bill, and was followed by a similar exercise of prerogative, it certainly is not indicative of any change of political principle. It appeared at this time to be William's policy to have ministers of all parties.

The re-appointment of lord Shrewsbury to the office of secretary of state in the ensuing spring||, may be cited with more plausibility as an indication of William's favour to the whigs; we shall soon come to other grounds upon which it may be accounted for.

It is well known that Carmarthen was one of those

* "I have lived to find kings to be true prophets as well as kings. . . . I have seen many abuses made of the triennial act, about which king William was very much displeas'd with me for concurring; and used the very same expression which king Charles had done on the popish plot—that *I should live to repent it*. And I am not afraid to acknowledge that I have repented both, since I have seen such very wrong uses made of them."—Preface to Memoirs, p. xi.

† Life of Temple, li. 134.

‡ In the spring of 1693.

§ See Burnet, iv. 187. Trenchard was made secretary of state, but it was in the room of Sidney, who was equally a whig.

|| March 16. 1693-4. Collins, lii. 40.

among king William's ministers, who are suspected of having carried on a traitorous correspondence with the exiled king. Bishop Burnet, in adverting to the inglorious naval campaign of 1693, mentions the suspicions of treachery, which "rose even as high as the secretary of state's office. . . . Our want of intelligence of the motives of the French, while they seemed to know every thing that we either did or designed to do, cast a heavy reproach upon our ministers, who were now broke so to pieces that they acted without union or concert; every one studied to justify himself, and to throw the blame upon others. A good share of this was cast on the earl of Nottingham; the marquis of Carmarthen was much suspected."*

These vague suspicions, repeated by the most credulous and prejudiced of historians, would scarcely deserve notice. And although there is stronger evidence in support of the charge against Carmarthen, I think that I shall show that its value has been somewhat overrated.

Macpherson, in his history "founded upon original papers," and only authoritative where it is supported by them, says, that in the year 1692, "the marquis of Carmarthen, in all his avowed zeal for the revolution, listened in secret to proposals for the restoration of James.† The authority to which the historian refers for this is, "Instructions to G. H., MS. Oct. 1691." Now the only paper which I can find that in any degree answers this description, shows that the lord president, far from being counted as a friend, was a peculiar object of jealousy with James:—"That he, (Mr. Ferguson), and all those he can influence, go on vigorously with disturbing the present government, and that *if Danby be got out*, of those proposed to succeed him we like Halifax the best."‡

It is scarcely possible that this can be intended as

* iv. 209.

† Hist. ii. 5. 4to.

‡ Instructions by G. H. (George Holmes) to Mr. Ferguson. Orig. Papers, ii. 392.

evidence against Danby, — yet I can find no other of the time. Two years later there are some instructions to one of James's agents in England*, from which it might not unreasonably be inferred, that Carmarthen was deeply engaged in that interest: — “ It is his majesty's pleasure, that you desire the earl of Danby to endeavour to gain admiral Killebrew to his service, since his majesty knows that he has an interest on him, that is, if he be to be employed. That his majesty expects, upon this conjuncture, that the earl of Danby will do him what service he can, and most particularly giving him time how to act against the prince of Orange, and by letting him know, as near as he can, what the said prince's designs may be, and his opinion how to prevent them, and that if he can answer for his son†, he by no means permit him to lay down his employment by sea. Earls Shrewsbury, Danby, Godolphin, Churchill, Russell, &c. that they do what in prudence they can to hinder money or retard it, and hinder the going out of the fleet, so soon as it might do otherwise.”

It is possible that Macpherson, confounding dates, referred to this document; and I am inclined to think that it does support his allegation in its exact terms, and no farther; — Carmarthen *listened* to proposals in favour of James, and nothing more. It is not proved by this paper, nor is there, so far as my researches have extended, any reason for believing, that Carmarthen's conduct as a minister of king William was at any time or in any way influenced by his view of the interests of king James. Dalrymple's opinion is not much regarded; but I am inclined to believe with him‡, that “ Carmarthen acted a courtier's part, neither giving nor refusing promises, because in all probability he had resolved to observe a neutrality in case James,

* The paper is styled, “ Instructions to the Earl of Danby, Lords Godolphin and Churchill, by the Countess of Shrewsbury;” but they were evidently addressed to this female intriguer.— ii. 457.

† Peregrine, lord Dumblaine, who was in the English navy.

‡ iii. 226.

with the assistance of a French force, should return into England." Perhaps the first impression of an Englishman ought to be, that even if circumstances made it justifiable to be neuter between the two kings, the presence of the French force with one ought to have decided every man to side with the other; but however the army of Louis XIV. might have been offensive to England, she was familiarised to foreign interference, when Dutchmen mounted guard at the palace of the English kings, while that assembly was in deliberation which gave the crown to William.

The only other document which I find, adds nothing to the testimony against Carmarthen.

This is an anonymous letter of information from England* :—“ The king of England (James) believes he may hope good success from his enterprise, because it is incontestable that he has for him the earl of Danby, prime minister to the prince of Orange, lord Godolphin, a lord of the treasury and a member of the privy council, the earl of Shrewsbury, who has been his first secretary of state, Russell, who is of the cabinet council, and has been an admiral, Churchill, who is first lieutenant-general, the son of the duke of Beaufort, and the son of the duke of Bolton. All these have served the prince of Orange with zeal, as long as they believed he could maintain himself in England, and have despised all sort of correspondence with the king. This shows that they are not of the same sentiment at present, and consequently that his majesty has more hopes than ever. . . . His majesty has the two admirals who command the fleet, and who are in correspondence with him, and from whom his majesty may expect every advantage. First, they have been trained by his majesty, and owe their fortunes to him, and expect more from him than the prince of Orange will ever give them, and therefore they have greater expectations from his majesty; moreover, they hate the prince of Orange on account of the insolence of which they think he has

* Macph. Orig. Pap. i. 458.

been guilty towards the nation ; and lastly, they have reason to fear they will be sacrificed to the parliament, in order to save the prince of Orange, who will not fail to blame them for the loss of the Smyrna fleet. Delaval depends entirely upon the king ; and Killebrew, the second in command, depends on the earl of Danby, who is for the king." After enumerating a great many peers and bishops who are in favour of James, as well as several cities and important places, the writer adds, — " The earl of Danby is lord lieutenant of the county of York, which is the largest county in England. He is governor also of the town and citadel of Hull, of which, consequently, his majesty is master whenever he chooses.* *It is true, there are not convincing proofs of all this.*"

According to this informant, who writes at the end of 1693, there was a period in which Carmarthen would not engage in communication with the exiled king. We are not told what the circumstances were, which produced a change of sentiment in Carmarthen and others ; and it is indeed rather inferred than asserted, — still less is it proved, — that such a change had occurred.

If Carmarthen was really treacherous, he acted very imprudently, for he promoted, if Dalrymple be correct, a searching inquiry into the correspondence with king James. Burnet says †, and it was proved upon the trial ‡, that he was very active in the arrest and prosecution of lord Preston ; and Dalrymple § adds, he went so far in pressing the accused to name his associates, (among whom some whig peers were included), that the king found it necessary to stop him, lest too many of his subjects should be involved.

* Long accustomed to the ~~misuse~~ ^{misuse} of their materials by historians, I know not that I ever met with a more unpardonable instance of this fault than in a passage of Macpherson, founded upon that part of the paper in which Hull is mentioned : — " Crawford, governor of Sheerness, undertook to deliver that fort to James. The marquis of Carmarthen, then president of the council, *promised for Hull.*"

† iv. 119.

‡ Dalr. 1691, iii. 149.

§ St. Tr. xii. 696.

But this story (of which I know not the origin) is improbable. The proceedings in this case occurred during king William's absence in Holland; and there is a letter from lord Carmarthen, acquainting the king with the decision of the queen and her cabinet, to confine the criminal process to the cases in which treason could be proved by two witnesses. And Carmarthen mentioned it as his own opinion, that it would be better to keep the accusation, *in terrorem*, over the heads of the accused.*

There appears to have been scarcely a moment in the official life of Carmarthen, in which he was thoroughly contented with the position of the government, or the state of affairs. Some time after the king's return from Ireland, he addressed him upon the ill condition of affairs in that country. He recommended to him the appointment of a lord lieutenant; and named Shrewsbury, Chesterfield †, Pembroke ‡, Mulgrave §, or Godolphin ||, as "capable of doing his majesty that service."
 "Nay, so absolutely necessary," he added, "I think it is that something of this kind should be done, that rather than it should not, I do offer myself to your majesty for that service, though I am less fit than any of those I have named." The king's own presence, he told him, would be still better, but that was wanted elsewhere. "I beseech your majesty to take this affair of Ireland thoroughly into your consideration, being what the whole prosperity of your government depends upon in these kingdoms; and forgive me for telling your majesty so bold a truth as it is, that men's affections to the government do apparently decrease among all parties, and nothing but a more vigorous conduct of affairs can

* June 26, 1691. Dair. iii. 185. † Philip Stanhope, second earl.

‡ Thomas Herbert, eighth earl.

§ John Sheffield, earl of Mulgrave, afterwards duke of Buckingham, died 1720.

|| Sidney, first earl, of whom we have heard much in the reigns of Charles and James. His connection with the successful administration of queen Anne, has gained for him a reputation which he little deserved. He was one of the most eminent among the time-servers.

retrieve it, the effects of which must appear this next summer, either at sea, or in Ireland, or both; and a miscarriage in either will probably be fatal to the chief commanders (how innocent soever they be), and deeply prejudicial to your majesty. Although I have writ all this to your majesty as my own opinion, I find it to be also the opinion of all the thinking men that I converse with, and it is such a daily discourse (even amongst us who are of the committee for Irish affairs), how impossible it is for things to succeed in Ireland, under the present conduct of them, that I believe it to be the reason why we can so seldom get a number sufficient to make a committee, of which my lord Sidney and I are always two, and commonly sir Henry Goodricke the third; but (which is yet worse), if any others do chance to come, they seem to act like *pioneers* for pay rather than by inclination.*

While the president thus complained of his colleagues, his own conduct did not escape their observation. "The lord president," wrote Sidney about the same time, "hath been of late very peevish, and continually complaining. I am now his confidant, and he hath almost told me, that he would retire in a very little time." † Lord Marlborough too complained of the interference of the lord president in matters connected with the army. ‡

In the next session §, parliament was chiefly occupied

* Feb. 20. 1690-1. Dal. iii. 177.

† Lord Sidney to the king, Feb. 27., p. 180.

‡ P. 247. In a letter of March 20. 1690-1, (Dalr. iii. 181.), Lord Godolphin writes thus to the king:—I take for granted that your majesty, unless you were obliged to do it by law, would never choose out the earl of Danby, of all England, to fill that officer's place, through whose hands all your own revenue, all the public money of the kingdom, and all the accounts of both the one and the other, are to pass; and for these reasons, if the case does happen, I shall think it my duty to refuse to admit him (as far as it depends of me,) till the right of the patent is determined; unless your majesty should be pleased to signify your pleasure that you would give the place to him, though there were no patent in the case; which, I confess, I think you would no more do, than you would make him a bishop." I presume that Godolphin refers to some office in the exchequer which was about to be given to lord Danby, the son of Carmarthen, but I can ascertain nothing respecting it.

§ Fifth session, Nov. 7. 1693. Parl. Hist. v. 772.

in inquiries into the misfortunes at sea. The triennial bill was again introduced, and it was now rejected by the commons themselves. The place bill, which passed both houses, was now lost by the refusal of the royal assent.* The commons remonstrated, and resolved that whoever advised this refusal, was an enemy to the king and kingdom, but stopped short of an address to inquire the name of the adviser.

Those who have dated the commencement of "the Carmarthen administration" from the retirement of lord Shrewsbury, have dated its termination at the period of his reinstatement. There was not in either case any formal or complete transfer of the premiership, or indeed any premiership existing; it is probable that increasing age and discontent withdrew lord Carmarthen more and more from public business. About this time, the dukedom of Leeds† was conferred upon him, whether in consequence of the similar honour conferred upon Shrewsbury, or as a sort of compensation for the decrease of court influence, or from any cause less definite, I cannot say. It is remarkable that, in this promotion to the highest rank in the peerage, he was associated with Russell and Cavendish,—the father of one of his foremost prosecutors in the reign of Charles II., and one of those prosecutors in his own person.‡

But the new duke of Leeds did not cease to advise the crown, and we know that he was chiefly concerned in the advice now given to William in the following session §, and reluctantly followed, to pass the triennial bill. ||

* Jan. 25. 1693-4. p. 828. Lords', xv. 351. Commons', xi. 70. 74. This session lasted till April 25. 1694.

† 1694.

‡ With the dukedom of Bedford and Devonshire, that of Newcastle, (since extinct) was conferred. It has been observed, that of four new dukes, three were whigs.

§ Sixth session, Nov. 12. 1694. Parl. Hist. 859.

|| Mr. Cooke, in his History of Party, i. 532., mentions the passing of this bill as a proof that Carmarthen and Nottingham were not the king's advisers; but we have the best proof that Carmarthen did advise this measure. See Introd. to letters, p. xii.

But in this session, the duke of Leeds was once more under impeachment, for an offence much more injurious to his personal honour than those of which he had been formerly accused.

The charge now was, that he received 5,000*l.* from the East India Company, for his influence in passing the bill for the renewal of their privileges. In the midst of a variety of proceedings and discoveries concerning corrupt practices, it appeared that a large sum had been expended by sir Thomas Cooke when governor, for the special service of the East India Company. Cooke refused to give an account of this expenditure, and the commons passed a bill to oblige him to it. It does not appear when or how the name of the duke was first mentioned, but it is probable that a rumour had got abroad that he was implicated. When this bill went up to the lords, the duke spoke vehemently against it, and introduced what he was about to say with a most solemn protestation of his cleanness and innocence, and laying his hand upon his breast, declared upon his faith and honour, that he was perfectly disinterested, and had no part or concern in this matter, and therefore might the better appear against it, "which he did," (says the history*) "expressing great abhorrence of the bill."

It would strike one at first, that the duke, if innocent, would desire the bill to pass; but if I rightly comprehend the proceedings of the house of lords, with the concurrence, if not at the suggestion of the duke, the bill which (after examining sir Thomas Cooke) they substituted for that of the commons, was calculated to produce a more prompt and complete discovery of the truth, inasmuch as it indemnified Cooke from any evidence which he might give, and required him to make his confession at a much earlier period.†

The examination proceeded before a joint committee of both houses, and evidence was given whereon was

* V. 911.

† See the lords' reasons in Com. Jour. xi. 307.

founded a charge against the duke of receiving 5,500 guineas for using his endeavours to procure a charter for the East India Company.*

It was proved that one Bates was well acquainted with the duke, and had agreed with sir Basil Firebrace, who acted for the company, to neutralise the duke's supposed hostility, or to procure his co-operation. On these grounds Firebrace paid to Bates 5,500 guineas, the greater part of which had been brought back again, a very little time before the inquiry. Bates himself said that the duke (who declared against the forfeiture of the charter) promised his assistance, but refused the money, but that he gave leave to his servant, at Bates's request, to procure cash for the notes. And it was not till after some hesitation that he admitted that it was only within a few days that he had received the money from his servant Robart.

The duke was defending himself in the house of lords, when he heard of the impeachment, and immediately obtained a hearing in the house of commons. He admitted that he knew Bates, and had permitted him to bring sir Basil Firebrace to him on the part of the company. He confirmed the account which Bates had given, of his lending him his servant to procure the money for the notes which Bates had received, and said that Bates offered him the 5,500 guineas, which he refused, and recommended to Bates to keep it to himself. His speech in the commons was little more than a denial of the charge.†

There is nothing in the evidence at all inconsistent with the duke's account; but one most awkward circumstance had been proved, on which the duke said nothing. This was, that the money had not been

* Parl. Hist. p. 937.

† Dalrymple says (iii. 75.), that the duke's speech in the house of commons, "in the confusion and anxiety of his spirits, whether they arose from the consciousness of innocence or of guilt, was not equal to the lustre of his former abilities, and he displeased the pride of his audience by an arrogant expression, on which he laid arrogant emphasis, that if it had not been for him, they had not then been sitting there." Dalrymple gives no authority.

handed over by Robart to Bates, on whose account he received it, for more than twelve months from the time of receipt; and the suspicious appearance of this fact was greatly increased when Robart himself fled the country. It is the duke's own statement that this man, upon coming to town upon a temporary absence, and hearing that his lord was impeached and Mr. Bates in prison, immediately absconded, saying, that he would write from his own country (Switzerland), "a true account of the matter of the 5,500 guineas to Mr. Bates."

For the retention of the money by Robart, and his subsequent flight, there are two conceivable reasons:—The duke may, notwithstanding his own denial, and Bates's, have either in the first instance, or afterwards, accepted the money, in which case it was the duke's interest to keep his servants out of the way:—or Robart may have played the part of Gehazi, and may have cheated Bates with a story of his master's change of mind, — and have therefore absconded, for his own safety.

Not either of these suppositions is inconsistent with the evidence of Bates, and Bates is in truth the only material witness in this part of the case; for Firebrace, whose evidence is pregnant with more suspicion against the duke, knew nothing but from Bates, who had an interest in deceiving him about the money, but who in fact did not tell him that the duke had received it.

I am not prepared to give a decided opinion for or against the guilt of the duke. But I do feel that his conduct in the affair of French money, with which his insidious friend Montagu tempted him, entitles him to the benefit of every doubt of which the case admits.

It is alleged that he showed no eagerness in detaining Robart; and certainly the prorogation of parliament* within a few days after the impeachment had been carried up to the lords, and which the commons were actually engaged upon, was not consistent with much

* On May 3. 1695. Parl. Hist. p. 941. Jour. 333.

anxiety for a trial. But in dealing with cases of this sort, we must have regard to the times. Public opinion did not visit peculation or bribery in high places with the indignation which now attaches to those offences. Nor was the imputation of them intolerable, as it would now be to a statesman regardful of his honour. Burnet* says, that the proceedings were dropped because too many people were implicated in the corrupt practices which had been partly developed.

The prorogation was followed by a dissolution. Nothing peculiarly connected with our subject occurred in the first session† of the new parliament, but I perhaps ought to notice the treason trial bill. This measure, which had failed in several former sessions, has been mentioned as one of those now adopted by the parliament in favour of the liberty of the subject.‡ It has of late been more generally regarded as a device of the complicated traitors whom both parties in the state contained at this time, for facilitating their escape from punishment in case of a detection of their treason.

This session produced also the association, signed by the members of both houses, on the occasion of "The assassination plot."

The association signed by the commons recognised king William as "rightful and lawful" king. The lords avoided this distinct recognition of the king's title, or at least thought that they avoided it, when they used the words "that king William hath the right by law to the crown of these realms, and that neither king James, nor the pretended prince of Wales, nor any other person, hath any right whatever to the same."§

The duke of Leeds signed this paper, which was refused by some others who had acted with him in the

* iv. 260.

† First session of third parl. p. 938. 994. Nov. 22. 1695, to April 27. 1696.

‡ Somerville, p. 416. See Parl. Hist. 965. Burnet, iv. 283. Ralph, ii. 612.

§ Parl. Hist. 991. Lords' Jour. xv. 683.

revolution government, especially lord Nottingham, and, what is more unaccountable, lord Halifax.*

In the next session†, occurred the remarkable proceedings against sir John Fenwick‡, for treasonable attempts in favour of king James. His narrative§ involved several high personages in the guilt of corresponding with the dethroned monarch, — Shrewsbury||, Godolphin, Marlborough, Russell, and others, but not the duke of Leeds; and hopes were expressed of gaining certain forts through the governors or lieutenants, — namely, Plymouth, Berwick, Sheerness, and Landguard, but not Hull. Surely this is important *negative* evidence in favour of the duke's innocence of the charge, for which there is assuredly no positive testimony.

And the duke of Leeds, who was still president of the council, opposed the bill of attainder against Fenwick; and though not in the habit of protesting, he did twice protest¶ against the bill, as founded upon insufficient or inadmissible evidence, and too extraordinary in its nature to be adopted against a man so inconsiderable.

In the last session** of this parliament, the civil list as at last granted to king William for life††, a measure entirely conformable to the duke's monarchical principles. Nevertheless, he now became more and more uneasy in his situation: in the course of this session there was some talk of his retirement from office. He appears to have been quite unconcerned in the discussions which occurred in the king's presence, concerning official arrangements; and the report of them by the duke of Shrewsbury to lord Somers‡‡, thus mentions him and his connections. He notices the king's opinion that

* This is asserted in the Parl. Hist. 993., and I do not find their names in the journals as having signed. I do not understand what process was used as to peers *present* (as these two were,) and not signing; to absentees, special requisitions were addressed.

† Second, Oct. 20. 1696, p. 995.

; State Trials, xii. 538.

‡ Com. Jour. xi. 577.

§ Fenwick states that lord Shrewsbury laid down his office under William when he first began to communicate with lord Middleton, in favour of James; and that it was with the consent of James that he resumed his post.

¶ Lords' Jour. xvi. 44. 48.

** Third session of third parl., Dec. 3. 1697., p. 1165. †† P. 1168.

‡‡ April 14. 1697. Hardwicke Papers, ii. 429.

some alterations were necessary in the boards, several of the members of which "had so behaved themselves this session, that if no punishment were made, no government could be expected for the future; and that this must not be extended partially to one kind of men, but some should be displaced of different denominations. In general, I agreed with this, but submitted that a distinction was reasonably to be made, between persons who had done wrong only once through ignorance, and those who in the whole course of business had continually opposed. This argument met with so cold a reception, that I think it is not hard to guess what was meant by this speech; though I think, if it were intended against sir Walter Young and Mr. Clarke, we are obliged (I am sure I think myself so) to stand by them. This sort of discourse naturally brought on that of my lord president, &c., and I was surprised to find, how easy the king was in parting with him and his consequences. He said, the whole family of the Berties were against him, and declared himself not satisfied even with the vice-chamberlain, but lord Sunderland excused him. I perceive all that, as to the vice-chamberlain, is so prepared that it may be done as shall be thought best."

May it be inferred from this extract, that not only the relations of the duke of Leeds, but the duke himself, had taken a line in parliament un/avourable to the court? However this may be, the duke of Leeds retained the presidency of the council for two years more, and his retirement was simultaneous with that of Shrewsbury from the secretaryship of state.*

The two dukes were of different parties; and whatever may have been the cause of Shrewsbury's retirement†, there is nothing to connect that of Leeds with any party cause. It is probable that the king and he were mutually tired of each other, and Leeds must have had by this time enough of office.

* May, 1699. Kennet, iii. 768. He was succeeded by the earl of Pembroke.

† Somerville (518) carelessly mentions the dismissal of *both* as intended to conciliate the tories.

In 1697, peace had been made at Ryswick ; but as I have not, in any debate or document, met with the lord president as connected with foreign affairs in the time of king William, I have not thought it necessary to give a mere narrative of public events.

On one occasion only I find any further mention of Leeds in this reign ; and that I am not able to explain.

The house of commons, in the session* following that in which the duke went out of office, passed a bill for resuming the grants which had been made by the king of the forfeited estates in Ireland.† This bill the commons most unjustifiably tacked to a bill of supply, and would not entertain the amendments which the lords made to it. The king disliked the bill extremely, and was much inclined to encourage the lords to reject it, or perhaps even to refuse his assent ; but he was persuaded that that step would be dangerous, and ultimately promised the house to agree to the commons' bill. "The earls of Jersey and Albemarle told me," says the earl of Dartmouth‡, "the king was convinced of the danger of rejecting the bill, but their present difficulty was, that they could not prevail with their people either to join with us" (who opposed it) "or keep away, and *they understood the duke of Leeds (which was true,) was trying to make use of the false step the king had made, to force him to a dissolution, which, in the ferment the nation was in, must throw us into the utmost confusion.*"

This is the statement of a respectable tory ; but no light is thrown by lord Dartmouth upon the motives of the ex-president, nor do I find elsewhere any reference to his proceedings.

On the accession of queen Anne, the duke of Leeds was sworn of her privy council. He attended the

* Second sess. of the fourth parl., Nov. 16. 1699, p. 1199. † P. 1215.
‡ Note on Burnet, iv. 439. On this business see Somerville, 520. Ralph, ii. 833.

house of lords, but nothing is known of his proceedings until December 1703, when he concurred with Marlborough, Godolphin, and others of the queen's ministers, in supporting, but without success, the bill for preventing occasional conformity.*

It is to be collected from lord Dartmouth's language†, that he also took part with the queen, in resisting the attempt, made in 1705, to bring over to England the presumptive heir to the throne. He distinguished himself on this occasion from lords Nottingham and Rochester, and other tories, who, apparently from factious motives, supported this motion, by which the queen was greatly offended.

In 1705, he spoke in affirmation of "the danger of the church;" but unless his speech is greatly abridged in the report‡, he used no arguments in support of his position. He continued to attend the house occasionally, and probably gave a silent support to all tory motions; but is not specially heard of until the memorable era of Sacheverel's trial.

He spoke upon the question whether the commons had made good the first article§ of their impeachment. Of the long speech in which he maintained the negative of this question, very little is known, but that little has some interest as connected with the proceedings of the duke at the revolution. — "He had a great share in the late revolution, but he never thought that things would have gone so far as to settle the crown on the prince of Orange, whom he had often heard say, that he had no such thoughts himself. That they ought to distinguish between resistance and revo-

* Parl. Hist. vi. 170. A bill for the same object had been introduced in December, 1702; and another was brought forward in 1704 (pp. 59. and 359). No doubt, Leeds supported these bills, though he is not mentioned.

† Note on Burnet, v. 233.

‡ Parl. Hist. vi. 498. See Burnet, v. 233.

§ Art. 1. — "He the said Henry Sacheverel, in his said sermon preached at St. Paul's, doth suggest and maintain that the necessary means, used to bring about the said happy revolution, were odious and unjustifiable. That his late majesty, in his declaration, disclaimed the least imputation of resistance, and that to impute resistance to the said revolution, is to cast black and odious calumny upon his late majesty and the said revolution." — State Trials, xv. 36.

lution, for vacancy or abdication was the thing they went upon, and therefore resistance was to be forgot; for had it not succeeded, it had certainly been rebellion, since he knew of no other but hereditary right.*

I am satisfied that the duke spoke sincerely when he disclaimed the intention of substituting William for James.

Sacheverel's defence evaded the question of the lawfulness of resistance in any possible case, and so, as he affirmed, had his sermon. The duke of Leeds, with others, contended in a protest†, that the sermon did *not* contain reflections on the memory of king William, or on the revolution‡; and with this opinion, were justified in acquitting him. But there is surely no doubt but that he was guilty of the resistance which he condemns, before there was any pretence for asserting the vacancy of the throne.

In the year following this trial, and Leeds's condemnation, for such it may perhaps not unreasonably be styled, of the revolution of 1688, he expressed, in a letter to the elector, his attachment to the house of Hanover. § For this, as contrasted especially with his disavowal of any but hereditary right, an historian has charged the duke with inconsistency. || If the imputation be just, surely, considering the age and situation

* Parl. Hist. vi. 347.

† P. 33. The duke very rarely exercised the privilege of protesting, but he signed almost all the protests which this impeachment produced.

‡ For some remarks upon Sacheverel's trial, in connection with the doctrine of resistance and other political tenets, see Fraser's Magazine, xvi. 52.

§ Nov. 1. 1710. — "Sir, I hope your electoral highness will pardon my acknowledging, in this manner, the extraordinary favours which I understand your highness has been pleased to shew to my grandsons, Danby and his brother; and I am sorry my years will not allow me to go and do so myself. Whilst I was able, I was an actor, to the best of my power, to encompass those alterations, which were necessary for the security of our religion and laws; and as those alterations have justly brought the crown of these kingdoms into your illustrious family, so, I doubt not, but they will be preserved by it whenever they shall come to be under its protection; and although I may not live to pay my personal services, I hope I shall leave a family, both as well principled in loyalty, and as dutiful to your person and family, as they ought to be, and with that esteem which is due to your highness from all the world." — Macpherson's Orig. Papers, ii. 193.

|| Macpherson, *ib.*, and Hist. ii. 466.

of the duke, the inconsistency was gratuitous and harmless.

The same writer quotes the statement of a Jacobite agent, that the duke of Leeds had endeavoured in vain to ascertain from queen Anne whether she would prefer to be succeeded by her brother.* If this conversation (supposing the story true) was previous to the duke's letter to the elector, it gives rise to no remark. If it was subsequent, and the duke of Leeds intended to abide by the result, it would exhibit him in that predicament of double-dealing in which undeniable evidence has placed his contemporaries, almost to a man.

In this year, 1710, the duke of Leeds published the collection of letters to which I have frequently referred. There are letters from the prince of Orange, Montagu, Sunderland, Godolphin, and Temple. I have already† taken from the duke's preface to this collection, what he says of the *amende honorable* which he had from the duke of Devonshire, and others, with whom he co-operated at the revolution. Another alleged reason for publication, is the misrepresentations of Dr. Kennet, and of other publications which I have not seen.

These letters decisively prove Danby's case as to the tendency of his foreign policy; and he takes occasion to subjoin a remark of considerable weight, upon the charge of bribery: — "It is not less difficult to conceive, how that parliament should be called a pensionary parliament, which was not only so sparing in the supplies which were necessary, and did appropriate every penny to particular uses upon account; and that I that was called the promoter and paymaster of those pensions, had not power to preserve myself from being impeached of treason by those pensioners, for what, in justice, my worst enemies could not have made a misdemeanor."‡

In the same year was published that collection of tracts on the character and administration of lord Danby,

* Orig. Pap. ii. 212.

† P. 323.

‡ Danby Letters, p. 110.

which is cited as the *Memoirs*.* It consists of tracts against lord Danby as well as for him; they relate chiefly to his financial administration. One writer on the adverse side is sir Robert Howard, who had been secretary to the treasury in the early part of Danby's treasurership, and appears to have quarrelled with his principal. A minute examination of a controversy so conducted, would fill a volume, which would probably be both uninteresting and unintelligible.

It is somewhat remarkable, that when the duke took pains to illustrate by those publications the transactions which had produced the impeachment of 1678, he should have taken no notice of the charge of 1693, more specific, more injurious, and much better supported. Is it possible that he regarded the affair of Robert as a by-gone trifle? or did he purposely avoid mentioning it, as a disagreeable truth?

From this time nothing more is heard of the duke of Leeds. He continued to attend the house of lords to the end of the session 1712. Before this time, Harley and St. John had come into power; it is probable that Leeds supported this tory administration; but there is nothing to show the part which he took.†

On the 26th of July, 1712, being then on his way into Yorkshire, he died at Easton, the seat of lord Pomfret, in Northamptonshire‡, in the eighty-first year of his age.

I have not in this, as in the instance of Robert Cecil, any account of the dying hours, nor have I the materials for saying a word of Thomas Osborne, in regard to the matter of religion. He certainly was not a public scof-

* "Memoirs relating to the impeachment of Thomas, earl of Danby (now duke of Leeds), in the year 1678; wherein some affairs of those times are represented in a juster light than has hitherto appeared, 1710." A preface dated April 22. 1710, and an introduction, state that the memoirs had "lain dormant for some years." Yet the first tract is dated in 1679, and there is an answer in 1680. By dormant, therefore, is meant, I presume, not unpublished, but forgotten. And it would seem that the duke took the unusual and bold course of republishing the attacks upon him as well as his answer.

† The name of his son Peregrine, who sat as lord Osborne, is affixed to some tory protests, but not that of the duke.

‡ Collins, i. 257. The duchess had died in 1703.

fer, or distinguished, in the profligate age in which he lived, for gross immorality. In the absence of evidence to the contrary, I may assume that he believed in the doctrines of the church of which he was the zealous and constant advocate; nor do I see reason to believe that he in his practice deviated, more or less than men of the world in general, from the duties of morality.

He was a man of unpopular manners. Of such men, the good qualities are depreciated and the faults exaggerated. From the false position in which, during the more prominent part of his history, he was placed as a statesman, he is the hero of no section of political writers: in his principal views he was sound and consistent; in his practice as a minister weak and wavering. With opinions which would have placed him at the head of a powerful party, eminently protestant and English, he suffered for encouraging France and popery. Of a man so disguised, we look in vain to contemporaries for a character. Personal opponents necessarily blacken him; while, of coadjutors, some hate the man and some the principles.

If under Charles II. he was in a false position, he was not much better off under William, whom he had helped to the throne against his intentions, if not against his conscience; and who favoured principles, especially in religion, to which he had always been opposed.

There are some points of similarity between the two

* According to Evelyn, the bishop of Rochester (John Dolben) told Danby "of his stateliness and difficulty of access, and several other miscarriages, and which indeed made him hated."—Diary, Jan. 14. 1688, p. 538. The bishop also told "how earnestly the late earl of Danby, lord treasurer, sought his friendship, and what plain and sincere advice he gave him, from time to time, about his miscarriages and partialities; particularly his ousting sir John Duncomb from being chancellor of the exchequer, and sir Stephen Fox, above all, from paymaster of the army. The treasurer's excuse and reason was, that Fox's credit was so over-great with the bankers and monied men, that he could procure none but by his means. 'For that reason,' replied the bishop, 'I would have made him my friend, sir Stephen being a person both of honour and of credit.'"

I am not acquainted with the particulars of Duncomb's dismissal. In 1697, a Mr. Charles Duncomb was accused of frauds connected with exchequer bills; and Kennet says (iii. 743.) that a bill for punishing him was thrown out by the *casting vote* of the duke of Leeds, which, as the duke somewhere says, is nonsense. But he did oppose the bill, as appears by his protest, in Jour. xvi. 225.

politicians whose lives are recorded in this volume. But Cecil had through life some warm admirers; for Danby I can cite no contemporary friend.*

The praises of Dryden † have more notoriety than value. Those of sir William Temple are more estimable, but nearly as indiscriminate; nor were they heard after Danby's disgrace.

I therefore leave the unfortunate statesman to the judgment which may be formed upon the facts which I have related, and upon his own vindication of his conduct.

The letters of Danby are generally well written and clear, and exhibit nothing of the wily politician. Of his scholarship or accomplishments I know nothing; but, as Dryden is silent upon the topic, I presume that he was not a distinguished patron of literature:—had he hospitably entertained the wits of his age, instead of the members of parliament, it might have been better for his posthumous fame.

* Appendix C. contains the accounts given by Burnet and lord Dartmouth; but the former had no intimacy with him, and the latter never till a late period. I add an opinion of his administration by Hallam.

† The poet-laureate dedicated to lord Danby, when treasurer, his play of *All for Love*, in an epistle full of encomium upon the minister, the king, and monarchical government. It is chiefly valuable as evidence of the favourable opinion then entertained of Danby's financial administration. Scott's Dryden, v. 226. I shall perhaps be expected to mention the verses "On the young Statesmen," containing—

" And Danby's matchless impudence
Help'd to support the knave."

But there is no authority for ascribing them to Dryden, and they have no otherwise much claim to notice. See Scott, xv. 274.

APPENDIX.

A.

Lord Chancellor Shaftesbury's Speech in the Court of Exchequer, 26th June, 1673.—(See p. 207.) Somers's Tr. viii. 28.

MY LORD TREASURER,

The king, of his grace and favour, has made choice of you to be lord high treasurer of England, as also treasurer of the exchequer, which are two distinct offices. The first you are already possessed of, by the king's delivery of the white staff, and have taken the oath for that office before me in another place. The other his majesty has conferred on you by his letters patent under the great seal, which I am to deliver to your lordship, after you have been sworn into that office in this court, of which by this patent you are made a chief judge.

Kings are as Gods, and bestow honour, riches, and power, where they please ; but in this they are as men, that they can only choose, not make a person adequate to their employment ; for if their choice be merely favour, not fitness, their omnipotency is quickly seen through. Our great master hath therefore chosen you, as he has had experience of these many years, as a member of this house of commons, which hath been so fruitful a nursery of our English ministers and statesmen. Besides, your lordship was some time since joined with another very able and willing person, in the treasurership of the navy, and after that managed it alone ; so that before this you have been trusted with three parts out of five of the revenue of the crown.

My lord, you are in a place the very best that any English

subject is capable of; therefore you are in another position, not only to the king our master, but to us all, than you were ever before. He and us have all reason to look upon you as a man at ease, and that has nothing to wish but the prosperity of his master and the nation, that you may quietly and long enjoy so great a place under so good a master. There is no more to be asked of you in this condition, but that you know your own interests, and that will secure to you the king's and the nation's. I repeat them thus together, because none but mountebanks in state matters can think of them asunder. And, let me say to your lordship, that however happy you have been in arriving to this high station, yet *parta tueri non minor est virtus*. Many great men have proved unfortunate in not observing that the address and means to attain great things are oftentimes very different from those that are necessary to maintain and establish a sure and long possession of them.

My Lord, it will be no civility to you to hold you longer; the visit you are to make to the several offices of the exchequer will take you up the rest of this morning. I shall only add my good wishes, that your lordship may long enjoy the honour of this great employment, and his majesty the satisfaction of his choice.

B.

Lord Danby's Answer to the Articles of Impeachment, 1678.
(From the Lords' Journals, xiii. 537. See p. 305.)

After reserving the benefit of the pardon, he answers by protestation,

“ That as the articles are so general and uncertain, that he cannot make any particular answer thereto, or give any particular account thereof, is advised by his counsel, that there is no particular charge of high treason declared by any overt act, or certainly alleged; nor any other crime therein so certainly alleged and set down, that the said earl can any way take issue thereupon, or make answer, or his

just and lawful defence thereto. . . . It never entered into his heart to encroach any regal power to himself, by any way or means whatsoever, much less by treating in matters of war and peace with any foreign prince or ambassador in his own name, if it be meant so by the said articles; but if it be meant that he so treated in his majesty's name (as he hopes it is), or gave instructions to his majesty's ambassadors abroad, without communicating the same to the secretaries of state, and the rest of his majesty's council, and against the express declaration of his majesty and his parliament; if any particular instance thereof had been laid down in the said articles, he could have given a particular account thereof. Whatsoever he acted in such affairs was by the advice and privity of his majesty's council and secretaries of state, or by his majesty's own express command and directions, if, perhaps, the same was not made known to the council or secretaries of state. . . . He never endeavoured any subversion of the government, nor had he any such design as is in the articles alleged; nor did he continue the army when raised, nor was it in his power so to do; but as the money for the disbanding came into the exchequer, he signed warrants for the payment of it to the paymaster-general, &c., whereby he did all that in him lay that the money should not be misemployed. He never proposed or negotiated for any peace with the French king on any terms whatsoever, nor had he ever any such wicked designs, intents, or purposes as are mentioned, nor did he ever receive any money at all from the French king, or by his directions, to or for any purpose whatsoever, nor did he ever attempt or endeavour to procure any sum of money whatsoever, either great or small, for the carrying on or maintaining of any such wicked or ill design or purpose as is charged upon him; but whatsoever he proposed or negotiated in any affairs or matters relating to peace or war, the same was with and by his majesty's command, privity, or directions, and not otherwise, and without any traitorous or ill design or purpose.

. He cannot possibly imagine the reason wherefore he should be charged to be popishly affected, he having always been educated in, and a professor of the true protestant religion established in the church of England, and is no

way conscious to himself of having acted any thing contrary thereto, or tending in the least to the prejudice or subversion thereof, which might give any just cause of suspicion of his being popishly affected."

He then tells the story of the king's sending him papers about the plot, and sending Kirby and Tonge to him, &c. ; and he constantly informed the king of what passed.

"He made several applications, and was very importunate with his majesty he might have liberty to make known the same to others of his majesty's council, but could not obtain liberty so to do; wherefore his not revealing the same to others ought to be attributed to his duty, and as to any other ill intent or design whatsoever, He had none other notice of the said plot, than what was afterwards given publicly to him and the rest of his majesty's council together, neither has he at any time suppressed any evidence, or reproachfully or otherwise discountenanced the king's witnesses, in discovering of the plot, but, on the contrary, was the most active person in causing of the papers of Coleman to be seized, whereby great part of the plot was discovered; and he did deliver all the said papers to the privy council, and the same were transmitted thence to the parliament, where the said earl conceiveth they now remain."

He believes that nearly the sum mentioned within the space of three years, though not within the time mentioned, hath been issued "by privy seal for secret service, and that upon such privy seals many considerable sums of money have been paid for public uses, such payments being oftentimes made both for saving charge of new privy seals, and to save a great part of the fees of the exchequer: but what part of the said sum is meant to be paid for unnecessary pensions, the said earl knoweth not, but all the said monies were issued out by him by legal warrant, and according to the usual course in such cases. And what branch of his majesty's revenue was at any time diverted out of the known method and government of the exchequer, he the said earl knoweth not: he, during all the time he had the honour to serve his majesty in the office of lord high treasurer, having taken all the care he could, that all and every branch of his majesty's revenue

should be duly brought into the exchequer, and issued out there: thence, by tallies struck in the ordinary and usual manner, as he doubteth not but will appear upon inspection thereof, and of the accounts taken thereof, and still remaining in the Exchequer. . . . He knoweth not which of his majesty's commissioners are meant to have been put out of their offices, there having been divers commissioners removed in several offices of the revenue; but sure he is, that he did not remove, nor procure any to be removed, for any such reason as is alleged. But when commissioners were constituted by commission in an office during the king's pleasure (as all commissioners for managing any part of his majesty's revenue are), if his majesty were pleased, upon any occasion, to renew such commission, and leave any of the former commissioners out of the new commission, he hopes he hath not in any way offended therein.

“ He must needs acknowledge he served a most gracious and bountiful royal master, who was graciously pleased freely to confer his bounty upon him, yet he hath not, during the time of his serving his majesty in the said office, gained any such considerable estate, as should render him suspected of using ill means for the obtaining of it: many of his predecessors in that office having in less time gained more considerable and greater estates than he hath, and yet were never accused for using any indirect or ill means in obtaining or procuring the same. . . . He never used any indirect means whatsoever, nor by any indirect means procured from his majesty any gift or grant whatsoever, nor is he in the least knowing or sensible that he hath offended against any act of parliament in that behalf; but for that the said earl is sensible of his own weakness in the management of so great an office and employment, and that although he knoweth his heart to be sincere, having never admitted a thought into it leading either to treason or to any other crime against his majesty or the government as by law established, yet that he may have erred out of ignorance, or for want of understanding or ability to manage an office of so great trust, wherein his majesty was pleased to place him, and for that he cannot foresee what misinterpretation or severe construction may be put upon any of

his actions in a place of so great trust, and chiefly that he may not seem to waver his majesty's grace and favour to him, the said earl for plea saith, and humbly offereth " &c. . . . [his plea of pardon.]

C.

Bishop Burnet's Character of Danby.

" 1673. They at last pitched upon sir Thomas Osborne, a gentleman of Yorkshire, whose estate was much sunk. He was a very plausible speaker, but too copious, and could not easily make an end of his discourse. He had been always among the high cavaliers, and missing preferment, he had opposed the court much, and was one of lord Clarendon's bitterest enemies. He gave himself great liberties in discourse, and did not seem to have any regard to truth, or so much as the appearance of it, and was an implacable enemy: but he had a peculiar way to make his friends depend on him, and to believe he was true to them. He was a positive and undertaking man, so he gave the king great ease, by assuring him all things would go according to his mind in the next session of parliament. And when his hopes failed him, he had always some excuse ready to put the miscarriage upon. And by this means he got into the highest degree of confidence with the king, and maintained it the longest of all that ever served him." — *Burnet's Own Times*, ii. 12.

Lord Dartmouth's Note upon the above Passage.

" I never knew a man that could express himself so clearly, or that seemed to carry his point so much by force of a superior understanding. In private conversation he had a particular art in making the company tell their opinions without discovering his own; which he would afterwards make use of very much to his advantage, by undertaking that people should be of an opinion that he knew was theirs before."

Extracts from Mr. Hallam's Constitutional History of England.

“ The earl of Danby had virtues as an English minister which serve to extenuate some great errors, and an entire want of scrupulousness in his conduct. Zealous against the church of Rome and the aggrandisement of France, he counteracted, while he seemed to yield to, the prepossessions of his master. If the policy of England before the peace of Nimeguen was mischievous and disgraceful, it would evidently have been far more so, had the king and duke of York been abetted by this minister in their fatal predilection for France. We owe to Danby's influence, it must ever be remembered, the marriage of the princess Mary to the prince of Orange, the seed of the revolution and the act of settlement, — a courageous and disinterested counsel, which ought not to have proved the source of his greatest misfortunes. But we cannot pretend to say that he was altogether as sound a friend to the constitution of his country as to her national dignity and interests. I do not mean that he wished to render the king absolute. But a minister, harassed and attacked in parliament, is tempted to desire the means of courting his opponents, or at least of augmenting his own sway. The mischievous bill that passed the house of lords in 1675, imposing as a test to be taken by both houses of parliament, as well as all holding beneficed offices, a declaration that resistance to persons commissioned by the king was in all cases unlawful, and that they would never attempt any alteration in the government in church or state, was promoted by Danby, though it might possibly originate with others. . . . It is certainly possible that a minister who, aware of the dangerous intentions of his sovereign or his colleagues, remains in the cabinet to thwart and countermines them, may serve the public more effectually than by retiring from office; but he will scarcely succeed in avoiding some material sacrifices of integrity, and still less of reputation. Danby, the ostensible adviser of Charles II., took on himself the just odium of that hollow and suspicious policy which appeared to the world. We know indeed that he was concerned against his own judgment in the king's secret receipt

of money from France, (ii. 538.) The compliance of Danby with the king's corrupt policy had been highly culpable, but it was not unprecedented; it was even conformable to the court standard of duty, and as it sprung from too inordinate a desire to retain power, it would have found an appropriate and adequate chastisement in exclusion from office. We judge perhaps somewhat more favourably of lord Danby than his contemporaries at that juncture were warranted to do; but even then he was rather a minister to be pulled down than a man to be severely punished. His own great and undeniable service to the protestant and English interests should have palliated a multitude of errors. Yet this was the mainspring and first source of the intrigue that ruined him." (p. 555.)

END OF THE FIFTH VOLUME.

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