ENGLISH ANTI-PAPIST PAMPHLETEERS 1678-1685

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by

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ABSTRACT

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This thesis is a study of the politics and ideas of anti-popery. It examines the motives and results of the manipulation of anti-papist sentiments by the opposition and government from 1678 to 1685. Parliamentary debates, royal proclamations, state papers, collections of letters and printed manuscripts have been examined. The pamphlet literature of the period is analysed in great depth. The pamphleteers' political loyalties, motives, as well as their concepts of sovereignty, obedience and toleration are studied in detail. The origins of these ideas lie in medieval, Renaissance and Reformation thought which was transmitted by the writers of the Interregnum to the opposition and crown pamphleteers. The roots of the opposition's concept of toleration can be traced to certain ideas of the Reformation but it was greatly influenced by the work of several writers of the Interregnum. The different concepts of sovereignty affected the pamphleteers' attitudes towards Catholicism and Catholics.

PREFACE

The intellectual content of pamphlet literature varies from tract to tract. Even the pamphlets of the eminent Milton were filled with mundane comments and topical argumentation "... not worthy to be dignified by the name of a great trend of thought."[1] If this is true of Milton's work, it is doubly true for most of the pamphlets written between 1678 and 1685. The tracts trace all the controversial points in the political debate of the period and most of them contain little intellectual or philosophical merit. Nonetheless in this popular literature it is possible to find many references to political ideas which are worthy of analysis.

In most instances these ideas are put forth in such a manner as to suggest that they had no predecessors either in content or method of argument. It is the primary aim of this thesis to trace the geneological tree of the ideas which the pamphleteers advanced on sovereignty, obedience and toleration. In this way it is possible to discern that these tracts "from which was created a vivid political consciousness"[2] contained many ideas whose roots lay in the distant past. As yet no one has analysed this material in order to determine the origins of the political arguments which filled these tracts.[3] In order to do so it is necessary to examine the political situation which gave rise to the pamphlet literature, the background of

pamphleteers and the arguments contained in the tracts.

In analysing the political background two points must be considered. The first concerns the way in which both the opposition and the government exploited the anti-papist hysteria which was caused by the Popish Plot. The second is that the constitutional crisis which occurred at this time prevented many new anti-papist bills from becoming law. The administration of the anti-papist proclamations at the local level is beyond the scope of this thesis as it is a separate and almost uncharted field of research.[4]

The supporters of each political faction produced countless pamphlets to express their opinions and defend their policies. Special note is taken of the pamphleteers who advanced anti-papist arguments in their tracts in order to determine the way in which each side exploited the anti-papist hysteria. It is important to understand the background of these pamphleteers and their motives for writing the tracts. Individual biographies are not provided since the purpose of the analysis is to provide insight into the links between the political ideas of the Interregnum and those of the Exclusion crisis and the Royalist reaction.

Once the political connections of the pamphleteers have been determined, it is possible to examine the various ideas expressed in the tracts with the definite knowledge that they represent the point of view not only of an individual but also of a section of the polity. The primary aim of such an analysis is to determine the intellectual sources from which the pamphleteers' derived their ideas on sovereignty, obedience and toleration. The analysis of the opposition and crown pamphleteers background and thought are provided in the second and third

chapters respectively.

The final chapter relates the different attitudes towards sovereignty, revealed in the foregoing analysis, to the question of popery in England. It will be determined whether their divergent political attitudes played a significant part in the pamphleteers' attitudes to the Catholic community; whether they shared certain common points of view; and whether their criticisms of Catholicism were original. In so doing it will be possible to link the various anti-papist attitudes to the different political beliefs.

The year 1678 was chosen as the first year of intense analysis because the Popish Plot and the attendant anti-papist hysteria occurred in the fall of this year. Since it is extremely difficult to date precisely when a pamphlet appeared, it has been necessary to use all the pamphlets which were written in this year. The year 1685 was chosen as the concluding date of the analysis because it was the year in which Charles II died. However, since he died in February of 1685, I have not included any tracts of this year in the analysis for they rightly belong to the reign of James II. Every attempt was made to read most of the tracts of the eighteen pamphleteers whose lives and ideas are examined below. The dates have been left in the old series. The first of the year has been taken to begin on 1 January rather than on 25 March. The spelling and punctuation have not been altered.

The Faculty of Graduate Studies and Research provided the financial assistance necessary to research and write this thesis during the summer of 1971 and 1972. The aid of the staff in the McLennan Library, the Rare Book Room and Inter Library Loan at McGill University was indispensable. I must also acknowledge the services of the staff of the

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I must express even greater gratitude to the people who aided in shaping the mass of crude material into a viable (and hopefully polished) thesis. To Peter McCaw I say thank you for spending many friendly hours discussing the politics and culture of Tudor and Stuart England. This discussion proved to be invaluable in formulating many of the ideas expressed below. To my wife Deborah as well as to Peter I express my thanks for proof reading the typescript and making several useful suggestions. I would also like to thank Professor Senior for his comments on the nature of pamphlet literature and the politics of the Restoration period. However my greatest debt is owed to my director Professor Maxwell.

FOOTNOTES TO THE PREFACE

[1]E.M.W. Tillyard, Milton, revised ed. (New York, 1967), pp. 102-103.

[2]D. Ogg, England in the Reign of Charles II (Oxford, [1934], 1936), V, 619.

[3]J.H. Plumb, "The Growth of the Electorate from 1660 to 1715", Past and Present, XLV (1969), p. 92, n. 4. J.R. Jones, The First Whigs (London, 1961), pp. 213-214, and G.P. Gooch, The History of the English Democratic Ideas in the Seventeenth Century (Cambridge, 1898), pp. 339, 358; L.I. Bredvold, The Intellectual Milieu of John Dryden (Ann Arbor, [1934], 1966), p. 143. Each suggest a link between the thought of the Interregnum and that of the Exclusion crisis, but none of them examine this link in extenso.

[4]See J.A. Williams, Catholic Recusancy in Wiltshire, 1660-1791 (Catholic Record Society, New Port, Mon., 1968) for a pioneering work in the field of recusant history.

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INTRODUCTION

THE CAUSES AND CONSEQUENCES OF ANTI-POPERY IN ENGLAND BEFORE 1678

In order to understand the politics of anti-popery during the period of 1678-1685 it is fundamental that previous governmental policies towards the Catholicsare known. This topic is vast and complicated. What will be herein undertaken is a brief analysis of the important penal laws and the reasons for their creation under Elizabeth and James. Surely such harsh laws did not arise out of personal prejudice, but rather out of the political threat which Catholicism posed to English sovereignty and the Protestant religion. Although the threat to English sovereignty waned after 1558, from time to time other than strategic factors influenced governments subsequently to pass new penal laws.

The origins of the penal laws lie in the fears of the political, religious and economic consequences of the re-imposition of the Catholic religion. Under Elizabeth the Catholics were persecuted because it was thought that their religious and political beliefs posed a threat to the government. With every attempt to subvert the government, the fear and hatred of Catholicism grew and additional laws were imposed. Contributing to these political and religious fears was the fear that the abbey lands would be reconfiscated.[1]

In order to control the threat from the Catholics Elizabeth passed several laws. In 1559 the Act of supremacy stipulated that any

person who maintained the pre-eminence of the Pope would be subject to Praemunire. It required that all those who held office or entered university should foreswear the Pope's spiritual and temporal authority and it imposed a fine of twelve pence per Sunday on those who failed to attend the parish Church.[2] In 1562 this Act was broadened to cover all the professions.[3]

As the Counter-Reformation was extended to England, the Queen and Parliament responded by passing a succession of Acts penalizing Catholics for not practicing the established religion. If they were absent from the services of the parish Church for four consecutive Sundays and, if the Churchwarden or the constable presented them for this offence at the local sessions of the peace, the Justices of the Peace could convict them of recusancy. Thereupon they were required to pay a fine of twenty pounds per month until they conformed or to forfeit two-thirds of their lands and goods, if they failed to pay this fine.[4] Catholics were also penalized for practicing their religion. For instance, in 1585 all priests were expelled from the realm and any priest who was apprehended thereafter could be convicted of high treason. Other laws fined Catholics who were found attending mass, sending aid to priests overseas or importing Catholic books and devotional articles into the realm.[5]

When James succeeded to the throne in 1603,the Catholics remained quiescent. Nonetheless, James passed an Act which confirmed the Elizabethan penal laws.[6] However certain members of the Catholic community once again threatened the government in 1605. As a result of

the Gunpowder Plot, more stringent laws were passed against them in 1605-1606. An oath of Allegiance forced Catholics to foreswear the Pope's right to depose kings and made them pledge their allegiance to James and his successors.[7] In order to counterbalance the threatened security of the government, a result of the assassination of Henry IV of France in 1610, this Act was extended to cover all persons over eighteen regardless of social status. Furthermore the Act of 1610 forced women recusants to pay their fines or go to prison. A man who had a recusant wife was required to pay a monthly fine of ten pounds or forfeit one-third of his estate and goods.[8]

Although numerous laws were passed against Catholics, the provisions of the laws were frequently ignored.[9] Under Elizabeth, when the threat to security was not grave, as during the period 1559 to 1603, the enforcement of the law was half-hearted.[10] Under James this policy of toleration was in general continued, particularly as he had no desire to obtain conformity by force.[11] Only after the Gunpowder Plot and the murder of Henry IV were the old penal laws enforced and was new anti-Catholic legislation passed.

The de facto toleration ended for the Catholics when the King and Parliament became embroiled in the marriage negotiations between James and the Spanish and French governments. James sought an alliance through the marriage of Prince Charles to the royal family in Spain and then to that in France. Anti-popery now became connected with the Parliamentary opposition's attack on James' pro-Catholic policy.[12] James had been forced to promise that he would suspend the penal laws as part of the

marriage contract. In order to show his good faith James suspended the laws in 1623, but the Parliamentary outcry was so great that he was forced to issue a proclamation which instructed the local officials to enforce the anti-papist laws.[13] Nonetheless James did succeed in marrying Charles to the French Catholic Princess Henrietta Maria.

Under Charles I a new reason for persecuting the Catholics arose. Although Charles was married to a Catholic, when he became King he did not suspend the penal laws. Instead, the laws were ordered to be enforced so that Parliament would grant him a money bill.[14] Later in his reign Charles also used the penal laws to collect money on his own account. Between 1629 and 1638 the annual revenue from this source was approximately £450,000.[15] Seemingly in contradiction between 1629 and 1637 the government did not issue any orders to the local officials to enforce the penal laws. Thus, despite the more efficient collection of recusancy fines, the practice of Catholicism became more open.

As the opposition to Charles drew to its climax, Charles was accused of favouring the Catholic religion and the Commons demanded strict enforcement of the penal laws.[16] Thus in 1637-1638 the government issued proclamations to this effect.[17] The anti-papist feeling became so intense in 1639-1640 that anti-papist riots broke out in Lodnon. In order to quell the disturbances Charles once again issued a proclamation to enforce the penal laws. Many wealthy Catholics sold their land and departed for the continent because they feared that Parliament would virtually annihilate the Catholic community.[18] The flights of Catholics only serves to highlight the intense anti-papist sentiment in 1640.

Even when there was an official desire to persecute Catholics, the governments often experienced difficulty at the county level in convincing the local officials of the importance of enforcing the penal laws.[19] The Catholic community was unevenly distributed; most Catholics lived in the northern counties like Lancaster, Durham, Northumberland, and Westmoreland and in certain parts of Wales, while to the west and south there were many parishes without a single Catholic family. The only exception to this pattern was London, which had a sizeable Catholic community, due to the foreign embassies of the Catholic states of Spain, Portugal and Venice.[20]

Although the Catholics in the south and west were isolated from those in the north and despite the shortage of priests, the Catholic community continued to survive. One reason for this was that Catholics maintained close social contacts with their Protestant neighbours.[21] Another reason was that many times a Catholic would conform while the remainder of his family would remain true to the old faith.[22] In this way he could keep his estate, escape payment of the fines due from other members of his family and consolidate the already close social ties to the Protestant community. These close ties hindered the effectiveness of the government's implementation of the penal laws.

From 1640 until the Protectorate this scattered and isolated community was considered by supporters of Parliament to be the real enemy of state. The anti-Catholic hysteria which broke out resulted in the severe persecution of the Catholics.[23] The laws against the priesthood were strictly enforced and prisons such as Newgate were filled

with them.[24] The Catholics were further harried by new laws passed by the Long Parliament. They were assessed special rates in order to pay for the cavalry or the defense of a given county.[25] Their arms were seized and their estates were sequestered.[26]

Of all the penalties that of sequestration was the most severe. It was imposed on anyone who opposed Parliament and, since most Catholics fought on the side of the King, it hurt them in particular.[27] In August 1643 Parliament made sequestration the penalty for anyone who refused the oath of abjuration. This oath forced an individual to renounce many of the distinguishing tenets of the Catholic faith.[28] Anyone could be required to take the oath and a certificate of a refusal signed by two Justices of the Peace was enough to enforce the sequestration of two-thirds of a man's lands and goods.[29] The previous procedure of indictment, conviction and distraint was replaced by the arbitrary process of accusation and conviction.

Under Cromwell the position of the Catholic community somewhat improved. With the disestablishment of the Church of England the Catholics could not be convicted for non-attendance. Thus the basis for the penal laws was nullified. Furthermore, Cromwell's second Parliament amended the arbitrary procedure by which a Catholic's land could be sequestered. Once per quarter the Justices of the Peace issued warrants to the local officials which instructed them to give the Justices the names of all the suspected papists in their parishes within fourteen days before the sessions. The Justices then issued warrants for the suspected papists to appear at the session and, if they failed to appear,

a proclamation was issued calling for them to appear at the next session. If they did not appear at that time, they could be found guilty and their estates could be sequestered.[30]

While Parliament and Cromwell were persecuting the Catholics, Charles was plotting to overthrow the republican government with their aid. His first abortive attempt to regain the throne occurred in 1652. Charles relied on the Catholics and their fellow Protestant royalists to aid him.[31] The rebellion collapsed and after the battle of Worcester Charles' life was saved by the local Catholic population, who assisted his escape to the continent. For this Charles felt deeply indebted.[32]

After Worcester Charles began to negotiate with the Catholic powers. An opportunity to cement an alliance with Spain arose when Spain broke relations with Cromwell in 1655 over the seizure of Jamaica. In April 1656 two treaties were signed by which the King of Spain agreed to lend Charles 6,000 soldiers as the nucleus of an invasion force in return for which Charles promised that, if he were restored to the throne, he would help the Spaniards against the Portuguese, return Jamaica and suspend the penal laws. Charles was later granted a pension from Spain to help him over his financial difficulties.[33]

Despite these close contacts with the Catholics and the fact that his mother was a Catholic and had converted his sister, Charles refused to embrace the faith in order to buy support from the Pope. His experience in England after the debacle at Worcester clearly indicated to him that the people would not submit to a Catholic king. Yet Charles

did not mind secretly committing himself to removing the disabilities of the Catholics in order to obtain the support of the Catholic states.[34] Charles' political acumen served him well, since the Spanish alliance was nullified by the Peace of the Pyrennes in 1659 and the Independent General Monk offered Charles the Crown. Thus the Catholics abroad and in England played no role in Charles' restoration. If he had declared himself a Catholic, Monk would have had great difficulty in imposing his decision on the political leaders despite his control over the army.

Before Charles departed for England he issued the declaration of Breda. According to the declaration he was willing to grant Dissenters and Catholics liberty of conscience so long as neither group disturbed the security of his government. Thus runs the portion of the declaration referring to the religious situation:

> ...and because the Passion and Uncharitableness of the Times have produced several Opinions in Religion by which men are engaged in Parties and Animosities against each other, which when they shall hereafter unite in a freedom of conversation will be composed, or better understood, we do declare a liberty to tender Consciences; and that no man shall be disquieted or called in question for Differences of Opinion in Matters of Religion which do not disturb the Peace of the Kingdom, and that we shall be ready to consent to such an Act of Parliament, as upon mature Deliberation, shall be offered to us for the full granting that Indulgence.[35]

The significance of this statement is that Charles not only wanted to grant universal toleration, but also expected the aid of Parliament in doing so. He did not state that the King's prerogative permitted him

to suspend the penal laws. From his later actions in this respect it is apparent that Charles took this approach because he was not yet King of England and still had to rely on Parliamentary support to regain his throne.

When he became King, his chief advisers, Hyde and the bishops, as well as the Puritans, although they differed on the question of toleration for the Dissenters, were firmly united in their opposition to any toleration for the Roman Catholics. Hyde was a staunch supporter of the Church of England and would never consent to any actions which would lessen its authority.[36] Bishops such as Morley, Bramhall and Cosin had written against Catholics while they were in exile and were unwilling to grant its adherents any toleration.[37] The attitude of the Presbyterians towards the Catholics was well illustrated in a petition presented to Charles in July 1660 in which they asked for toleration for themselves, but explicitly stated that they opposed the like for the Catholics.[38] Charles' reply to the petition clearly indicates that he had not changed his opinion in the face of this opposition. He stated that

> Charity is the best token of religion and loyalty of good subjects, both have I tested in the Catholics and hence I see no reason to molest them provided they live peacefully and in conformity with my laws.[39]

The attitude of these men and Parliament played a decisive role in determining the structure of the re-established Church of England.[40] Throughout the various conferences with the Puritans, such as at Savoy, the King's desire for toleration was defeated.[41] The crowning success

of Clarendon's policy of persecution was the Act of Uniformity in 1662.

The die was cast. Charles wanted some degree of toleration while the Bishops and Clarendon along with the Anglican Parliament staunchly defended the prerogatives of the established church. This conflict of interest played an ever more important role in driving a wedge between King and Parliament between 1662 and 1678. The first instance of this conflict arose soon after the Act of Uniformity had been passed. Charles' declaration of Indulgence of 1662 was an attempt by him to achieve his aim by means of using his prerogative to dispense with the penal laws and the Act of Uniformity. The policy was supported by the Lord Chancellor of the Exchequer, Ashley, the future Earl of Shaftesbury, the Earl of Bristol, Lord Robartes and Sir Henry Bennet, the future Lord Arlington. Ashley and Robartes sympathized with the Presbyterians' demands for toleration while Bristol was a Catholic and Arlington was a staunch royalist.[42] However Charles lost the support of the Dissenters when he stated that the Indulgence was intended to aid the Catholics.[43]

When Parliament met in February 1663, it offered strenuous objections to the Indulgence.[44] It attacked it on political grounds and argued that if toleration was granted, anyone could separate from the Church of England which would face increasing difficulties in defending itself. It would also lead to divisions in society which would inevitably cause the destruction of the government, as it had in 1639-40.[45] The House of Commons refused to give Charles the subsidy which he desperately needed until he had withdrawn the Indulgence. It also petitioned for

the enforcement of the penal laws in order to prevent the growth of popery.[46] This petition was only partially fulfilled when the government issued a proclamation to banish the priests.[47] Only after Charles had called the Commons to Whitehall could he convince them of his loyalty to the Protestant Interest.[48] Thus in June 1663 the Cavalier Parliament finally granted Charles the subsidies.

This first struggle between King and Parliament set the stage for a far more portentous conflict in 1672-1674. It will be shown that, just as in 1663, Charles was willing to sacrifice the Catholics when it was financially and politically expedient to do so. This second struggle began with the dismissal of Clarendon in 1667 and culminated in the Test Act of 1674. Charles relied on a group of ministers, who later became known as the Cabal, to implement his policy. Clifford and Arlington were staunch royalists and had leanings towards Catholicism. Buckingham and Ashley relied upon the Presbyterians for their political support, while Lauderdale was a High Church Anglican and a staunch royalist.[49] Charles realized that in order to grant the Catholics and Dissenters a degree of toleration he would have to rule without the financial support of Parliament. Thus he turned to France for aid and the secret negotiations began in 1668-69. In order to enhance his position as a valuable ally to France, Charles negotiated the Triple Alliance with Protestant Holland and Sweden. This treaty gained the support of Buckingham and Ashley and also had the desired effect on French policy for in 1670 the Treaty of Dover was signed.[50]

The treaty stipulated that England was to declare war on Holland in support of France and that Charles was to announce his conversion to

Catholicism. In return, France was to supplement Charles' income with subsidies.[51] For the general public Charles negotiated the traité simulé from which the Catholicity clause was omitted. In this way he gained the support of Buckingham and Shaftesbury as well as Lauderdale[52] and thereby convinced Parliament to supplement the small French subsidies with additional funds for the navy.[53]

While the negotiations were underway, the penal laws were not enforced. This is well illustrated by a report by Sir George Downing in June 1671. The Secretary of the Treasury had asked for a list to be compiled of all recusants whose convictions were then outstanding. In forwarding the lists in August Downing attached his own analysis of the situation. He stated that none of the Catholic nobility was mentioned, except the Duke of Bristol, whose conviction had been legally discharged by a plea of conformity. Very few of the "considerable Gentry in England" were included; many of the commoners might have been Dissenters. Furthermore, Downing reported that the number of Catholics in those counties from whence no convictions were reported might at least "equal if not exceed the number of those certified." He concluded that "without question, a considerable sum might be raised by putting these laws into execution."[54] This analysis clearly indicates that not only had the penal laws not been enforced, but that the recusants had not been forced to pay their fines during the period in which Charles was laying the groundwork for his Grand Design.

Members of Parliament were just as aware of the non-enforcement of the penal laws and when Charles was forced to call Parliament on

14 February, 1670, they complained of the growth of popery.[55] Sir T. Meres, in a debate on the Conventicle Act of 1670, stated that, "The Gentleman would have the same penalty upon the conventicles as upon the papists, which is just none at all."[56] This statement introduced the problem of the non-enforcement of the penal laws which the Commons sought to remedy in a bill for the "more easy and speedy Conviction of Popish Recusants". However, before the Commons could debate the bill it was prorogued to 24 October and then to 10 March, 1671.[57]

When Parliament reconvened in March, Charles once again pleaded with them for supplies. The Commons ignored his plea and proceeded to consider the question of the growth of popery. It drew up a list of nine complaints against the various local officials who had failed to prosecute or convict the recusants and against the Exchequer which had not estreated many convictions. It also proposed six measures which they considered to be sufficient to remedy the situation. Both the complaints and remedies were presented to Charles in the form of a petition with which the Lords had concurred.[58]

Charles' reply to the petition was very conciliatory. He stated:

> "I will take care of all these things; proclamations are to be issued against Priests; I shall cause judges, and all other officers to put the laws against the Papists in execution, and all other things that may conduce to the Prevention of the Growth of Popery."[59]

The proclamations were issued,[60] but to indicate his displeasure with Parliament, Charles prorogued it until 16 April, 1671, at which time he

received his much needed supply bill.[61]

The proclamations were nullified by the declaration of Indulgence of 1672. In the face of such a strong anti-papist feeling in Parliament Charles realized that he could not fulfill the Catholicity clause in the Treaty of Dover. A compromise was reached between the obligations to France and the Catholics and the political considerations necessary for Charles to retain his throne. The decision to issue the declaration was made at a series of meetings of the committee of foreign affairs in the Privy Council in early March 1672. The committee was comprised of Charles, James, Prince Rupert, Lords Arlington, Ashley, Clifford and Lauderdale. During the debate Charles asked "Whether he had the power to grant liberty in matters etc." to which Lauderdale replied, "You are supream gov.[ernor]" and Clifford said, "You can not alter it [the law], but dispense with it."[62] A week later the committee considered the final form of the declaration and Charles ordered it to be brought before the Privy Council. The next day the Privy Council ordered it to be printed and published.[63]

The declaration appeared on 15 March and granted the Dissenters freedom of worship. Their preachers were required to obtain a license from the government before they began to preach in public. The Catholics were granted the right to worship in private. The declaration also suspended the penal laws.[64] A few days before this Charles had declared war on Holland and thus fulfilled the first part of the secret Treaty of Dover.

By the winter of 1672 the course of the war had gone against

England. The Treasury was quickly running out of money.[65] Charles was forced to summon Parliament, which met on 4 February, 1673. The debate centred on the Indulgence and the growth of popery in England, for during the prorogation it had been learned that James had secretly converted to Catholicism and that Charles had signed a treaty with France which would enable him to rule without Parliament.[66] Added to this was the opposition to the Indulgence by the episcopacy. Archbishop Sheldon and the Bishop of London had instructed the clergy to preach against popery and to set before their congregations the Church of England's position with regard to Catholicism.[67] The Dissenters were also opposed to the Indulgence because it had granted the papists a limited toleration. As Colbert remarked to Louis XIV, the indulgence of Catholics "had strongly irritated all the other Religions against the Government."[68]

Parliament's attack on Charles' policy centred on the constitutional implications of his indulgence. Charles had taken upon himself the right to dispense with legislation which Parliament had passed. Although this was done only in matters ecclesiastical, the suspension of the penal laws meant that the King considered himself to be above the law. If this were true, it would not be difficult for him to suspend other legislation, and thereby establish an absolute monarchy.[69] The idea that all legislation must be passed by King in Parliament was the political belief on which the opposition in Parliament based its attack on the Indulgence. Thus on 10 February, 1673 it informed Charles that:

> we find ourselves bound in duty to inform your Majesty that penal statutes, in matters Ecclesiastical, cannot be suspended but by act of Parliament. We ... therefore humbly beseech your Majesty, that the said laws may have their free force, until it shall be otherwise provided for by act of Parliament....[70]

In order to secure its own constitutional position and to prevent the growth of popery in positions of influence, Parliament proceeded to debate a bill which became known as the Test Act when it was passed. The bill would force all office holders to take the oaths of Supremacy and Allegiance, receive the Sacraments according to the practice of the Church of England and take a new oath which forced an individual to foreswear any belief in transubstantiation.[71] In the face of this stringent opposition Charles deemed it politically and financially expedient to withdraw the Indulgence and acquiesce in the new anti-papist legislation. On 7 March it was withdrawn and on 29 March both the royal supply bill and the anti-papist bill were passed by Parliament and signed by Charles.[72] Parliament was then prorogued until October, 1673.

The short term effect of the withdrawal of the Indulgence and the creation of the Test Act was that it heightened the fear of popery which pervaded the society. The implementation of the Test Act resulted in the resignation of James from his post and several other persons in influential positions, which only added to the fearful speculation that England had been on the verge of being ruled by papists.[73] Thus during the summer of 1673 "the whole towne of York do nothing but pretend to jealousyes of ye growth of Popery, and have the strangest reports from divers parts of Wales of their numerous meetings and nightly

trainings and furnishing themselves with arms, etc...."[74] Another person noted that "the people continue their aversiveness to Popery, and dayly comes pamphlets and bookes against it."[75]

The proposed marriage of James to Mary of Modena only added to the fear of popery. As Robert Yard wrote to Williamson, Arlington's protege:

> "I dare not tell your Excellency the discourse of the Towne hereupon, and it seems they are still dissatisfied with all that is done; but a Prince in Italy, to the thinking of the ordinary people, is too near the Holy See of Rome, and a marriage proposed and concluded by the French cannot be good."[76]

The people looked to Parliament to prevent the marriage which, coupled with James' refusal to take the Test, would almost guarantee that England would have a Catholic King after Charles died. As Henry Ball reported, "October being now in view, they begin to talke of the meeting of Parliament, what dire things that must then be done against the Roman Catholiques."[77]

When Parliament met in October, it considered two issues. The first concerned the marriage of James to Mary of Modena. It wanted to stop the marriage before it reached the point of consummation. To this end it petitioned Charles, but to no avail.[78] The second issue to be considered was the French alliance, which Parliament wanted severed. It feared that Charles would attempt to establish arbitrary government with the aid of the French. Two further points of contention were the opposition's attack on Charles' advisers and the standing army by which, it was feared, arbitrary government would be established. These were the focal points of debate.[79]

The heightened hostility of Parliament and the great fear of popery which pervaded the country forced Charles to abandon his policy of toleration. This was the first long term effect of the withdrawal of the Indulgence and the passage of the Test Act. This shift in policy was noted in a letter from the Earl of Conway to Lord Essex, wherein it was disclosed that "the King and Duke were resolved to keep up Parliament, to raise the old Cavaliers and the Church party and to sacrifice the Papists and Presbyterians."[80] The first public indication of the shift from toleration to persecution came in November, 1673 when he banished all Roman Catholics from his court and ordered the enforcement of the penal laws.[81] Similar orders were issued on 14 January, 1674 as well as in March and June of that year.[82] In February 1675 a long proclamation was issued which was based upon a report of the bishops who had recommended that the penal laws be strictly enforced and summarized them for the local officials. The latter also received special letters from the Privy Council that same month instructing them to list all Catholics of quality who had not been convicted of recusancy.[83]

With the proclamations as supporting evidence Charles could address Parliament when it reconvened in April, 1675 with the following statement:

> "I have done as much as on my part was possible to extinguish the Fears and Jealousies of Popery, and will leave nothing undone that may shew the world my zeal for the Protestant Religion as it is established in the Church of England, from which I will never depart."[84]

In order to convince Parliament of his sincerity he persuaded James to

marry his daughter Mary to the Protestant William of Orange in 1677.

The shift in policy from toleration to persecution also necessitated change in ministers. This was the second long term effect of abandonment of the policy of toleration. In November 1673 Sir Thomas Osborne, the future Earl of Danby, joined James as Charles' chief adviser. The accession of Danby to power marked a turning point in the relationship between King and Parliament. Charles had decided to rule with the aid of the Cavalier Parliament which he had to control.[85] Thus Danby built up a considerable following in the Commons by means of bribery and Charles was thereby able to control the Commons until 1678.[86]

In order to change his religious policy and to make way for Danby Charles was forced to dismiss Buckingham and Shaftesbury. Neither man supported the marriage of James to Mary of Modena and they both opposed the idea of a Catholic prince being heir apparent. This gave Charles another excuse to dismiss them since he could not permit his advisers to be opposed to his brother, who was with Danby Charles' chief adviser.[87] Thus Buckingham and Shaftesbury joined the opposition which was a "relatively loose and informal political grouping" composed of members such as Sir William Coventry, Sir Thomas Meres, Lord Cavendish, William Russell, Sacheverell, Thomas Powle, and several others.[88] These men did not trust Charles' professed loyalty to the Protestant religion and from 1674 to 1678 attacked the government for not only its secret leanings to popery, but also for contemplating the establishment of arbitrary government in England.

The opposition carried on its attack against the government outside the halls of Parliament as well. Many pamphlets were published and distributed to various bookshops to which, it was reported, "young lawyers of both the Temples and the other Inns of Court ... ill-affected citizens of all sorts ... ill affected gentry and emissaries and agents of the several parties and factions about town" resorted. These people, the informant continued, "take care to communicate them by letter all over the kingdome, and by conversation throughout the City and suburbs."[90]

The most famous of all the opposition tracts of this period was Andrew Marvel's The Growth of Popery and Arbitrary Government in England 1675-1677. The tract described the breakdown of relations between King and Parliament during the previous twleve years and cogently stated the opposition's attack on the religious, domestic and foreign policies of Charles.[91] However the main point of the tract is very similar to the arguments advanced by Parliament when it protested the Indulgence of 1672. Marvel argued that the King's prerogative was determined by the law. He wrote that:

> ... the very meanest Commoner of England is represented in Parliament, and is a party to those laws by which the Prince is sworn to Govern himself and his people .... His very prerogative is no more than what the Law was determined.[92]

Thus the opposition and Marvel intimated that Parliament should at least have the right to advise Charles on matters of domestic and foreign policy. Just as Parliament did not permit Charles to abrogate the penal laws in 1662 and 1663 by means of his prerogative, Marvel wanted other

spheres of government policy to come within the purview of Parliament.[93] However in 1677 and 1678 the opposition did not possess the necessary votes within the Commons to begin to pressure Charles into accepting their point of view, for Danby still controlled the lower house.

Considerable distrust among many of the gentry and lawyers had built up against Charles by the devious tactics which he used to obtain toleration. Underlying the distrust were conflicting attitudes between the King and the opposition over the powers of the royal prerogative. The King and his supporters argued that the King's prerogative was supreme, that it was above the law, while the opposition in Parliament firmly believed that the royal prerogative was limited by law. By 1678 no compromise had been reached between these conflicting views.

The scapegoat for both the crown and opposition was the Catholic minority. From the days of Elizabeth they had been persecuted out of the fear of the consequences of the re-establishment of Catholicism in England. However under James I and his son Charles I anti-popery had become intertwined with the constitutional debate between King and Parliament and during both reigns the government had been forced to implement the penal laws in order to prove its innocence from the charge of being sympathetic to the Catholics. A further motive became apparent under Charles I when he enforced the penal laws in order to supplement his meagre revenue.

Under Charles II many of the same motives underaly the enforcement of the penal laws despite his professed desire to grant them a degree of toleration. It proved to be politically and financially expedient to

persecute the Catholics after the opposition in the house of Commons made it clear that they would not grant him money until the Indulgences were withdrawn and the penal laws enforced. Charles preferred being an unscrupulous King to being an idealistic exile.

The defeat of the Indulgence by Parliament in 1673 added a complicating factor to the constitutional conflict. In shifting from a policy of toleration to one of persecution Charles was forced to change ministers. Shaftesbury and Buckingham were now in opposition to his new advisers, Danby, the bishops and James. Thus factional politics became an important factor in the conflict between King and Parliament.

After the passage of the Test Act, the fear of the establishment of popery in England became an ever prevalent issue. It was intertwined with the clash between the King and Parliament over differing interpretations of the powers of the royal prerogative and the factional politics between Danby, James and Shaftesbury and the opposition. At the centre of the problem was James' Catholicism. However much the government tried to prove its loyalty to the Protestant religion by issuing proclamations against the Catholics, it could not deny that a Catholic was one of Charles' first advisers and, what was more important, that he was the heir apparent.

FOOTNOTES TO THE INTRODUCTION

[1]W.K. Jordan, The Development of Religious Toleration in England (London, 1932-1938), I, 21, 174.

[2]The Statutes at Large, ed. D. Pickering (Cambridge, 1762-1807), VI, 111-113, 120. Hereafter cited as Statutes at Large and volume. The sentence of Praemunire, 16 Rich. II, Cap. 1, imposed the penalties of loss the King's protection, forfeiture of all lands and goods and imprisonment during the King's pleasure. London Sessions Records, 1605-1685, ed. H. Bowler (Catholic Record Society, XXIV, London, 1954), p. xii, hereafter cited as London.

[3]Statutes at Large, VI, 152, 155.

[4]Ibid., pp. 332-336, 394-396.

[5]Ibid., pp. 258-260, 332-333, 349-353.

[6]Statutes of the Realm [to 1713], ed. T.E. Tomlins et al. (London, 1810-1828), IV, Part II, 1020-1022; hereafter cited as Statutes of the Realm.

[7]Ibid., pp. 1070-1077.

[8]Ibid., pp. 1162-1164; Jordan, II, 85.

[9]For a definition of the legal terms such as "estreat a fine" as well as for the procedure of convicting a recusant see M. Catherine, "Explanation of the Law Terms in the Essex Quarter Sessions Rolls", Essex Recusant, VII, 1 (April, 1956), 24-35.

[10]W.R. Trimble, The Catholic Laity in Elizabethan England (Cambridge, Mass., 1961), p. 240; P. McGrath, Papists and Puritans under Elizabeth (London, 1967), pp. 198, 295-297; M.J. Havran, The Catholics in Caroline England (Stanford, 1967), p. 12.

[11]McGrath, p. 397; Havran, p. 12; M.D. Leys, Catholics in England, 1559-1829 (London, 1961), p. 63; Nottinghamshire County Records of the Seventeenth Century, ed. H.H. Copnal, (Nottingham, 1915), p. 132 indicates how the number of Catholics who were convicted of recusancy fluctuated during James' reign. Hereafter cited as Nottinghamshire.

[12]Jordan, II, 92.

[13]Havran, pp. 20, 21, 35, Jordan, II, 99-119.

[14]Jordan, II, 172-173.

[15]Havran, pp. 91-99. However, Jordan presents other statistics based upon what he admits are incomplete returns to the treasury. He argues that during this period the Catholics were not heavily burdened by fines since the total annual revenue fluctuated between £200 and £32,000. Jordan, II, 185.

[16]B. Magee, The English Recusants (London, 1938), p. 198.

[17]Jordan, II, 197; Havran, p. 156.

[18]Jordan, II, 198.

[19]Havran, p. 104.

[20]Trimble, pp. 166-167; R.B. Manning, "Catholics and Local Office Holding in Sussex", Institute of Historical Research, XXXV (1962), 47-61; A. Dures, "The Distribution of Catholic Recusants in London and Middlesex, 1580-1629", Essex Recusant, X, 2 (August, 1968), 65-78.

[21]Trimble, pp. 163, 235.

[22]Ibid., p. 163.

[23]Leys, p. 89; G. Oliver, Collections Illustrating the History of the Catholic Religion in the Counties of Cornwall, Devon, Dorset, Somerset, Wiltshire and Gloucester (London, 1857), pp. 10-11.

[24]Leys, p. 85.

[25]Acts and Ordinances of the Interregnum, 1642-1660, ed. C.H. Firth and R.S. Rait (London, 1911), I, 75, 118; hereafter cited as Acts and Ordinances.

[26]Ibid., pp. 84, 127; II, 1293, 1311, 1321.

[27]P. Carman, The Years of Seige (London, 1966), p. 148.

[28]London, XIV - XVI.

[29]Acts and Ordinances, I, 107, 255, 1179-1184.

[30]London, lxvi; for examples of how the Catholics managed to survive during the Interregnum see J.A. Williams, Catholic Recusancy in Wiltshire 1660-1791 (Newport, Monmouth, 1968), pp. 185, 224.

[31]M. Ashley, Charles II: Man and Statesman (New York, 1971), p. 25

[32]Ibid., p. 53.

[33]Ashley, pp. 76-78; F.J. Routledge, "The Negotiations between Charles II and The Cardinal de Retz, 1658-1659", Translations of the Royal Historical Society, 5th series, VI (1956), pp. 52-53.

[34]Ashley, p. 89.

[35]F. Bate, The Declaration of Indulgence, 1672: A Study in the Rise of Organized Dissent (London, 1908), pp. 5-6.

[36]Bosher, The Making of the Restoration Settlement (Westminster, 1951), pp. 144, 149; Bate, p. 5; Ashley, p. 129; Calendar of State Papers Venetian, 1661-1675 (London, 1932-1947), 1661-1664, 85-86; hereafter cited as CSPV and year.

[37]Bosher, pp. 63, 64-65, 66.

[38]Ibid., pp. 187-88, No. 5.

[39]Cited in Ibid., p. 188.

[40]D.T. Witcombe, Charles II and the Cavalier House of Commons (New York, 1966), p. 22; Bosher, pp. 146, 171-72.

[41]Ibid., pp. 226-30.

[42]M. Lee, The Cabal (Urbana, Ill., 1965), p. 12.

[43]Ibid., p. 13.

[44]Witcombe, p. 10.

[45]CSPV, 1661-1664, 235, 237, 262; Bate, p. 38.

[46]W. Cobbett ed., Parliamentary History of England (London, 1808-1820), IV, 262-265; Journal of the House of Lords, XII, 500-501; hereafter cited as JL and volume.

[47]R. Steele, ed., A Bibliography of Royal Proclamations of the Tudor and Stuart Sovereigns (Oxford, 1910), I, 408.

[48]Witcombe, pp. 11-12; Cobbett, IV, 226.

[49]Bate, pp. 56-57.

[50]Lee, p. 95; Haley, William of Orange and the English Opposition 1672-1674 (Oxford, 1953), p. 3; A. Bryant, King Charles II (London, 1932) pp. 210-211.

[51]Haley, p. 30; Ashley, pp. 167-168.

[52]Lee, p. 112; Haley, p. 7.

[53]Ashley, p. 171.

[54]J.L. Gillow, J.S. Hanson, eds., A List of Convicted Recusants in the Reign of King Charles II (Catholic Record Society, VI, 1909), pp. 76-77.

[55]CSPV, 1669-1670, 169; 1671-1672, 22, 25, 27, 29, 34.

[56]Cobbett, IV, 444.

[57]Ibid., pp. 446, 476.

[58]Journal of the House of Lords, XII, 451; hereafter cited as LJ and volume. Estreat: This term was used to denote a true copy or note of some original document, especially of fines, imposed on the rolls of a court to be issued by the bailiff or other official. Justices, Commissioners, etc., had to deliver their estreat into the Exchequer twice a year, on penalty of £50. Catherine, p. 28.

[59]Cobbett, IV, 479.

[60]Steele, I, 428.

[61]Cobbett, IV, 495-496.

[62]Cited in E.R. Turner, The Cabinet Council of England in the Seventeenth and Eighteenth Centuries (Baltimore, 1930), I, 86-87.

[63]Ibid., p. 89.

[64]Bate, p. 78; Cobbett, IV, 515-16.

[65]Bate, p. 106.

[66]H. Luccock, The Bishops in the Tower (London, 1887) pp. 68-69, 71.

[67]Bate, p. 85.

[68]Cited in Ashley, p. 183.

[69]Bate, p. 84.

[70]Cobbett, IV, 527.

[71]Ibid., pp. 564, V, 63.

[72]Witcombe, p. 139; Haley, p. 106.

[73]Lucock, p. 80; Haley, p. 106.

[74]W.D. Christie, Letters Addressed to Sir Joseph Williamson, ed., (Cambden Society, new series, VIII, 1674).

[75]Ibid., p. 28.

[76]Ibid., p. 143.

[77]Ibid., p. 145.

[78]Cobbett, IV, 594; CSPV, 1673-1675, 161, 169.

[79]Cobbett, IV, 591, 602, 613.

[80]Cited in Ashley, p. 200.

[81]Steele, I, 433.

[82]Ibid., p. 434; CSPV, 1673-1675, 201, 239, 268.

[83]Calendar of State Papers, Domestic Series 1672-1684/1685 (London, 1901-1938), 1673-1675, pp. 548, 548-551; hereafter cited as CSPD; HMC, Report 3, Appendix, The Manuscripts of Sir Philip de Malpas Grey-Egerton (London, 1872), p. 245; hereafter cited as HMC, Grey-Egerton; HMC, Report 8, Appendix, Part I, The Manuscripts of the Corporation of the City of Chester (London, 1881), p. 390. For the results of the proclamations see Calendar of Treasury Books, 1672-1685 (London, 1909-1916), 1672-1675, 694-696; hereafter cited as CTB and year.

[84]Cobbett, IV, 673.

[85]Haley, p. 144.

[86]Lee, p. 254; A. Browning, Thomas Osborne, Earl of Danby and Duke of Leeds 1632-1712 (Glasgow, 1944-1951), I, 121.

[87]Lee, pp. 222-23, 232; K.H. Haley, The First Earl of Shaftesbury (Oxford, 1968), pp. 346-7.

[88]Haley, Shaftesbury, p. 350.

[89]Bryant, pp. 334-35; Haley, William of Orange, p. 160.

[90]Browning, III, 2-3.

[91][A. Marvel], The Growth of Popery and Arbitrary Government in England 1675-1677 (Amsterdam, 1677), pp. 15, 94, 115. See also P. Legouis, Andrew Marvel (Oxford, 1965) pp. 150-158 and J.M. Wallace, Destiny his Choice: The Loyalism of Andrew Marvel (Cambridge, 1966) p. 212.

[92]Marvel, p. 3.

[93]Ibid., p. 127.

CHAPTER I

THE POLITICS OF ANTI-POPERY 1678-1685

In 1780 Joseph Berrington commented on the absence of any references to Catholics in any of the chronicles and secondary works on the period 1678 to 1685. He complained that:

> It was necessary to read much, but I could collect little. Catholics, for many years back had made too inconsiderable a figure in the drama of human life, to attract the notice of the analist or the historian.[1]

Berrington had read Clarendon, Burnet and Hume in order to trace the history of Catholics in England. Since his day the situation has not changed significantly. The most important works cover the major political events of the period, such as the Popish Plot, the Exclusion Crisis, the elections to the Parliaments and the Royalist Reaction, which began in 1681 and lasted until the end of Charles' reign.[2] Some historians have just begun to consider the question of the Dissenters during this period.[3] However, they have neglected to analyse the actions which the government and Parliament took against the Catholic community.

What accounts there are of the effects of the Popish Plot and the Exclusion Crisis on the Catholic community emphasize the violence of the people against the Catholics. They relate the number of priests and laymen who were executed and the large number of imprisonments which occurred.[4] Historians have failed to consider the anti-papist bills

which were introduced into Parliament and the reasons why they never became law. They have also neglected to examine the reasons why the government issued anti-papist proclamations. Each of these problems is considered below in the light of the wider political and constitutional issues of the day. In this way it is possible to discern how anti-popery was manipulated by opposing factions to defend their positions.

Although the events comprising the Popish Plot have been related in all the standard accounts of the period, it is still necessary to summarize the Plot, since it led directly to an outbreak of anti-papist hysteria. On 13 August, 1678 Charles learned from Israel Tongue that a group of Jesuits were conspiring to kill him. Charles, James and others, who were in contact with the Catholics, realized that the story was a complete fabrication.[5] Thus Charles did nothing to encourage the investigation of the Plot which he entrusted to Danby.

Danby realized that the Plot presented him with an incident which was popular enough to draw Parliament's attention away from his administration. Furthermore, it could be manipulated in such a way as to rally support around himself and the King.[6] Danby's ally, the Duke of York, also wanted to use the Plot for political purposes. He wanted to prove that the Plot was completely false and thereby demonstrate the loyalty of the Catholic community.[7] Hence the Plot was kept alive by these two men who were working at cross-purposes.

On 6 September Titus Oates, Tongue's fellow conspirator, swore before Sir Edmundberry Godfrey, J.P., that everything which Tongue had related was true. Both Danby and James took note of this testimony and

on 26 September they called Oates before the Privy Council. Here James proved to his own and Charles' satisfaction that Oates was a liar. However, instead of imprisoning Oates immediately, Charles left the room and permitted the Privy Council to continue the examination. Oates was then able to convince the Anglican members of the Council, who did not have any private knowledge of the activities of the Catholic community, that there was indeed a threat to the King's life.[8] They were so impressed by his testimony that the next day the Council continued to meet long after dark and dispatched warrants for the arrest of certain Jesuits.[9]

To people whose minds had been already aroused by Oates' tale, the Plot seemed to be substantiated by two other events. The Privy Council had given Oates permission to seize any persons whom he suspected were involved in the Plot. On 29 September he implicated Edward Coleman, who had been James' secretary. Papers, which Coleman had failed to burn, were seized. They revealed a plot between Coleman and Louis XIV's confessor to establish the Catholic religion in England. On 17 October it was discovered that Sir Edmundberry Godfrey had been murdered. The papists were accused of attempting to undermine the investigation of the Plot by assassinating the Justice of the Peace before whom Oates had first testified.[10] These two events provided tangible evidence of the existence of a Popish Plot to assassinate the King and establish the Catholic religion in England.

A great fear of popery swept across the Kingdom. The rumours of the popish threat to the Kingdom which circulated freely are one

indication of this fear. For instance, it was reported that 40,000 black bills had been given to the Irish papists who would soon rise 35,000 strong.[11] Other people recalled the cruel massacres by the papists in Paris and Ireland. This fear of the papists caused Sir Nathaniel Herne, Governor of the East India Company, to contemplate sending his wife and children out of London, where the papist threat was the greatest.[12] These rumours were a sign as well as a cause of the great fear of popery.

Both Sir Robert Southwell and Henry Coventry felt sure that the papists would "feel the weight of Public indignation."[13] The discussions in the Privy Council bear out this comment. The Council continued to meet daily and, two days after Oates had convinced the councillors of the veracity of the Plot, it considered disarming the papists, expelling priests from the realm, banishing all other papists from the court and London as well as stringently enforcing the penal laws.[14] The only action taken as a precautionary measure was that on 1 October Charles ordered letters to be sent to the Lords Lieutenant to disarm the papists.[15]

Surprisingly no further action was taken against the Catholics until after Parliament met on 21 October. Therefore, before examining the government's anti-papist proclamations, it is necessary to analyse the Cavalier Parliament's attitude to the Plot and the steps which it considered to be necessary to save the Kingdom from popery. Both Houses of Parliament established committees to investigate the Plot.[16] By 31 October the House of Commons had examined sufficient evidence to make

the following statement with which the Lords had concurred;

> ... there hath been, and still is, a damnable and hellish Plot contrived and carried on by the Popish Recusants, for the assassinating and murdering the King; and for subverting the Government; and rooting out and destroying the Protestant Religion.

The Commons, the statement continued, wanted to provide remedies for the preservation of the King's person, the government and the Protestant Religion.[17]

Even before the Commons had issued this general statement, Parliament had introduced a bill to protect the King's person. The bill was entitled, an "Act for the more effectual preserving the King's Person and Government by disabling the Papists from sitting in either House of Parliament." According to this bill, which was sent to the House of Lords on 28 October, all members who refused to swear the oaths of Allegiance and Supremacy as well as a new Test could not sit in Parliament. The Test was a declaration which forced the individual who took it to renounce transubstantiation, the mass, the invocation of Saints and the adoration of the Virgin Mary.[18]

While the Commons was awaiting the concurrence of the House of Lords in this bill, it debated other remedies to save the Kingdom from popery. This gave Shaftesbury's supporters a chance to commence their attack on Danby and the crown. Shaftesbury had been looking for an issue to mobilize popular support. He wanted to use the Plot to gain control of the Commons and then force the Lords and the King to follow his policy of excluding James from the succession. The attack on James

was the most extreme part of the anti-government policy which the opposition had formulated during the period 1673-1677. Shaftesbury distrusted James because he was a Catholic and a firm believer in divine right monarchy.[19]

The first mention of the question of excluding James arose during a debate on 4 November. It was proposed that James withdraw from the King's presence. During the debate, William Sacheverell, a leading member of the opposition and a close ally of Shaftesbury, hinted at the possibility of Parliament excluding the Duke of York from the succession.[20] This was the first sign that the opposition planned to turn the anti-papist hysteria to its own ends. The idea of exclusion undermined the concept of the divine right of Kings, one of whose prime precepts was that a Prince was selected by God and not elected by his people.

It is not suprising then that when Charles replied to the question of exclusion on 9 November, he stated he would permit Parliament to pass any reasonable laws limiting the prerogative of a Popish Successor, but he would not permit "to impeach the Right of Succession".[21] Let it here be noted that this scheme of limitations was not put forth in good faith, but rather as a means of diverting the opposition from its extreme policy. Some time later the Prince of Orange wrote to Secretary Jenkins, "The assurance which you give me on the King's part, that the King will not consent to the limitations of the royal authority, comforts me much."[22] That same day Sacheverell proposed that the Commons debate the King's scheme of limitations and in so doing he queried whether the laws of England would be safe under a Popish Prince.[23] In other words, the King's tactic of diversion had not distracted Sacheverell from his policy, but it did indicate to the rest of the

Commons that Charles would not favour any debate on the question of exclusion. Hence, consideration of this matter was postponed until 11 November and then to 22 November.

On 21 November the House of Lords returned the bill to expel the Catholics from Parliament. It had been amended at the special request of the Duke of York, as to exempt him from its provisions. At this juncture Danby decided to muster all his strength so that the amended bill would pass the vote in the Commons.[24] Hence, when the Commons debated the bill, speaker after speaker rose to defend the amendment. Sir Edward Jennings was one of these speakers. He argued that:

> It is not removing Popish Lords out of the House, nor banishing Priests and Jesuits, nor removing the Duke from the King; but it must be removing the Papists from the Nation. As long as such a body of men are here, you must never expect that the Pope with his Congregation de propaganda fide, will let you be at rest. Till you do that, you do nothing; when that is done, you need not trouble yourselves with the succession .... You may endanger the Nation by this difficult point of removing the Duke out of the Lords' House ....[25]

Arguments like these,[26] emphasizing the need to proceed against popery and not dividing the Kingdom over a constitutional struggle about succession, rallied the necessary votes to pass the bill as amended 158-156.[27]

The second Test Act was the only bill which Parliament passed against the Catholics, though it was not the only bill which it considered. The reason for the failure of these bills to become law

will be traced below. The opposition's reaction to the passage of the amended bill was to move the next day that the Commons consider the King's speech of 9 November. Once again the Commons was not, as yet, disposed to debate this matter, but, as Jenning's speech had indicated, it was far more interested in passing further anti-papist laws. That same afternoon Speaker Seymour proposed that they pass a bill for the easier conviction of papists.[28]

The Commons followed Seymour's lead by introducing several anti-papist bills. On 22 November the Commons passed a resolution that a bill be prepared for "the more easy and speedy conviction of Popish Recusants".[29] On 25 November the Lords introduced such a bill and on 28 November it was sent to the Commons which read it for the first time on 6 December and sent it to committee the next day.[30] The bill for "preventing the Growth of Popery" was sent to committee on 10 December,[31] while the bill for "the more effectual preventing the Sending or Going of the Children of Popish Recusants in to Parts beyond the Seas and out of the King's obedience", was sent to committee on 20 December. That same day a bill for "disabling Popish Recusants to Use or Exercise certain Professions and Trades and Compelling them to remove from the Cities of London and Westminster" was also sent to committee.[32]

That same session the Commons also began its attack on the Catholic gentry and nobility. On 23 November it ordered all knights of the shire, citizens and burgesses to "bring in a list of all Persons of Note being Popish Recusants, or so reputed, resident or having a considerable estate within their respective counties."[33] However, before these lists could be examined and acted upon Parliament was

prorogued.

The prorogation also prevented the anti-papist bills from being returned from the committees. Charles was forced to prorogue Parliament on 30 December by two events. In the first place, the Commons lost the support of the Lords and angered Charles when it presented an address to the King to banish the Queen from the court and Whitehall. The Lords refused to concur in this petition, and so the matter was dropped, but the affront to the royal family was not forgotten.[34]

The main reason for the prorogation arose from the opposition's attack on Danby, who had been so successful in pushing the amended Test Act through the House of Commons. In early December Ralph Montague, a disgruntled member of the foreign service, decided to reveal Charles' secret negotiations with Louis XIV to the opposition.[35] He possessed certain incriminating documents which tied Danby in with these dealings. On the basis of this evidence the Commons moved to impeach Danby. On 23 December the articles of impeachment were presented to the Lords, who refused to concur with the Commons. It appeared that a trial would be needed to settle this matter and Charles could not permit Danby to be questioned by the opposition, since he knew too much about Charles' secret negotiations.[36] This also gave him an excuse to prorogue Parliament and thereby save the Catholics from the new legislation which would have been passed.

Despite the failure of most of its own anti-papist bills, Parliament did force the government to issue proclamations to the local

officials. In this way it had a profound indirect influence on the Catholic community. It must be noted that, although the government had discussed implementing various measures against the Catholics, it was Parliamentary pressure which forced it to issue the anti-papist proclamations. For instance, on 17 November the King issued a proclamation on the petition of Parliament according to which a ten pound reward was offered for the discovery of any sizeable cache of arms in a papist's house.[37] On 20 December another proclamation was issued at the request of Parliament in which all sheriffs were ordered to disarm then popish recusants and ensure that these recusants entered into recognizances to keep the peace.[38]

Although on 29 September the Privy Council had discussed the banishment of popish recusants from London and the court, it took no action on this matter until it had received a petition from the House of Commons on 27 October.[39] On 30 October a proclamation was issued and popish recusants were ordered to leave before 7 November the palaces of Whitehall, Somerset House and St. James as well as the cities of London, Westminster and an area of ten miles around these cities. In order to ensure that unconvicted Catholics did not remain within the proscribed area the churchwardens and constables were ordered to report all suspected recusants to the Justices of the Peace, who were to administer to them the oaths of Allegiance and Supremacy. If a Catholic refused the oaths, he was to be imprisoned and prosecuted for recusancy at the next Sessions of the Peace.[40]

That these anti-papist proclamations served a political purpose was noted by contemporary observers, who were closely connected with the government. Henry Coventry remarked to the Duke of Ormonde that:

> The Orders set out this week by the Council here are with the utmost severity against Catholics, which I hear hath already some good effects with some men. But I doubt whether any water will quench the flame of the rabble.[41]

The reason for Coventry's despair was provided in another letter to Ormonde from Robert Southwell, who wrote that:

> His Majesty ..., has frankly owned on other occasions that there were substantial fears to be entertained concerning Fifth Monarchy men and the Republicans, and the discourse of those who undervalue the Plot runs all into this - that these heats and prosecutions against Popery are but the struggles of a fanatic party, which, when they have got their will in that, will tread the path of their predecessors, and make things end as fatal to the crown as formerly.[42]

It is precisely because the opposition under Shaftesbury and Russell insisted on the exclusion policy as the only safeguard against popery that no other anti-papist legislation was passed by the Parliaments of 1679, 1680 and 1681. Furthermore, an analysis of these Parliaments shows that Southwell's comment was essentially correct, since the opposition always insisted on its exclusion policy and did not accept the fact of Charles' persecution of the Catholics as sufficient evidence of his and James' loyalty to the Protestant Interest. It is essential to understand that, although the debate concerning popery was conducted in terms of the security of the realm from popery, for those in

government and Parliament the anti-papist hysteria was significant only because it brought to the fore the opposition's exclusion policy and attack on the constitution.

Charles dissolved the Cavalier Parliament in January 1679. The elections went against the King, but Charles could not afford to rule without Parliament. Louis XIV had refused to grant him a subsidy until he broke the anti-French Spanish alliance. This lack of financial support, coupled with the losses which his supporters suffered at the polls, forced Charles to banish James, abandon Danby, and reconstruct the Privy Council with Shaftesbury in the titular position of Lord President of the Council.[43]

When Parliament met on 6 March, 1679, Charles and Lord Chancellor Finch once again urged it not to interfere with the succession but rather to procede to pass new anti-papist laws.[44] Parliament followed the King's lead and introduced several anti-papist bills. On 18 March an amended version of the "Discovery and Conviction" bill, which had not passed the previous Parliament, was presented in the House of Lords. It was sent to the Commons, which sent it to committee on 4 April.[45] On 22 March the Commons ordered a bill brought in "to secure the King and Kingdom against the Growth and Danger of Popery". This bill was read on 4 April and sent to committee on 6 April.[46] On 31 March a bill for the "removal of Papists from London" was introduced into the House of Lords. It was sent to the Commons on 3 May and sent to committee by the Commons on 8 May. An amended version of the bill received third reading on 21 May and was sent to the Lords for its ratification.[47]

However neither House pressed to have the bills brought from the committee room.

Daniel Finch presented an intelligent analysis of the reason for this lack of action on this matter. He analysed the actions of the Parliament and commented:

> ... I may say some members were afraid to have any bills against Popery lest any kind of security against Popery might allay the gentlemen's zeal for the bill against the Duke of York, which was the principal thing aimed at ... as a real security for the Protestant Religion.[48]

Hence the transcendent issue of this Parliament was whether or not James should be permitted to inherit the Crown. The anti-papist legislation was only of secondary importance.

On 27 April, 1679 the Commons considered the problem of "how to preserve the King's person from the attempts and conspiracies of the Papists?" Colonel Birch proposed that a bill be brought in which would stipulate that, "at the fall of the King by any violent stroke (which God forbid) no person come to the Crown of England till the King's death ... be examined." Secretary Coventry replied that, "they were sworn to the King's successor and for a Parliament to nominate a successor, I say ... is against the law and government." Hampden then declared, "I think that a Prince is made for the good of the people and where there is a Popish Prince that may succeed, I think we ought to secure ourselves against the succession."[49] The opposition won the debate, for the next day the Commons passed the following resolution:

> the Duke of York, being a Papist, the Hopes of his coming to said Crown have given the greatest conspiracies and designs of the Papists against the King and the Protestant Religion.[50]

In reply to this challenge the Lord Chancellor read a letter from Charles to the Commons. This time Charles outlined some of the measures limiting the prerogative of a Popish Successor which he would permit Parliament to pass, but he would not allow it to interfere with the Succession. In matters ecclesiastical, he proposed that Protestants should always fill all benefices. In matters civil, he stated that Parliament would meet automatically for six months when a Popish King began his reign, that no one could be put out of office without Parliament's consent and that only Protestants could be Justices of the Peace. In matters military, he suggested that no officer or Lord Lieutenant could be removed or placed in an office without Parliament's consent.[51]

However the House of Commons failed to adopt these proposals. On 11 May it resolved to bring in a bill to prevent the Duke of York from inheriting the "Imperial Crown".[52] The bill was read for the first time on 15 May and was sent to committee on a vote of 207-128 on 21 May.[53] The following day the Commons turned its attention to the Catholic priests who had been brought to London to be interrogated by Parliament and who still languished in gaol. It wanted them to be remanded to the counties in which they had been conviceted so that their sentences could be executed.[54]

The pressure from the Commons was increasing steadily and Charles had to find some way to ease the tension. First and foremost he could not permit them to bring the exclusion bill out of committee and so on 27 May he prorogued Parliament. With the prorogation all the other anti-papist bills died. However he also had to defend his position as the guardian of the "Protestant Interest". Therefore, as Robert Southwell reported on 31 May "... several expedients [were] at hand to pacify the resentments of the prorogation ...." The first expedient was to summon the Lord Mayor and the Aldermen of the City of London to the Council and admonish them "to exercise all possible keeness against the Papists ...." The second was to order the execution of all the condemned priests in the counties in which they were convicted.[55]

The final and most extreme expedient was to dissolve Parliament and hope that a more conciliatory House of Commons would be elected. On 12 July it was dissolved and writs were issued for a new Parliament. The election debates were filled with anti-papist rhetoric. Opposition candidates argued that a Popish King would necessarily introduce Popery and with it absolute monarchy. Representative government would be abandoned. Therefore the succession must be altered; James must be prohibited from inheriting the Crown.[56] A secondary theme during the elections was the Dissenters' attack on the Church of England, which they wanted to see overthrown.[57]

The success of the opposition's arguments can be seen in the election results. Eighty percent of those Members of Parliament who had voted for Exclusion were returned, seventy percent of the absentees

were re-elected, while only fifty-five percent of those who had voted against the bill were re-elected.[58] These results confirmed Shaftesbury in his resolution to persist with the policy of exclusion and the gains which his supporters had made during the election gave him the means with which he could intensify the pressure on Charles.[59]

Parliament met on 7 October, 1679, but it was prorogued to 26 January, 1680. When it convened on this date, Charles delivered a speech in which he stated that, since distractions and jealousies in the country were of such a nature and "so heightened and improved by the malice of ill men" he was resolved to prorogue Parliament for an indefinite period. In the meantime he hoped that the country would settle down.[60]

Charles had been taking certain personal steps to ensure that, while Parliament was not in session, its members and the rest of the nation could rest assured that there would be no "growth of popery". On 12 December Francis Gwyn reported that the King had once again called the Mayor and Aldermen of the City of London as well as the Justices of the Peace for Middlesex before the Council and ordered them to enforce the proclamation of 3 December, 1679 which had ordered the Papists from London. At that same Council meeting it was reported that Charles proposed "to the Council something of a new and extraordinary nature to manifest how remote he was from any tenderness towards the Papists ...." He announced that a Committee of the Board would be established to consider the ways and means of persecuting the wealthy Catholics. Charles proposed that any Catholic of means who would not voluntarily leave the

Kingdom would not only suffer the full effects of the penal laws, but that an exaction would be made of twenty pounds per Sunday that they were absent from the established church.[61]

The committee to suppress popery began to meet regularly in December and January. It made several recommendations among which was one proposing that the lists of wealthy recusants, which the members of the House of Commons had given to the Clerk of the House in December 1678, should be included in a commission against the popish recusants.[62] However, before the commission could be issued it was reported by Francis Gwyn that first it was necessary to remove several pro-Catholic Justices of the Peace.[63] As this review of the local officials was proceeding, it was learned in January that James planned to return from exile in March. Therefore Lord Sunderland, Mr. Hyde and Mr. Godolphin, who were members of the Privy Council and Charles' close advisers urged that the commissions be issued as quickly as possible. It was reported that they

> were very diligent in promoting this persecution of the Papists, and lest the world might be apt to think it [persecution] should slaken upon the arrival of the Duke, they have lately been more pressing than ordinary for the expediting both of the commissions [against the Papists and Justices of the Peace] which are several of them sent out and of all other things relating to putting the laws in execution against the Popish dissenters.[64]

To ensure that the commissions would be enforced Charles gave the circuit Judges a copy of them; he ordered them to take care that the local officials presented and prosecuted the persons listed therein.[65]

Charles took another extraordinary measure in order to ensure that the Catholics were persecuted. Between November 1679 and February 1680 the Treasury Lords had made several inquiries into the amount of money which the Exchequer should be receiving from the recusancy fines.[66] By 2 March, 1680 it was reported that they had completed their investigation and recommended the creation of Receivers General of Recusant Forfeitures.[67] In this way not only would the Catholics be persecuted, but Charles would be able to supplement his meagre income now that Parliament was in a long recess. As one contemporary observer commented, "... his [Charles'] necessities enforce him to leave no stone unturned that money lieth under, and he may lawfully pick up."[68] Thus both political and financial considerations played a part in the establishment of this new bureaucracy.

As a result of the Treasury Lords' report, from 11 May, 1680 onwards the government appointed Receivers General. By 15 July sixteen had been appointed.[69] Each Receiver was responsible for two or three counties and was required to act as solicitor and supervisor of the inquisitions against the recusants' estates. He was also responsible for paying all the forfeitures into the Exchequer.[70] For this work he was permitted to keep eighteen pence per pound on all recusancy fines which he forwarded to the Exchequer and was given an additional allowance of thirty pounds per county.[71]

However the opposition was not diverted by these measures from its attack on the government issue of exclusion as the London Shrieval elections during the summer of 1680 indicate.[72] When Parliament was finally

summoned in October 1680, several anti-papist bills were once again introduced.[73] However the transcendent issue was the exclusion bill which was brought into the Commons on 2 November and received third reading on 12 November. No less important a person than Lord Russell carried the bill to the House of Lords, which considered it on 15 November.

Shaftesbury's continued insistence on the exclusion policy had cost him the support of many moderate members of the opposition in the House of Lords, who felt that the royal prerogative should not be interfered with by Parliament. They supported the policy of placing legal restrictions on the actions which a Popish Prince could undertake. This group was led by Lord Halifax. Other groups in the Lords on whose support Charles could rely were the Tory courtiers and the bishops.[74] After Lord Halifax had presented a brilliant series of speeches in opposition to the bill, it was defeated on first reading by the Lords.[75]

The House of Commons was angered by the defeat of the bill. It took special note of Halifax's leading role by demanding his removal from the King's presence and councils.[76] It also vented its anger on the papists. It ordered the introduction of several anti-papist bills. The Commons wanted to banish all papists from London and an area of twenty miles about it and prohibit all papists from wearing swords. It ordered a bill to be presented which would banish English papists from the realm. Finally, it ordered a bill "for the better discovery of the settlement of estates for superstitious uses".[77] In the meantime the

House of Lords attempted to conciliate the irate House of Commons by proposing a bill which limited the powers of a Popish Successor.[78] However Charles did not receive the financial assistance which he needed and he realized that he would not get any from this Parliament. Hence he prorogued Parliament on 10 January, 1681 and with the prorogation the anti-papist legislation perished.

On 18 January, 1681 writs were issued for a new Parliament which would meet at Oxford. Once again Shaftesbury's supporters swept the polls. Louis XIV feared that this Parliament might force Charles to abandon James and choose the Prince of Orange as a successor. This would have created a powerful anti-French alliance. Hence he promised Charles the financial support on condition that Charles withdrew from the Spanish alliance and dissolved Parliament when the exclusion bill was introduced.[79] Charles had realized that he would be unable to obtain any financial supplies from this hostile Parliament. Parliament met on 26 March at Oxford. The House of Commons introduced the exclusion bill on 28 March. That same day Charles dissolved Parliament.

It is now necessary to relate briefly the way in which the government defeated the opposition. After the King dissolved Parliament in March, the opposition expected Charles to call a new Parliament to meet in the fall; from their strongholds in London and Bristol they therefore continued to campaign for the exclusion of James from the succession.[80] Charles was thus under political pressure from the opposition and he took several steps to eliminate it. The political struggle centred on the law courts and London politics. In 1682 the candidates which

supported the King won the shrieval elections, and so, the government controlled the selection of the London juries, which had previously refused to support the indictments which the government had brought against the opposition leaders such as Shaftesbury. The importance of this victory is well illustrated by Shaftesbury's flight to the continent soon after the elections.

Other members of the opposition did not flee, but began to plan extra-parliamentary tactics to achieve their goal. Charles' life was threatened. However, in the summer of 1683 the discovery of the Rye House Plot, as this plan to assassinate Charles became known, resulted in the complete destruction of the opposition. The Plot was used by the government to arrest many members of the opposition as possible. Furthermore, since the government obtained control of the city administration in the fall of 1683, the opposition could not use the law to protect itself. Shortly thereafter many more cities lost their charters and the opposition lost its political strongholds to the government. Thus many of the opposition leaders fled overseas[81] and from then, until the end of his reign on 6 February, 1685, Charles was without any significant opposition.

The government also attacked the Dissenters, who were supporters of the opposition. They had challenged the authority of the Church of England during the Exclusion crisis.[82] In November 1681 the Duke of Ormonde received a report that the Dissenters were being persecuted in several counties, but had escaped punishment in London.[83] Although the London officials had been ordered to enforce the Clarendon Code against

the Dissenters in December 1681, they only took action in May 1682. By June there were only a few conventicles left in London.[84]

The discovery of the Rye House Plot only intensified the persecution of the Dissenters.[85] As one observer commented in July 1683, "The world has altered its aspect; the subtle papists has [sic] overwitted the presbiters and made them put on their [papists'] vizard ...." He continued with a regretful comment that the papists should be as severely persecuted as the Dissenters.[86] These remarks are significant because they indicate that the fear of popery was no longer the dominant fear of the society and that the Dissenters were being severely persecuted while the papists were not.

The attack on the political opposition and their religious allies resulted in the waning of anti-papist zeal. The threat to the state was no longer from the papists, but from the Dissenters, who were therefore persecuted. There are many indications of this declining fervour, but the most significant are the reports in 1681 and 1682-3 that the Catholics who had previously been imprisoned were being released and many were travelling with their weapons.[87] Other signs of the waning of anti-popery are the release of several priests in July 1683 and the granting of a royal pardon to several lay Catholics in January 1685.[88]

Although after 1681 the fear of popery was waning and no new anti-papist legislation was issued,[89] the Catholics did not escape persecution. In the persecution of the Dissenters many Catholics were convicted of recusancy since they too were absent from the services of the Church of England.[90] The government and the Receivers in particular

continued to collect the recusancy fines. This indicates that, as the political motivation behind the persecution subsided, the financial motivation became predominant.

The newly established bureaucracy did not function smoothly. The Receivers encountered resistance from the Sheriffs who had been responsible for sending the fines to the Exchequer before the Receivers had been appointed.[91] While investigating this matter in July 1682, the Treasury Lords learned that, "the King had not a full fifth part of what it has cost the Recusants."[92] This was the first indication that the Receivers had also been reluctant to forward all the fines which they had collected. Therefore between 23 January and June 1683 the Treasury Lords demanded several times for an account of all the money which the sheriffs had paid to the various Receivers.[93] The following year the situation did not improve and so on 9 July, 1684 they were dismissed because, "they have for the most part brought the King in debt to them and not levied money enough to pay their own charges ...."[94]

After their dismissal the Receivers were very slow in returning to the Exchequer the recusancy fines which they had in their possession. By December 1684 only two of the twenty-three Receivers had closed their accounts to the satisfaction of the Auditors.[95] However the sheriffs and the Receivers had collected twenty thousand pounds from the popish recusants.[96] This figure does not indicate the money which the officials took from the popish recusants and kept for their personal profit. Thus the Receiver system might have been inefficient

from the Treasury Lords' viewpoint, but it did exact a great deal of money from the popish recusants.

The persecution of the Catholics between 1678 and 1685 can be divided into two phases. The first phase covered the years 1678 to 1681. The causes of the persecution were fear and political expediency. The fear of popery resulted in several anti-papist laws being introduced into Parliament. However, the extreme opposition's insistence on excluding James from the succession resulted in the dissolution of three Parliaments and so all other anti-papist legislation perished.

However the intense anti-papist feeling exhibited by both the supporters and opponents of the exclusion policy forced Charles to persecute the Catholics. He and his Privy Council issued many anti-papist proclamations which banned the popish recusants from London and ordered the implementation of the penal laws. In this way Charles substantiated his contention that he wanted to protect the Protestant Interest. Thus the anti-papist zeal of the nation could be allayed and at the same time the succession could be preserved. However such action did not dissuade the opposition from insisting on the exclusion policy and in this light cannot be seen as a success.

In the second period, which extended from the dissolution of the Oxford Parliament to the death of Charles, the Catholics were not as severely persecuted. This was due to the waning of the fear of the dangers from popery and the fact that Parliament could not pressure Charles into persecuting the Catholics. Many Catholics regained their personal freedom. However the government did not institute a policy

of toleration for the Catholics. The Receivers continued to collect the recusancy fines from the popish recusants. Hence, although there was little anti-papist legislation during this period and the fear of popery abated, the popish recusants were persecuted primarily for financial reasons.

FOOTNOTES TO CHAPTER I

[1]J. Berington, The State and Behaviour of English Catholics from the Restoration to the year 1780 (London, 1780), Preface, p. iv.

[2]The following is only a brief list of books which cover the topics: J.R. Jones, The First Whigs (London, 1961); M. Landon, The Triumph of the Lawyers (University, Alabama, 1971); H.C. Foxcroft, The Character of a Trimmer (Cambridge, 1946); A. Browning, Thomas Osborne, Earl of Danby and Duke of Leeds (Glasgow, 1944-1951); K.D. Haley, The Earl of Shaftesbury (Oxford, 1968); J. Pollock, The Popish Plot (Cambridge, 1944); and such articles as E. Lipson, "The Elections to the Exclusion Parliaments, 1679-1681", English Historical Review, XVIII (1913), 59-85.

[3]G. Cragg, Puritanism in the Period of the Great Persecution (Cambridge, 1957); D.R. Lacey, Dissent and Parliamentary Politics in England, 1661-1689 (New Brunswick, N.J., 1969).

[4]E. Taunton, The History of the Jesuits in England (London, 1901); A. Galston, Our Attitude towards English Roman Catholics and the Papal Court (London, 1902); Comptesse de Courson, La Persécution des Catholiques en Angleterre (Paris, 1898).

[5]For the sources on which Oates drew to fabricate the plot see W.C. Abbot, "The Origin of Titus Oates' Story", English Historical Review, XXV (1910),126-129.

[6]Browning, I, 291.

[7]Ibid., pp. 292-293.

[8]Ibid., Bryant, p. 270.

[9]HMC, Report 15, Calendar of the Manuscripts of the Marquess of Ormonde, N.S., (London, 1902-1920), IV, 245-255; hereafter cited as HMC, Ormonde and volume.

[10]Browning, I, 294-295; Jones, p. 25.

[11]CSPD, 1678, 426.

[12]HMC, Ormonde, N.S., IV, 473.

[13]Ibid., N.S., IV, 207, 223, 462.

[14]CSPD, 1678, 433.

[15]HMC, Ormonde, N.S., 206-207; HMC, Report 11, Appendix, Part VII, The Manuscripts of the Duke of Leeds (London, 1888), p. 39; CTB, 1676-1679, Part II, 1123.

[16]HMC, Report 11, Appendix, Part II, The Manuscripts of the House of Lords, 1678-1688 (London, 1887), pp. 1, 75; hereafter cited as HMC Lords, 1678-1688; Journal of the House of Commons, IX, 518; hereafter cited CJ.

[17]CJ, IX, 530.

[18]Statutes of the Realm, V, 894-896.

[19]Haley, Shaftesbury, p. 744; Jones, p. 33.

[20]Landon, pp. 80-1; CJ, IX, 533.

[21]CJ, IX, 536.

[22]J. Dalrymple, Memoirs of Great Britain and Ireland (London, 1790), I, 375.

[23]Haley, Shaftesbury, p. 482.

[24]Browning, I, 299.

[25][?], Debates of the House of Commons, From the Years 1667 to the Year 1694, collected by Anchitel Grey (London, 1793), VI, 242; hereafter cited as Debates.

[26]Ibid., pp. 240-241, 246.

[27]CJ, IX, 543

[28]Haley, Shaftesbury, p. 482.

[29]CJ, IX, 544.

[30]HMC, Lords, 1678-1688, p. 63.

[31]CJ, IX, 555.

[32]Ibid., p. 557.

[33]CJ, IX, 545.

[34]Ibid., pp. 547, 549; Browning, I, 299.

[35]Jones, p. 27.

[36]Browning, I, 310.

[37]Steele, I, 444.

[38]Ibid., I, 445.

[39]CSPD, 1678, p. 491.

[40]Steele, I, 443; for similar examples see Steele, I, 444 and CSPD, 1678, 527.

[41]HMC, Ormonde, N.S., V, 258-259.

[42]HMC, Ormonde, N.S., IV, 495-6.

[43]Foxcroft, p. 133; Jones, p. 6.

[44]His Majesties Most Gracious Speech, together with the Lord Chancellor's to both Houses of Parliament, on Thursday, 6th of March 1678-1679 (London, 1678-1679), pp. 5, 10, 11, 13.

[45]HMC, Lords, 1678-1688, pp. 92-93.

[46]CJ, IX, 573, 582, 597.

[47]HMC, Lords, 1678-1688, p. 105.

[48]HMC, Report 17, Report on the Manuscripts of the Late Allan George Finch, Esq. (London, 1913-1957), II, 97-98; hereafter cited as HMC, Finch, and volume.

[49]Debates, VII, 144-146, 147.

[50]JL, XIII, 544.

[51]CJ, IX, 607.

[52]Ibid., p. 620.

[53]Ibid., pp. 623, 626.

[54]Ibid., p. 627.

[55]HMC, Ormonde, N.S., IV, 520; HMC, Le Fleming, pp. 158-159.

[56]Lipson, p. 75; see also, M.D. George, "The Elections and Electioneering, 1678-1681", English Historical Review, XLV (1930), 552-578.

[57]Lipson, p. 77.

[58]H. Boyer, "The Growth of the Fear of France in the Reign of Charles II" (unpublished Ph.D. dissertation, Ohio State University, 1967), p. 87.

[59]Jones, p. 106.

[60]JL, XIII, 599.

[61]HMC, Ormonde, N.S., V. 252-253; Steele, I, 448.

[62]Ibid., p. 256; London Gazette, 18 December, 1679.

[63]HMC, Ormonde, N.S., V, 267.

[64]Ibid., pp. 267, 269, 281.

[65]HMC, Le Fleming, p. 165; CTB, 1679-1680, 442.

[66]CSPD, 1679-1680, 92; CTB, 1679-1680, 261.

[67]HMC, Ormonde, N.S., VI, 51; CSPD, 1679-1680, 535; see also HMC, Report 13, Appendix, Part VI, The Manuscripts of Sir William Fitzherbert, London, 1893), p. 23 which indicates that this attitude was still prevalent in late 1683.

[68]HMC, Ormonde, N.S. VI, p. 51; CSPD, 1677-1680, 535. The idea was prevalent as late as 2 November, 1683 when one observer wrote, "I humbly tender my advice in the present conjuncture, viz., tacking the revenue of the Crown to the Laws established for Religion." HMC, Fitzherbert, p. 23.

[69]CTB, 1679-1680, 529, 563, 585, 601-603.

[70]HMC, Ormonde, N.S., V, 284.

[71]CTB, 1679-1680, 616, 617.

[72]Jones, pp. 126-131.

[73]JL, XIII, 616, 627.

[74]Foxcroft, p. 133; H. Horowitz, Revolution Politics: The Career of Daniel Finch, Second Earl of Nottingham, 1674-1730 (Cambridge, 1968), p. 22.

[75]CJ, IX, 655; A.S. Tuberville, "The House of Lords Under Charles II", English Historical Review, XLIV (1929), 400-417.

[76]CJ, IX, 667, 679, 691, 696.

[77]The settlement of estates for superstitious uses meant that Roman Catholics willed their estates to the Roman Catholic Church.

[78]JL, XIII, 672, 284, 740.

[79]Ogg, II, 619; Landon, p. 98.

[80]J. Huston,"Aspects of English Anti-Catholic Propaganda, 1667-1692" (unpublished Ph.D. dissertation, University of Michigan, 1965), p. 15.

[81]Ibid., p. 15; Jones, pp. 183-210.

[82]Lacey, pp. 151-152.

[83]HMC, Ormonde, N.S., VI, 229.

[84]HMC, Report 7, Appendix, Part I, The Manuscripts of Sir Frederick Graham (London, 1879), p. 405.

[85]Cragg, pp. 25-26.

[86]HMC, Kenyon, p. 166.

[87]CSPD, 1680-1681, 360; CSPD, 1683, I, 329-330; HMC, Kenyon, p. 130.

[88]CSPD, 1683, I, 354-355.

[89]HMC, Fleming, p. 165; HMC, Ormonde, N.S., V, 342.

[90]Warwick, VIII, lxv.

[91]Williams, pp. 34-35; CTB, 1681-1685, I, 94, 334; 1679-1680, 755, 736.

[92]CTB, 1681-1685, I, 532.

[93]Ibid., II, 690; Williams, pp. 34-35.

[94]Ibid., II, 1219.

[95]Ibid., II, 1467.

[96]Williams, pp. 34-35.

CHAPTER II

THE POLITICS AND IDEAS OF THE OPPOSITION PAMPHLETEERS

The outbreak of the anti-papist hysteria in 1678 and the opposition's exploitation of it in their campaign to exclude James from the succession resulted in a flood of pamphlets. Contemporaries such as Luttrell,[1] Southwell,[2] Jenkins[3] and Wood[4] complained both before and after the lapse of the Licensing Act in 1675 about the strength of the opposition's pamphlet campaign.[5] Their criticisms continued until 1683, after which date the government regained control over the press.[6] These tracts were written in support of the opposition's policy in matters civil and ecclesiastical. That is to say, they considered the questions of the nature of English sovereignty, the legitimacy of rebellion and the desireability of tolerating the Dissenters. However, throughout the tracts anti-papist arguments were used to support their political position with respect to the foregoing questions.

Modern historians have only recently begun to analyze these tracts. On the whole they have approached them from two separate paths. Several historians have used the pamphlets as a means of analysing the opposition's or "Whigs'" ideology, stressing the constitutional aspects of the pamphlets,[7] and thereby neglecting the various arguments in support of resistance as well as the question of toleration. The other approach has been to analyse the anti-papist attitudes found in

the tracts without examining the political ideas also expressed therein.[8]

One way of uniting the two methods of analysing the pamphlet literature is to examine the background of the pamphleteers. Such an analysis can not only link the anti-court and anti-papist themes together, but can also provide significant insight into the degree of continuity in personnel and ideas between the politics of the Interregnum and those of the Exclusion crisis. This chapter is confined to an examination of the educational and political background of certain pamphleteers and their views on the constitution, resistance and toleration; their anti-papist attitudes will be analysed in a subsequent chapter.

Elkanah Settle, Charles Blount, Benjamin Harris, Henry Care, (sometimes spelled Carr), John Phillips, Samuel Johnson, John Owen, Louis de Moulin and Edward Whitaker have been selected to represent the opposition pamphleteers because it was possible, with reasonable surety, to coordinate author with tract and to locate these works. Furthermore they belonged to different factions within the opposition and so their views will present a representative sample of the background and opinion of the opposition pamphleteers.

Several historians have already noted the difficulty of linking a particular pamphleteer to a particular political group. The crux of their argument is that there is insufficient evidence to prove that a given pamphleteer was either paid or supervised by a Shaftesbury or a Wharton. Historians have chosen differing methods for dealing with

this obstacle. Haley, for example, side steps the problem in his biography of Shaftesbury by using pamphlets whose contents can easily be attributed to the "Whig" cause in general.[9] Furley's brief study of the Exclusion pamphlets suggests a way round the problem by associating a pamphleteer with a given political group. For instance, Shaftesbury was undoubtedly the patron of Fergusson "the Plotter", though there is no evidence to prove that Shaftesbury directed his writing. However due to the close political contact, it is safe to say that Fergusson's writing illustrated a point of view within Shaftesbury's immediate circle of associates.[10]

An analysis of the pamphleteers' backgrounds uncovers two significant trends. The first indicates a direct link between the politics of the Interregnum and the opposition groups under Charles II. Although Owen and du Moulin received degrees at Oxford and Cambridge respectively,[11] neither of them supported the ideas of the Anglican Church. Du Moulin was, like his father, an ardent Calvinist.[12] Owen, brought up in a Puritan household, only began to exhibit his Puritan tendencies when he left Oxford in 1637, after Laud had instituted certain reforms which he considered to be "popishly affected". Further study resulted in Owen's decision to join the Independents in 1646.[13] Both Owen and du Moulin served the Interregnum governments. The former was Cromwell's chaplain and later Dean of Christ Church and Vice-Chancellor of Oxford.[14] The latter held the Chair of Ancient History at Oxford during the Interregnum.[15]

After the Restoration they refused to conform and joined the

opposition; they worked for a scheme by which Dissenters would be comprehended within the established church. Du Moulin resided in Westminster and was a noted Independent controversialist and pamphleteer.[16] His political connections remain obscure. This is not true of Owen, the leader of the Independents, who had contact with the leading members of the opposition. In 1668 he was closely connected with the Duke of Buckingham.[17] He was also associated with the Earl of Angelsey who collected Owen's tracts and whose relatives were members of Owen's congregation at Leadenhall Street in London in 1672. Lord Wharton and the notorious Robert Fergusson were also his political associates.[18] It is plain then that there was a connection between the politics of the Interregnum and the political opposition to Charles during the Restoration. Indeed, with Owen and du Moulin it is possible to trace their political position back to pre-Interregnum conflict between the Puritans and Laud, as well as to their Puritan upbringing.

The analysis of the career of Phillips helps to place this connection in correct perspective: not all the pamphleteers who lived and worked under the Interregnum joined the opposition factions during the first years of the Restoration. Phillips, Milton's nephew who was educated in his home, rejected the principles of his mentor. In 1655 he published what the government considered to be a scandalous work because it satirized the strict moral code of the Puritans. In 1659-1660 he ridiculed the anti-monarchical tracts which were then appearing and throughout the first years of the Restoration earned his living by

his pen. Therefore, since the Crown was the foremost patron, it is unlikely that he would want to lose its support by attacking the government. In any event there is no evidence which indicates that he joined an opposition faction. Indeed, his Satyr on Hypocrites, which attacked Cromwell's religious beliefs, was republished several times during the Restoration.[19] The central question then is why Phillips joined the opposition

While looking for a solution to this problem, the second trend comes to light. The analysis indicates that Owen, du Moulin and Phillips were a minority in that they were old enough to participate in the political debates which raged during the Interregnum. The remaining pamphleteers were too young to comprehend the political issues involved in those debates. These men were born during the Interregnum and were educated during the Restoration.[20] Furthermore they were not as well educated as Owen and du Moulin, since only Settle and Johnson attended university at all and even they did not graduate.[21] Blount availed himself of private tutoring and was educated in the new methods of scientific philosophy.[22] Harris was trained as a stationer, while Whitaker became a lawyer.[23] Care's background remains a mystery since no material is available for analysis. Clearly then, as opposed to the case of the older pamphleteers, upbringing and education played a less significant part in determining these men's political loyalties. Furthermore these pamphleteers had no direct experience with the politics of the Interregnum and it is necessary to examine their later careers to discover why they joined the opposition.

For these younger pamphleteers as well as for Phillips dissatisfaction with the Restoration government or the prospects of financial gain could have influenced their decisions to join the opposition. The difficulty of undertaking this type of analysis is that the available sources do not provide either the precise reason for the dissatisfaction or the date when each pamphleteer came in contact with the oppostion. The case of Settle does provide some insight into the reasons for dissatisfaction. He was in 1673 a writer under the patronage of John Wilmot, Earl of Rochester, who soon tired of Settle and promoted other young playwrites. Thus, after 1676 Settle was deserted by the courtiers and attacked by his rivals. At this time he dropped out of sight; it is most probable that between 1676 and 1677 he made contact with the opposition, but no evidence exists to support this hypothesis.[24] Not only dissatisfaction but financial reward drew Settle into the opposition camp. In the Preface to the Female Prelate he wrote that he had never met Shaftesbury, but worked for his organization for financial considerations.[25] A similar, but less well documented account of dissatisfaction can be found in the career of Russell's chaplain Johnson.[26] Financial considerations surely played a large role in Harris' decision to publish the Domestick Intelligence and other tracts as well as in Phillips' decision to work for the opposition, since both men were professionally dependent upon the revenues derived from the sale of pamphlets.[27]

The organization with which the pamphleteers like Settle, Care,

Blount and Harris were associated was known as the Green Ribbon Club. An analysis of the composition of the Club gives further support to the idea that divergent backgrounds made far less difference than a common dissatisfaction with the government. Although the importance of the Club has been exaggerated,[28] it was a significant part of the opposition's organization. Jones identified 177 permanent and temporary members, whom he classified as peers of doubtful reputation, such as Grey, old puritans like Sligly Bethel, wealthy merchants, minor politicians and lawyers. It is perhaps significant that many members had residences in the country but visited London fairly frequently. Since the membership was large and varied, it is not surprising to discover that the most important leaders such as Shaftesbury, Russell and Essex met in private houses to make policy decisions.[29] However the Club did provide a meeting place for the members where they could establish contacts and discuss politics.[30] The Club was a "hotbed" of politics where any pamphleteer who was a member could listen to and participate in debates on the issues of the day.[31]

In the light of this analysis the varied backgrounds of the pamphleteers fit in very well. The dissatisfied Settle was a leading writer and organized the popish parades in 1679, 1680 and 1681.[32] Blount probably came in contact with the Club through his father, who was an old commonwealth man and a member of the Club as well.[33] Care's association with the Club is difficult to trace, but in the summer of 1680, when he was in gaol, the Club paid him twelve pence per week, and the members were encouraged to purchase his Weekly Pacquet of Advice

from Rome.[34] Phillips' association with the Club was at best tenuous, since he was connected indirectly through Titus Oates.[35] Finally, the Club provided Harris with stories which he inserted in the Domestick Intelligence; he also published Blount's Appeal from the Country to the City.[36] Only Whitaker was not connected with the Club, but he was known as the "Dissenters lawyer" and was in prison shortly after the Popish Plot had been uncovered.[37]

Whatever their association with the opposition, the pamphleteers issued many tracts between 1678 and 1685. These were unevenly distributed over this period, as they were issued to influence the course of particular political events. Whereas only two tracts appeared before 1679,[38] between 1679 and 1681 twenty-three were published.[39] Blount's Appeal appeared just before the return of the Duke of Monmouth from exile in the fall of 1679.[40] In June 1680 both Owen's and du Moulin's tracts were issued in the defence of the Dissenters; the publication of these tracts must be seen in connection with the petitioning campaign in January 1680 and the tour of the West Country by Mounmouth in July. All this activity was designed to convince Charles to call Parliament.[41]

Two more high points of publication occurred during this period. The first was in November 1680, when the Commons was considering the toleration and the exclusion bills.[42] The second and final outburst took place shortly after the dissolution of the Oxford Parliament.[43] The opposition expected Charles to call a new Parliament in the fall and these tracts were to prepare the electorate for the opposition's

program. Charles never did call the new Parliament, though this does not mean that the opposition stopped pamphleteering. In 1682 fewer tracts were issued, but they were more extreme than those which had appeared between 1679 and 1681. For instance, Johnson issued Julian the Apostate which justified rebellion in the name of civil and religious liberty against a Popish Prince.[44] However, after the Rye House Plot was suppressed, the opposition campaign virtually stopped. No tracts appeared in 1683 and only one in 1684. That year Care's Weekly Pacquet of Advice from Rome was also suppressed.

It is not hard to explain the lack of pamphlets after 1683. The pamphleteers were either in gaol, had switched sides and were working for the Crown, or were not writing anything in order to maintain their freedom. Whitaker was imprisoned between July and October 1681, and was again in prison from February 1682 until long after the death of Charles.[45] Johnson, arrested in August 1683 and baled out shortly thereafter, was confined once again in November 1682, and in February 1684, where he remained until William landed.[46] Phillips was arrested in 1684; the sources do not reveal when he was released.[47] Other men remained true to their principles without going to prison. Du Moulin was released from dilemma when he died in 1680.[48] Owen continued to work for and with Lord Wharton through the summer of 1681.[49] However he did not join the groups secretly planning to assassinate Charles. After the Rye House Plot he kept out of London as much as possible. He died in 1683.[50] Finally, Blount retained his freedom throughout the period because the government had never been able

to discover the authorship of the Appeal. In this way he was able to continue to write and he published one tract of a philosophical nature in 1683.[51]

Other pamphleteers preferred to sell their knowledge of the opposition's organization than to go to prison. For instance Harris was imprisoned in June 1681. During the summer he wrote to secretary Jenkins in reference to a tract which his wife had sent to him for publication. "These papers are of a pernicious consequence. They were sent to me to be printed, but I made bold to send them to you, so that the wickedness of those that contrived them may appear."[52] This is the first sign that Harris thought of turning informer. In September 1681 Harris petitioned the King for his release. He apologized for publishing books which were against the government and he promised to reveal how he received the Appeal.[53] Luttrell noted that Harris had divulged the names of several authors whose works he had published.[54] It is likely that this attitude as well as the information supplied resulted in his release. However in 1683 he was attempting to revive the Domestick Intelligence, casting doubt on the sincerity of his conversion.[55] Henry Care also ran afoul of the law, but there is some doubt as to when he joined the court. He published nothing between 1682 and 1685, but the government still watched his activities carefully.[56] Finally, Settle switched sides as his pro-government tract, the Present State of England indicates.[57]

What emerges from the analysis of the relationship between the government and the pamphleteers between 1681 and 1685 is that those

men who had previous contact with the opposition long before 1678 remained true to their principles. Settle, Phillips, Care and others like them joined the opposition for financial considerations. Dissatisfaction with the government may have also influenced their decision. These men found it easy to write for whoever supported their work. Only in the case of Harris is it possible to discern a permanent shift in his political loyalties due to the involvement with the opposition.

This pattern is further reinforced by the pamphleteers' careers under James and Williams. The first groups of writers, including Blount, Johnson and Whitaker as well as Harris, were either in exile under James or in one of his prisons. Under William they regained their freedom and resumed their normal activities.[58] The second group, including Care and Settle remained in the good graces of James. They wrote tracts in support of his religious policies.[59] Phillips' activities are not well documented, but he did write an ode to the memory of Charles II shortly after the latter's death and so could have escaped persecution such as Oates experienced. Care never lived to see William land, for he died on 8 August, 1688. Settle switched once again, but did not prosper, while Phillips surfaced as a supporter of the "Whig" cause.[60]

The analysis of the background of the pamphleteers indicates that the link between the politics of the Interregnum and the Exclusion crisis was weak. Owen and du Moulin developed their "puritan" ideas

before the Civil Wars and they served the government during the Interregnum. At the Restoration they joined the ranks of the opposition and pursued their attack on the government until their deaths in 1688 and 1680 respectively. Of other pamphleteers only Phillips was old enough to participate in the politics of the Interregnum and he rejected its principal goals. The remaining writers, whose education and early training contributed relatively little to their later political careers, had had no direct experience with the politics of Interregnum. They sided with the opposition for other reasons. First and foremost they were dissatisfied with the government and those in power. One pamphleteer was associated with the Dissenters, Blount had no love for the religious principles of the Church of England. Another source of dissatisfaction was the lack of patronage given to writers like Settle and Phillips. Secondly, financial expediency played a large role in attracting several pamphleteers into the camp of the opposition.

With such a weak connection between the Interregnum and the Exclusion crisis, it would be interesting to compare the ideas of those who had contact with the Interregnum with those who did not and determine the differences, if any, in their ideas on the constitution, resistance and toleration. For an analysis of their ideas on these topics may indicate that, although most of the pamphleteers had no direct contact with the politics of the Interregnum, they derived their ideas from those made popular during that period.

As has been noted before, the crux of the debate between the King and Parliament over the Exclusion bill and indeed over the two Indulgences was whether Parliament was permitted to share the sovereignty of the state. In other words, could the law of succession be determined

by the King alone and could the King dispense with the penal laws on the sole authority of his prerogative? On the other hand could the King take these steps only with the consent of Parliament? The opposition replied that only the King in Parliament was sovereign and could take the above measures. This theory of government was called a mixed monarchy, in which the King was responsible to the community for its welfare. For the sake of analysis each part of the foregoing sentence will be treated separately, but it should be noted that the two were interdependent and almost inseparable.

The concept of a mixed monarchy can be found in works of Marsilio of Padua, Bracton and other medieval writers.[61] However the pamphleteers derived the ideas from the writings of Coke,[62] Hooker[63] and, in particular, from Ponet and Hunton. Ponet's Shorte Treatise on Politike Power (1556) was reprinted in 1639 and 1642,[64] a year before Hunton's Treatise on Monarchy appeared. That Hunton's work was well known to the opposition is evidenced by the fact that it was reprinted in 1680 and a copy of it was found in Locke's library.[65] Pamphleteers like Settle, Owen, Blount, Harris, Care, Phillips and Johnson argued without any deviation from these older works that only the King in Parliament was sovereign and only in Parliament could he make or amend the law.[66] In order to support this contention they drew upon the concept of the ancient constitution guaranteeing the rights and liberties which the people had held before Kings had risen to power. This relationship between the King and Parliament was consecrated in charters like the Magna Charta, while the interpretation of constitution itself

was based upon the ideas of Coke.[67]

In putting forth this idea of a mixed monarchy the pamphleteers failed to resolve the conundrum: where would sovereignty lie when either King or Parliament did not agree? Who possessed the authority to impose a decision on the other when a stalemate arose? It is now apparent that the pamphleteers failed to realize that King and Parliament must share certain fundamental beliefs as to the future of the state, and that the issues involved in a struggle between the two bodies must be of such a nature as to be able to be settled by mutual compromise. Otherwise alternate methods would have to be sought to solve the contentious issue. In the case of 1679-1681, Charles seized the initiative and dispensed with Parliament without engendering a revolution. However, the basic constitutional problem still remained unresolved.

The second aspect of the concept of mixed monarchy concerned the accountability and responsibility of the King to his community. The pamphleteers argued that, although the King was consecrated by divine will, he ruled for the benefit of the community. This community was represented by the two house in Parliament and had its own rights and liberties, which could not be abrogated by the will of the King. If a King did so, the people, led by their natural leaders in Parliament, had the right to rebel. As made perfectly clear in the works of Johnson, Owen and Settle, rebellion in the name of religion alone was illegitimate.[68]

This concept of rebellion was to be found in Ponet's and Hunton's tracts, as well as in those of Henry Parker and William Prynne. However,

because of slight differences in their arguments, it is apparent that the pamphleteers did not derive their idea from these authors. Ponet and Hunton did not argue that the natural leaders of society should lead the rebellion, but left the question to each individual's conscience.[69] Parker and Prynne rejected the concept of the divine right of Kings but they called for the supremacy of Parliament over the King and they believed sovereignty could not be divided.[70]

Rather the pamphleteers' justification for rebellion came from Bracton's De Legibus, the tract Vindiciae Contra Tyrannos and George Buchanan's De Jure apud Scotus. Bracton's work clearly states the medieval concept of tyrannicide which was initially formulated by John of Salisbury in the Twelfth Century;[71] Bracton was frequently cited in Johnson's Julian the Apostate.[72] The influence of the medieval concept of rebellion on the author of the Vindiciae and Buchanan can be seen in similarity of their arguments, the crux of which was that the nobility and others with constitutional rights should lead the rebellion against a King who attempts to interfere with those rights without their consent.[73] That these Sixteenth Century works were familiar to the pamphleteers is evidenced by not only the similarity of the arguments, but also by the fact that they were republished during the Civil Wars. The Vindiciae was also reprinted in 1680.[74] Furthermore, Robert Brady, the royal historiographer, asserted that Johnson based his work on ideas derived the Vindiciae.[75] Hence, it is clear that the opposition pamphleteers derived their fundamental justification of rebellion from the traditional works on the subject, some of which had been made popular during the Interregnum.

The constitutional struggle between King and Parliament during the Restoration often took place around the question of toleration. This problem was the third major argument of the opposition pamphleteers. Many of them did little more than demand toleration for the Dissenters. Care, Owen and Phillips argued that the peace and prosperity of the country would be greatly enhanced if the Dissenters were tolerated.[76] Harris' Domestick Intelligence carried petitions from various counties demanding the same for the Dissenters.[77] Du Moulin went a little farther when he attacked certain practices of the Church of England which was far too close to those of Catholicism.[78] Accordingly, it is not surprising that none of the pamphleteers argued for universal toleration, but desired the freedom of worship exclusively for the Dissenters. For instance, Whitaker limited any toleration to true Christians and so excluded atheists blasphemers and other enemies to natural religion, who should be punished as enemies to all governments.[79]

Only in the works of Whitaker and Owen is it possible to trace the origins of the political demands for toleration. Such an analysis also indicates the theoretical foundations of the other pamphleteers' arguments. Thomas Starkey was one of the first to apply the distinction between matters necessary or indifferent to salvation to the English church.[80] It is from this argument that Owen and Whitaker drew the distinction, as Whitaker wrote, between matters of "opinion" and "faith".[81] The former were matters indifferent since they were not revealed in the Scriptures, while the latter were necessary for salvation and found in

the Scriptures. They believed that it was wrong to establish outward conformity in matters indifferent and that therefore the Dissenters should not be persecuted for not attending the established church.[82]

Owen went farther than Whitaker when he positioned his own ecclesiology. In advancing his justification for the separation of Church and State Owen drew upon the John Cotton's thought which in turn was derived from Henry Jacob.[83] Both of these men argued that the State should be concerned with the Church in outward matters such as justice and "provisions" and not interfere with the religious practices of its protestant subjects.[84] This same thought was very similar to that set forth by John Milton.[85]

Owen's ideas on the separation of the Church and State are very similar to theirs. He argued that the Church should not exercise judicial authority, but should protect itself by the spiritual means of praying, preaching and teaching the gospel.[86] The Church, to Owen, should be composed of the laity of Christian believers and a body of Ministers with little connection to the State beyond taking "one solemn stated confession of the Christian protestant faith ...."[87] The State should provide the Churches, but religion was a matter of private concern between the individual and the Ministry.[88] The polity would thereby tolerate different Protestant religions and would not interfere with their religious practices. Thus, although Owen did not argue for complete toleration in which the State would have no concern in the religious beliefs and practices of its members, his argument for the

separation of these two bodies was an important step in this direction. It also indicates that he desired above all toleration for the Dissenters and in this way his arguments were in accord with those of the other pamphleteers.

The affinity between the ideas of the Interregnum and the Exclusion crisis was far greater than one would have expected from the analysis of the pamphleteers' backgrounds. Owen, du Moulin and Phillips were a minority in that they had participated in the political debates during that period; the remaining pamphleteers grew up during the Restoration and joined the opposition either because they were dissatisfied with certain practices of the government or for the financial gain which they hoped to reap. In any event not only Owen, du Moulin and Phillips, but also the younger pamphleteers like Settle, Blount, Johnson and Harris replied on arguments which had been developed during the previous century and were popularized during the Interregnum.

John Owen's work stood out among all the tracts analysed. He was the most highly educated of the pamphleteers. But Owen's theological training was tempered by many years of political experience. Hence scholarly ability was combined with political acumen to produce one of the most forceful pamphleteers of the day. Like the other pamphleteers Owen not only advanced criticisms of the government in church and state but he also put forth concrete proposals. This is best seen in his discussion of toleration and in the concept of the Ministerial Church.

The arguments of the remaining pamphleteers found their roots in ideas developed during the sixteenth century and made popular during

the Interregnum. They were undoubtedly in the air during the Restoration. In the heat of political debate in which rapid publication was a necessity the pamphleteers could not spend time developing original ideas on questions such as the nature of sovereignty, resistance or toleration. They had to find arguments which had the sanction of tradition, even a radical tradition, and which could be readily supported by traditional writers. As Locke wrote at a later date in respect to this same matter, one must be careful not to "shock the received opinions" of "those one had to deal with ...."[89] To gain support for their policies, the opposition had to convince the readers that their ideas were in accord with tradition. In this way they could appeal to the conservative nature of those in politics as beind defenders of tradition rather than being heralds of change.

FOOTNOTES TO CHAPTER II

[1]N. Luttrell, A Brief Historical Relation of State Affairs from September 1678 to April 1714 (Oxford, 1857), I, 19, 67, 76, 125, 198.

[2]HMC, Ormonde, N.S., IV, 528, 535, 536.

[3]CSPD, 1679-80, 620.

[4]A. Wood, Life and Times of Anthony Wood, Antiquary of Oxford, 1632-1695, as described by himself, ed. A. Clark (Oxford, 1894), II, 429, 457-458.

[5]See Appendix I.

[6]Huston, p. 33.

[7]See B. Behrens, "The Whig Theory of the Constitution in the Reign of Charles II," Cambridge Historical Journal, VII (1941), 42-71; C.A. Edie, "Succession and the Monarchy: The Controversy of 1679-1681," American Historical Review, No. 2 (January, 1665), 350-370; and C. Robbins, The Eighteenth Century Commonwealthman (Cambridge, Mass., 1959), pp. 26-28.

[8]Huston, passim; Behrens does mention the anti-papist theme in many of the opposition tracts. However she failed to look at the authors and so tie together the anti-papist themes with different attitudes to politics. See below.

[9]Haley, Shaftesbury, pp. 552-554 in which he notes problem of discovering evidence.

[10]O.W. Furley, "The Whig Exclusionists: Pamphlet Literature in the Exclusion Campaign, 1679-1681", Cambridge Historical Journal, XIII 1957), p. 20.

[11]Owen received his M.A. from Oxford in 1635, Dictionary of National Biography, ed. L. Stephen and S. Lee (London, 1885-1901), XLII, 424; hereafter cited as DNB and volume. For Owen see also W. Haller, Liberty and Reformation in the Puritan Revolution (New York, 1955), pp. 336-337. For du Moulin see Haley, William of Orange, pp. 13-14.

[12]DNB, XII, 1098-1099; and E. and E. Haag, La France Protestante (reprinted, Geneve, 1966), IV, 431.

[13]J. Owen, The Correspondence of John Owen, ed. P. Toon (London, 1970), pp. 3-4, 7, 19.

[14]J. Owen, The Works of John Owen, ed. W. H. Goold (Edinburgh, 1850-1855), I, xlii; R.R. Greaves, The Puritan Revolution and Educational Thought: Background for Reform (New Brunswick, N.J., 1969), p. 134; DNB, XLII, 424.

[15]J. Foster, Alumni Oxionses (Oxford, 1891), Series I, III, 1042; Wood, Athenae Oxonienses, ed. P. Bliss, (London, 1815), IV, 126-128.

[16]H.F. Russell Smith, The Theory of Religious Liberty in the Reigns of Charles II and James II (Cambridge, 1911), p. 92; Wood, Athenae Ox. IV, 125; R. Baxter, Reliquiae Baxterianae (London, 1696), I, 100, III, 85.

[17]Lacey, pp. 409-410, 448, 460; M. Ashley, John Wildman: Plotter and Postmaster (New Haven, 1947), pp. 207-208; Lee, p. 173.

[18]Lacey, pp. 171, 246-247, 403, 448, 460-462; CSPD, 1684-1685, 357.

[19]D. Raymond, John Milton in an Era of Revolt (New York, 1932), p. 65, 88, 189, 237; D. Masson, The Life of John Milton (London, 1880), IV, 82-84, VI, 767; DNB, XLV, 205-207.

[20]Care was born in 1646, Settle in 1648, Johnson in 1649 and Blount in 1654. The birth dates of Harris and Whitaker are unknown.

[21]S. Johnson, The Works of the Late Reverend Mr. Samuel Johnson (2nd ed., London, 1713), III; for Settle see DNB, LI, 272-273.

[22]C. Blount, The Miscellaneous Works of Charles Blount (n.p., 1695), p. 4.

[23]Haley, Shaftesbury, pp. 649, 650; the first reference to Harris as a Stationer occurred in October, 1675, H.R. Plomer, ed., A Transcript of the Register of the Worshipful Company of Stationers 1640-1708 (London, 1913-1914), III, 4, 50.

[24]F.C. Brown, "Elkanah Settle: His Life and Works" (unpublished Ph.D. diss., University of Chicago, 1910), pp. 18, 21-22; A.T. Bartholomew, "Restoration Drama, III", The Cambridge History of English Literature, ed. A. W. Ward and A.R. Walker (Cambridge, 1907-1927), VII, 193.

[25]E. Settle, Female Prelate (London, 1680), Epistle Dedicatory, pp. 6-7.

[26]Johnson, Works, I, iii-iv; CSPD, 1682, 253; G. Burnet, A History of My Own Times, ed. O. Airy (London, 1897), Part I, p. 327; Wood, II, 531.

[27]As seen above Harris was a Stationer while Phillips was a pamphleteer and hack writer. See also Haley, Shaftesbury, p. 557.

[28]G. Sitwell, The First Whig (Scarborough, 1894), pp. 78-79, 90 in which he gives an exaggerated account of the Club which has been modified by J.R. Jones, "The Green Ribbon Club", Durham University Journal, N.S., XVII (1956), 17-20. See also Robert Southwell's comment on the strength of the opposition's organization in late 1678 in HMC, Ormonde, N.S., IV, 474.

[29]Jones, "Green Ribbon Club", pp. 19-20; W.D. Christie, A Life of Anthony Ashley Cooper, First Earl of Shaftesbury, 1621-1683 (London, 1871), II, 307.

[30]Jones, "Green Ribbon Club", p. 19.

[31]The Club was founded some time in 1674-1675 and was a definite organization by 1677; it disbanded in 1683 after the Rye House débacle. See Jones and Sitwell.

[32]Brown, p. 21; Sitwell, pp. 102-116 and O.W. Furley, "The Pope Burning Processions of the Late Seventeenth Century", History, XLIV (1659), 16-23; CSPD, 1682, 536.

[33]Sitwell, p. 280.

[34]Kitchin, p. 233; CSPD, 1682, pp. 199, 200 in which Janeway identified Care and J. Vile as the authors of the Impartial Protestant Mercury which he had published and W.H. Hart, Index Expurgatorius Anglicanus (reprinted, New York, [1877-1878] 1969), pp. 240-241.

[35]Masson, VI, 768.

[36]J.G. Muddiman, The King's Journalist, 1659-1689 (London, 1923), p. 216; G. Kitchen, Sir Roger L'Estrange: A Contribution to the History of the Press in the Seventeenth Century (London, 1913), p. 234.

[37]HMC, Lords 1678-1688, pp. 82-83; CSPD, 1680-1681, p. 305; CSPD, 1682, p. 236, Oates' son identified Whitaker as belonging to S. Bethell's Club. Bethell also a member of the Green Ribbon Club.

[38]H. Care, The Character of a Turbulent, Pragmatical Jesuit (London, 1678) and his Weekly Pacquet of Advice from Rome.

[39]See E. Arber, ed., The Term Catologues (London, 1903-1106) I, II, passim.

[40][C. Blount], An Appeal from the Country to the City (London, 1679).

[41]J. Owen, A Brief Vindication of Nonconformity from the Charge of Schism (London, 1680); L. du Moulin, The Conformity of the Discipline and Government of those Independents to Primitive Christians (London, 1680).

[42]J. Owen, Some Consideration about Union among Protestants (London, 1680), Works, XIV, 519-527; L du Moulin, An Appeal of all Nonconformists in England to God, Obedience to the King (London, 1680); [H. Care], The History of the Damnable Popish Plot (London, 1680); E. Settle, Fatal Love (London, 1680) and Female Prelate.

[43][E. Settle], The Character of a Popish Successor and What England May Expect from such a One (London, 1681); [J. Phillips], A Vindication of the Character of a Popish Successor (London, 1681).

[44][S. Johnson], Julian the Apostate: Being a Short Account of His Life (London, 1682).

[45]Luttrell, I, 109, 147, 233; CSPD, 1680-1681, 349; Haley, Shaftesbury, p. 349; CSPD, 1682, 102, 104; HMC, Graham, p. 360; CSPD, July-September 1683, 16, 119, 239.

[46]Johnson, Works, p. v, vi, vii; CSPD, July-September 1683, 432; DNB, XXX, 29; Luttrell, I, 287, 288, 300.

[47]CSPD, 1684-1685, 193, 194.

[48]T. Birch, The Life of Archbiship Tillotson (London, 1752), p. 32.

[49]Lacey, 330, n. 2; CSPD, 1680-1681, 592; CSPD, 1682, 86, 610; HMC, Ormonde, N.S., VI, 72.

[50]CSPD, July - September,653, 356.

[51]C. Blount, Miracles, No Violation of the Laws of Nature (London, 1683); see also Hart, Index, p. 206.

[52]CSPD, 1680-81, 335.

[53]Ibid., p. 481.

[54]Luttrell, I, 127; HMC, Report 10, Appendix, Part IV, The Manuscripts Belonging to Sir N.W. Throckmorton (London,1885), p. 173.

[55]Lillywhite, London Coffee Houses (London, 1963), p. 263.

[56]Kitchin, p. 324; CSPD, 1683-1684, 58; CSPD, 1684-1685, 272.

[57]E. Settle, The Present State of England in Relation to Popery (London, 1684).

[58]For Harris, see R. Lillywhite, p. 263, for Blount, see E.M. Thompson, ed., Correspondence of the Family Hatton (Camden Society, N.S. V, XXIII 1878), II, 187; for Johnson, see J.W. Legg, "The Degradation in 1686 of the Reverend Samuel Johnson", English Historical Review, XXIX (1914), 723-742; and for Whitaker, see C.H. Hopwood, ed., Middle Temple Records (London, 1905), III, 1411, 1412, 1413, 1491-1492.

[59]Muddiman, p. 20; Wood, Athenae Ox., II, 469.

[60]Wood, Athenae Ox., II, 469; HMC, Verney, p. 482; HMC, Report on the Manuscripts of Mrs. Frankland-Russell (London, 1900), p. 88; Masson, V, 769.

[61]C.C. Weston, "The Theory of Mixed Monarchy Under Charles I and After", English Historical Review, LXXVII (1960), p. 427.

[62]J.W. Allen, English Political Thought, 1603-1644 (London, 1938), pp. 35, 38.

[63]C. Morris, Political Thought in England: Tyndale to Hooker (London, 1953), pp. 179, 185-188.

[64]D. Wing, compiler, Short Title Catalogue (New York, 1951) entry number P. 2804B. J.W. Allen, A History of Political Thought in the Sixteenth Century (New York, 1928), pp. 118-120; W.H. Hudson "John Ponet" (unpublished Ph.D. dissertation, Univ. of Chicago, 1942), pp. 209-210; G.W. Zeeveld, Foundations of Tudor Policy (London, [1948], 1969) pp. 248-249 shows how Ponet's thought was influenced by Thomas Starkey's Dialogue.

[65]Wing, entry numbers H.3781 and H.3782. Allen, Political Thought 1603-1644, pp. 451-452, J. Harrison and P. Laslett, eds., The Library of John Locke (Oxford, 1965), p. 193.

[66][Settle], Character, pp. 25-27, 33, 34; Owen, Union Among Protestants, Works, XIV, 521; [Blount], Appeal, pp. 4-5; Harris, DI, 18, 22, 25 February, and 4, 11, 15 March, 1681; [Care], English Liberties, or Free-Born Subject's Inheritance (London, 1682), pp. 2, 5; [Johnson], Julian, p. 92.

[67]J. Pocock, The Ancient Constitution and the Feudal Law (New York, 1957, [1967], passim; [Settle], Character, p. 34.

[68][Johnson], Julian, pp. 67-71, 73-74; J. Owen, A Brief and Impartial Account of the Nature of the Protestant Religion (London, 1682), Works, XIV, 536-537; [Settle], Character, pp. 21, 25-27, 32, 34.

[69]Allen, Sixteenth Century, p. 119; Morris, pp. 147-149.

[70]Allen, Political Thought, 1603-1644, pp. 430, 444-445.

[71]D.W. Hanson, From Kingdom to Commonwealth: The Development of Civic Consciousness in English Political Thought (Cambridge, Mass., 1970), pp. 149-152; R.W. Carlyle and A.J. Carlyle, A History of Political Thought in the West (London, 1936), III, 71-73.

[72][Johnson], Julian, pp. 82, 83-86.

[73]Allen, Sixteenth Century, pp. 316-326, 336-440.

[74]D. Wing, No. 5275.

[75]J.H. Salmon, The French Religious Wars in English Political Thought (Oxford, 1959), p. 140.

[76][Care], IMP, 21 March, 1681-1682; Owen Brief and Impartial, Works, XIV, 532; [Phillips], Vindication, pp. 6-7, 27.

[77]DI, 18, 22, 25, Feb., 1681-1682.

[78]L. du Moulin, A Shorte and True Account of the Several Advances the Church of England hath Made towards Rome (London, 1680); pp. 3-4, 27, 46-47.

[79][E. Whitaker], An Argument for Toleration (London, 1681), p. 9.

[80]Morris, pp. 52-53; J.K. McConica, English Humanists and Reformation Politics (Oxford, 1965), p. 171; Zeeveld, pp. 149-155, esp. N. 69 in which he traces influence of Starkey on sixteenth century thought.

[81][Whitaker], Toleration, pp. 3-4; Owen, Church of Rome No Safe Guide (London, 1679), Works, XIV, 486-487.

[82][Whitaker], Toleration, p. 2, Owen, Church of Rome No Safe Guide, Works, XIV, 485; Some Consideration about Union Among Protestants, (1680), Works, XIV, 520-521.

[83]Owen, Correspondence, p. 19; C. Burrage, The Early English Dissenters in the Light of Recent Research (Cambridge, 1921), I, 283, 286, 331, II, 149, 155.

[84]J. Cotton, The Keyes of the Kingdom of Heaven (1644) in L. Ziff, John Cotton on the Churches of New England (Cambridge, Mass., 1968), p. 152; Burrage, I, 286, 361.

[85]G. Sabine, A History of Political Thought (N.Y., 1961), p. 510.

[86]Owen, Church of Rome No Safe Guide, Works, XIV, 499, 503; Union Among Protestants, Works, XIV, 521-522.

[87]Owen, Union Among Protestants, Works, XIV, 526.

[88]Ibid., XIV, 523, 526, 527; Brief and Impartial, Works, XIV, 547.

[89]Hudson, p. 243.

CHAPTER III

THE POLITICS AND IDEAS OF THE CROWN PAMPHLETEERS

Most contemporary observers, such as Luttrell, date the beginning of the Crown's pamphlet campaign between February and April 1681.[1] Historians have supported these observations by citing, as Muddiman has, the suggestion of Francis North, Lord Chief Justice of the Court of Common Pleas, to the government early in 1681 to employ skilled writers "to contest" with the opposition pamphleteers, since the prosecution of the pamphleteers in the London courts would be defeated by Ignoramous juries.[2] However, other historians date the beginning of the campiagn only after the dissolution of the Oxford Parliament.[3] An analysis of the backgrounds of various pamphleteers will show that pamphleteers were writing for the Crown many months before February 1681. These tracts provided the initial statement of the Crown's position.

Historians have paid scant attention to these tracts. Only Feiling's study of the Tory party and comments in Edie and Robbins note the importance of these pamphlets.[4] On the whole even these people neglect to analyse the way in which the pamphleteers' concepts of sovereignty, obedience and toleration were interrelated with each other and the anti-papist theme which pervaded most of their works. Furthermore, no attempt has as yet been made to trace the origin of their ideas

on these important questions.[5] However, before this can be done it is necessary to examine the educational and political background of the pamphleteers in order to establish the link between the government and the pamphleteers and to determine their motives for writing the tracts.

The pamphleteers who have been selected include Roger L'Estrange, John Nalson, Thomas Hunt, William Sancroft, John Fell, William Sherlock, William Lloyd, John Tillotson and Joseph Glanvill. They have been chosen because together they represent the High and Low Church factions within the Church of England as well as some of the conservative secular factions which supported the government.

The pamphleteers were highly educated. Of the nine writers only one did not receive a university degree.[6] The remaining eight men received B.A. degrees and were also granted M.A. degrees; three M.A. degrees were given by Oxford and five by Cambridge.[7] It seems as if past family affiliation with a particular university determined the university which a pamphleteer attended. For instance, Sancroft's uncle was master of Emmanuel College, Cambridge between 1628 and 1637 and this is the college which Sancroft entered in 1633.[8] Another example is that of Fell's attendance at Christ Church, Oxford. His father was Dean of Christ Church between 1638 and 1647 and Fell was given his Masters degree by that college in 1643.[9] A similar example could be drawn from Lloyd's background.[10]

Most of the pamphleteers completed their education at the beginning or during the Interregnum. Only two pamphleteers received M.A. degrees shortly after the Restoration.[11] It is interesting to note

that attendance at a particular university did not guarantee a pamphleteer's subsequent loyalty to the education he had received there. For instance, Tillotson was a pensioner at Clare Hall, Cambridge in 1647. The master of Clare Hall was Ralph Cudworth, a member of a group of philosophers known as the Cambridge Platonists. Tillotson was not attracted to Cudworth or any other member of this group, but instead was influenced by the Independent Thomas Goodwin and later by John Wilkins.[12] Another example is the dislike which Glanvill had for his education at Oxford and his desire to work with the Cambridge Platonists.[13]

During the Interregnum the pamphleteers followed several different paths. They either sided with the King, joined the Commonwealth government or remained neutral. L'Estrange, Sancroft, Fell and Lloyd sided with the Crown and each man suffered at the hands of the government.[14] For instance, Sancroft expressed the emotions of most of the Royalists who despaired over the prospect of a death sentence for Charles I, when he wrote to his father,

> For my part if once I see the fatal blow struck I shall think nothing but trussing up all and packing away, and nothing but your command shall stay me long in a nation which I am persuaded will sink to the centre, if it suffer so horrid a wickedness without chastisement.[15]

Shortly after Charles' death Sancroft's father died and Sancroft fled overseas where he was befriended by John Cosin.[16] Hunt and Tillotson sided with the Commonwealth. The former became a clerk on the Oxford circuit, while the latter became the tutor to Attorney-General Edward Prideaux's son.[17] Glanvill was the chaplain to Francis Rous, who was one of Cromwell's Lords.[18] The remaining two pamphleteers, Sherlock and

Nalson attended university during the period and did not openly side with either group.

The analysis of the background of the pamphleteers during the Interregnum produces an interesting and significant pattern. Four of the nine pamphleteers sided with the King, two supported the Commonwealth, while two were neutral or undeclared. In 1660 there was some doubt of the loyalty of many of the pamphleteers, but from their education it seems as if most of them were destined for a life within the Church. In order to determine the extent to which the pamphleteers were associated with the government in state or church after 1660 it is necessary to examine their careers.

Only two pamphleteers did not hold a post in the Church of England during the Restoration. Hunt was a lawyer at Gray's Inn and at various times acted as the steward of the estates of the Dukes of Buckingham and Norfolk.[19] L'Estrange was Licenser of the Press between 1664 and 1679, when the Licensing Act expired.[20] The remaining seven pamphleteers all held some post within the Church of England. They had all conformed by 1662 and received livings, such as Nalson's at Doddington on the Isle of Ely or Sherlock's at St. George's in Botolph Lane, London.[21] Of the seven, four became deans,[22] four were at one time or another chaplains-in-ordinary to Charles,[23] one became a bishop,[24] and one became an archbishop.[25] The seven officials of the Church of England were also members of different factions within the Church. Glanvill, Tillotson, and Lloyd were latitudinarians who wanted to broaden the settlement of the Church by either comprehending the

Dissenters or tolerating them, while Fell, Sherlock and Nalson stood for the preservation of the uniformity of religion within England. Between the two groups stood Sancroft, a high church scholastic, who wanted to preserve the power and prestige of the Church of England, but at the same time sought an accommodation with the Dissenters.[26] Despite these differing views on toleration, it is clear that by 1678 most of the pamphleteers had prospered under Charles' patronage and were closely connected to the government in church or state. Only Hunt's position remained obscure, but it can be said that he caused the government no political trouble and was not a member of the opposition.

The pamphleteers were prolific writers between 1678 and 1685. They published fifty-nine tracts, many of which, appeared at crisis situations and so their distribution over this period was very uneven. Only six tracts appeared in 1678 and just eight in 1679.[27] However in 1680 nineteen pamphlets were published by these men. Of the nineteen tracts it has been possible to date the month in which seventeen were published. Twelve appeared in May-June 1680 during which time the government was beginning its counterattack, imprisoning many opposition pamphleteers and banning the publication of unlicensed tracts.[28] Five of the tracts appeared in November and should be seen in conjunction with the debate on the Exclusion bill and the bill for tolerating the Dissenters.[29] After 1680 the number of Crown pamphlets steadily decreased as the power and confidence of the government increased. Hence, in 1681 only ten pamphlets appeared, while in 1682 only seven were published.[30] Seven tracts were published in 1683 and only two in 1684.[31]

This evidence shows that the Crown began its pamphlet campaign long before February 1680 and certainly before the dissolution of the Oxford Parliament.

Over and above merely writing for the Crown several pamphleteers became involved with the government's attempt to combat the opposition. For instance, Sancroft controlled the Commission for Ecclesiastical Promotions along with Lawrence Hyde and Henry Compton, Bishop of London. They saw to it that the people who received new positions were loyal to the Church and King. Similarly, he and Compton dispensed most of the advowsons in London, where a number of loyal preachers could aid the Crown in regaining the loyalty of the city people.[32] Sancroft also hired a number of pamphleteers such as Endmund Bohun and oversaw the publication of Filmer's Patriarcha.[33] Roger L'Estrange was Licenser of the Press until June 1679, when the Licensing Act expired. He was then appointed a Justice of the Peace for Middlesex, which post he held until October 1680. At that time Parliament put him out of the Commission of the Peace for allegedly sympathising with the Catholics.[34] L'Estrange fled overseas until after the Oxford Parliament, whereupon he resumed his work of suppressing the anti-court tracts.[35] William Lloyd worked for the government during the investigation of the Popish Plot.[36] That Charles appreciated Fell's able and loyal service at Oxford can be seen in a letter from Jenkins to Fell, in which the former stated that Charles held Fell and his family "in singular regard ... for their

adhering in the worst of times to his Majesty and suffering with him and his father."[37]

Only one pamphleteer broke with the government over the issue of Exclusion. Hunt's shift from the Crown to the opposition provides an interesting insight into one of the motives behind the pamphleteers' work. Hunt had written a tract in support of divine right monarchy in 1680 and for this service he expected to be appointed Lord Chief Baron of Ireland. In fact the patent was ordered to be drawn up by Charles, but, because James did not like Hunt's former connection with the Commonwealth, it was revoked.[38] Thereupon Hunt issued a scathing attack on the Church of England and the monarchy.[39] That financial interest played an important part in Nalson's pamphleteering can be seen in the number of times he petitioned various officials for an elevation in the Church.[40] As he wrote to Sancroft,

> A little oil will make the wheels go easy, which truly hitherto without complaining I have found a very heavy draught. It is some discouragement to see others, who I am sure have not outstript me in the race of loyal and hearty endeavours to serve the King and Church, carry away the prize.[41]

However, it is important not to be overly cynical when considering the motives behind the writing of the tracts. Many of the pamphleteers' positions in society were being attacked. In defending themselves they were also defending the society which they did not want to see change in any appreciable manner. L'Estrange wrote in the Free Born Subject that he wanted to "Lay open this Spirit of Calumny and Slander" which he found in the opposition tracts.[42] In other words, self-defence as well as financial gain inspired the pamphleteers.

Several pamphleteers propsered from their work for the Crown during the Exclusion crisis. Lloyd was made Bishop of St. Asaph.[43] Nalson was given a prebendary at Ely which he had been seeking since 1677, while Sherlock was promoted to the prebendary of St. Pancreas at St. Paul's.[44] Finally, L'Estrange was reappointed Licenser of the Press in 1684.[45] The remaining pamphleteers retained the same positions which they had held in 1678. The only exception was Hunt who fled overseas after being implicated in the Rye House Plot.[46]

An analysis of their subsequent careers indicates no significant shift in their loyalty to the Church of England and a Protestant King. Most of the pamphleteers supported William when he landed in 1688. The only non-juror was Sancroft. In fact most of the pamphleteers prospered under William. Tillotson became Archbishop of Canterbury, Lloyd was given the lucrative See of Lichfield and then Worcester, while Sherlock succeeded Tillotson as Dean of St. Paul's.[47] Only L'Estrange, who had been Licenser of the Press under James, suffered at the hands of William's government. He was in and out of prison several times between 1688 and 1696 and was forced to live by his pen since the "Tory" party would give him little aid.[48]

The connection between Crown and the pamphleteers was very strong in the Exclusion crisis and the pamphleteers issued a great many tracts during the crisis in support of their position. It is necessary at this point to examine the ideas expressed in those tracts on the question of sovereignty, obedience and toleration in order to see in what way the pamphleteers' thoughts differed from each other as well as from previous

theorists. In this way it will be possible to determine the originality of their ideas and, in the event that their ideas on these matters were not original, to determine the sources from which they derived them.

The fundamental difference in the thought of the pamphleteers was the split between the conservatives and the latitudinarians. Included within the former group are L'Estrange, Fell, Hunt, Nalson, Sancroft and Glanvill, while in the latter group stand Tillotson and Lloyd. It is necessary to draw this distinction at this point, because the split only becomes apparent when the question of toleration is discussed. In respect to the questions of sovereignty and obedience the latitudinarians only distinguish themselves by contributing almost nothing substantial to the defence of the monarchy and Church of England, since they were in the forefront of those demanding change within the Church itself.

The conservatives based their political arguments on a distinctly static and hierarchical vision of society. Indeed, their arguments find their roots in the Medieval and Renaissance concept of the Great Chain of Being.[49] L'Estrange best summarized this concept in The Case Put, when he wrote,

> As the universe it self is compacted into one body by the orderly disposition and contiguity of parts: so is every political society also bound up in one Community, by a regular distribution and subordination of degrees, offices, and functions. And is not all this, the work and dictate of the same almighty providence? He that made the world, appointed the order of it, and assigned to every part its proper place and station.[50]

However, even among the conservative writers there was a difference in the manner in which they proceeded to attack those who sought to change this divinely ordered society. The writings of Sancroft and Fell were characterized by a medieval solution to the problem of change.[51] They sought a moral reformation of the society and the restitution of the harmony between man and man and ruler and ruled. As Fell quite aptly wrote, the solution to any unrest within society was that "everyone [should] sweep before his own dore, and then, but not till then, the whole Street will be made clean."[52] They did not consider any legal or constitutional problems which originally gave rise to the demand for change in the polity and did not provide any reasoned response to the opposition's challenge on these matters.

Other conservatives like Nalson, L'Estrange and Hunt took up the opposition's challenge in presenting their defence of the monarchy. In advancing this defence they set forth the concept of sovereignty known as the divine right of kings which was based upon several sources. To the medieval idea that the kingship was granted dei gratia was added the Tudor concept of majesty which was formulated initially by the humanist pamphleteers such as Thomas Starkey.[53] The medieval tradition of the king being appointed by God was supplemented by the classical idea of the king being legibus solutus, placed above the law.[54] James I synthesized these concepts and added the feudal idea that the kingship was indefeasible. In other words the monarchy was hereditary rather than elective.[55] It is upon these sources that the royalist pamphleteers like Dudley Digges drew in defending the monarchy during the Civil Wars.

They popularized the ideas that the King was above the law and that he was responsible to God alone.[56]

Both James' works and the Civil War tracts were the sources from which the Crown pamphleteers derived their concept of sovereignty. That these tracts were familiar to many living in 1678 can be seen by the fact that not only were some of James' works republished during the Exclusion crisis,[57] but Duddley Digges' The Unlawfulness of Subjects Taking Up Arms (1644) was also reprinted in 1679.[58] John Maxwell's Sacro-Sancto Regunum Majestas (1644) was reprinted in 1680 while Bishop Sanderson's De Juramenti (1647) appeared again in 1683.[59]

It was the fundamental contention of the Crown pamphleteers like Nalson and L'Estrange that sovereignty was located in the office of the King, who they considered was "the sole Fountain of Honour and Foundation of all Law", or, as L'Estrange wrote, was the "source of Sovereignty and the final court of appeal".[60] In order to justify this belief the pamphleteers used religious and secular examples as supporting arguments. In the first instance Hunt used extensive quotations from the Bible to justify his statement that the king was appointed by God.[61] L'Estrange, echoing Filmer, put forth the patriarchal theory of monarchy, according to which Adam possessed paternal and regal power before he had either children or a people.[62] In the same way the king possessed his authority without the consent of the community. Both L'Estrange and Nalson also laid the king's right to make law on a mythological past. As L'Estrange argued,

> To demonstrate how it complies with out Laws and Constitutions, let it suffice, That (Monarchy, in these Nations, being more ancient than Story or Records, more venerable than Tradition it self) our Laws were born (as it were) under this Climate, habituated to this Diet and Air, grafted into this Stock ....[63]

The thrust of this argument and all the others was that the King made the law and that sovereignty was not divided or shared, but rested in the monarchy, which suited human nature better than any other form of government, because it guaranteed both peace and property.[64]

The question of property and the other liberties which the people possessed in 1678 presented the pamphleteers with the problem of the sovereign's relationship with his subjects and in particular, Parliament. L'Estrange completely rejected the opposition's concept of a mixed monarchy,[65] but neither did he support tyranny. Indeed, like his predecessors Jones, Maxwell and Digges and his contemporary, Nalson, he believed that the King's prerogative was bounded by the law of his predecessors who had granted their subjects certain rights which all kings were bound to respect according to the laws of God and nature.[66] Likewise, the people were not to meddle in the arcara imperii, which was solely within the king's prerogative.[67] This relationship was aptly described by L'Estrange when he wrote, "Parliaments, provided they behave themselves with Prudence and Moderation, are the best method of healing the Distemper of the Kingdom."[68] In other words, the subjects could air their grievances to the King, but were to obey the decisions of the Crown without resentment and without delaying needed supplies.

This idealized vision of the polity in which the people through Parliament abided by their divinely appointed monarch's laws and in turn

received the monarch's protection of their traditional rights, clearly broke down when either King or Parliament attempted to alter the balance. The crux of the matter for the pamphleteers lay in the answer to the question, what should a subject do when their king became a tyrant? In the later part of the Seventeenth Century the medieval concept of tyranny was subsumed within the rallying cry of "arbitrary government". Both terms meant to their contemporaries that the monarch would rule without respect for the traditional rights and liberties of his subjects; he would govern without Parliament and as a result would be likely to commit attrocities.

The pamphleteers replied to the question with a unanimous voice. Like the Protestant reformers, the Elizabethan prelates, and Dudley Digges, they argued that it was unlawful for a subject to resist the sovereign.[69] L'Estrange best summarized their argument for non-resistance and passive obedience when he wrote,

> It happens many times that we have no other Choice before us, but either to suffer the Highest Degree of Misery, that can befall us in this world; or else, to Prostitute our Souls, for the saving of our Skins and Fortunes. Now under such an Exigent as This [a Popish King], let the Prospect of things be never so Terrible, were as to oppose, the Duties of Christians, of Subjects, and of Honest men to all hazards whatsoever; and patiently to endure whatever we cannot with Conscience, and Honour, either Resist, or Decline; according to the Practice of the Primitive Martyrs, who witnessed their Profession with their Bloud, as Christians; and Submitted, as Loyal Subjects without Resistance.[70]

Clearly then, any form of resistance was not to be tolerated. The most a subject was permitted to do was to disobey the law and suffer the

penalty for that disobedience. Thus the pamphleteers put forth a justification of passive disobedience rather than passive obedience.

These explicit demands for passive obedience were also supported by the more conservative thinkers like Fell and Sancroft, who approached the question of politics from a moral standpoint. Their style of argument is illustrated by Sancroft's concluding remarks in a sermon which he gave in 1678. He wrote,

> Study to be quiet and to do your Business: and that lies not in the Court or in the Palace or out here in the Temple. 'Tis not to listen at the Doors of the two Houses of Parliament, or to Eves-drop the Council Chamber, but to wait in your proper Stations with Modesty, and Patience, what Avisoes [sic] and Commands are sent you from thence, and to comply with them.[71]

Political activity was beyond the scope of most of the nation to understand or to think about. Each person was to fulfill the functions of his station in life and not to interfere in matters which did not concern him. Furthermore, Sancroft, Fell, L'Estrange and Nalson would not look too favourably on any demands for change within this hierachical and static society.

The demand for toleration not only would upset the balance between King and Parliament, because it was such a contentious issue, but would also mean a change in the established order. For this reason the conservatives did not fail to voice their opposition to any plan of toleration or comprehension. Surprisingly enough they were supported by Glanvill, one of the leading thinkers of his age, who, like Starkey, Hooker, Bancroft and Maxwell,[72] argued that:

> This [Church of England] now is twisted with our Monarchy, and the whole frame of our Civil Government: so that the overthrow of one, will be the destruction of both. If this Church should be overturned (which God forbid) confusion in the State must follow, and then anarchy, and cutting throats ....[73]

To Glanvill as well as L'Estrange, Nalson and Fell any liberty of conscience was politically fatal to the monarchy. They agreed that the Dissenters would, if allowed, be forced by their political principles, as represented in the cited works of Knox, Buchanan, Calvin and Goodwin, to form factions and overthrow the monarchy.[74] Hence, by playing on the fear of anarchy which pervaded the Restoration society, the conservatives hoped to stem the tide of religious change.

The church which the conservatives were defending was aptly characterized by Sherlock in the following manner when he wrote,

> So that we do in the most proper sense own the Belief and Practice of the Primitive Church to be the best Means of Expounding Scripture, We do not leave every man to Expound Scripture by private Spirit, as our Adversaries of the Church of Rome reproach us; we adhere to the ancient Catholic Church, which the Church of Rome on one side, and the Fanaticks on the other, have forsaken ....[75]

This <u>via media</u> was considered to be too narrow by some of the members of the Church of England. The latitudinarians in particular sought to expand and broaden the base of the Church by instituting certain reforms which would permit the Dissenters to conform. As the analysis of the educational backgrounds of Tillotson and Glanvill has shown, they, drew upon not only the Cambridge Platonists' work, but also on Chillingworth and Wilkins. In order to accomplish this end Tillotson and others played

upon the fear of Popery, which was so pronounced between 1678 and 1682, in order to promote his "established National Religion", which would be able to withstand any challenge from Catholicism.[76] This desire to broaden the base of the Church was put forth by Glanvill, who felt that the ceremonies of the Church were "things indifferent" and so could be modified to permit more Dissenters to enter the Church.[77] However, unlike Tillotson, Glanvill turned against the Dissenters during the Exclusion crisis because their "pride of separation" kept them outside the Church of England in the time of such a threat from Popery.[78]

The political thought of the Crown pamphleteers can be divided into three groups. The first two groups were composed of extreme conservatives like Fell and Sancroft and moderate conservatives like L'Estrange, Nalson, and Glanvill. Both groups based their political arguments on a concept of medieval society which was described as an unchanging heirarchy of groups with distinctive liberties and obligations. However in analysing the politics of this society the two groups took different approaches on basis of which they have been separated. The most conservative element did not even consider the question of sovereignty or the respective duties and rights of the King and Parliament, for it was quite obvious to them that each person was only required to fulfill the functions of his station in life for the polity to work in harmony.

The less conservative and more political conscious pamphleteers challenged the opposition's concept of mixed monarchy. They brought forth in defence of the Crown the idea the divine right of kings, and its

central argument that sovereignty was undivided and rested in the king. Parliament played only a secondary role as the representatives of the people's liberties and responsible for their obligations. Closely connected with this concept of sovereignty was their contention that resistance to this power was illegitimate, as was any attempt to alter the legal structure, especially that of the Church. Toleration for the Dissenters, they argued, would inevitably lead to anarchy. Thus, they denied the legitimacy of the Dissenters' demands for toleration. In so arguing they found ample support for the more extreme conservatives like Fell.

The third group consisted of the moderates or latitudinarians. There were several important features to note about their thought during this period. In the first place this section of the Church split because of the extreme politics of the Exclusion crisis. One of their leading members, Glanvill, clearly sided with the High Church or conservatives, when he argued that the Dissenters posed a threat to the established Church and the monarchy if they were granted toleration. On the other hand, Tillotson continued to insist upon modifications being made to the established Church so that the Dissenters could be admitted. However, what is most striking about his thought during this period is that, like Lloyd, he did not analyse the question of sovereignty or obedience but dealt with religious reform alone.

In presenting their analysis of the questions of sovereignty, obedience and toleration the pamphleteers drew upon various sources. It is clear that none of the conservatives advanced any original

political theories, but rather their arguments fell within certain well established traditions of political thought. Indeed, the political arguments of the Henrician pamphleteers and James were transmitted through the Royalist Civil War tracts to the Crown pamphleteers of the Exclusion Crisis. Furthermore Hooker and Bancroft along with Maxwell influenced their intolerant attitude towards the Dissenters. In presenting arguments for passive obedience they were clearly influenced by the Protestant tradition of non-resistance which also found its roots in the Reformation tracts. Therefore it is possible to see how the thought of the preceding century played an important role in formulating the political concepts which the Civil War pamphleteers popularized and upon which the Crown pamphleteers drew to support their defence of the monarchy.

It is only with respect to the latitudinarians' concept of toleration and comprehension that it is possible to perceive some original thought. Unlike the Cambridge Platonists, who were essentially mystics, and equally unlike Chillingworth, who was too rationalistic, the latitudinarians adopted a middle of the road policy in which reason played an important but not predominant role. If one was to point to a possible leader in this movement of thought, it would be necessary to turn to John Wilkins who greatly influenced the thought of Tillotson before Wilkins died in 1677.

The analysis of the background and thought of the pamphleteers has indicated the importance of pamphleteers' education in laying the foundation for their future careers in the Church. However, since only

four pamphleteers sided with the Crown during the Interregnum, it was not past political affiliation which caused most of them to side with and write for the government. Rather, an analysis of their careers revealed that eight out of nine held a position in church or state while the ninth was aspiring to a similar post. Clearly then self-defence and material gain were motives as important as long established political loyalties. In defending their positions within the society the pamphleteers drew upon political concepts which were developed during the Reformation and late Sixteenth Century and popularized during the Interregnum.

FOOTNOTES TO CHAPTER III

[1]Luttrell, I, 67, 76, 125.

[2]Muddiman, pp. 233-234.

[3]Jones, First Whigs, p. 202; K. Feiling, The History of the Tory Party, 1640-1714 (Oxford, 1924), 175, 197-198; Haley, Shaftesbury, pp. 619, 639-640; Jones, First Whigs, p. 202.

[4]Feiling, pp. 198-199; C.A. Edie, "The Succession and Monarchy: The Controversy of 1679-1681", American Historical Review, 2 (January, 1965), p. 355; and C. Robbins, The Eighteenth Century Commonwealthman (Cambridge, Mass., 1959), p. 28. D. Ogg, briefly contrasts the political ideologies of the "Whigs" and the "Tories" in January 1681 in his work, England in the Reign of Charles II (Oxford, 1934), pp. 612-613. However, his analysis is more prevocative and suggestive than definitive, since he could not devote much space to an analysis of the various tracts of which he takes no note.

[5]L.I. Bredvold, The Intellectual Milieu of John Dryden (Ann Arbor, [1934], 1966), pp. 130-150 touches on only part of the problem, since he analysed the thought of Dryden without examining the other conservative tracts of the time. He points to the importance of Hooker in Dryden's political thought.

[6]L'Estrange, DNB, XXXIII, 118-119.

[7]Tillotson, M.A. Cambridge, 1654, Birch, p. 2, Hunt, M.A. Cambridge 1653, DNB, XXVIII, 279; Nalson, M.A. Cambridge, 1662, J. and J. Venn, Alumni Cantabrigienses (Cambridge, 1927), Part I, III, 232; Sherlock, M.A. Cambridge, 1663, DNB, LII, 95-96; Sancroft, M.A. Cambridge, 1641, Venn and Venn, Part V, IV, 13; Fell, M.A. Oxford, 1643, Wood, Athenae Ox., IV, 193-194; Lloyd, M.A. Oxford, 1646, DNB, XXXIII, 436; Glanvill, M.A. Oxford, 1658, DNB, XXI, 408.

[8]DNB, LI, 244.

[9]Ibid., VII, 293.

[10]Ibid., XXXIII, 431.

[11]Fell, Lloyd and Sancroft received M.A.'s in the 1640's; Hunt, Glanvill and Tillotson in the 1650's and Nalson and Sherlock in

the early 1660's. See above dates of degrees granted for sources.

[12]DNB, XXI, 408; B. Shapiro, John Wilkins, 1614-1677 (Berkeley, 1969), 174; T. Birch, The Life of Archbishop Tillotson (London, 1752), p. 5, says that he was also influenced by Chillingworth, the Socinian leader.

[13]R. Baxter, Reliquiae Baxterianae (London, 1696), Part II, p. 378; DNB; XXI, 408-409.

[14]L'Estrange, DNB, XXXIII, 118-119; Fell, Wood, Athenae Ox., IV, 193-194; and Lloyd, DNB, XXXIII, 436.

[15]F. Higham, Catholic and Reformed (London, 1962), p. 238.

[16]N. Sykes, From Sheldon to Secker: Aspects of English Church History, 1660-1768 (Cambridge, 1957), p. 2; J.H. Overton, The Church in England (London, 1897), II, 53.

[17]Hunt, DNB, XXVIII, 280. Tillotson, Birch, pp. 5-6, 13.

[18]DNB, XXI, 408.

[19]Wood, Athenae Ox, IV, 82.

[20]See Appendix I and J. Walker, "Censorship of the Press during the Reign of Charles II", History, XXXV (1950), 223-225.

[21]Nalson, Venn and Venn, Part I, III, 232; Sherlock, Venn and Venn, Part I, III, 62; Sancroft, Overton, II, 53; Fell, Wood, Athenae Ox., IV, 193-194; Tillotson, Birch, pp. 18, 23, 25-26; L.G. Locke, Tillotson: A Study in Seventeenth Century Literature (Copenhagen, 1954), pp. 21-22; Glanvill, J.I. Cope, Joseph Glanvill; Anglican Apologist (St. Louis, 1956), pp. 5-6; Lloyd A.T. Hart, William Lloyd, 1627-1717 (London, 1952), p. 17.

[22]Deans: Sancroft was respectively Dean of York, Cantebury, and St. Paul's, Venn and Venn, Part I, IV, 13; Fell, Dean of Christ Church, Wood, Athenae Ox., IV,195; Lloyd, Dean of Bangor, D.R. Thomas, A History of the Diocese of St. Asaph (London, 1874), p. 114; Tillotson, Dean of Cantabury, Locke, p. 24.

[23]Chaplains in ordinary were Sancroft, Overton, II, 54; Lloyd, Hart, p. 17; Glanvill, Birch, p. 40; and Tillotson, Locke, p. 25.

[24]Fell became Bishop of Oxford in 1676.

[25]Sancroft became Archbishop of Canterbury in 1677.

[26]For the Latitudinarians see Sykes, p. 149; Shapiro, p. 154; and G.R. Cragg, From Puritanism to the Age of Reason (Cambridge, 1950), p. 60; For Sancroft's moderation see W.G. Simon, The Restoration Episcopate (New York, 1965), p. 32; for examples of conservatives like Sherlock, see Venn and Venn, Part I, III, 62 or Fell, Wood, Athenae Ox., IV, 198-199.

[27]For 1678 see E. Arber, The Term Catalogues, I, 326, 335, 336 and Wing, The Short-Term Catalogue, entry number, N.93 and S. 568. For 1679 see Arber, I, 342, 347, 348, 364, 369, 374 and Wing, entry number N. 110.

[28]Arber, I, 409, 391, 396, 397, 404, 406, 407, 409, 410; see also Appendix I.

[29]Arber I, 420, 464.

[30]For 1681 see Arber, I, 430, 443, 464, 512 and Wing, entry number N.94; For 1682 see Arber, I, 470, 471, 476, 480, 483, 486, 512.

[31]E. Arber, II, pp. 14, 29, 37, 40 and Wing, entry number N. 111, S.3332, and 1206; for 1684 see Arber, II, 59, 86.

[32]R. Beddard, "The Commission for Ecclesiastical Promotions, 1681-1684: An Instrument of Tory Reaction", Historical Journal, X (1967), pp. 14, 25-26, 33.

[33]Ibid., p. 33; Beddard stated that Sancroft was behind several Tory tracts, but outside Hicke's work he did not state who he was patronizing. See J. Pockock's "Robert Brady, 1627-1700. A Cambridge Historian of the Restoration", Cambridge Historical Journal, X (1951), 193 for more information as well as R. Filmer, Patriarcha and other Political World, ed. P. Laslett (Oxford, 1949), pp. 33, 36.

[34]Kitchin, p. 228; JL, XI, 629-630.

[35]Muddiman, p. 225; J.Y. Akerman, Moneys Received and Paid for Secret Services of Charles II and James II From 30 March, 1679 to 25 December, 1688 (Camden Society, LII, 1851), p. 42.

[36]Hart, pp. 32, 33.

[37]CSPD, 1680-1681, 616.

[38]Wood, Life and Times, IV, 82-83.

[39]T. Hunt, Mr. Hunt's Postscript for Rectifying Some Mistakes in Some of the Inferior Clergy, Mischievous to our Government and Religion (London, 1682), especially the preface, CSPD, 1680-1681, 627.

[40]HMC, Finch, II, 35; DNB, L, 29.

[41]Tanner, MSS, XXXIV, 80, quoted in DNB, L, 29.

[42][R. L'Estrange], The Free-Born Subject: Or, The Englishmans Birthright: Asserted Against All Tyrannical Usurpations Either in Church or State (London, 1679), p. 14.

[43]Hart, p. 32.

[44]HMC, Finch, II, 35.

[45]CSPD, 1684-1685, 256, 275.

[46]Wood, Life and Times, II, 73.

[47]Tillotson, Locke, pp. 35-64; Lloyd, DNB, XXXX, 438; and Sherlock, E.F. Carpenter, The Protestant Bishop, Being a Life of Henry Compton, Bishop of London, 1632-1713 (London, 1956), p. 246; DNB, XXX, 126.

[48]HMC,Report 11, Appendix, Part VII, Calendar of Le Strange Papers (London, 1888), pp. 112-113.

[49]Morris, pp. 15-17, 23-24 in which he cites Edmund Dudley's Tree of Commonwealth (1509-1510); Elyot's The Boke Named Governour (1531).

[50][R. L'Estrange], The Case Put Concerning the Succession of H[is] R[oyal Highness] the Duke of York (2nd edition, London, 1670), p. 9.

[51]A.B. Ferguson, The Articulate Citizen and the English Renaissance (Durham, N.C., 1965), pp. 158, 200-201.

[52]J. Fell; Sermon Preached Before the House of Peers on December 22, 1680. Being a Day of Solemn Humilation (The Theatre, Oxford, 1680), p. 24; for Sancroft see, W. Sancroft, A Sermon Preach'd to the House of Peers, No. 13th, 1678 (In the Savoy, 1678), p. 33.

[53]F. Kern, Kingship and Law in the Middle Ages, trans. and ed. S.B. Chimes (New York, 1939, 1970), pp. xviii, 1-79; N. Figgis, The Divine Right of Kings, intro. G. Elton pp. xxiii, 90-96 in which he cites Tyndale and Gardiner; L. Epstein, Tudor Ideals (New York, 1962), pp. 11, 13, 15-16, and 19 in which he cites Starkey.

[54]James I, The Political Works of James I, ed. and intro. C.H. McIlwain (New York, 1916), p. xlii.

[55]Figgis, p. xxiii; for James background as a humanist see D.H. Willson, King James VI and I (London, 1956, 1963), pp. 22ff; James I, The Trew Law of Free Monarchies (1598), Works, pp. 57, 61,

[56]D. Digges, The Unlawfulness of Subjects Taking Up Arms Against Their Soveraigne in What Case Soever (n.p., 1647), pp. 62, 63; J.L. Maxwell, Sacro-Sancto Regnum Majestas (London, 1644), pp. 6, 24, 26; Sanderson, De Juramenti, (London, 1647), pp. 27-29, 30.

[57]James' works republished or cited: Vox Regis: or The Difference Betwixt a King Ruling By Law, and a Tyrant by His Own Will (London, 1681); James I, A Just Vindication of the Honour of King James of Blessed Memory Against the Vile Aspersion Cast Upon It, and Him (n.d.) cited in James I, The Basilikon Doron of James VI, Intro. and ed. J. Craigie (The Scotttish Text Society, Edinburgh, 1944-1950), II, 53 James cited in Nalson, The Common Interest of King and People (London, 1678), p. 194.

[58]Wing, entry numbers D. 1462 and D.1467A.

[59]Ibid., entry numbers M.1384 and M.1385 and S.582 and S.586.

[60]Nalson, Common Interest, p. 139; [R. L'Estrange], The Free-Born Subject (London, 1679), p. 3.

[61][T. Hunt], Great and Weight Considerations Relating to the D[uke of York] or Successor of the Crown (London 1680), passim.

[62]R. L'Estrange, The Character of a Papist in Masquerade: Supported by Authority and Experience. In Answer to the Character of a Popish Successor (London, 1681), pp. 77-78.

[63][R. L'Estrange], The State and Interest of the Nation; With Respect to His Royal Highness the Duke of York (London, 1680), p. 13.

[64]Nalson, Common Interest, pp. 87, 91, 97, 113.

[65]R. L'Estrange, The Case Put, Concerning the Succession of His Royal Highness the Duke of York (London, 1679, second edition), p. 25.

[66][L'Estrange], The Free-Born Subject, p. 3; Jones see Trew Law Works, pp. 54-55; Maxwell, p. 179-180, 182, 191; Digges, pp. 68-69, 72; and Nalson, Common Interest, pp. 116, 117, 129, 130.

[67][L'Estrange], Free-Born Subject, p. 3; Nalson, Common Interest, 141.

[68][L'Estrange], The Lawyer Outlaw'd; or, a Brief Answer to Mr. Hunt's Defence of the Charter (London, 1683), p. 37 (misnumbered p. 6), Case Put, pp. 31-32.

[69]For the Protestant Reformers such as Tyndale and Latimer see Morris, pp. 38, 40; Morrison Elizabethan divines such as Cartwright who put forth the theory of non-resistance can be seen in Morris, p. 162: for Digges see Unlawfulness of Subjects Taking up Arms, 32, 34-35, 39, 77.

[70]R. L'Estrange, The Character, pp. 3-4; see also Sherlock's Case of Resistance (London, 1684) in which he contended on scriptural grounds for divine right monarchy and the necessity of passive obedience. DNB, LII, 97.

[71]Sancroft, Sermon, p. 33.

[72]For Starkey, see Zeeveld, pp. 152-155; for Hooker see Morris, pp. 190-191 and Allen, Sixteenth Century, pp. 236-237; for Bancroft see Allen, Sixteenth Century, p. 175; for Maxwell, see Sacro-Sancta, Epistle Dedicatory, unpaginated [p. i].

[73][J. Glanvill], The Zealous and Impartial Protestant, Shewing Some Great, But Less Heeded Dangers of Popery (London, 1681), p. 3.

[74]R. L'Estrange, Papist in Masquerade, pp. 83-85; Nalson, Common Interest, p. 173 and Foxes and Firebrands: or A Specimen of the Danger and Harmony of Popery and Separation (Dublin, 1682), pp. 31-45, 46, 54-55; Fell, Sermon, 2nd ed., pp. 7, 15.

[75][W. Sherlock], The Protestant Resolution of Faith, Being An Answer to Three Questions (London, 1683), p. 16.

[76]J. Tillotson, A Sermon Preached at the First General Meeting of the Gentlemen, and Others in and Near London, Who Were Born Within the County of Yorkshire: In the Church of St. Mary-le-Bow, December 3, 1678 (London, 1679), pp. 1-2, 10-11.

[77][Glanvill], Zealous and Impartial Protestant, pp. 26, 32.

[78]Ibid., p. 33.

CHAPTER IV

POPERY AND SOVEREIGNTY

In attacking popery, crown and opposition pamphleteers used many arguments in common. They were united in their opposition to the papal claims to sovereignty and the conspiratorial means used to achieve it. Both elements were determined to resist any challenge to English independence. Nevertheless, because of their disparate views on the nature of monarchy, they sometimes adopted different arguments to meet the common threat. Before examining their differences, some consideration must be given to the apsects of their thought on which they agreed as well as to the originality of the arguments which they put forth.

The English Protestant tradition, beginning with the Lollards and strengthened by the Henrician Reformation and the Elizabethan Settlement, had as one of the more important aspects of its thought a consistent opposition to the papal claims to spiritual and temporal dominion. In attacking these claims the pamphleteers were simply echoing men like John Bale who in 1538 condemned the papacy for corrupting the scripture "with your pestylent tradycyons ...."[1] This scriptural fundamentalist position was used as a justification for attacking the clergy. The anti-clerical arguments usually focused on the separation of the clergy from the laity and the inordinate amount of authority which the former possessed.[2] Concomitantly, Sixteenth Century pamphleteers

had also warned the nation about the papist threat to the economy and in particular the threat to the abbey lands.[3] Finally, and above all, the traditional anti-papist arguments centred on the danger which popery posed to the sovereignty of the state. Pamphleteers during the Henrician Reformation and those under Elizabeth and James consistently railed against papal claims to temporal dominion.[4]

The pamphleteers based their attack on the religious practices of the Church of Rome on the scriptural fundamentalist argument. On this basis they condemned the papal claims to infallibility.[5] This same argument was used to justify their criticisms of the "new Devices" which the Pope had imposed on the faithful as "Articles of Faith".[6] Among the practices which they singled out for particular comment were transubstantiation, the mass, the worship of saints, the invocation of the Virgin Mary, auricular confession and the belief in purgatory.[7] Furthermore, the pamphleteers were in complete agreement in their attack on the power and authority of the Catholic clergy. As Johnson complained, "Transubstantiation gives great honour to the clergy and they have the privilege of making their Maker."[8] Other complaints centred on the practices of withholding the Scriptures from the laity and conducting services in Latin rather than in the vernacular.[9]

Both groups of pamphleteers turned these traditional criticisms to suit their individual purposes. For instance, the opposition pamphleteers, such as du Moulin, in attacking the episcopacy tried to show how certain practices of the Church of England were similar to those of Catholicism and thereby discredited the established Church.[10]

On the other hand the crown pamphleteers analysed these practices in order to prove that the Anglican Church rested on the practices and beliefs which the Primitive Church had followed.[11] By using the same traditional arguments for different purposes they took some of the sting out of the opposition's attack. However, the conflicting uses to which the pamphleteers put these traditional arguments is the first hint of the way in which each group manipulated anti-papist arguments to gain support for their political positions and beliefs.

The fear and hatred of the spiritual dominion of the Pope became an issue of lesser importance when compared to the threat from the papal claim to temporal sovereignty since the independence of the state was at stake. Owen complained that "... the whole profession of their religion had been suited unto the secular interest of men ... power, domination, territories and titles."[12] Blount, Care, Settle, and Harris each added their own specific complaints. Blount denounced the Pope's claim to excommunicate Emperors and Princes, to depose them from their thrones and to disengage their subjects from their oaths of loyalty.[13] These powers gave the Pope the potential power to overrule a Prince in his own state.[14] Settle attacked the Catholic clergy who,Harris and Care believed, provided the leadership in any Catholic Plot to overthrow the King.[15]

The Crown pamphleteers used similar arguments. Nalson disliked the Pope's attempt to "impose and establish Universal Empire and Dominion over all Princes, Kings and Emperours and their subjects, and to propagate Sovereignty rather than religion."[16] L'Estrange commented that

"Princes Are less than dogs, where base born Priests controul."[17] Sancroft, Bohun, Nalson, Lloyd and Tillotson added that the hierarchy and the Jesuits in particular acted as the tool of the Pope in establishing papal sovereignty.[18] Nalson called the hierarchy the Pope's "Spiritual Militia".[19]

In advancing these arguments both groups drew on several sources in order to add authority to their statements. On the one hand the pamphleteers drew upon the writings of the Catholic clergy who had attacked James I's claim to divine right monarchy. Thus Phillips quoted from Parsons and Becanus, while Blount cited Commines.[20] L'Estrange, Nalson and Lloyd did the same for the Crown pamphleteers when they cited Suarez, Bellarmine, Tanner and Mariana.[21] Another source of justification was the legislation passed by Mary and Phillip in their attempt to re-establish the Church of Rome as well as the various papal bills issued against Henry VIII and Elizabeth.[22] Finally, others relied on secondary works to support their arguments. For instance, Blount referred his readers to Burnet's History of the Reformation for further illustration on the principles of popery. The first volume of this work only appeared in 1679.[23] Likewise L'Estrange cited the Bishop of Lincoln's tract, Popish Principles.[24] Of all the possible sources available, the pamphleteers seemed to prefer to cite Catholic writers or legislation, since they could thereby escape the criticism of using biased anti-catholic sources. Furthermore, such material lent their tracts greater authority.

Although there was agreement that the Pope posed a threat to English independence, the two groups advanced different arguments in responding to this challenge. The different positions can best be seen in the treatment of the question of succession and the related topics of France, the economy and the English Catholics.

In each instance the thrust of the opposition pamphleteers' argument was to prove that a Popish Prince would attempt to establish the Pope's spiritual and temporal dominion. They described the impending and seemingly inevitable rule by arbitrary government and the violence which would be used to accomplish these ends. Blount summarized the position when he wrote,

> ... if ever a Popish successor comes amongst you, let his promises of keeping our religion and laws, or his conversion, be never so plausible, credit 'em not .... For he will Goevern by an army, what will your Laws signfie?

Blount foresaw the end of Parliament and the rise of arbitrary government by the King and his army.[25] Phillips, Settle, Johnson, Owen and Care added their criticisms which supported Blount's argument.[26]

In order to support their contention that a Popish Prince would extirpate the Protestant Religion the opposition pamphleteers pointed to the contemporary situation of the persecution of the French Protestants. This is one of the few original arguments or illustrations which the opposition pamphleteers advanced. Owen accused the French Government of perepetrating violent political actions against the Huguenots in order to force them to apostatize.[27] Blount and Care pointed to the St. Bartholomew Massacre of 1572 and the expansion of the Catholic religion

under the banner of the French army.[28] Johnson described some of the policies implemented by the French government to destroy the Huguenots. Protestant children had been forced to attend Catholic schools and the government had restricted the number of Protestant teachers.[29] Harris' Domestick Intelligence carried innumerable stories of the hardships suffered by the Protestants. All Protestants had been banned from public service, from military and naval commissions, and Protestant ministers had been condemned to the galleys. Protestant lawyers, tradesmen and artisans were forbidden to practice their respective professions or trades. In order to enforce religious uniformity, the dragoons had been ordered to destroy Protestant churches.[30]

The example of the French persecution of the Huguenots failed to include one predominant fear which the opposition pamphleteers shared: namely, that a Popish Prince would destroy the English economy. This argument was implicit when Settle accused the hierarchy of avarice. He wrote that, "Merit was the Roman Catholic Exchequer that draws the wealth of Nations into the priestly coffers."[31] Care stated that the Jesuits "itched for restitution of the old abbey lands,[32] while du Moulin concurred with this statement and added that they also wanted their benefices back.[33]

The pamphleteers accused the hierarchy of various other immoralities besides avarice. Owen described the leaders of the Church, the Popes, as being "persons wicked, ignorant, proud, sensual, and brutish in their lives."[34] Care called the priesthood sodomists.[35] Despite the fact that these economic and social arguments were not as

frequently used as those which foretold the violence which would follow the accession of a Popish Prince, they did add two more reasons to support their exclusion policy.

The sum of these various arguments against a Popish Successor was the total proof that he could be nothing less than a tyrant. Since it was legitimate to resist a tyrant, then it was equally legitimate to alter the succession. Settle stated this conclusion most succinctly when he wrote:

> To preserve correct Succession you would end up with Tyranny and partial usurpation in that the Church of Rome controls much of the King's actions so that in doing things correctly, England destroys the Religion, Government and the Monarchy itself. Would it not be wiser to preserve these and break the chain [of Succession] in one link for once?[36]

Clearly then, the aim of the anti-papist arguments for the opposition pamphleteers was the support of their concept of sovereignty, which was a mixed monarchy. In putting forth these anti-papist arguments they were appealing to the conservative nature of the people to support what the conservatives of the day considered a radical political philosophy. Not only did they rely upon a traditional argument for resistance to tyranny, but they also combined many traditional anti-papist arguments to their doctrine of resistance; a Popish Prince would be a tyrant and therefore a replacement must be found by Parliament. In this way they hoped to further the cause of Parliamentary rights and restrict the royal prerogative. Tradition was used to justify change.

The crown pamphleteers perceived the essence of the opposition's anti-papist arguments as leading directly to an attack on their concept

of sovereignty which centered on a hereditary divine right monarchy. Therefore it was imperative that they disproved the opposition's central argument that a Popish Prince would be a tyrant. By so doing they could destroy both the credibility of the opposition's justification for exclusion and its design to establish a mixed monarchy. They set out to disprove the opposition's arguments for exclusion by dissociating the future policies of a Popish Prince from the Pope's past attempts to establish his spiritual and temporal authority in England.

The crown pamphleteers put forth several arguments which were designed to diminish the popular fear that a Popish Prince would destroy their rights. First and foremost they believed that all kings were bound by the rule of law. As L'Estrange wrote, if one believed that a Popish Prince would not fulfill his coronation oath, then one had to believe that all "the ligaments of society and commerce"would by continuously cut asunder and Christendom would be in a state of perpetual warfare. If, however, one believed, as the crown pamphleteers did, that a Popish Prince would adhere to this oath, then L'Estrange concluded, "what a Bugbear is this Popish Successor."[37] Hunt supported L'Estrange's prognosis.[38] Secondly they argued that the Protestant community could control the King, since the history of the Gunpowder Plot indicated that the people's anti-papist passion would be so greatly aroused that "a Savage Popish King today would suffer even more" than the Papists in 1605-1606.[39] Finally, Glanvill drew upon Charles' scheme of limitations to prove that the Church of England should be protected by placing all canonical elections in the hands of the Bishops.[40]

The crown pamphleteers used the case of the Huguenots to support their argument. Whereas the opposition pamphleteers had used the situation in order to support their argument that a Popish Prince would be a tyrant, the crown pamphleteers reversed this argument by scarcely mentioning the persecution.[41] Instead they pointed to the fact that a large number of Huguenots were still living in France. From this Hunt stated that a Popish Prince could never extirpate all the English Protestants.[42] Settle went even farther when he pointed out that the French had actually tolerated the Huguenots for many years and concluded that a Popish Prince would be lenient and clement.[43] It is clear that both groups used whatever information they could obtain to support their case.

The crown pamphleteers made even fewer remarks about the possible fate of the abbey lands. Nalson alluded to the question when he dealt with the Church of Rome's attack on the established Church. He wrote that one of the motivating forces behind this attack was the desire for their lands.[44] L'Estrange denied the possibility of confiscation when he wrote, "But why are our Abbey-Lands more in danger, than any other part of our Estates? since we have the same security for one as for the other, and both as firmly secur'd as the Law can make them or the wit of man devise?"[45] Although the danger of confiscation existed in the minds of some of the pamphleteers, others like L'Estrange believed that a Popish Prince would be restrained by the law.

Just as the opposition and crown pamphleteers held opposite opinions on the future behaviour of a Popish Prince, so they differed

in their views on the danger from the English Catholic Community. The opposition pamphleteers considered the English papists to be part of an international conspiracy of Papists whose sole purpose was to establish papal supremacy in London. They were always to be considered a threat to the government. Care and Harris refered to instances when the penal laws had been enforced as evidence to support this contention. For instance, Care described the expulsion of the papists from London in October 1679. He wrote:

> In conscience many Roman Catholics could not take the said oaths and did go out of Town with great Lamentation, leaving their Trades and Dwellings; But within a Week or two, returned generally; took the oaths because the priesthood had given them dispensations ....[46]

The implication of this statement was that despite the fact that Catholics had taken the oaths, they could not be trusted, for the priests had absolved them from the sin of foreswearing the Pope's spiritual authority. Care offered further illustrations of the danger from the English Catholics in the Impartial Protestant Mercury,[47] while the Domestick Intelligence reported similar stories with equal vigour and frequency.[48]

In order to control this threat the pamphleteers wanted to have the penal laws strictly enforced. Settle argued that if a Papist sought converts, the laws should be used against the new convert as well as the person who drew him into such an evil religion.[49] Owen felt that any attempt to relax the penal laws would be the "most plausible engine for attaining the fatal end designed that can be made use of, and,

possibly, the most likely to take effect."[50] Care and Phillips agreed with Owen, who opposed the readmission of Popery into England.[51]

The crown pamphleteers provided a far more exact analysis of the threat from the Catholic community. They indicated that the threat was minimal and could easily be controlled with the enforcement of the penal laws. In this way the pamphleteers once again eased the attack on the King and James and replied to the opposition, for, what was there to fear if there was in fact no danger and, if this was so, why cry out to exclude James?

Though not all to the same degree the crown pamphleteers depicted the Catholics in a sympathetic light. For instance, Tillotson considered "many papists would have been excellent persons, and very good men, if their Religion had not hindered them ...."[52] However, L'Estrange went farther, "... [T]he Papists", he wrote, "are neither Dogs nor Cats, Wolves, Dragons, nor Fiery Serpents, but men like you and I, and Christians too, but not so good as they ought to be, nor as it is wished they were."[53] Lloyd brought out the distinction between the religion and the community in his sermon at Godfrey's funeral. In eulogizing Godfrey's actions as a Justice of Peace, Lloyd praised him for his "kindness for the Persons of many Roman Catholicks: Yet he had always declared a particular Hatred and Detestation of Popery."[54]

Bohun, Glanvill, and Settle analysed the size and distribution of the English Catholic community in order to prove that, even if a Popish Prince sat on the throne, this did not mean that he would try to establish papal dominion. Archbishop Sancroft and Bishop Compton

conducted a census of religious groups in 1676 which these pamphleteers used to justify and support their argument. It is difficult to prove that Sancroft actually provided the pamphleteers with a copy of the census, but the fact that he was Bohun's patron suggests that he might have had a hand in the circulation of this work among some of the pamphleteers.

Glanvill made the most extensive use of the statistics of the census and so his work is the best illustration of the way in which the figures were used by the crown pamphleteers. Glanvill stated that there were only 11,875 Catholics in all of the bishoprics but four. Clearly then, he had only seen the returns from the Province of Canterbury whose totals were 11,878.[55] They do not include the Catholics in the northern Province of York. Glanvill never stated that his figures did not extend over the whole state and in fact suggests that the figure supplied by him included the northern Catholics. He gave this impression when he analysed the distribution of the Catholics. He argued that many papists were concentrated in the suburbs around London, while there were more Catholics in the north than in the west. He concluded from this that they could not do much harm to the state because they were too scattered, lacked contact between the north and the west and London, and because their religion was so hated. Glanvill believed that the real threat from Popery lay in the foreign papists who would not be aided to any great or significant extent by the English Catholic community. Furthermore, a Popish King would not attempt to convert England to Catholicism because the number of papists was so

small that the attempt would ruin him. In other words, the Protestants would not permit him to destroy their religion.[56] Similar conclusions were reached by Bohun and Settle in their analysis of the strength of the English Catholic community.[57]

The crown pamphleteers dissociated the future policies and actions of a Popish Prince and the English Catholic community from the Catholic attempt to establish spiritual and temporal dominion in order to show that there was no danger in permitting a Catholic Prince to ascending the English throne. It also permitted them to attack the Catholic Church and remain loyal to James and Charles at the same time. In this way they could defend the government and the Church of England from the opposition's attack on them for being "Papists in disguise". L'Estrange accused the opposition of attempting to falsely represent the innocent as Papists so that they could obtain their places in the government.[58] In order to combat this tactic Glanvill wanted the "Tests" applied so that all those who took them could be cleared of being "Papists".[59] Thus, he wrote,

> If a Gentleman stands to be a Member of Parliament, that is not a Fanatick, he is in their mouth presently a Papist; If one speaks but an earnest word for the Government and the establishments either in Church or State, that crosseth and stops some men's contrary violence, he is a Papist .... I am afraid the time is near ... when every friend to the King and Church shall be a Papist.[60]

Bohun added a novel twist to this argument when he commented on the Dissenters' practice of branding Anglicans as Papists, because they had

been friendly with their papist neighbours. The Dissenters, he complained, had failed to "distinguish betwixt kindness to the men and to their religion."[61] This last quotation only underlines how the crown pamphleteers attempted to show that the English Roman Catholics were treated humanely and as social equals by their Protestant neighbours.

Just as the crown wanted the tests applied to distinguish between Protestants and Papists, it wanted the other penal laws enforced to dispel any thoughts of rebellion from the minds of the English papists.[62] They were not prepared to extend legal equality to them despite the realization that the papists posed no real threat to the government. Sherlock praised God that "we have very good laws against them ...." to protect the Church and State from their potential threat.[63] Glanvill argued that the papists would gain too great an advantage if the penal laws were removed.[64] Nalson struck at the heart of the question of toleration when he wrote that, if papists were tolerated in matters spiritual alone, they would "take away the Divine Right of Kings; and if once you remove that foundation, down goes the Monarchy." [65] In other words, since the papists believed that the Pope was the divinely chosen successor to Peter, then they could not support the King's claim to being the divinely appointed head of the Church and thereby the State. Therefore, he argued, it would be politically inexpedient to tolerate the Catholics.

The striking characteristic of the anti-papist arguments used by both groups of pamphleteers to attack the Church of Rome's

claims to spiritual and temporal dominion was their similarity to the traditional anti-Catholic arguments. Scriptural fundamentalism was the basis from which they put forth their anti-sacredotal, anti-clerical and anti-authoritarian arguments which stated in Seventeenth Century terms the basic criticisms which the Lollards, Protestant reformers and Elizabethan pamphleteers had stated in the language of their own ages. In so doing they illustrated not only the extent to which they considered a monarchy independent from a papal authority as the foundation of English sovereignty, but also how much the Reformation was a living tradition in the late Seventeenth Century.

FOOTNOTES TO CHAPTER IV

[1]John Bale, A Brefe Commedy or Enterlude of Iohan Baptystes preachyneg in the Wylderness: openynge the craftye Assaultes of the Hypocrytes, with the gloryouse Baptiysme of the Lord Jesus Christ (n.p., 1538), Harleian Miscellany, ed. W. Oldys and T. Park (London, 1809-1813), I, 108. See also J.A. Thomson, The Later Lollards 1414-1520 (Oxford, 1965), p. 244 and K.B. McFarlan, John Wycliffe and the Beginning of English Non-conformity (London, 1952) and A.G. Dickens and D. Carr, eds., The Reformation in England (London, 1967), pp. 26-45.

[2]The Beggars' Petition, against Popery (n.p., 1538), Somers Tracts, ed. W. Scott (2nd., ed., London, 1809-1815), I, 41, 42-44.

[3]An Exhortation to stirre up the Minds of all Her Majesties faithful Subjects, to defend the Country in this dangerous Time, from the Invasion of Enemies (London, 1588), Harleian Miscellany, I, 161.

[4]Beggars' Petition, p. 43; An Exhortation, p. 161; See also [Anon], A discoverie of the Treasons practised and attempted against the Queen's Majestie and the Realm by Francis Throckmorton (n.p., 1584), Harleian Miscellany, III, 200 and, The Arraignment and Execution of the Late Traitiors with a Relation of the other Traitors, which were executed at Worcester, the twenty-seventh of January last past (n.p., 1606), Somers Tracts, II, 116.

[5]Owen, Church of Rome No Safe Guide, Works, XIV, 488, 514-515; S. Johnson, A Sermon Preach'd before the Lord Mayor and Aldermen at Guildhall Chappel, on Palm-Sunday, 1679 (London, 1684), p. 20; J. Tillotson, A Dissuasive from Popery (London, 1768), pp. 9-13, 15; W. Lloyd, Considerations Touching the True Way to Suppress Popery in this Kingdom (London, 1677), pp. 6, 80-86; H. Care, A Weekly Pacquet of Advice from Rome, I, np. 24, p. 186.

[6]Care, Weekly Pacquet, No. 24, p. 186; Johnson, Sermon, p. 20; Whitaker, Toleration, pp. 18-19; Sherlock, The Protestant Resolution of Faith, pp. 4-5, 16; Lloyd, Considerations, p. 6.

[7]Care, Weekly Pacquet, I, Nos. 12, pp. 90-1, 20, pp.150-156; [Johnson], Julian, p. 103; [J. Nalson], The Present Interest of England (London, 1683), p. 20; [J. Fell], Of the Unity of the Church (Oxford, 1681), p. 13; Tillotson, Dissuasive, p. 17.

[8]Johnson, Sermon, p. 20; Owen, Church of Rome No Safe Guide, Works, XIV, 512; J. Tillotson, The Protestant Religion Vindicated (London, 1680), p. 22.

[9]Whitaker, Toleration, p. 16; Owen, Church of Rome No Safe Guide, Works, XIV, 493; W. Lloyd, A Sermon Preached Before the King at White-Hall the 24th of November, 1678 (London, 1679), pp. 34, 43, 60; J. Tillotson, A Sermon Preach'd at White-Hall, April the 4th, 1679 (London, 1679), pp. 31, 39.

[10]du Moulin, A Short and True Account, p. 3.

[11]Tillotson, Dissuasive, p. 14; Sherlock, Protestant Resolution, p. 17.

[12]Owen, Brief and Impartial Account, Works, XIV, 535.

[13]Blount, Appeal, p. 28.

[14]Care, Weekly Pacquet, I, No. 2, p. 13.

[15]Settle, Female Prelate, p. 20; H. Care, The Character of a Turbulent, Pragmatical Jesuit and Factious Romish Priest (London, 1678), p. 1; Harris, DI, 8 August, 30 September, 4 October, 12 and 16 December, 1679.

[16]Nalson, Common Interest, pp. 174-175, 183.

[17][D. L'Estrange], The Parallel or, An Account of the Growth of Knavery (London, 1679), p. 11.

[18]Sancroft, Sermon, p. 9; E. Bohun, An Address to the Free-men and Free-holders of the Nation: Part One (London, 1682), pp. 6, 11; W. Lloyd, A Sermon Preached at St. Martins-in-the-Fields November 5, 1678 (London, 1679), p. 22.

[19]Nalson, Common Interest, pp. 189-190.

[20][Phillips], Vindication, p. 8; [Blount], Appeal, p. 11.

[21]L'Estrange, Papist in Masquerade, pp. 83-84; Nalson, Common Interest, pp. 174-176, 183, 188; Lloyd, Sermon Godfrey, pp. 30-33.

[22]Nalson, Common Interest, p. 192; Foxes and Firebrands, pp. 31-33. Tillotson, A Sermon Preached November 5, 1678 at St. Margarets Westminister, Before the Honourable House of Commons (London, 1678), p. 23.

[23][Blount], Appeal, pp. 27-29.

[24]L'Estrange, Papist in Masquerade, p. 83.

[25][Blount], Appeal, pp. 4, 15.

[26][Phillips]. Vindication, pp. 4, 6, 11, 18; [Settle], Character, pp. 20, 21, 22; Johnson, Julian, pp. 22, 78; Owen, Church of Rome No Safe Guide, Works, XIV, 494 and Union Among Protestants, Works, XIV, 520; [Care], IMP 16 May, 1682.

[27]Owen, Brief and Impartial Account, Works, XIV, 544.

[28][Blount]. Appeal, p. 22; Care, Utrum Horum: or, The Nine and Thirty Articles of the Church of England, At Large Recited (London, 1682), Preface, unpaginated, pp. [1-2].

[29][Johnson]. Julian, p. 15.

[30]D.I. 5, 22 August, 3, 17 October, 1679 and 5 March, 13 April, 1680.

[31][Settle]. Character, p. 19.

[32][Care]. Character of Turbulent, Pragmatical Jesuit, p. 6; IMP, 12 May, 1681.

[33]du Moulin, Brief and Important Account, pp. 46-47.

[34]Owen, A Short and True Account, XIV, 533.

[35][Care]. Weekly Pacquet, No. 2, pp. 13.

[36]Settle, Character, pp. 22-23.

[37]L'Estrange, Papist in Masquerade, p. 22.

[38][Hunt]. Great and Weighty Considerations, pp. 2-3.

[39]Settle, Present State, p. 3.

[40][Glanvill]. Zealous and Impartial Protestant, p. 49.

[41]Lloyd, A Sermon at the Funeral of St. Edmund-Bury Godfrey ... on Thursday, the last day of October, 1678 (London, 1678), p. 37.

[42]Hunt, Great and Weighty Considerations, p. 3.

[43]Settle, Present State, p. 15.

[44][Nalson]. Foxes and Firebrands, p. 5.

[45][L'Estrange], The Lawyer Outlaw'd, p. 35.

[46][H. Care]. The History of the Damnable Popish Plot (London, 1680), p. 125.

[47]IMP, 14 February, 1682, 16 May, 18, 29 July, 18 November, 1681.

[48]DI, 8 March, 27 January, 1680, 14 November, 1679.

[49][Settle]. Character, p. 28.

[50]Owen, Brief and Impartial Account, Works, XIV, 545.

[51]Ibid., 516; [Phillips], Vindication, p. 3; [Care], History, p. 363.

[52]Tillotson, Sermon, p. 30.

[53][L'Estrange]. L'Estrange No Papist Nor Jesuite (London, 1681), p. 15.

[54]Lloyd, Sermon Godfrey, pp. 12-13.

[55][Glanvill]. Zealous and Impartial Protestant, pp. 48-49;Compton Census William Salt Library in which the figure of 11,878 is given as the total number of papists in the Province of Cantabury. It did not include the returns from the Province of York, which totalled 1,978. For the accuracy of the Compton Census see T. Richards, "The Religious Census of 1676: An Inquiry into its Historical Value, mainly in Reference to Wales", Transactions of the Cymmrodorion Society Supplement (1925-1926), pp. 33-34.

[56][Glanvill]. Zealous and Impartial Protestant, p. 49

[57]Bohun, Free-men, p. 6; Settle, Present State, pp. 9, 18.

[58]L'Estrange, Citt and Bumpkin, in a Dialogue over a pot of Ale, Concerning matters of Religion and Government (London, 1680), p. 20.

[59][Glanvill]. Zealous and Impartial Protestant, p. 54.

[60]Ibid., p. 50.

[61][Bohun]. Free-men, p. 7.

[62]Nalson, Common Interest, pp. 193-194.

[63]Sherlock, Sermon, p. 15.

[64][Glanvill]. Zealous and Impartial Protestant, pp. 30, 33.

[65]Nalson, Common Interest, pp. 178-179; see also [R. L'Estrange], State and Interest, p. 3; [Hunt], Great and Weighty Considerations, p. 3; Sancroft, Sermon, p. 26; and [Bohun], Free-men, pp. 2-6.

CONCLUSION

The analysis of the politics of anti-popery has brought into sharper focus the relationship between toleration and politics. This is especially so in the case of Charles II, who championed the cause of toleration for the first twelve years of his reign. Even during this period in which he used his prerogative twice to dispense with the penal laws the anti-papist sentiment of Parliament and the Dissenters forced him to withdraw the Indulgences. Political expediency and financial necessity always preceded his desire to remove the disabilities under which the Catholics suffered.

It has become common knowledge that during the Popish Plot and Exclusion crisis the opposition factions which sought to exclude James from the succession exploited the great fear of Popery in order to gain support. What has not been emphasized as much is that Charles was equally as ardent in his desire to persecute the Catholics; in this way he could act as the protector of the Protestant Interest. Charles took several measures to ensure that the opposition would be diverted from the Exclusion policy. The scheme of limitations was the best known tactic. Less known actions were his frequent statements to Parliament to pass new anti-papist bills which would lessen the danger from foreign and domestic papists. He issued countless proclamations and went so far as to establish a system of receivers to ensure that the penal laws

were indeed being enforced. Clearly then Charles, who actually permitted the preposterous story of the Popish Plot to be spread about and get out of the government's control, managed to save his position by acting as anti-Catholic as any of the members of the opposition.

The opposition realized that Charles was attempting to split their ranks with his scheme of limitation and the anti-papist bills. Thus it did not rush the anti-papist bills out of the committees because any diminishment of anti-papist fears might destroy the atmosphere so necessary for gaining support for excluding James from successor. This policy was the most extreme aspect of the opposition's attempt to bring the royal prerogative within Parliament's purview. Charles realized this and was forced to dissolve Parliament several times in order to prevent the bill from reaching third and final reading. He not only prevented the exclusion bill from passing but also killed all the anti-papist bills which were in committee. In so doing he defeated his own diversionary tactic and thereby permitted the opposition to continue to manipulate the anti-papist fears in their attempt to gain popular support.

In the conflict between the government and the opposition each side had many supporters who wrote tracts to defend its ideals. Most of the opposition pamphleteers were associated directly or indirectly with the Green Ribbon Club or were connected with the Dissenters in London. The crown pamphleteers either held positions in church or state or aspired to a post in one of these organizations. It has not been possible to prove that the opposition actually asked certain men to

write for them or that the government sent out directives to men in church and state to take up the pen for the crown.

Many common motives inspired the pamphleteers to produce their tracts. The desire for financial gain and other sorts of material rewards was just as important as the burning zeal of the idealists who argued for a belief dearly held. The opposition pamphleteers, in contrast to the older crown writers, were dissatisfied with the policies of the government. Indeed, this dissatisfaction was far more significant than any attachment to past political loyalties to political ideals of the Interregnum. Only two of the nine opposition pamphleteers worked for the Interregnum governments while a third rejected its principles completely while Cromwell ruled. Similarly the ties between the crown pamphleteers and the Royalists during the Interregnum were tenuous; only four supporters of Charles I or Charles II in exile became crown pamphleteers during the Exclusion crisis and Royalist reaction.

The significance of this weak link between the two periods of unrest only became apparent when an analysis of their ideas on sovereignty, obedience and toleration is undertaken. In most cases the tracts were filled with topical controversy and it was necessary to glean the significant passages from them. However sufficient material was gathered in order to put into perspective the comments by Professors Gooch, Bredvold and Jones. These men argue that the ideas which are contained in the pamphlet literature of the Exclusion crisis and Royalist reaction were borrowed from the thought of the Interregnum. Clearly the

problem is more complex than this.

An analysis of the background of the pamphleteers had shown that eleven of the eighteen men were old enough to comprehend the political debate which raged during the Interregnum. Of these six pamphleteers openly sided with one side or the other. For these men it is possible to conclude that they acquired many of their political ideas during this period of intense political debate. However, the remaining seven younger pamphleteers advanced arguments which were similar to those of the older writers. This implies that the ideas of the Interregnum were fairly common knowledge during the Restoration. Whether the pamphleteers gained their political ideas from first hand experience during the Interregnum or from the political ideas which were prevalent during the Restoration, this does not solve the problem of where these concepts originated.

The opposition pamphleteers used many traditional arguments to justify their stance on the nature of sovereignty, resistance and toleration. The concept of mixed monarchy, though having predecessors in the Middle Ages, was essentially formulated by Starkey and Ponet in the Renaissance and Reformation and put forth during the Interregnum by pamphleteers like Hunton. Their concept of rebellion once again found its roots in the medieval doctrine as seen in the works of Bracton. However, it was advanced in its more modern phase by writers like Buchanan and Huguenot pamphleteers of the French Civil Wars.

It is only when the question of toleration is discussed that it is possible to discern some shift in thought. Even in this case Starkey's

argument that certain practices within the Church were "things indifferent", was fundamental in comprehending the arguments of Owen and Whitaker. The latter did not go beyond the concept while the former built upon it and, in so doing, set forth the most concise and lucid solution to the problem of toleration which was as yet encountered in the pamphlet literature. His arguments for the separation of Church and State were very similar to those advanced by Jacob in the early Seventeenth Century and by Cotton and Milton during the Interregnum. In the case of Owen the latter two men were far more influential in shaping his thought than was the former. In this way the political ideas of the Interregnum played far more than the role of transmitter.

The crown pamphleteers also advanced arguments which had their roots in the Middle Ages and the Renaissance and Reformation. The extreme conservatives' concept of how a polity should function was distinctly medieval and similar to the idea of the Great Chain of Being in which each man held a divinely ordained position in society. In order for that society to function it was necessary for the individual members to carry out their respective duties and obligations.

The more moderate conservatives defended the concept of the divine right of kings whose roots lay partially in the medieval concept of dei gratia but more precisely in the works of the Tudor pamphleteers who advanced the concept of majesty as well as in the works of James I. These writers provided the framework on which the Royalist pamphleteers like Digges, Maxwell and Sanderson drew during the Interregnum to defend

the monarchy. Similarly the concept of non-resistance and passive "disobedience" was formulated by the Henrician pamphleteers and the Elizabethan divines and transmitted by the works of Digges to the crown pamphleteers.

It is in considering the crown pamphleteers' positions on toleration that some originality in thought can be perceived. The conservatives, drawing on the works of Hooker who was in turn directly influenced by Starkey, consistently argued that toleration would lead to anarchy. The moderates, or latitudinarians, contended against this and sought to either comprehend the dissenters within the Church of England or remove the legal disabilities under which they suffered. The roots of the arguments of moderates like Tillotson lay in the thought of Wilkins while the work of the Cambridge Platonists and Chillingworth played a secondary role. Thus the thought of the Interregnum in this case played a role far greater than that of transmitter of past ideas; it was fundamental to the moderates' concept of toleration.

In justifying their opposition to the succession or in defending the monarchy the pamphleteers used traditional arguments. Perhaps the most traditional and popular argument which pervaded the tracts was that of anti-popery. They each contended that, if Popery were established in England, she would lose her sovereignty. Their different interpretations of the nature of sovereignty resulted in divergent solutions to the problem of a Popish Successor.

Although each side advanced their respective arguments in such a manner as to preclude any chance of compromise, it is possible to

discern certain features in their arguments which could make compromise possible in the future. Let it first be noted that the following is based on the arguments found in the pamphlet literature and will not extend to hypothetical considerations of what the opposition might have done if they had proven victorious.

The first and most obvious point of comparison is that both groups agreed that England must be governed by a monarchy, furthermore they agreed that Parliament was necessary. However each group emphasized the powers of either the royal prerogative or the rights of Parliament; it is in working out the balance between the two that the pamphlet literature offered little or nothing of substance. What is essential to note is that neither group denied the legitimacy or the historic rights of the powers of the King or Parliament. The issue was not between republicanism and monarchy as James was so fond of arguing,[1] but between the balance of political forces within a monarchy.

Similarly on the question of toleration certain points of compromise can be foreseen. With respect to the Dissenters the opposition pamphleteers who wanted to grant them a degree of toleration found allies within the Church of England. The latitudinarians, although not in a position of great power within the established Church at this time, also wanted to put an end to the persecution of the Dissenters. Naturally, the conservative High Churchmen who controlled the Church of England at this time opposed any such compromise, but the foundation for this agreement between the Dissenters and latitudinarians in principle can be discerned in the pamphlet literature.

Finally neither group wanted to grant the Catholics any form of toleration. Although the conservative crown pamphleteers portrayed the Catholics as humanely as possible, this was done for political purposes. In order to defend the succession, they showed that the Catholics posed no threat to the state. The conservatives, along with the latitudinarians and the opposition pamphleteers, believed that the penal laws should be strictly enforced. In this way any possible threat from the Catholics would be averted.

The analysis of the pamphlet literature serves to illustrate the various streams of thought which composed the political consciousness of the day. For many pamphleteers this consciousness found its roots in certain medieval truisms as well as in the thought of the Renaissance and Reformation which was transmitted by the writers of the Interregnum to the politics of the Exclusion crisis and Royalist Reaction. For other pamphleteers it was a consciousness based on the thought and political experience of the politics of the Interregnum. It was torn by many conflicting ideals, but which in certain aspects held out the promise of future compromise. But what is most evident is that this was not a single consciousness but rather one in flux with each ideological faction struggling with its opposite for victory.

FOOTNOTE TO THE CONCLUSION

[1]Gooch, pp. 331-332.

APPENDIX I

PAMPHLETS AND THE LAW

The Licensing Act of 1662 (14 Car. II, cap. 33) contained several provisions which are important to note. It regulated the publishing and printing of all books and pamphlets. Several authorities were to issue licences for books which they approved. The Secretaries of State licensed all books concerning the state of the realm or affairs of state. The Archbishop of Canterbury and/or the Bishop of London licensed all books on divinity, physics, philosophy or others on sciences or art. Several other officials licensed more specialized books, and for any book not included in the foregoing, a Surveyor of the Press was to examine and license them. Once a book had been licensed, it had to be entered in the Register of the London Stationers' Company in order to be legally vended.

The second important part of the Act was the procedures used to suppress unlicensed books. Messengers of his Majesty's chamber by warrant under his Majesty's Sign Manual or under direction of the Secretary of State could seek out and arrest all publishers and printers of unlicensed books. Secondly, the Master and/or the Wardens of the Stationers' Company with a constable could search any house in which they thought printing was being done and could demand to see a license. If none was produced, the offender was to be taken to the Justice of the Peace and the books to the Bishop of London or the Secretary of State.

This Act was renewed in 1664 and 1664-1665, and in 1665 the House of Commons decided to extend it until the end of the first session of the next Parliament.[1]

Recent studies indicate that the Licensing Act had been ineffectual and it had lapsed due to the number of unlicensed pamphlets which appeared while it was in force. Several reasons have been suggested for this lack of control; among them the conflict between the licensing authorities.[2] After the lapse of the Act the government took several measures to suppress the flood of pamphlets. In the summer of 1679 the Judges rendered a decision which supported the government's contention that pamphlets had to be licensed. With this justification, the government arrested and tried several publishers and pamphleteers.[3] However, when Parliament met in October, the House of Commons initiated impeachment proceedings against some of the Judges for infringing on Parliament's jurisdiction. They also released some of the pamphleteers.[4] Despite proclamations in October and May 1680, the government had lost the battle to control the press. It was necessary for it to dispense with Parliament before it could begin to control the press.

FOOTNOTES TO APPENDIX I

[1] Statutes of the Realm, V, 429, 430, 432, 524, 556, 577.

[2] P. Fraser, The Intelligence of the Secretaries of State and the Monopoly of Licensed New 1660-1688 (Cambridge, 1956), p. 115; J. Walker, "Censorship of the Press During the Reign of Charles II", History, N.S. XXXV (1950), 225-237; and Huston, pp. 37-40.

[3] HMC, Ormonde, n.s. IV, 547; Steele, I, 448, 450; Hart, 219, 221 and Luttrell, I, 33, 35.

[4] Debates, VI, 363, 433; VII, 60; Mengel, E.F. ed., Poems on Affairs of State (New Haven, 1965), II, p. XXIX.

APPENDIX II

THE MEANS OF DISTRIBUTING PAMPHLETS

Pamphlets were distributed around the country in several ways. In the first place many pamphlets circulated in manuscript form before they went to the printer. Once they reached the printer, who was usually in London, one or two impressions were sent to the counties in order to ensure that, in case the government seized the prints at the shop, copies would still be available.[1] Sometimes the opposition smuggled quantities of pamphlets into London from Holland.[2]

Once a pamphlet was printed in quantity,[3] it could be sent to the counties by several means. The most obvious means was through the Post Office. That is how the pamphlet, A Letter to a Person of Honour Concerning the Black Box reached Chelmsford. In this case the final destination was an innkeeper and a local stationer.[4] The Post Office could be used by the opposition because Robert Murray, who worked in it, was a close associate of Shaftesbury. He helped distribute Blount's An Appeal from the Country to the City, and for this he was dismissed.[5] This led to Robert Murray's and William Dockwra's establishment of the Penny Post in April 1680. The Post ran until 1683 and was used by the opposition to distribute its pamphlets.[6]

The Quaker organization provided another means for distributing pamphlets. Under increasing persecution after 1675, the Quakers began to centralize their organization. They established a hierarchical

organization which began at the level of local monthly meetings, went from there to the regional or county-wide meeting and then to the larger General Meeting. Yearly meetings were held regularly in London after 1678. After 1679 a "Meeting of Suffering" was established. This executive body met weekly and supervised the distribution of funds to prisoners and dispossessed Quakers, and scrutinized and underwrote their pamphleteers.[7] They sent many tracts to Parliament requesting toleration.[8] Furthermore William Penn, one of the leading members of the "Meeting of Suffering" actively campaigned for Algernon Sidney's election to Parliament in 1680.[9] Thus, although no evidence has been found to prove that the Quakers carried specific pamphlets from London, it is likely that their organization facilitated the spread of opposition pamphlet literature.

A final method of distributing pamphlets was by itinerant vendors and persons travelling about the country. For example in 1681 Lawrence White rode to various fairs and markets to dispense pamphlets.[10] In another instance a pamphlet entitled the Postscript, which Thomas Hunt of Gray's Inn wrote, was taken to a Norwich bookseller by Mr. Lovell, a member of the same Inn.[11]

The ultimate destination of many of these pamphlets was the coffee houses of London and those in the provincial towns. Lord North complained that the coffee houses in the city and the country were the destination of most pamphlets and were used by the opposition to spread rumours far and wide.[12] The connection between the coffee houses and the Penny Post can possibly be seen in the fact that in 1682 the Amsterdam coffee

house in London subscribed to Robert Murray's Corporation Credit: or Bank of Credit Made Current by Common Consent.[13]

FOOTNOTES TO APPENDIX II

[1]CSPD, 1682, 563.

[2]Ibid., p. 122 and 1683, July-September, 343.

[3]One cacheconsisted of 1400 pamphlets. CSPD 1680-81, 237. See also HMC, 9th Report in which government investigators 1676-1677 estimated that average size of printing was 400 copies. However, popular pamphleteers like Tillotson had their works printed in much larger quantities, such as 3,000-4,000. HMC, Verney, p. 471.

[4]CSPD, 1679-80, 504.

[5]Haley, Shaftesbury, op.cit., pp. 413, 553, Note 3.

[6]Fraser, p. 129.

[7]H. Barbour, The Quakers in Puritan England (New Haven, 1964) p. 231.

[8]E.W. Kirby, "The Quakers' Efforts to Secure Civil and Religious Liberty, 1660-1696", Journal of Modern History VII (1935), pp. 404, 411.

[9]Ibid., p. 405.

[10]CSPD, 1680-1681, 237.

[11]CSPD, 1683-84, 219.

[12]Dalrymple, I, 390.

[13]Lillywhite, p. 80.

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