

**JAMES II AND THE 'GLORIOUS REVOLUTION' OF 1688**

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AND  
THE 'GLORIOUS REVOLUTION'  
OF 1688***

[Britain 1649 - 1829]

**By**

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## CHAPTER I

### OFFICIAL HISTORY AND THE PRECEDING YEARS

#### Official History

The official Government sponsored history of this period, in its most forceful form, may be summarized as follows:

When King James II became a Catholic, he sought to re-impose by force the Roman Catholic religion on the Protestant people of England. He believed in the 'Divine Right of Kings', ruled arbitrarily and tyrannically, suspended Acts of Parliament, violated the rights of the Universities, granted indulgences to Catholics so that they were above the law, overawed London with a large army, imprisoned Anglican bishops, tried to 'pack' Parliament with his supporters, and subjugated English interests to those of France. The leaders of English society invited the ruler of Holland, William of Orange, to come and free England and restore the rights of a freedom-loving, just, moderate and responsible Protestant Parliament.

Official history asserts that the 'Glorious Revolution' of 1688 achieved this and the new Protestant Parliament upheld the freedom of the Church of England, issued a Bill of Rights so as to protect civil liberty, promulgated an act of religious toleration, and offered the Crown to William and his wife, Mary.

THIS BOOKLET WILL SHOW THAT THIS ACCOUNT IS A POLITICAL ANTI-CATHOLIC MYTH.

## **The Preceding Years**

King Charles I was executed in 1649 following the end of the Civil War. His sons, Charles and James, grew up as refugees in France. As the king of France was a child, the country was administered by two Cardinals in succession. The Catholics had won the earlier wars of religion, and their Church, being that of the majority, was state supported. The Calvinists, known as Huguenots, were permitted freedom of worship in their traditional towns, and full civil rights. The Princes were able to observe the beneficial effects of religious freedom on the happiness and prosperity of the country. This situation was in sharp contrast to the bitterness and armed conflict between Anglicans, Catholics and Calvinists In England, Ireland and Scotland.

Following Cromwell's death in 1658, General Monck occupied London and, with the support of the country, invited Charles to return as King Charles II so as to restore unity and stability to the nation. Both Monck ((MA 70)) and Charles desired to end the religious strife by granting liberty of conscience. In April 1660 Charles issued his 'Declaration of Breda', which included the words:

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 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 matter 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 full granting that Indulgence ((DCDA 57)).

## CHAPTER II THE REIGN OF CHARLES II

Parliament did not object to the Declaration of Breda so, accompanied by his brother James, Charles returned home in May 1660. Although the country desired a king to provide stability, Parliament restricted his authority. He retained responsibility for the general administration of the country and the conduct of foreign affairs. But Parliament claimed the right to change and make laws. Parliament consisted of the House of Lords, representing the aristocracy, and the Commons representing the richest 10% of the population. Royalists believed that a king should be a father to all his people by ensuring justice between rich and poor and protecting those not represented in Parliament.

The Commons elected in 1661 was strongly Anglican and Royalist, but Charles managed to limit the vengeance they desired to inflict on the mainly Puritan republicans. Charles and James took no part in the campaign against those who had executed their father ((JH 136)), and few were executed for Civil War crimes. But Charles was not able to control the Anglican-Royalist desire to destroy Puritan beliefs. Instead of implementing the Declaration of Breda, by offering a Bill for granting religious liberty, Parliament enacted a set of laws known as the Clarendon Code ((JH 152)).

1. The Corporation Act of 1661 stated that non-Anglicans could not be members of local town Corporations. As these Corporations elected most of the Members of Parliament, this effectively barred non-Anglicans from voting for or sitting in the House of Commons

2. The Act of Uniformity of 1662 enacted that clergy not accepting the Anglican Prayer Book were to be expelled from their livings. Charles would have preferred 'Comprehension' (an arrangement whereby both Anglican and Puritan views could be held within the one national Church). The expulsion of 2000 Puritan clergy may not itself have been an unjust act as Cromwell had installed them. The Anglicans were now, understandably, demanding their removal. But the Act also stipulated that Puritans could not be schoolmasters or attend University.

3. The Conventicle Act of 1664 forbade attendance at any non-Anglican religious meeting of more than five persons (other than family meetings). Punishment was fines or imprisonment for the first offence, imprisonment for the second, transportation to America for the third, and death if the convicted person returned.

A single Justice of the Peace could inflict these penalties, thereby depriving those accused of trial by jury.

4. The Five Mile Act of 1665 stipulated that non-Anglican clergy and school teachers were not to come within five miles of any city or Corporate town. Since most Puritans lived in the towns, this deprived them of both religious leadership and education for their children.

Although these laws were aimed at the Puritans, Catholics could also be prosecuted under them. Charles had worked hard to prevent this new repressive legislation, but being unsuccessful he issued a Declaration of Indulgence on December 16th 1662, while Parliament was recessed. The Indulgence dispensed with the penalties of the recently passed Act of Uniformity ((JH 153)). 500 Puritans were released, including John Bunyan carrying his part-written "Pilgrim's Progress" but, on reconvening, Parliament forced Charles to withdraw his Indulgence.

While Parliament could pass laws, the king still controlled the Executive and the power of administration, so was free to choose his advisors and appoint individuals to civic positions. In 1667 he formed a group of advisors, which became known as the 'Cabal', and its composition indicated his ideals. It consisted of three Anglicans, representing various strands of belief, a Catholic and a Puritan. Charles issued another Declaration of Indulgence in 1672, permitting Puritans to open churches and Catholics to worship in private houses ((FCT 104)), but he was again forced to withdraw it by Parliament refusing 'Supply' ((FCT 105)). 'Supply' was the taxes required by the king to administer the country.

In 1673 Parliament passed the Test Act, which prohibited non-Anglicans from holding any civil or military office ((WE 451)). This forced the mixed faith Cabal to dissolve and James, the brother of Charles and by now at heart a Catholic, to retire as High Admiral. The English Parliament had passed the Act, so it did not apply to Scotland. This enabled Charles to appoint James as High Commissioner for Scotland in 1679. But in the same year Parliament forced Charles to issue a Royal proclamation for the stricter enforcement of laws against Catholics.

Under these laws it was illegal to:

- a) Absolve, persuade or withdraw anyone from the Established Church ((GC89)).
- b) Take part in a Catholic service ((GC 73)).
- c) Aid, shelter or maintain a Catholic priest ((GC 90)).
- d) Be absent from Anglican services on a Sunday ((GC 73)).
- e) Send a child abroad to a Catholic school, or send money for this purpose ((FCT 116))

The penalty for the first three was death, for d) a heavy fine, while for e) the sender was disabled from any suit at law and from holding property.

Catholics had developed a great variety of ways to avoid these laws, as far as was possible, with the aid of non-Catholic relatives and friends. A friendly magistrate could find a legal loop hole in the law; Charles used his position to grant pardons to captured priests on condition that they left the country; fines were not levied consistently etc. But with such laws hanging over their heads, and often being applied, Catholics could only exist in a secretive and quiet manner, often paying blackmailers, bribing officials, and frequently moving residence.

By 1679 James had become a Catholic, so an Exclusion Act was proposed in that year so as to exclude James from the throne on the death of Charles. Charles proposed that while a Catholic was on the throne, Parliament would be responsible for all civil and military appointments, but this compromise was not accepted. To prevent the Act being passed, Charles dissolved Parliament in May 1679.

Republicans now fed the agitation for the recall of Parliament. Their opponents called them 'Whigs' (from the term 'wheyamore' as applied to the extreme Scottish Covenanters - 'whey' being the word for sour milk). The Whigs called the king's supporters 'Tories', this being the name of a band of rebel Irish bandits, thus implying that they were neo-Catholics. The Whigs had little support and hardly any standing in the country, but a small number of landowners, who controlled elections, gave them influence in Parliament ((JH 216)). In 1680 Parliament was recalled and a further Exclusion Act was proposed in the Commons.

The Whig argument that James, as a Catholic, should not be governor of the Anglican State Church, was answered by the proposal that the Anglican bishops should administer the Church while a Catholic was on the throne. The Whigs again refused to compromise because it would have made the passing of an Exclusion Act less likely. The Bill was eventually passed and the Commons again refused to pass 'Supply' until Charles accepted it.

William of Orange took a great interest in English politics because his wife, Mary, was James' daughter. If Charles and James continued to remain without a male heir, she would become queen. William realised that the Whig attempt to exclude James was not because they were specifically anti-Catholic, but in order to achieve the republican aim of subordinating the Crown to Parliament. If an Exclusion Act was promulgated, it would establish the right of Parliament to intervene in the hereditary right of succession and be a serious blow to the status of the Monarchy. So if the Whigs were successful Mary, when she became queen, would be no more than a figure-head. Her authority could be restricted by conditions made prior to her 'election' as Queen.

War was expected between France and Holland, and king Louis XIV of France feared that if Charles died and James was excluded, Mary as queen would make England an ally of Holland. So Louis provided Charles with sufficient income to make him independent of Parliament. This enabled Charles to prevent the promulgation of the Exclusion Bill, by suspending Parliament in March 1681. Charles now aimed to ensure that the next elections would return a friendly majority of MPs. The Town Corporations, which elected many of the MPs, existed by royal charter. So Charles could threaten to amend a Charter if the members of a Corporation were un-cooperative. But on 6th February 1685, just prior to the elections, Charles died and James became King James II of England and James VII of Scotland.

## CHAPTER III

### JAMES II AS KING

A quarter of an hour after his brother died, James entered the Privy Council and made an impromptu speech, which included the words: 'I shall make it my endeavour to preserve this government in Church and State as it is now by law established' ((MAB 56)). This conformed with his policy of maintaining the Anglican religion as the Established Church. He did not state what his policy would be with regard to other religions.

The first clash of James with the newly elected Parliament occurred when it assembled in 1685, and demanded that a Royal proclamation be issued 'for putting the laws into execution against all dissenters whatsoever from the Church of England'. James refused and brow-beat the MPs into withdrawing the motion ((FCT 272)).

Later that year James permitted a few Catholics to be officers in the army. Parliament demanded their dismissal and refused 'Supply' ((MAB 61)). To prevent their dismissal, and to assert his authority, James prorogued Parliament in November. Arthur Bryant has written:

'As a devout Catholic it was his divine mission to help the faithful men and women, who had stood fast by their Faith under the persecutions of the cruel laws which were now administered in his name, to relieve them from humiliating disabilities and to give them their share in the civic privileges of their country. As a just sovereign it was his duty to give all his subjects, of whatever creed, the right to worship God in their own way and to utilise their talents regardless of discriminating oaths and tests. And if some of them opposed freedom of conscience for their own selfish reasons, he must enforce that freedom. ...For James, right and reason was on his side'. ((ABA 59)).

James inaugurated large-scale reforms in civic and religious liberty during the three years during which Parliament was prorogued. But the Whigs, whose motive was more political than religious, saw the opportunity to destroy royal power. If they could exclude or depose a king, no matter what the pretext, the principle of hereditary Monarchy superior to Parliament would be abrogated.

Charles appears to have accepted Catholicism intellectually about 1659 ((MA 72)). But as an astute politician knew that an open avowal would place the political initiative in the hands of the Whigs. He therefore delayed becoming a Catholic until he was on his death-bed.

The Whigs launched a bitter, skilful and intensive propaganda campaign against James, depicting every libertarian reform as a threat to Protestant freedom. This was possible because for 150 years governments had ingrained into the English mind a phobic fear of the Pope. Most people believed that Catholicism was a tyrannical and unprincipled creed. They had been taught that power hungry and corrupt bishops led the Catholic Church and were willing to use any subterfuge to gain power.

The Whigs were therefore able to depict every libertarian move by a Catholic king as a trick and temporary expedient. It was the fundamental political need to depict Catholicism in frightening colours, so as to engineer a republican revolution, that led to that outpouring of anti-James and anti-Catholic propaganda which has become embedded in history books.

## CHAPTER IV

### THE PERSONAL LIFE AND CHARACTER OF JAMES II

CHURCH IN HISTORY aims to present factual material upon which readers are able to form their own judgements. But to be objective when describing a person's character, especially when he has been the subject of much controversy, presents a difficulty. Yet an outline of the character of James is necessary when examining this period.

- a) After the 1688 'Revolution' the victors painted a grotesque picture of James as being stupid, unprincipled, slow-witted, incompetent, indecisive, cruel, spiteful, arrogant, selfish and cowardly. This picture was blended into a caricature of the Catholic Faith as being a threat to freedom and civic justice. Examples of the numerous accusations made against James are considered in another chapter. It is the accumulative effect of these which has formed the image of James to be seen in many popular English history books.
- b) Those who become aware of the injustice done to his memory may be tempted to answer the use of emotive words by his detractors, with emotive words of praise. Some Jacobite literature at the time depicted James as a 'saint' ((GS 7)).
- c) The works of several modern authors have provided a picture of James based on historical facts. These have been used in the following outline:

The parents of James were both devoutly religious, his father being an Anglican and his mother a French Catholic. His mother had been granted special permission to practice her Faith in England. James as a child had little home life due to his father being away fighting the Civil War, and his mother being sent to France for safety. Because of the war his formal education was seriously retarded ((JH 22)), although later in life he became fluent in French and Spanish ((JH 23)). He was captured by the Parliamentarians at the age of 9, but escaped to Holland when 15 ((JH 33)).

He chose the army as a career and rose to become an internationally known military figure ((JH 127)), serving with distinction ((JPK 105)) as the right-hand man of Turenne, the greatest general of the age ((JH 106)). He transferred to the Spanish army in 1657. Such transferences were common at that time, and in 1660 he was offered command of the Spanish army in Portugal ((JH 127)). But before he accepted the offer, the English Parliament asked his brother Charles to return home and be crowned king. James chose to accompany his brother back to England in that year.

During his army days he looked after his men and never shirked a dangerous duty. 'He showed dismay, despair and concern for those he loved, but never fear' ((JH 65)). He was easy to get on with but, as with all men who have held high military command, he could never be entirely accessible to all, so his authority tended to isolate him ((JH 132)).

While in exile he was able to mix freely with people of various beliefs. The bulk of the population of France and Spain was Catholic, but that of Holland, Calvinist. The English Royal Court was mainly Anglican. Turenne was a Protestant Huguenot, and James' son-in-law, William, a Calvinist. He would have noticed that Catholic France allowed its Protestants freedom of worship and full civil rights, while Spain, considered to be the most narrow-minded of Catholic countries, offered him, an Anglican, a senior post in its army at a time when Catholics were barred from even being a private in the English army.

He was known for having several women ((JH 132)), but on November 24th 1659 he contracted a private binding engagement with the devout Anglican, Anne Hyde. By the second half of 1660, Anne was carrying his child. Charles had just been crowned king with James next in line. Anne, who had been maid of honour to James' sister Mary in Holland, was a commoner. If James became king, Mary's former servant would be queen of England.

This was a cause of great political embarrassment, and extraordinarily strong pressure was placed on James to put her aside. James refused and went through an English marriage ceremony on 5th September 1660 ((FCT 65)), although the previous contract was so strict that any child would have been legitimate according to English law ((FCT 64)).

Despite James having several mistresses, the couple seem to have been happy together, and both became interested in Catholicism. James read an Anglican tract aiming to clear the Church of England from the guilt of schism, but it had the opposite effect and he started to examine the whole subject in depth ((JH 178)).

In 1668 he asked a priest whether he could be a secret Catholic, as his public conversion would cause grave political problems for his brother. He was told that this was not possible. Later the Pope gave him the same reply ((JH 182)).

In 1670 Anne became a Catholic ((FCT 108)), but died of cancer at the age of 34 in 1671 ((JH 184)). James stopped receiving Anglican Communion in 1672 ((JH 192)), and In 1673 refused to take the Test Act oath, thus implying that he believed in Catholic teaching, even though he was not a member of that Church ((JH 193)).

As Charles was childless ((FCT 110)), James was pressed to contract a politically arranged marriage with the 15 year old Mary of Modena, which took place in 1673. James' daughter had married William of Orange at the same young age. At Easter in the same year, James received Catholic Communion and ceased attending Anglican services ((FCT 125)). About this time he broke with his mistress, but didn't keep to his good resolution ((FCT 87)). In his Memoirs he deplored his failure to control his sexual instinct as a serious negative aspect in his life ((CP 460)).

In friendship he was loyal and strong ((JH 66)), but lacked the quick wit of his brother ((MA 155)). Those who disagreed with him called him obstinate, but others saw this as a sign of determination ((JH 133)). He was against excessive eating and drunkenness. He only had wine at meal times and often preferred tea ((FCT 62)).

He was opposed to duelling and swearing, and condemned bad behaviour in London theatres, insisting that everyone had a ticket and did not sit on the stage making noises which distracted the audience ((MA 159)). He played the guitar, but preferred to hear better performers playing it ((MA 97)). Outdoor sports were his main interest, such as fox and stag hunting, greyhound coursing, walking and golf.

He was a brilliant horseman from his French cavalry days and a great dog lover, taking his pet with him everywhere ((IN 111)). He was without avarice and disliked gambling ((JH 133)) and, when king, gradually paid off his deceased brother's debts ((FCT 237)).

James had a soldier's rather than a politician's mind ((FCT 180)). Soldiers tend to reduce options to what is and is not possible. They reject the impossible and immediately do the possible. Fundamentally honest, loyal and direct, he was unable to cope with politicians because he was thrown off balance by treachery and deceit ((JH 66)).

His virtues of honesty and plain speaking, the trust he put in his servants, of consistency, sincerity and openness of purpose, ill-equipped him for the political world which he inherited ((JRJ 56)). He was unable to think through complex problems, to sense and adapt himself to rapidly changing situations, or to profit from experience. Charles knew when to retreat, James didn't. He simplified everything into black and white, in the deceptive terms of loyalty or treachery, obedience or rebellion ((JRJ 54)).

By character, ability and practice he was not suited for supreme command. He could exercise command perfectly adequately for long periods of time, but lacked the 'flair' and instinct to make the right decisions from a crucial and confusing choice of options ((JH 236)). He was intensely patriotic, and outwardly full of pride and obstinacy, yet he turned from one set of advisors to another looking for support, counsel and consolation. He depended greatly on the firm views of his wives ((MAB 20)).

James was methodical, diligent and conscientious over reading papers, seeing ambassadors and inspecting troops, yet he lacked the requisites of statesmanship: resilience, adaptability and tact ((MAB 19)). His innate stubbornness would never have permitted him to become the mere officer of either the Pope or the French king ((MAB 19)). He disliked Charles' cynical tolerance of ministerial opportunists playing a double game. James would not disguise his real thoughts and feelings, tolerate dishonesty or time-servers, sacrifice loyal servants or allow innocent men to be punished. He believed that a king should rely on his own authority and integrity, not on intrigues.

He believed that the Civil War and his father's defeat and execution could have been prevented if a tougher policy had been followed. Like Elizabeth I, he considered that Parliament should be obedient and kept in order ((MAB 19)). James was quick-tempered and intolerant of procrastination, dilatoriness and uncertainty, and easily lost patience with those who failed to see his vision ((JH 133)).

In practice he was easily deceived and had little judgement of men ((JRJ 55)). James fully realised the political risk his loyalty to principle was entailing, and admitted more than once that: "If he agreed to live quietly and treat his religion as a private matter he could have been one of the most powerful kings ever to reign In England" ((JPK 145)).

The differences between Charles and James were well illustrated when Charles was dying. Even then Charles was concerned about the political harm his request for a priest would cause his brother.

But James said to the French ambassador: "I will hazard all rather than not do my duty on this occasion" ((JPK 142)). He had an easy way out of all his problems — take Anglican Communion. But in an age when expediency justified almost any shift of allegiance, his adherence to principle made him vulnerable to his political enemies ((JH 133)). Whereas William of Orange felt that Providence guided his every footstep, James thought that Providence inspected his and sometimes disapproved ((MAB 18)).

He had six close friends: Jermyn, Tyrconnel, Rochester, Churchill, Faversham, and Dartmouth. Two were Catholic, and four Anglican ((JPK 146)). His two most loyal assistants were the Anglican Samuel Pepys and William Penn the Quaker. Most of his leading assistants right up to the end of his reign were Protestants ((MA 295)).

## CHAPTER V:

### WAS JAMES II SINCERELY LIBERTARIAN?

#### SECTION 1: THE PERSONAL ATTITUDE OF JAMES

The first time we hear of James' attitude to religion is during his exile in France. He said he would continue as a Protestant but: "He would not discharge servants who were Papists". ((MA 72)). In 1669 James told Dr. John Owen, who had been chief Ecclesiastical Advisor to Cromwell, that he: "had no bitterness against the non-conformists: he was against all persecution for conscience sake, looking upon it as an unchristian thing and absolutely against his conscience" ((MA 184)).

It was James' influence with Charles that persuaded him to find legal loop-holes in order to release George Fox, the Quaker leader, from prison in 1674 ((COP 162 and 165)). It was on James' recommendation that Robert Barkley, another Quaker, was released. Barkley later publicly stated that James had always testified for liberty of conscience ((JH 185)). William Penn recalled: "On all occasions when he was Duke, he never refused me . . . when I had any poor sufferers for conscience sake to solicit his help for. ((MA 184)).

Burnet wrote regarding James' attitude, after he had become a Catholic and before he was crowned, that James was firm in his religion and devoted to his priests and: "when I knew him he seemed very positive in his opinion against all persecution for conscience sake" ((MA 156)). Three weeks after his coronation he stopped the payments to informers ((COP 289)). This lifted a great burden of daily fear from thousands of people and prevented blackmail.

During the first months of his reign he hesitated in his attitude to Dissenters and Quakers. Many Dissenters had supported Monmouth's rising, while the Quakers, being pacifist, had tried to seduce army officers and soldiers during the period of Parliamentary rule ((MA 184)). But, as Burnet wrote, "Once Monmouth had been defeated the Dissenters were in high favour at Court" ((MA 184)), and they were allowed to hold their chapel services undisturbed ((MA 186)).

He freed the Quakers from being subject to penalties for not attending Anglican services ((JH 259)). Some of the 1300 Quakers released from prison in the spring of 1686 had been there for 15 years ((COP 297)).

Burnet wrote: "James' maxim in 1686 was the greatest happiness of a universal toleration". It should be noted that Burnet collected intelligence for William prior to his invasion, travelled in the invasion fleet, and acted as a propagandist for William once he was In power ((MAB 76)). So his evidence has a special value. In August 1686 James told the Spanish ambassador that: "He would force no man's conscience, but only aimed at the Roman Catholics being no worse treated than the rest, instead of being deprived of their liberties like traitors" ((MAB 65)).

James wrote "Our Blessed Lord whipped people out of the temple, but I never heard he commanded any should be forced into it. It is by gentleness, instruction and good example, people are gained, and not frightened into it, and I make no doubt if liberty of conscience be well fixed, many conversions will ensue, which is a truth too many of the Protestants are persuaded of" ((JH180)). He explained to William of Orange that he had: "resolved to give liberty of conscience to all dissenters whatsoever, having ever been against persecution for conscience sake", so "all my subjects may be at ease and quiet, and mind their trades and private concerns" ((MAB 67)).

The year following William's occupation of England and Scotland, James landed with French troops in Ireland, which was now mainly in Irish Catholic control. The French generals and the Irish leaders urged severe measures against the English Protestant settlers, to prevent them rising up behind the Irish lines if William landed. But James told the French Ambassador that he had no desire to cut his subjects' throats ((FCT 470)).

Speaking in the Irish Parliament on May 7th 1689 he proclaimed religious freedom for the Protestants ((FCT 470)), and explained that he had: "always stood for liberty of conscience" ((MA 268)). The Catholic controlled Parliament passed the 1689 Act for religious liberty. The Church of Ireland (i.e. the Episcopalians) condemned the Act for allowing liberty to the Presbyterians ((DO 249)). Another measure of the Parliament assigned religious tithes to the denomination of the person paying ((DO 249)).

Although Charles II believed in religious freedom, he was not willing to risk his throne by preventing all executions during the first part of his reign. The last execution because of religious belief occurred at Marble Arch, London on July 1st 1681 ((MDRL 103)). The victim was 'hung, drawn and quartered'. This butchery was carried out by order of Parliament as a public spectacle.

During the final years of Charles' reign, when he ruled without Parliament, Charles halted these barbarities.

Every reign for over 150 years, whether of a king or queen, regent or protector, republican or royalist, Anglican, Catholic or Calvinist, had seen the execution of people because of their religious beliefs. James' reign was the first to be free of all religious blood-letting. Undoubtedly James was a sincere believer in liberty of conscience ((MA 293)). In the last years before he died in 1701, James reiterated his unshaken belief that his policy of religious toleration, for which he had sacrificed so much, had been correct ((MAB 191)).

Yet there are writers who still unthinkingly depict him as a 'religious tyrant'.

## **CHAPTER V**

### **SECTION 2: TOLERATION IN CONTEMPORARY EUROPE**

The Whigs asserted that wherever the Catholic Church had power it was intolerant and that as James was a dedicated Catholic he would therefore aim at the extermination of Protestantism by tyrannical means, no matter what he proclaimed in public. The Whigs relied on popular ignorance of European affairs to gain acceptance of this assertion, as it was not based on facts.

Historians have summed up the early Reformation period:

'During the century 1550-1650 there seems on balance little to choose between Catholic and Protestant Europe in matters of religious tolerance' ((AGD 195)). 'In Anglican England and Lutheran Germany, Reformed Holland or Catholic Spain, the citizens had little religious freedom' ((OC 398)). But there were other countries and we read: ' . . . everywhere in the sixteenth and seventeenth centuries Catholics were in the vanguard of the movement for toleration. Catholic humanists and Catholic politicians were actively concerned in the promotion of religious liberty both in Europe and, eventually, in America' ((HK 55)). The two Catholic countries of France and Poland were the first to establish legal toleration of conscience and worship, and free access to most public offices short of the Crown ((HK 145)). By the time Charles and James came to reign between 1660-1688, much of the initial antagonism of the Reformation had cooled down.

Some countries emerged from the Reformation period without minorities. They had escaped the religious divisions and wars which had torn others apart. They guarded their peaceful unity by prohibiting the introduction of other churches. Protestants were barred from Spain and the Italian States, while Catholics were barred from Sweden, Finland, Estonia, Livonia, Denmark and Norway. Whether this policy was wise or unjust is a matter for debate, but it cut across the religious divide, and did not indicate a pattern of Protestant freedom and Catholic intolerance. The rest of continental Europe had mixed populations, and peace was assured by mutual toleration, although it varied greatly in form and scope.

#### **POLAND AND LITHUANIA**

These two nations, united under one Catholic crown, formed the largest state in Europe. The Catholic Church here had not been greatly influenced by the negative aspects of the Renaissance, and was spiritually alive compared with the sometimes corrupt and worldly clerics in pre-Reformation Western Europe.

In this atmosphere the non-Catholics were protected by a declaration of religious liberty in 1573. 'Catholic Poland became the first great European country to recognise religious liberty in its constitutions'. ((HK 121)).

Many members of Protestant sects fled to Poland from persecutions by other Protestants in central Europe. They were allowed to settle peaceably and in 1645, at a time when Anglicans and Puritans were at war in England, a 'colloquium of Love' was held between Catholics and Protestants to discuss their differences in an atmosphere of mutual respect ((GP 177-190)). At this time Poland was described as: 'heaven for the Jews' ((CA 3)).

### **FRANCE**

For nearly one hundred years the 10% Huguenot minority had been allowed to worship freely in the areas which possessed Protestant communities in 1598. Civic life was open to all, including such senior posts as generals and ambassadors. This peace lasted when France was ruled in succession by a Catholic king and two Cardinals. The persecution being carried out at the time James was on the throne of England was by a king challenging the Pope for authority over the Catholic Church in France. He was not forcing Huguenots to become followers of the Pope or of Papal teachings, but to join his own Gallican Church (a French State Church).

### **GERMANY AND AUSTRO-HUNGARY**

By the end of the Thirty Years War, enormous changes of population had taken place in which most Catholics and Protestants had moved into separate areas of the country. The right of subjects, holding firm religious beliefs, to move to another part of Germany with their possessions, was included in the 1648 Peace Treaty ((GP 233)). So minorities did not exist in most of German speaking Europe. Generally the south became Catholic and the north Protestant. There were minorities in the central and western areas and they had religious freedom. In the extreme south-eastern border areas, nobles used religious and ethnic feelings in attempts to win independence from central government. But this problem was solved in 1681 by the grant of religious freedom in Hungary.

### **HOLLAND**

Whig propaganda made much of Dutch 'freedom', yet a third of the population was Catholic and by law not permitted to worship, exercise civic rights or hold positions of responsibility. But the laws were not so harshly enforced as in England. By paying bribes and double taxes to local town councils, a network of churches was preserved.

## **THE PALATINATE (Between Germany and France)**

The Whigs publicised French terrorism against the Protestants of this Principality as 'Catholic' terrorism. But prior to the French invasion there had been full religious freedom under Catholic princes, with Lutherans, Catholics, Jews and Calvinists living peaceably together ((JC 77)). A church existed called 'St. Unity' where Catholics, Lutherans and Calvinists worshipped alternately ((HH 49)). In 1685, just prior to the French invasion, the new Catholic prince had confirmed all religious rights. The mainly Catholic areas of Cleves and Julich were also terrorised but, being further from the French frontier, to a lesser degree ((JRJ208)).

## **SAVOY (Between France and Italy)**

The Catholic ruler permitted full freedom of worship to his Protestant subjects. Their expulsion in 1686 was due to the French. The main centres of population at Casale and Pinerole, including their castles, were occupied by French troops ((DM 32)). The mainly Catholic rural areas were also being terrorised by the French army so as to crush opposition.

## **SWITZERLAND**

Prior to the Reformation the country was divided into self-governing 'Cantons'. This resulted in many Catholic and Protestant Cantons where minorities were not allowed. In the others both communities lived peaceably together. The Canton of Geneva was the stronghold of Protestantism, but it admitted very few Huguenot refugees from France through fear of being attacked by the French army ((PG 210)).

## **GENOA**

This very Catholic Italian republic welcomed Huguenot refugees and refused to extradite them despite threats from France ((PMG 252)).

## **HESSEN**

This German Catholic Principality denounced the French persecution of Protestants and welcomed Huguenot refugees ((HK 229)).

## **THE FORCES OF INTOLERANCE**

The two forces on the European scene opposing religious toleration were Louis XIV of France and the English Whigs. Neither was inspired by religious motives. Louis aimed to provoke a war, or at least mistrust, between Catholic and Protestant rulers so as to divide his political opponents. The Whigs hoped to use fear of Catholicism to overthrow the Monarchy and so establish a republic. As Louis hypocritically claimed to be fighting on behalf of Catholicism, the Whigs were able to convince much of English opinion that the Pope was implicated in his crimes.

The wounds of the Reformation were slowly being healed in a spirit of mutual civic tolerance, and the ideals of Charles and James were part of this European trend. The illiterate mobs rioting in the streets of London were unaware of the true situation, but there was no such excuse for the more educated Whig political leaders.

## **COMMENT**

There was nothing in contemporary Catholicism to suggest, let alone prove, that James' faith would cause him to be a religious tyrant in a land of mixed religions. All the evidence pointed firmly in the opposite direction.

## **CHAPTER V**

### **SECTION 3: THE AMERICAN COLONIES**

While the Parliaments of England, Ireland and Scotland made laws for their respective countries, the administration of the colonies was the responsibility of the king thereby providing him with greater freedom of action. So it was in America that Charles II and James II were able to promote their policies free from parliamentary interference.

Prior to Charles becoming king in 1660, Anglicanism had been established as the sole permitted religion in the southern colonies. In the north the Puritans had established settlements centred on Massachusetts Bay, and persecuted any who differed from their narrow Calvinist beliefs.

This left a central area, which was claimed by England but not yet settled. In 1664 Charles II made James the Proprietor of this area between the St Lawrence and Connecticut rivers, and of Maryland ((COP 45)).

#### **NEW YORK**

Dutch settlers had established themselves along the banks of the river Hudson, naming the area NEW NETHERLANDS and their port NEW AMSTERDAM. James, as Admiral of the Fleet and Proprietor, sent a naval force in 1664 which reasserted British sovereignty ((DME 28)). Both area and port were renamed NEW YORK after James, Duke of York. James was given autocratic power by Charles II but had little desire to use it. He consulted local opinion and recognised liberty of conscience and the rights of property ((DME 29)). He ordered the Dutch to be treated with: 'human dignity and gentleness', granting freedom to the Calvinists, Quakers and members of other religions living there ((DME 29)). He granted permission for the continued use of the Dutch language ((SEM 34)).

He instructed the governor to institute an informal policy of religious tolerance towards Catholics ((MS 28)), and in 1683 appointed Thomas Dongan, an Irish Catholic, as governor. Upon his arrival, Dongan called the first elected representative Assembly in the colony and proposed the enactment of a charter of liberties and privileges.

This was the first Bill of Rights in American history, and specifically guaranteed religious freedom ((MS 28)). James approved the Charter ((DME 32)) but before it was signed he became king, so it had to go before the all Protestant Privy Council, which vetoed it ((DCDB 228)).

Catholics were not added to the Council until 1686 ((FCT 323)). The Lords of Trade felt the Charter granted more liberties than other colonists enjoyed and placed Assembly on a par with Parliament ((DME 32)). Although the Charter was not enacted, Dongan, under James as king, promoted a spirit of liberty. The colony, during James' quarter century of rule as Proprietor, attracted German Lutherans, English Anglicans, French Huguenots, Jews, Catholics, Quakers and an extremely wide range of other beliefs and those of none, to settle with the original Dutch Calvinists ((DME 32)). When James was overthrown in 1688, a local rebellion drove Dongan out of the colony and initiated a reign of terror against the tiny Catholic community ((MS 29)). The Catholics, Unitarians and non-conforming Protestants were excluded from public office ((HK 213)). A new governor imposed a wide range of discriminatory and persecuting laws ((MS 29)).

## **NEW JERSEY**

In 1664 James transferred the area between the Hudson and Delaware rivers to two lords who were his friends. This new colony offered religious freedom ((DCDB 30)). A mainly Quaker group, with Catholic and Presbyterian assistance, purchased the colony, and the Assembly made a law to assure liberty of conscience to all ((HK 213)). After the 'Glorious Revolution' of 1688 the colony lost its Quaker character and Charter ((HK213)).

## **MASSACHUSETTS**

The extreme intolerance of this Puritan colony was notorious until 1685, when James as king revoked its Charter and ordered the establishment of religious liberty ((HK185)).

## **RHODE ISLAND**

Refugees from the laws of Massachusetts, led by Roger Williams, moved along the coast to establish a colony with religious freedom. In 1663 Charles granted them a Charter so as to make them independent of Massachusetts. The Charter laid down that, on the king's own decision: 'no person within the said colony, at any time hereafter shall be any wise molested, punished, disqualified or called in question for any difference of opinion In matters of religion'. This policy was continued till after the end of the century ((HK189)).

## **CONNECTICUT**

A group of Congregational refugees from Massachusetts, led by Thomas Hooker, settled at Hartford in 1636 and promised religious liberty. Charles granted them a Charter in 1662, and in 1667 James ceded a part of his New York possessions to the new colony ((DME31)).

## **PENNSYLVANIA AND DELAWARE**

The captain of James' flagship at the battle of Lowestoft in 1665 was Sir William Penn, and the two men became firm friends. When Sir William was dying he asked James to look after his son, William Penn junior. The young William, who inherited lands from his father, was an outcast from society having become a Quaker ((JH 259)). He conceived the idea of establishing a new colony which would be founded on the principle of religious freedom and equality for all. Charles and James keenly supported the idea but were faced with substantial problems. The only land available was the remainder of James' territory inland from New Jersey ((COP 209)). But by 1681 James had been driven from his posts by the Test Act, and had to stay in Scotland until the anti-Catholic fever had abated. For Charles, who was accused of being a secret Catholic, to allow James a known Catholic, to transfer huge tracts of royal land to a despised Quaker would have been political suicide. Also, there were many who had served Charles while he was in exile and were now looking for favours ((COP 209)).

A way around the difficulty was found. It was announced that: 'The Stuarts' owed Penn senior £16,000 and it would be paid to Penn junior by granting him land ((COP 210)). So officially, when James gave his land, he was paying a debt owed by the king ((COP 213)). James released his land ((COP 213)) and Charles issued a Royal Charter on 4th March 1681 conferring it on Penn ((COP 213)). The whole affair of: 'paying a debt' was an excuse, as kings rarely repaid their debts at this time ((COP 209)). The area consisted of 28 million acres making Penn the largest landowner, apart from the Crown, in the British Empire ((AWW 35 and 39)).

There was another unusual aspect of this transaction. Penn did not apply for a Charter until April 1680, so all the legal requirements and governmental 'red tape' concerning this huge tract of land were completed in less than nine months ((COP 210)).

A few years later, by which time James was king, customs officers of New Jersey were charging duties on goods passing up the Delaware river, and Penn realised that the economic, and therefore civil independence of his colony was at risk. There had been a dispute as to whether the three counties on the southern bank of the river Delaware were part of Maryland or had come within James' Proprietorship. When the Courts found in favour of James, he handed the counties to Penn so as to ensure Pennsylvania's free access to the sea ((COP 288)). James signed the documents for this transfer as one of his last acts as he fled from the country in 1688 ((COP 307)). These three counties eventually became the separate state of Delaware.

Pennsylvania, with its good cheap soil, healthy climate and religious freedom, attracted large numbers of immigrants. The colony's growth was unparalleled in American history and soon became the most populous, establishing America's image as the 'Land of the Free'.

Penn was in England when William of Orange invaded, and the victors of the revolution confiscated his lands and, because of his continued support of James, charged him with treason. He was in hiding for three years ((COP 330)) and Pennsylvania was placed under Royal 'protection'. Later, during Queen Anne's reign, Penn was freed from the threat of prosecution and allowed to go to America ((COP 361)). Pressure from England forced him to exclude Catholics from civic life, but the spirit of freedom was now so firmly implanted in the colony that other disabilities were not imposed ((MS 29)).

## **MARYLAND**

This colony was the first in the New World to be established on the foundation of the separation of Church and State, and with complete religious liberty ((HK 185)).

Charles I had permitted the establishment of the colony in 1634. Lord Baltimore, who was the proprietor, the leading gentry and about 36% of the initial settlers, were Catholics ((CE MARYLAND)). Although pressure from the Protestant majority had, by 1660, led to the loss of rights by Jews, Unitarians and some Protestant minorities, for most inhabitants the colony was a haven of freedom.

Great efforts were made, without success, by the Protestant settlers to persuade Charles II to replace Lord Baltimore. So there was no further reduction in religious liberty. James continued this policy but Baltimore was expelled soon after James' overthrow in 1688.

The Assembly recognised William of Orange, made Anglicanism the established church and forced all, regardless of belief, to support its upkeep. Catholics were excluded from holding public office, practising the law, inheriting land and owning arms. They were also prohibited from educating their children as Catholics and had to pay double taxation. Any priest found guilty of offering Mass in public was subjected to life imprisonment ((MS 25-28)).

## **COMMENT**

There were many voices calling for religious freedom during this period and philosophers talked about it for another hundred years. But the four men who, due to their position and personal dedication, pioneered religious liberty in America were Baltimore, Charles II, James II and William Penn. Two were openly Catholic and one was a Catholic at heart entering the Church as he was dying.

The 'Glorious Revolution' brought their work to an abrupt end. But the twenty-eight years, during which James and his brother had direct control of colonial policy, played a vital part in planting the principle of religious liberty in American soil, which came to flower in 1787.

## **CHAPTER V**

### **SECTION 4: THE JEWISH COMMUNITY**

About 200 Jews came to England after 1643 and held services in the Portuguese Embassy, protected by the ambassador ((AMH 171)). Catholics were also using this building to attend Mass in secret. Despite opposition from Parliament, Cromwell in 1656 permitted the Jewish community to exist publicly and two synagogues were opened. But in 1660, Thomas Violet led an anti-Jewish campaign, and the mayor and aldermen of London petitioned Charles to: "expel all professed Jews out of your kingdom". Charles refused and promised to protect them ((AMH 216)). Catherine of Braganza, the Catholic wife of Charles, employed two Jews to administer her dowry, so they had powerful friends at Court ((AMH 217)).

Charles was more liberal in granting naturalizations, and by the end of 1661 practically all the leading Jews were English citizens ((AMH 217)). In answer to another anti-Jewish petition, Charles issued an: 'Order in Council' during 1664, guaranteeing protection.

In 1673 Jews were accused of breaking the Conventicle Act of 1664, which prohibited non-Anglican services of more than five people. Charles intervened to stop the legal proceedings, and again assured the Jews of their freedom ((AMH 220)). Early in 1685 an old Elizabethan law was used to charge 48 Jews with failing to attend church, but as soon as James was crowned, he instructed the Attorney-General to stop the prosecution. "His Majesty's intention being that they should not be troubled on his account, but quietly enjoy the free exercise of their religion, whilst they behave themselves dutifully and obediently to his government" ((AMH 221)).

Non-Jewish traders demanded that the: 'Alien Duties Law' be altered with regard to the Jews, but James refused. (Although William of orange showed friendship to the Jews, he permitted the later Whig revolutionary government to amend it). During 1689 the Jewish community was threatened into making a 'voluntary' financial contribution to the Whig cause, to show their 'appreciation' at being allowed to stay in England ((AMH 237)). In 1695 Parliament confirmed that they could continue to practise their religion, but Jews were still being refused naturalization in 1753 ((BW 73)).

During the reigns of the two brothers, Jewish communities developed in Barbados, Jamaica and Surinam, being protected by them from repeated anti-Jewish petitions ((AMH 248-253)).

## **COMMENT**

There were no political advantages in James defending the Jews as they were few and had little influence. It would have been expedient for James to surrender to the anti-Jewish clamour, in order to gain the approval of important and vocal sections of the population. His actions are a further indication of his idealism and sincerity.

## **CHAPTER VI THE DEPOSING OF JAMES II (JAMES VII OF SCOTLAND)**

A large Dutch fleet set sail at the end of October, but had to return to harbour due to gales. It set out again and was blown north of the mouth of the Thames Estuary. Before the English fleet moored in the Thames could engage the Dutch, the wind changed to the east. The invaders were then blown south and along the English Channel. The easterly wind delayed the English getting out of the estuary ((ECB 96)), and they were unable to overtake the Dutch before they landed at Torbay, Devon, on November 5th.

In the days before steam, much depended on the wind, so William could not plan where to invade nor English spies forewarn their king. So, although Britain had 40,000 troops, half were spread along the coast as far north as Hull. Only 20,000 were available to march from London towards the invaders. It appeared that a battle would take place on Salisbury plain. But as the English approached the Dutch army, James gave the order to retreat on London. Official history has given various reasons for this. It has been said that he was irresolute; that his nose was bleeding; that troops were deserting; that when his daughter Anne left the capital James suffered a psychological blow; that he heard of towns rising against him. These events were of concern to James, but official history has exaggerated their importance.

There was little public support for William during the ten days following his landing ((HTJY 23)). When a few officers went over to him, their men returned to the English lines ((ECB 32)). James was a good military commander and had the reputation for bravery. Official history has played down William's strength, so giving the impression that James' English army was in a strong position and he was foolish to retreat ((JII 337)). In fact, William had over 21,000 men, including the best regiments of the Dutch army, and 5,000 horse. They had better morale, more experience, more modern muskets and modern formidable artillery ((JII 106, 124-125)). It became obvious to James that if he fought against this superior army, he would be defeated with great loss of life.

As the English army retreated, James got his wife and young prince out of the country and then attempted to follow them. When this became known, pro-William individuals in each town were able to take command with little opposition. William's declaration of not desiring the Crown assured many waverers. As he was about to sail to France, James was held by a fisherman and handed over to English troops. They escorted him back to London, where the crowds cheered him ((ECB56)).

When Dutch troops surrounded the Royal palace, James wished to avoid pointless deaths, so instructed his Coldstream Guards not to resist the foreign army ((JII 126)). He was captured and held by the Dutch at Rochester, from where he escaped to France. It suited William's plans for James to have found escape easy.

## **CHAPTER VII**

### **THE MAIN ACCUSATIONS AGAINST JAMES II**

#### **ACCUSATION 1.**

King Charles 11 had been accused of signing a secret clause in the Anglo-French 'Treaty of Dover', which promised to re-establish the Roman Catholic Church in England, against the wishes of the Protestant population. James II was now accused of pursuing the same 'Grand Design'.

#### **THE FACTS**

**a.** The Treaty of Dover of 22nd May 1670 was between Charles II and King Louis XIV of France. It mainly concerned international affairs, but a secret clause concerning religion was included. Charles had informed Louis that he wished to become a Catholic, but feared the republicans would use the announcement of his change of religion as a pretext to arouse support for the overthrow of the Monarchy.

Louis, for reasons of international politics, wished Charles to remain in power. Louis therefore promised that if Charles should carry out his religious wish and needed help in maintaining his Crown, he would loan 6,000 troops to be paid for by Charles and to be under Charles' command. The loaning and hiring of armed forces between countries was a common practice in that century. There was nothing in the clause concerning any alleged plot to impose the Catholic religion on the rest of the people of England.

((For the wording of the Treaty, see the APPENDIX)).

**b.** When Catholic refugees in France spoke of their hopes of re-establishing their Church in England again, they used the French words "éta*biir*" or "s'é*tablir*" which James himself used ((JRJ 81)). These words mean:

'to fix, to erect, to set up, to establish, to found, to assert, to establish oneself, to take up one's residence, to settle down, to set up in business. ((CCFE)).

The English word "establish" is used in this sense today. For example we read, 'all subsequent attempts to establish Christianity in Tibet have met with but temporary success' ((AR 133)).

It was dishonest of the Whigs to distort the meaning of the words, and to assert that Catholics were planning to 'Establish' the Catholic Church in the way the Anglican Church was the Established religion of the State, with all other religions suppressed.

James explained to Barrillon, the French Ambassador, that his aim, regarding the Catholic Church, was to establish it in such a manner that it could not be ruined or destroyed ((MAB 59)).

**c.** Charles was 53 years old when he died. Although James was two years younger, he had poorer health, so felt that he would have little time in which to achieve his aim. ((JH 237)). James refused to disinherit his daughter Mary ((JRJ 81)), so knew a Protestant queen would follow him, who in turn would be succeeded by the Protestant Anne.

James informed the French ambassador that there was no chance of mass conversions in the near future. ((JRJ 82)). So the suggestion that James believed he could forcibly convert 5 1/2 million Protestants within a few years, and be so successful that they would not allow a Protestant queen to reverse the process, is to enter the world of fantasy. The only 'force' in the country was the army consisting mainly of Protestants. ((JH 238)).

## **CHAPTER VII ACCUSATION 2**

James' enemies repeatedly accused him of believing in 'The Divine Right of Kings' and thereby claiming dictatorial power.

### **THE FACTS**

1. Catholics believe that the Pope has authority from God (i.e. a Divine Right) to rule Christ's Church throughout the world, including that part situated in England. He is a constitutional monarch, being bound by the fundamental laws of the Church as constituted by Jesus Christ ((EC 477)).

2. In the 16th and 17th Centuries monarchs asserted that kings derived their authority in Church and State from God ((EB Vol.4: 132)). On the Continent this claim was expressed as 'Cuius regio eius religio', which means: 'The religion of a particular place is in the control of him who owns or governs that place'. This principle was condemned by the Catholic Church ((EC 94)), which 'rejects the claim that the ruling authority is, or ever was, attached by divine appointment (except in some exceptional instances such as that of Moses, Saul and David) to certain persons or families or groups' ((EC 476)).

3. When the English monarchs rejected the authority of the Pope, they justified their action by claiming: 'The Divine Right of Kings', which asserted that the king derived his rights from God and therefore had authority over that part of the Church situated within his realm. King James I, who reigned from 1603-25, made this Anglican doctrine very clear ((DW 79)). But, ' ... Catholic thinkers, notably Bellarmine and Suarez, and the Calvinists, opposed this theory' ((RC 70)). The Jesuits were prominent opponents of the 'Divine Right of Kings' ((DW 78)).

4. The kings in several Catholic countries interfered extensively in Church affairs. But, although the Popes had great difficulty in exercising their authority, the principle of the Papal position was still accepted. In France Louis XIV came very close to Anglican teaching on this point when he claimed "L'Etat c'est moi", meaning: 'I am the State'.

While insisting that he was still a Catholic, he aimed to separate the Church in France from the jurisdiction of the Pope. It was due to the Pope's tact and patience that a final break with Louis, and therefore the formation of a Gallican (i.e. French State) Church based on the 'Divine Right of Kings', was avoided.

5. The Catholic Church teaches that each state should act with justice and charity, but is indifferent as to whether it is a kingdom, a republic, or takes some other form. Catholic republics existed in Italy at the time James was king.

6. A citizen has a duty to obey his legitimate ruler in civil matters. "Render to Caesar the things that are Caesar's" ((Matthew's Gospel 22:21)). So where a kingdom exists, Catholics have to be loyal in civic affairs to the king. But, 'Regarding political rights, in the last analysis, where there is manifest and long standing tyranny, the right to revolt must remain. However, it is a last resort and no one should oppose one evil by bringing a greater one on those already suffering' ((MM paragraph 30)).

7. If James had believed in the Anglican and Gallican doctrine of the 'Divine Right of Kings', he would have been denying his Catholic faith. However, he considered that those Anglican bishops who did believe this doctrine, should logically and loyally support his plans for religious tolerance.

James saw the extensive use of his royal prerogative as exceptional and temporary, and was not aiming to establish a French style Church or a dictatorship ((MAB 68)). His whole reign was dedicated to the extension of liberty in his kingdom. His manner of working, as exemplified in the Navy, showed him to be a leader who believed in bringing his subordinates together in a consultative team, and of delegating authority and trusting assistants ((JH 158)).

### **ACCUSATION 3**

James illegally suspended the Test Act and granted General Indulgences

### **THE FACTS**

The civil war had placed power in the hands of Parliament but, with the Monarchy restored, constitutional law became fluid and could be based on contradictory precedents ((FCT 320)). Parliament had the right to make laws, but the king was still the centre of political action and responsible for administering the country ((JRJ 23)). He retained many Royal rights, such as to issue town charters, call and suspend Parliament, appoint judges and issue Indulgences.

When a king granted an Indulgence, the punishment ordered by law was suspended or pardoned. Royalists claimed a king could suspend an unjust law by granting an Indulgence to everyone.

The Whigs aimed to restrict its application to occasional use. Charles II twice issued a General Indulgence. When he withdrew them it was not because he felt that he had exceeded his rights, but because he lacked the political strength to resist the politically inspired anti-Catholic frenzy that threatened his Crown.

On James becoming King, Parliament again refused to abolish the laws of persecution, so he prorogued Parliament, which was within his rights, and appointed twelve judges to decide on the Constitutional position. They judged that: 'the laws of England are the king's laws, and therefore it is an inseparable prerogative in the king to dispense with penal laws in particular cases and upon particular necessary reasons, of which the king himself is sole judge' ((abbreviated from DCDA 83)).

If Parliament had had the right to appoint the judges, these judges would have given judgement to suit the Whigs, as this was a political struggle rather than a disinterested legal judgement.

James had acted perfectly correctly within his rights and within the Constitution. It was on the basis of this legal judgement that he suspended the Test Act, which barred non-Anglicans from positions in the government and armed forces, and the laws for the persecution of minorities ((MA 197)). James did not abrogate the laws, as this would have been illegal, but he did suspend them while he was working for a libertarian Parliament. He was working carefully within the law ((WAS 153)).

In fact, William of Orange after 1688 vetoed several Bills passed by Parliament, and Queen Anne did the same in 1707 ((BW 30)). The enthronement of William of Orange as a joint Sovereign with his wife Mary was in contravention of Constitutional law. And when Mary died in 1694 her sister Anne had the right to succeed ((JRJ 318)). But William ruled as king until 1702. These acts were far more illegal than anything of which James has been accused.

#### **ACCUSATION 4.**

James wished to suspend the Act of Habeas Corpus

#### **THE FACTS**

The words 'HABEAS CORPUS AD SUBJICIENOUUM' mean: 'Bring the person before the Court', and are addressed to jailors.

When a person is arrested, the jailor is required to bring the prisoner before a Court to receive legal permission to hold him or her for trial. If the jailor's accusations are not sufficiently substantiated, the Court will order the prisoner to be released. The practice of Habeas Corpus had been part of English law since Catholic pre-Reformation days, but jailors under instructions from a government could evade the practice by passing a prisoner from prison to prison, or making an arrest when the Courts were not sitting.

The Habeas Corpus Act of 1679 was passed in order to prevent these evasions ((WE 463)). But James considered that a king should have the right to suspend the Act when it prevented him carrying out his duty of protecting lawful authority from political plots and insurrections. For example, in June 1685 the Duke of Monmouth proclaimed himself king and raised an army in the West of England. Because of the Habeas Corpus Act of 1679, James was not able to make preventive arrests of Monmouth's sympathisers and likely plotters in the rest of the country and hold them while the rebellion lasted ((JRJ 62)).

James' wish was not exceptional, nor a sign of desiring to be unjust to his subjects. The problem of how to balance the rights of the individual with the need to protect lawful authority has been a difficulty for fair-minded people for centuries. To imply that this issue is one of principle between a tyrannical and a free form of society, and that James was opposed to a just society, is completely unjustified.

It should be noted that Parliament, during the reign of William of Orange, suspended the Habeas Corpus Act in 1696 ((WE 518)). One of those detained, while it was suspended, was a Thomas Blackburne who lay in Newgate prison until his death 53 years later because evidence could not be brought against him ((MDRL 113)).

The Act was suspended in 1689, 1715, 1722, during 1724 ((BW 183)), and between 1744-6, 1794-1801 ((HAC 85)) and in 1817 ((HAC 142)). It was also automatically suspended whenever martial law was declared ((MA 200)).

In the last hundred years British citizens, thought to be politically unreliable, were held in camps during both world wars, without criminal charges being laid against them.

### **ACCUSATION 5.**

Colonel Kirke put down the Rising of Monmouth with gross cruelty. James rewarded the infamous judge Jeffreys, who presided at the 'Bloody Assizes', by making him a Peer and appointing him Lord Chancellor.

### **THE FACTS**

In July 1685 the Duke of Monmouth proclaimed himself king, but his rebel army was defeated at the Battle of Sedgemoor. It was legal to hang rebels caught during a battle, and it is probable that about a hundred were so treated ((PE 136)). But afterwards, apart from hanging nine at Taunton for pillaging ((GWK 306)), "it is by no means clear that Colonel Percy Kirke did anything more than carry out James' order to round up all the fugitives for trial". ((GWK 306)). There is little evidence of widespread brutality to civilians. Most of the rebels were Dissenters, so the local Anglican majority saw James as defending their Established Church ((GWK 330)).

The Whigs claimed that massacres led to the people in the West turning against James. But when he toured it in the following year he was very well received. William gained little help from the area in 1688, and thirty years later the counties of Somerset, Devon and Wiltshire were seething with Jacobite enthusiasm. ((CPB 258)).

Five judges, led by Judge George Jeffreys, tried 1,336 rebels in groups over a period of nine days. The army produced evidence that the accused had been taken with arms in their hands, which was confirmed in many instances by the wounds the prisoners had received. It was therefore not difficult to find them guilty, indeed many pleaded guilty and relied on the king to grant them a pardon.

Death was the only penalty for insurrection, but it is a matter of dispute as to how many were actually executed. Some were found not guilty, James commuted the penalty to ten years servitude in America for 850 ((PE 178)), others died of wounds or smallpox while awaiting sentencing, and some escaped. The Whigs claimed that between 300 and 400 were executed, but modern estimates suggest 250 ((PE 173)), or 200 ((GWK 329)), or 160-170 ((FCT 183 and JH 245)).

Such trials were normal after a rebellion, and the rest of the country took little interest in them. It was later that the Whigs portrayed them as being particularly unjust and savage. 'After 1688 the Whigs issued many colourful accounts and martyrologies. These included trials of men who were never tried, lengthy cross-examinations of men who had pleaded guilty, and absurd expressions put into the mouth of judge Jeffreys. By giving the impression that single trials were conducted at great length, they make a nonsense of the very crowded timetable. There simply was not time for all the speeches and fulminations which were attributed to Judge Jeffreys. ... Unfortunately no contemporary descriptions survive of the Assizes, with which to challenge the Whig assertions' ((PE 168)).

In Exeter a list is displayed which gives the names of 249 sentenced to death, but in fact many of these were reprieved ((JH 245)). 'The many pamphlets detailing the sufferings of the victims, were concocted in the winter of 1688-89, and sponsored by Titus Oates'. ((FCT 280)). This was the man who invented the 'Papist Plot' of 1678 and is considered: 'the greatest scoundrel in English legal history'. ((GWK 295-6)). 'The inventions of the martyrologists are no more than the continuation of the Whig propaganda campaign ...' ((GWK 306)).

In 1719, a Whig government released what purported to be the official account of the trial of Alice Lisle. But experts now conclude that it was based on original notes with the alleged language used by Jeffreys added later. No other trial shows him using such language as he is accused of during this trial. ((GWK 314-5)). Reports that Jeffreys shouted at the elderly woman are probably true, as she complained several times that she was hard of hearing. ((GWK 318)). Even the words put into the mouths of the jury are very suspect. ((GWK 319)).

It has been claimed that James should have followed the normal practice of executing a few leaders and pardoning their followers. But this was not the 'normal practice'. Penruddock's rising of 1654, Venner's revolt and the Northern Plot of 1664 had been punished with no less severity. ((FCT 284)). Cromwell had pardoned rebel followers in England, but certainly not in Ireland. After the Scottish battle of Dunbar, 1,820 were transported to America. ((GWK 307)). Whig historians also ignored what occurred following their victory at Culloden.

'Unarmed old men, children and women were indiscriminately shot or starved to death. Not just the houses of the rich were destroyed but the huts of the common people. It was possible to travel for days through the depopulated glens without seeing a chimney smoke, or hearing a cock crow'. ((GWK 306)).

In addition, 80 rebels were taken to England for execution and 1,600 people, including women, some without trial, were transported. 'In 1745-6 an entire civilisation in the Highlands was destroyed'. ((GWK 306-310)). This compares with James' order, after the battle of Sedgemoor, that any government soldiers accused of robbery or rape were to be tried by civilian Courts, so they would not be treated lightly by their officers. ((PE139)).

To make James' policy seem savage, Macaulay's 'History of England' portrays Monmouth's rebels as 'ploughmen, clowns, hardy rustics, miners, farm labourers, peasants and young apprentices'. For these, one or two hangings would have been sufficient to teach a lesson.

'But in fact most of the rebels were members of the skilled middle class of shopkeepers and artisans, with very few labourers ((PE 203)). 'These were not poor deluded men following a romantic charmer, but men who posed a real threat to the established form of society'. ((PE 191)). As James was at that time dependent on a very small army ((MAB 61)), a similar rising could have proved a real threat to his rule ((PE 195)). 'So James and Jeffreys had good reason not to be too lenient.' ((PE 195)).

James received daily reports from the judges and was pleased with their work. In his Memoirs, James stated that he considered that Jeffreys had been just, although he should have shown more mercy ((FCT 282)). Some rebels were executed without being allowed time to appeal to James for a pardon ((GWK 321)). James may have been referring to these cases.

It has been said that Jeffreys had earlier shown himself a bully. But it is necessary to judge his work within the legal system of the time. Strict rules governing the admissibility of evidence had not been created; the absence of legal representation in cases of treason or felony compelled judges to take an active part in questioning witnesses; there was an intense political partisanship and impudent lying under oath in Court. Although the king appointed the judges the juries, in London and the main cities, were ruthlessly packed by Whig sheriffs elected by the Corporations.

A conviction in a trial, especially if it involved a 'political' matter, could not be obtained unless witnesses were very precise and positive. Juries were often terrified of Whig controlled mobs and witnesses were reluctant to answer questions ((GWK 21, 22, 96, 120 and 143)). So all judges, not just Jeffreys, had to 'bully' information out of witnesses and the accused.

Research shows 'the historical Jeffreys to be a different person from the Jeffreys of legend.' ((GWK page v)). He was a sincere and firm Anglican, fond of music and dancing, high-spirited, witty and devoted to his family ((GWK 24)). The charge 'which wounded him most deeply, was the accusation that he had plotted to overthrow the Anglican Establishment.' ((GWK 500)).

'The names, Scroggs and Jeffreys, have become synonymous with vicious oppression. As a matter of fact neither Scroggs nor Jeffreys applied a different law than that applied by their Whig successors, nor did they apply it more vehemently.' ((FSS 264)). 'Their reputations have suffered because they upheld a system of government which later generations have discarded.' ((FSS 264)).

At first Jeffreys had strong prejudices against Catholicism and believed in the 'Papist Plot'. But as the trials of Catholics proceeded he realised the 'evidence' provided by Titus Oates was false. Although he held a minor post at the time, he started to exercise a moderating influence ((GWK 121)). This was noticeable in the trial of Archbishop Plunkett ((GWK 195)).

Lord Francis Guilford was dying before the battle of Sedgemoor, and no doubt the decision to replace him with Jeffreys had been taken before the Monmouth trials had begun ((JH 247)). With Jeffreys' experience and stature he: 'was the only possible successor' ((GWK 311)). He 'outshone any of his contemporaries, even the Law Officers of the Crown appear undistinguished by comparison' ((GWK 213)). He was extremely well read ((GWK 300)).

Jeffreys 'was therefore unusually well-equipped among lawyers to handle the political trials . . .' ((GWK 300)). He had a wide and deep experience of many branches of the legal process ((GWK 216)), and had been Chief Justice of England for two years ((GWK 213)). He died of natural causes in the Tower of London during 1689 ((GWK 465)).

Judge Jeffreys had been made a peer before Monmouth landed ((GWK 215)).

## ACCUSATION 6

On becoming king, James took an oath to rule by the laws of the land, yet he immediately broke his oath by illegally collecting Customs and Excise Duties.

### THE FACTS

a. CUSTOMS: Charles had been granted the right to collect customs for life, so a problem arose at his death. If customs were not collected until Parliament met to authorise them, cheap foreign imports would flood the market and ruin the merchants who had already paid customs on their stocks ((FCT 244)). The Privy Council issued a proclamation that the collection and disposal should continue. This decision was based on the view that when Parliament was not sitting the Executive had to provide for emergencies. James' enemies argued that even if it was justifiable to collect the customs, it was not legal to use them. But the Privy Council considered that if they were entitled to provide for the collecting, they were also entitled to provide for their use.

b. EXCISE DUTIES: The authority to collect these had been signed by Charles the day before he died. James appealed to the judges. These judges had not been appointed by James, but they decided that it was legal for him to collect them ((MA 161)).

Both these actions were retrospectively legalised by Parliament when it met a few months later ((JRJ 59)).

If any other king, Privy Council or Bench of judges, had agreed to these administrative actions for the smooth running of the country, no objection would have been raised. There would have been cause to criticise the Executive if it had failed to take urgent financial action. This is one more example of how normal and innocent acts of James were portrayed in the worst possible light by Whig propagandists. William collected excise duties from the day he landed, so before he was crowned ((ECB 29-30)). James was king when he did so.

## ACCUSATION 7

James favoured the Catholics in Ireland against the Protestants.

### **THE FACTS**

The word 'favoured' implies that James gave privileges to Catholics while treating Protestants unfairly, but this implication is false.

When Cromwell crushed the Irish rebellion of 1641-9, he paid his troops and creditors with land taken from the native Irish. Catholics were only allowed to own the poor quality land or, in the far, west barren areas ((FCT 383)). They were restricted to the poorest work and not permitted to educate themselves. They were not permitted to be Members of Parliament, Judges, Commissioners, or Justices of the Peace, nor allowed to live in towns, cities or suburbs unless a Protestant merchant needed their labour.

Taxation was levied to support the Established Anglican Church, which then used the money in an attempt to destroy the Catholic Faith of the native population. Bishops, monks, nuns and schools were all banned ((FCT 380-3)). Secular clergy were permitted to offer Mass provided that they did not dress as priests. Economic, professional and political life was completely dominated by the 20% Protestant English ruling class of settlers and their children. The bitterness between the two communities was intense.

In 1685 James made Richard Talbot, a Catholic, the Earl of Tyrconnel and appointed him Lord Deputy with instructions to open up society to the native Catholic Irish. At the same time making it clear that his Protestant subjects must not be treated unjustly ((FCT 393)), as he wanted reform without violence ((MA 250)).

Tyrconnel enabled the Irish to take part in the administration of the towns ((JRJ 113-6)) and practice their religion more openly. Some of the taxes raised for religious purposes were allocated to the support of the Catholic clergy ((JRJ 106)). Even if eventually 80% of these taxes were devoted to such purposes there would have been no injustice to the 20% Protestant minority, nor have been a sign of 'favouritism'.

'Somehow he [James] had to reconcile his personal obligation to ameliorate the conditions under which the Catholic Irish suffered, with the political necessity of retaining English control over Ireland through the auspices of the Protestant minority' ((JCA59-60)).

So James had no intention to rescind the various land settlements, but the Irish led by Tyrconnel had a different vision. 'Tyrconnel's main aim was to make the maximum possible use of the golden opportunity, which was suddenly presented by the reign of a Catholic monarch, to overthrow the pro-Protestant land settlement in Ireland in order to improve the lot of his own class'. ((JCA 59)). To achieve this, Tyrconnal needed to reform the Irish army.

FOR JAMES' ARMY POLICY SEE CHAPTER VII ACCUSATION 15.

## ACCUSATION 8

When James became Royal Commissioner for Scotland in 1681, he treated the Covenanters with gross cruelty, making great use of torture. When he became king he prorogued the Scottish parliament.

## THE FACTS

In England the established church was Anglican, which believed in episcopacy [i.e. having bishops]. The Protestant Calvinist minority was divided between Presbyterians, who agreed to worship within the state church while working to abolish episcopacy, and the Independents, who led a separate existence. In Scotland prior to 1662 the state church was Presbyterian and it was the Episcopalians who led a separate existence.

After Charles became king, the royalist parliament in 1662 placed the Episcopalians in control of the Scottish church, expelled the Presbyterian clergy and had forbidden them to minister. The Presbyterians, who came to be known as Covenanters or Whigamores, rose in several unsuccessful revolts. The last of these took place in 1679, just prior to the arrival of James.

Lauderdale, who administered Scotland, had made concessions by allowing half the Presbyterian clergy to resume preaching in certain areas. This had led to most Presbyterians submitting. But in the wild terrain of south western Scotland an armed guerrilla war developed led by a new type of extreme Presbyterian. These likened themselves to the children of Israel, the only true worshippers of God in a world of evil. They refused submission to any government of 'ungodly men' (i.e. to anyone who disagreed with them).

In Israelite fashion they killed all prisoners. Having erected gallows behind their lines at the battle of Bosworth Brig, they executed those they captured. ((FCT 184)). They were of low intelligence and fanatically dedicated to their sect.

By openly preaching treason in Court, they made the work of judges simple ((FCT 185)). They saw the fight as between 'king Charles or king Jesus', and believed in 'preventive murder' ((GD372)).

A modern strongly Presbyterian writer, J.M.Read in 'Kirk and Nation' page 191, admits: 'They fought for something which no government could accept and which was abhorrent to most Scotsmen . . . It was madness . . . It should have been treated as madness' ((GD 372)). The fighting was at times bitter but stories of repression were greatly exaggerated for political purposes. For example, Lord Claverhouse was accused of atrocities during what was called 'The killing times' and designated as 'Bloody Claver'. Yet we now know that he executed less than ten rebels ((GD 372)).

This situation typified the problem of Charles. He advocated comprehensive [i.e. inclusive] state churches for England and Scotland, acceptable to all Protestants. When his proposals were not accepted, he urged toleration for Calvinists. His plans would have led to peace in both countries. It was the laws of parliament that drove the Scottish Covenanters to fanatical extremism. As king it was his duty to enforce the laws of parliament so it was he, rather than the politicians, who incurred the hatred of the persecuted.

Similarly many Catholics, who were not aware of the intrigues and power struggles around the throne, blamed Charles for allowing priests to be executed during his reign. He did have an alternative. He could have suspended parliament and its unjust laws, and ruled alone. It was this policy that James eventually adopted, and which led to him losing the crown.

But Charles, until near the end of his reign, was not willing to consider this way. Although James was prevented from holding a civic position in England due to the Test Act, it did not apply to Scotland. So Charles appointed him as Royal Commissioner for Scotland. When he arrived in Scotland during 1681, he had to continue to implement the laws of parliament and restore law and order. He was relentless in combating the guerrilla war ((JH 57)), but said the Covenanters "deserved a bedlam [mental asylum] rather than the gallows". Burnet (who was no friend of James and assisted William of Orange) wrote that James 'made a very real effort to prove himself a just and clement ruler in Scotland'.

Halifax, who had urged the removal of Lauderdale because of his alleged severity, said James 'did a great deal of good in Scotland by his influence and watchfulness' ((FCT 186)). James promoted religious toleration by advising the Episcopalian bishops to ignore peaceable conventicles (dissenters' meetings) held in private homes. He was only hard on field conventicles which were in armed rebellion ((MA 137)). Burnet reported: 'The Duke stopped the prosecution for treason which carried the death penalty, and ordered them to be imprisoned with hard labour' ((MA 137)). James was not able to suspend the laws themselves until he became king and rule free of the laws of parliament.

Torture was permitted under Scottish law. James, like most people of the time, probably accepted it when used to expose groups planning political violence. Burnet was the first to state that James enjoyed watching torture, yet mentioned only one occasion when he thought, but not for certain, that James was present. This was when Spreul was accused of attempting: 'to blow up the abbey and the duke in it' ((JH 218)).

James may have been present on this occasion to hear whether others were attempting to kill him and his family. This would not imply that he enjoyed the process. Even this account is uncertain, as none of his many enemies mentioned this alleged event, which would have been well known if it had occurred.

It was Macaulay in his 'History of England', written in 1848, who took this one unsubstantiated allegation and used it to build a picture of James as a cruel, pitiless individual ((FCT 186)). Separate evidence is available of James strenuously opposing the use of violence against those found guilty of treason in Scotland ((JH 219)).

As James' Scottish parliament declared it treason to own a copy of the 'National Covenant', and made attendance at a conventicle punishable by death ((GD 381)), we may think this to be evidence of his intolerance. But this parliament was bitterly anti-Catholic and was preparing to impose a Test Act in Scotland in order to force James to resign as Commissioner. So its laws did not represent his thinking.

On 4th March 1686, by which time James had become king, he ordered that Quakers and Catholics in Scotland were to be free of the penal laws and the Test Act ((FCT 373)). This was providing they did not worship in the fields, make processions in the high streets of royal burghs, or invade Protestant churches ((GD 382)). The Scottish Council would not accept this until, under pressure from James, it said it would agree providing the extreme Covenanters were placed in the same category.

James would not agree to this as the extremists would not accept the laws of any king and were in rebellion ((FCT 373)). The answer of the Council was merely a tactful method of refusing religious freedom to peaceful and loyal subjects.

The Scottish parliament then refused to pass a mild Act that would have permitted Catholics to worship in their own homes. So James prorogued this parliament and under power granted to the king by an Act of 1669 ((MAB 67)), granted religious liberty to all Christian peaceful inhabitants. Only the extreme Covenanters, meeting in their field conventicles, were not included ((MAB 67)).

By this time, most of the moderate Presbyterians had acquiesced in attending the state Episcopalian church, and hopes of restoring the Presbyterian system were extremely remote. So it was James' act of toleration which saved Presbyterianism. Their preachers opened meetings where they liked, and started attracting congregations from the established church. Refugees returned home from Holland and Presbyterianism had again become a cause.

## **ACCUSATION 9**

Early in the reign of James II, Richard Baxter, an elderly leader of the Congregationalists who was in poor health, underwent a mocking and browbeating trial presided over by judge Jeffreys. He was found guilty, without being allowed to state his defence, then sent to prison until he paid a fine of 500 Marks. This was a typical example of James' rule as a Catholic king.

## **THE FACTS**

1. Richard Baxter was a deeply religious, peaceful and moderate leader of the Congregationalists and, like many Catholics, had suffered under the laws of Parliament, which penalised those who refused to accept the state church.
2. Parliament had passed a Licensing Act in 1663 in order to control the Press. This Act made Catholic as well as Congregationalist and Presbyterian publications illegal. There were no Catholics in the House of Commons that passed this Act.
3. Roger L'Estrange, an Anglican, was appointed to enforce the Act, but it lapsed in 1679 because Parliament being in suspension could not renew it. L'Estrange was, however, still able to bring accusations of libel and sedition.

4. L'Estrange had a vendetta against Baxter and, together with some Anglican clergy, instigated proceedings in February 1685. This was prior to James becoming king and when his influence was minimal due to the Test Act.

5. Baxter was accused of having seditiously attacked the Church of England by the manner in which he had written a paraphrase of the Bible ((FJP 285)). On May 30th he was found guilty and bound over to await sentence ((FJP 144)).

6. Macaulay's history is so biased and false concerning Jeffreys that his account of the trial cannot be relied upon as being true. It was unlikely to have been any different to others of this period.

7. Baxter appealed to James, who was now king, claiming he had not: 'spoken one word against the Church of England or the Governors thereof' and had not received a fair trial ((FJP 147)). He also wrote to Compton, Anglican bishop of London, asking that he should judge the paraphrase and intercede on his behalf with the king. Direct replies were not received but, as the king was fighting Monmouth's rebellion between June 11th and July 5th, this was not surprising.

However, the sentence pronounced on June 19th was milder than expected. He was fined 500 Marks, bound over to be of good behaviour for seven years and placed under house arrest until he paid the fine. He was not sent to jail but lived in rooms with his man servant and maid, spending his time writing religious works ((FJP 151 and 159)). Whether this was due to his petitions we do not know. But just prior to his sentence he was in touch with a Lord who was 'speaking for him' ((FJP 150)).

8. Baxter could pay 500 Marks if he sold his lands, but this would mean leaving nothing to his heir. He again wrote to the king in October 1686, knowing that the Catholic Lord Powis was negotiating to speak on his behalf ((FJP 152)). It is most likely that he was the Lord who had spoken for him earlier.

9. On November 24th 1686, James issued a royal pardon to release Baxter from his fine. But as a non-Anglican clergyman he was still required, under Parliament's Five Mile Act, to move out of London. As he was over seventy this would have caused hardship, so James granted an Indulgence to suspend the law as it affected Baxter. This enabled him to stay in London ((FJP 159)).

10. L'Estrange, his group of clergy, and Judge Jeffreys were all Anglicans. Baxter was tried under the laws of an all-Anglican Parliament and his alleged crimes were against the Anglican Church. It is most unlikely that any Catholic was present at Baxter's trial.

11. So Baxter's two helpers were James who because of his religion had been driven from his posts a few years earlier, and Lord Powis, a Catholic who had spend five years in the Tower of London, after a 'trial' following the 'Papist Plot' ((FCT52)).

So the full story reflects credit on these two Catholics. Yet a twisted version has been used for 300 years to promote anti-Catholic prejudice, and often taught to children in Sunday schools.

## **ACCUSATION 10**

To help the Catholics James was unprincipled and unscrupulous. At first he supported the Anglicans against the non-conformists (Dissenters), then the non-Conformists against the Anglicans. Just prior to being deposed he was promising to help the Anglicans again.

## **THE FACTS**

The Tory Anglicans formed a majority in the 1685 parliament, so James tried to persuade them to introduce religious freedom. When this failed he tried to form a broad coalition of all minority groups, including Whigs and libertarian individuals amongst the Tories.

There is nothing unprincipled in changing political alliances. It has been a normal part of the political process throughout history. James was single minded and consistent in his openly declared policy of establishing religious liberty. Only the Whig mind portrayed James' change of allies, in order to achieve his aim, as being somehow sinister.

He would be open to criticism if he had persecuted the non-conformists to please the Anglicans then the Anglicans so as to please the non-conformists. But he did not do this. It was during the first period, while allied to the Anglicans, that he used his royal power to empty the jails of non-conformist prisoners. During the second period he did nothing to inhibit Anglican worship or teaching.

The only reason he broke his alliance with the Tory Anglicans was because they would not grant freedom to non-conformists including Catholics.

## ACCUSATION 11

James dismissed the Vice-Chancellor of Cambridge University. When Magdalen College, Oxford, refused to elect a Catholic as president, James usurped its rights by expelling the Fellows and appointing Catholics in their place.

### THE FACTS

a. Cromwell displaced many of the heads of Colleges and appointed Puritans. During the reign of Charles II, Parliament purged the Universities of non-Anglicans and so placed power in the hands of reliable conformists. James had no plans to carry out a similar purge, but merely desired to open the Universities to non-Anglicans. The state church recruited its clergy from the Universities and feared non-Anglican beliefs might infect their future clergy ((JRJ 121)).

b. James established 'The Ecclesiastical Commission' in 1686 and aimed to reform the Universities through nominations made by it. Whig propaganda has portrayed this commission as being an illegal 'Court'. There was nothing in its institution or in its proceedings to warrant such a term. It was first described as 'The Court of High Commission' by the Whigs after 1688 in their 'Bill of Rights' ((DO 176)).

A commission of the type established by James was legal ((DO 177)), being based on the traditional rights of the king as defined by Parliament in an Act during the reign of Charles II ((DO 176)). James could also legally appoint his nominees to authority in the Universities under clause 17 of the Elizabethan Act of Supremacy ((DO 179)).

James' royal predecessors, including Charles II, had constantly appointed their nominees to the Universities ((DO 178)). The reason for there being resistance on this occasion was the willingness of James' nominees, such as the Anglican Thomas Higgons, to admit non-Anglican students.

c. James used his royal mandate to grant Fr. Alban Francis, a Catholic, an honorary degree at Cambridge. When the Vice-Chancellor refused to confer the degree, he was dismissed by James but permitted to keep his freehold ((FCT 335)). When his successor refused, James dropped the matter ((JH 262)).

d. When Dr. Walker, Master of University College, Oxford, a man of great learning and character became a Catholic, James granted a dispensation so as to allow him to remain in his post ((JH 261)), and he was left undisturbed.

e. The Deanery of Christ Church College, in the royal gift, was bestowed at the end of 1686 on John Massey who had become a Catholic ((FCT 335)).

f. On the 24th March 1687, Dr. Henry Clark, President of Magdalen College, died and James informed the Anglican bishop of Oxford that he wanted him to recommend someone favourable to his religion. [i.e. that of James] ((MA 202)). There were precedences for the king making such a nomination ((MAB 68)).

On April 5th James' Minister Sunderland signed a royal mandate instructing the Fellows to elect a Catholic, Anthony Farmer, stating that any statute, custom or constitution to the contrary had been dispensed ((FCT 336)). But Farmer was young, not a graduate of the college and allegedly had a bad reputation.

James appears to have left this matter in Sunderland's hands ((FCT 341)), and was unaware of the objections until he met the Fellows in September. He was also unaware till November of a petition against Farmer received by Sunderland earlier in that year. James referred the matter to the Ecclesiastical Commission, and they accepted that Farmer was unsuitable. ((FCT 339)). James then proposed the Anglican bishop Parker of Oxford, but the Fellows claimed the position was now filled. ((FCT340)).

By now James' prestige was committed to this contest, so he was not able to drop the issue. He dismissed most of the Fellows and replaced them with a mixture of Catholics and Anglicans ((JH 261)). They elected Parker as president and when, in 1688, Parker died Gifford, a Catholic, was elected to replace him.

James did not plan to make Magdalen an all-Catholic college. James had merely broken the Anglican monopoly, but in a manner which allowed James to be depicted as an enemy of academic freedom rather than the reverse. Sunderland's responsibility for placing James in such a difficult position has never been explained.

g. To avoid forcing an existing college to be tolerant, James considered founding a new college. But this would have led to the segregation of non-Anglicans and the defeat of his aim of allowing a mix of students. He feared that unless the principle of toleration had been accepted before his death, such a college would later be excluded from university life.

h. Once James II had been deposed, entrance to University education was again restricted to Anglicans. Twenty Fellows of St. John's College, Cambridge, were dismissed from their posts because they remained loyal to James. ((JRP 3)).

## **ACCUSATION 12**

Many history books write of ministers being dismissed from government when they refused to become Catholics or assist James' church. Today, several authors write that crypto-Catholics and secret Catholics were placed in key positions.

### **THE FACTS**

There is no evidence of this. Authors are merely repeating what they find in Whig literature. Ministers were appointed or dismissed by James not because of their religion, but for their support or opposition to the principle of religious freedom. Many of James' assistants were firm adherents of their own churches. William Penn, the Quaker leader, had to publish a pamphlet: 'Fiction Found Out' to prove he was not a Catholic. ((COP 291)). Even so, he was later accused of offering Mass as a priest in the Palace. ((COP 306)).

Accusations against Catholics associated with James are made without evidence. The Whigs maligned Fr. Petre, but little is known of his life and opinions. The advice he allegedly gave James is speculation. The queen was called a religious fanatic, implying that she wished to destroy Protestantism by any means. Yet the evidence points to her being a devout Catholic hoping to see England converted, while respecting the rights of others. She once said: "James can't understand why his good intentions have been misunderstood and righteousness was not triumphanting". ((MA 252)).

## **ACCUSATION 13**

James interfered with the freedom of the Church of England by appointing an Ecclesiastical Commission, instructing the clergy, suspending Dr. Sharp and Bishop Compton, persecuting Samuel Johnson and imprisoning seven bishops.

## THE FACTS

a. When at the Reformation the Monarch became governor of the state church, it was not foreseen that a future king would be a Catholic. James had no intention of somehow 'capturing' the Anglican Church, and stories of secret Catholics being appointed to clerical positions have no foundation. The Pope made it very clear that converts had to profess their Faith openly. ((MA 98)). James did not interfere with the beliefs and practices of the state church. But he did consider that the Anglican tradition of loyalty to the Crown should be shown by supporting his campaign for religious freedom, and by encouraging mutual respect between those of different beliefs.

He told the Archbishops that the clergy should not meddle in politics, but preach regularly on the 39 Articles, which were the basis of Anglican doctrine, and see that Sunday was observed ((MA 190)). He also asked that Anglicans should avoid offensive words, like 'papist', while Catholics should cease calling Anglicans 'heretics'. Normal Catholic literature contained calm expositions, not wild condemnations of Protestant beliefs. James urged that discussions should be reasoned ((JRJ 89)).

b. In May 1686 Dr. Sharp, who had a number of Catholic Irish immigrants in his London parish, preached inflammatory sermons against their church, threw doubts on the authenticity of papers published by James regarding his brother's conversion (thereby questioning James' honesty), and attacked the king's beliefs ((JRJ 71)). Soon afterwards a mob assaulted the Catholic chapel near Sharp's church. Bishop Compton of London would not restrain this fiery preacher, and it was widely believed that he was instigating Sharp's activity, or at least was not discouraging him ((JRJ 70)). So Sharp and Compton were suspended by the Ecclesiastical Commission, not for teaching Anglican beliefs, but for stirring up hatreds, suspicions and violence against Catholics and the king ((MA 191)).

c. The Rev. Samuel Johnson (not to be confused with the famous eighteenth century Jacobite writer of the same name) published what James considered to be a seditious libel. Johnson's publication was addressed to all soldiers and sailors urging them not to associate with: 'idolaters and bloody Papists who fight for the Mass book and burn the Bible' ((JH 254)).

This was a clear exhortation to them to disobey army officers and naval captains if they should be Catholics. He was unfrocked, pilloried and fined. But this was not an indication of government opposition to true religious freedom and expression. James' actions did no more than a modern Act of Parliament that attempts to curb incitements to racial hatreds and civil violence.

d. James agreed that the objection to a Catholic king being governor of the Anglican Church was reasonable. This is why in July 1686 he had established the Ecclesiastical Commission, composed of the Archbishop of Canterbury, three other Anglican bishops and four Anglican laymen ((JH 256 and MA 191)). He had then delegated the Monarch's powers as Supreme Governor of the State Church to this body ((MAB 65)). Under normal circumstances, and in the long term, this arrangement would have provided the Anglican Church with a great measure of independence, while retaining the advantages of being the State Church. But James' immediate overriding need was to use the Commission to pursue his libertarian policies.

e. The first Declaration of Indulgence, of 4th April 1687, had emptied the prisons of Dissenters, but to have laws passed to establish this right to freedom more securely James had to work for the election of a majority of libertarian Members of Parliament. Before the advent of modern means of communication, the pulpit was the most effective method of propagating new ideas and governmental policies. So James issued a second Declaration of Indulgence to be read in all churches commencing 27th April 1688 ((MA 222)). It was the same as the first, but with the addition of an explanation as to why he wanted the election of a libertarian Parliament.

In this way the public, including those who possessed a vote, would hear James' side of the dispute ((MA 224)). There was nothing new in the king ordering important public pronouncements to be read from the pulpit, as this had been done in 1641 and 1681 ((FCT 396)). But there was widespread opposition from the clergy. Previous declarations had concerned the suppression of the Dissenters, but if this one was read, parishioners might consider themselves free to absent themselves from church. A large section of their congregations could be lost. James had misjudged the loyalty of the clergy to their king and this was a major mistake for him to make.

The clergy, or at least those who were active and vocal, pressed the bishops to oppose James. The issue snowballed into a trial of strength between Church and King. Whig propaganda portrayed the issue nationally as if it was the King who was a threat to religious freedom.

f. A bishop's petition was drawn up, but only selected bishops were invited to sign it. 'It is more than likely that the moving spirit was Henry Compton, bishop of London, who was precluded from signing the petition by the fact that he had been suspended from performing episcopal functions by the Ecclesiastical Commission' ((FCT 398)). 'Sancroft of Canterbury was by nature retiring, so not very likely to have taken the lead'. ((FCT 398)).

The petitioners stated that they could not read the Indulgence in the churches because the King's right to issue such Indulgences had not been agreed by Parliament ((JRP 5)). James read it with great surprise, exclaiming: "Is this your Church of England loyalty? I did not expect this from your Church, especially from some of you" ((JRP 3)). He described the petition as a standard of rebellion ((JRP 5)). To which they replied that the presentation was: "not from any want of tenderness to Dissenters but because it was against their honour to proclaim in church a doubtful constitutional construction". ((MA 225)). They denied that they were acting like rebels. James insisted that they read the Declaration ((MA 225)).

This was a private row between the King and his most supportive bishops, many of whom were his personal friends. It would probably have been smoothed over as James' advisors urged him to retreat on this issue and he favoured retreat himself ((MA 227)). But the petition was made public ((JRJ 123)). It is not known how this came about, and the bishops were horrified, as this had not been their intention ((JRP 5)). Most likely it was made known by Compton, already plotting with William of Orange ((JRJ 123)).

Once it had been made public, James probably felt that he could not retreat without suffering a severe blow to his prestige and authority. His only hope of success for his plans rested on his kingly prestige, so he could not risk having it undermined. He decided to appeal to the judges to settle this point of law, using the bishop's petition as a test case.

So the bishops were charged with 'seditious libel' and bail was required. The bishops refused to give it, claiming that as members of the House of Lords they were exempted ((JRP 5)). It was on this technicality, not because of any political, doctrinal or coercive reason that they were kept in prison. A week later they agreed to offer small securities and then returned to their homes ((MA 226)).

Bishop Turner of Ely later 'acknowledged that their going to the Tower, when they might easily have prevented the same by entering into a mutual recognisances for each other, as the King would have had them, was a wrong step taken, and an unnecessary punctilio of honour in Christian bishops' ((JRP 5)). 'We may like to think of the Seven Bishops boldly standing up to defy a tyrant. But that is a bit of popular mythology, the product of what has come to be called "the Whig view of history". It does not correspond to the facts and still less does it represent the view of the bishops themselves'. ((JRP 6)).

'The trial was not in a strict sense fair' ((FCT 403)). The cause of the bishops had become a national cause, and both judges and jurymen could not fail to be aware of the intense odium they would incur if the bishops were convicted. A eye witness reported "At this great trial were between thirty and forty Lords, which indeed frightened the judges and jury for they fancied that everyone brought a halter in his pocket" ((FCT 403)). The jurymen were also intimidated by the large mobs outside the Court.

`...both the eminent legal historians, Stephen and Holdsworth, contend the case of the seven bishops is useless as a precedent. The public excitement, the overwhelming legal talent employed by the bishops, and the cowardly attitude of the judges, served to make the case a "cause celebre", but of very little value as a legal precedent'. ((FSS 274-5)).

According to the law inherited by James, any published defiance of the government or King could be considered 'a seditious libel' and therefore illegal. It was not until 1792 that juries were permitted to consider whether the content of the publication was indeed libellous ((WAS 151-2)). So in 1688, once it had been proved that the bishops were the authors of the publication the jury should have found them guilty. But in this case the bishops were found 'not guilty of trying to disturb the government'. The news was received with pleasure throughout the country by a people who had been led to believe that their rights were under threat. James had once again been manoeuvred into a position where he appeared to be the one opposed to liberty, so underlining his lack of ability in political intrigue and propaganda.

James persevered in his attempt to obtain a friendly and liberal Parliament, but he had lost so much prestige that his likelihood of being successful had been greatly reduced.

## **ACCUSATION 14**

James undemocratically tried to 'pack' Parliament with his supporters.

## **THE FACTS**

In modern elections, political parties promise to assist particular groups, such as a certain region, social class, the aged or a vested interest, at the expense of other factions. A ruling party will, within the law, use its position to choose the date of an election to assist its prospects of being re-elected.

It will ensure that official figures of economic prosperity are presented in the best possible light, and maintain a system of voting which works to its advantage. So we should not be surprised that James' supporters used their official positions to favour libertarian candidates when preparing for the 1688 elections.

The electoral system could be easily altered so as to influence the result of an election. The methods used to favour the Whigs in 1680, and the Tories in 1685, were now used in an attempt to procure a mixture of libertarian Tories and libertarian Whigs, so that they would form a majority. ((PTR 60-61)).

James advocated the transfer of the tax burden from the towns to the landed gentry, reform of the coinage, partial abolition of imprisonment for debt and the establishment of a land register ((JRJ 157)). The granting of Royal Charters permitting the holding of markets, the allocation of government contracts to certain industries, and a whole range of other attractive inducements were promised to win supporters. The hope of government patronage and rewards could influence key men in a Corporation. The electoral system in each town was part of its Royal Charter, so a threat to revise the Charter could place pressure on voters to be co-operative.

Because of the legal decision regarding the Test Act, James could permit non-Anglicans to vote. As they were concentrated in the towns and social classes that took part in elections, this was an important potential advantage. Also, many people outwardly attended the State Church to avoid disabilities, but were privately favourable to James introducing a new spirit of freedom. James was not acting illegally. Parliament determined its own conditions for membership ((MAB 83)), so James' Declarations did not affect qualifications for the House of Commons. All candidates were still required to be Anglicans.

Many of the tactics used by James would be seen as illegal and reprehensible if used today. But we must judge the electoral manoeuvring according to the times in which they took place. Similar methods were used for many years after James' reign.

For Example: In 1694 Parliament passed 'The Triennial Bill' stipulating that elections had to be held at intervals not exceeding three years ((WE 509)). But when Queen Anne died, the Whigs feared that the mood of opposition to a German Prince becoming King might lead to the election of a Tory pro-James majority. So the Whig majority passed the 'Septennial Act' postponing elections for four years to enable George I to be consolidated in power ((WE 554)). This was legal but not democratic.

Historians are divided as to whether a Parliament elected in 1688 would have contained a majority willing to support James' reforms. At first James' candidates did not seem to have much chance of success. But by September the republicans feared James might gain a majority ((JRJ 166)), so in the letter of 'invitation' to William of Orange they urged him to invade as soon as possible ((JRJ 170)). This could have been one of the reasons William risked his invasion fleet during the stormy autumn weather and arrived three weeks before polling day.

For two groups — those wanting liberty of conscience, and those wanting a republican form of government — the issues were clear. But for many voters other issues had a greater priority, so James may have been within reach of electoral victory when the Dutch army invaded.

## **ACCUSATION 15**

James put the interests of France before those of England. Macaulay wrote that James "became a slave of France" and "begged hard for a French subsidy."

## **THE FACTS**

This statement by Macaulay 'is a good deal of nonsense' ((MA 162)). Paul Barrillon, the French ambassador, was afraid of offending his master and often told Louis what he wanted to hear. It is an error to judge James' policies towards France merely on the basis of isolated extracts from some of these reports. Careful examination of them has shown that James was not obsequious to Louis ((MAB 58)).

James accepted £40,000 from Louis soon after becoming king, but once firmly established refused further offers of money ((MA 162)). Although Parliament clashed with James in 1685 over religious freedom, the invasion by Monmouth caused it to vote him an income for life ((MAB 60)), which made him financially independent of Louis ((JRJ 179)). James aimed to keep friendly with both Holland and France ((JRJ 179, MA 193 and 294)), and Louis was infuriated when James did not support him over Denmark ((JRJ 183)).

James' pride would not allow him to kowtow to anyone ((MA 156)). He refused the offer in June 1688 of French ships to help protect England's coast ((JRJ 257)).

His policy of building a strong army and navy was to ensure that he and Britain did not have to rely on foreign assistance ((MA 193)). Louis wanted Britain to be weak so that James would be forced to depend on him and be his puppet. Although he was under pressure from the Emperor of Germany and the Pope to join the alliance against Louis, James maintained his policy of neutrality during 1688, including the refusal of French troops ((FCT 425)). In September 1688 Louis' ambassador published the d'Avaux Memorial as part of an attempt to disrupt Dutch-British friendship. It falsely implied that Britain and France had a secret pact against Holland, and James was furious ((MA 235)).

It was James who put British interests first, whereas it was the Whigs who co-operated with the Dutch invasion of 1688, placed a Dutch king on the throne, and later two German kings who didn't bother to learn English. It was the Whigs who handed Britain's foreign policy, army and navy to a foreign power (theDutch), not James ((JRJ 330)). It may also be noted that in 1678, during the Titus Oates 'Popish Plot' frenzy, Whig leaders were co-operating with 'Catholic' Louis of France. The Whigs wanted Charles II to disband the army and so become a puppet in the hands of Shaftesbury's mobs, while Louis feared Charles might aid William in a war against France.

Louis was unconcerned regarding the fate of Charles, James and the Catholics in a Shaftesbury dominated England ((MT 93-4)). Also, without an army, England would have been defenceless. The image of being patriots, which the Whigs painted of themselves, does not correspond with their actions.

## **ACCUSATION 16**

James II was forming a big army with Catholic officers so as to impose his religion on the country. He kept a large standing army on Hounslow Heath in order to 'overawe' London, and was building a Catholic army in Ireland so as to threaten England.

## **THE FACTS**

1. Charles II inherited the 60,000 strong army, that had served under the republicans ((JH 139)). But the republicans now sought to abolish a peacetime army altogether. They wished to make Charles dependent on local militias for keeping law and order, as these were under the control of the aristocracy. It was with difficulty that Charles was able to retain a small army during his reign.

2. When James became king the English army stood at 9,000 ((JCA 1)), with 7,500 in the Irish army and 2,200 in the Scottish ((JCA 2)). There were a further 3,000 men permanently stationed in Holland.

'These three national armies were pathetically small for all the duties that were demanded of them. As well as the essential military function of securing the coast against a foreign invasion, the late seventeenth century army was also responsible for riot control in both the town and countryside, manning the garrisons and strong-points, providing marines to serve with the fleet, and for executing numerous ceremonial duties connected with the king and court' ((JCA 2)).

3. The English army was quickly increased to 20,000 when Monmouth landed in 1685, although barely 15,700 had received basic training in time to face him ((JCA 2)). James saw the need for a substantial force so as to make Britain secure against both foreign and internal threats. 'James had seen two rebellious armies, those of Cromwell and Monmouth, take the field allegedly in the cause of religion, but in reality with the aim of destroying the Monarchy and establishing a republic, and he suspected there might soon be a third' ((JH 249)).

In November 1685 James asked for additional finance to keep the 20,000 men as a permanent force. Parliament at first refused, preferring the militia to be expanded but, after much debate, grudgingly voted £700,000 without stating a specific purpose. This would provide James with the required money without Parliament formally agreeing to the enlarged army ((JCA 12-14)). As the army came within the responsibility of the king, James was able to retain the 20,000 strong army.

After 1688 the Whigs, in their 'Declaration of Rights', declared that James had acted illegally in having a standing army in time of peace, yet no law existed against this ((GC 145)). '... the armies of England, Ireland and Scotland were not large in comparison with other European peacetime formations' ((JCA 5)).

The numbers in the army hardly grew until the threat of the Dutch invasion of 1688 ((JCA 2)). During that year it became obvious that the 3,000 troops in Holland had come under Dutch control, so 2,100 extra men were raised and divided equally between England, Ireland and Scotland ((JCA 3)). Only in late September was the army further augmented ((JCA 3)).

4. The local militias were so poorly trained that they could hardly be called a police force. They were gradually phased out, and the army superseded them as the provincial police ((JCA 9)). This involved them spreading in small units across the country. 'Whereas the army of Charles II had been concentrated in quarters in London, the Home Counties and the principal strong holds . . . ' ((JCA 9)). So under James the concentration around London was reduced not increased.

5. Each summer just over half the regiments assembled on Hounslow Heath for a training camp ((JCA 9)), which lasted for about six weeks ((JCA 97)), and was based on the example of the Dutch and French armies ((JCA 78)). Much was learned regarding how to operate in battle-sized formations and how to meet the problems of supplies, health and weather ((JCA 98)). Hounslow was convenient to both Windsor and Westminster, being situated at the intersection of the main roads to the north, west and southwest, it was at the hub of England's defensive strategy ((JCA 96)).

The Whigs devoted much money and propaganda in London to building up fear and hatred of James amongst all sections of the population. They were also organising large mobs with which to control the streets. So it is very likely that James was pleased that the demonstration of the royal army's efficiency would also discourage republican plots. Those who were peaceable and tolerant had nothing to fear.

The people who wrote so much about being 'over-awed' were the agitators plotting a revolution. Other writers reported that the army on the Heath was extremely popular with London Society which paid visits to watch the parades and mix with the soldiers.

This does not mean that there were no problems connected with the camp. To have tens of thousands of young men roaming the villages when off duty led to friction and fights with civilians and between different units. ((JCA 95)). Many of the men acted as if they were above the law ((JCA 94)), and the Commanders had great difficulty in maintaining discipline when the soldiers were off duty both within and outside the camp. This friction with local people led to fear of soldiers entering inns, lodging houses or towns. This provided fuel for the Whig anti-army campaign.

6. Catholics formed about 7% of the gentry and aristocracy from where officers were drawn ((JCA 23)). As Parliamentary laws did not apply overseas, Charles II was able to employ Catholics in units normally stationed abroad ((JCA 18)). Being disqualified by their religion from serving in the home army or in any other civic or professional occupation, many Catholics made a career in the overseas army. Large Catholic Irish contingents had fought in Tangier and other places ((JCA 70)). Many of these units had been recently recalled home when James became King, and account for the presence of Catholics in the army stationed in England in 1685.

Catholic officers in the English army formed 5% in February 1685; 10% in December 1685; 8.6% in November 1687 and 11% in October 1688 ((JCA 22)). So the English officer corps contained approximately the same proportion of Catholics in 1688 as in 1685 ((JCA 48)). Their proportion was slightly higher than their percentage of the aristocracy, but this is explained by their being barred from other occupations. In one regiment there were 16 Catholics out of 37 officers, but in all others the distribution was spread evenly. About 30-40 officers governed each regiment, so the 3-4 Catholics would have had minimal influence ((JCA 23)).

It is not possible to estimate the proportion of Catholics amongst the lower ranks, but it would have been under 10% ((JCA 30)). 'There is no indication of any deliberate policy to recruit Catholics . . .' ((JCA 35)). The chief Commanders, the earls Faversham and Dumbarton, were both Protestants ((MA 193)). Organised Catholic life was minimal with officers travelling from Hounslow to London in order to attend Mass ((MA 93)).

'If the English army was not wholly Protestant, it was utterly dominated by Protestants' ((JCA 23)). 'The real question in the reign must be whether James intended to use his Protestant army in a political fashion, not whether he had designs to use a Catholic army to impose a Catholic despotism'((JCA 23)).

7. There were no Catholic privates in the Scottish army and 'scarce any officers of that persuasion . . .' ((JCA 29)).

8. In February 1685 the Irish army was almost as large as the English. This was because it was responsible for maintaining order in an occupied country. But the Irish had been so utterly crushed by Cromwell, that it had little to do. It had become inefficient and poorly trained, with the bulk of its members working at other occupations during most of the year ((JCA 56)). It was a Protestant army with officers drawn exclusively from the Protestant gentry and aristocracy ((JCA 56)).

**FOR THE BACKGROUND TO THE SITUATION IN IRELAND SEE ACCUSATION 7.**

James instructed Tyrconnel to reform the force by replacing some officers and improving training and discipline. The Lord justices were told not to administer the Protestant oaths ((JCA 62)), thereby opening the way to non-Protestants. Tyrconnel realised that control of the Irish army was essential if his aim of a semi-independent Ireland, governed by the native Irish, was to be achieved. The order of James to dismiss all 'unfit' persons and "supply their places with others 'fitly qualified' gave Tyrconnel his opportunity" ((JCA 63)).

There is no evidence that James wished to employ the reformed Irish army to overawe the Protestants ((JCA 58)). He wanted a strong army to deter a French invasion and to maintain the English domination of the country. For this he needed the support of the Protestant upper class. He wanted freedom for the Catholic religion and the gradual introduction into the army of Irish Catholics loyal to himself as king of Ireland.

James was so involved with his problems in England that he took little detailed notice of Irish affairs, and didn't pay Ireland a visit during this period. So "Indubitably James' policy towards Ireland was the result of Tyrconnel's persuasion and highly partial information" ((JCA 59)).

Tyrconnel asserted that the army was full of republican: 'Cromwell types', so he had to purge them and introduce 'old English Catholics'. But this was not true. The sons and grandsons of Cromwell's officers now formed the 'establishment' and, being mainly concerned with stability, had become Anglican Tories ((JCA 56)). Also, most of the new Catholic officers gave their first loyalty to Ireland.

The purge was rapid, and by 1687, when Tyrconnel met James at Chester, the all Protestant army had become 90% Catholic and James had to accept the situation. ((JCA 60)). "During this meeting it appears that James acquiesced to Tyrconnel's plans for establishing a Catholic state which was to be relatively independent of England" ((JCA 60)).

It was the practice for army positions to be purchased, but the new officers were too poor to pay those dismissed. Some of the new officers had to rely on patriotic public collections to pay for their lodgings ((JCA 76)). Tyrconnel was unable to find the money to pay compensation, so the dismissed officers had a sense of being unjustly treated. From their personal and British viewpoint this was true, but for the Irish these men were part of a hated foreign army of occupation. They could not expect much sympathy from those who were living in poverty, and under a form of slavery, due to the actions of the fathers of those being dismissed.

Tyrconnel's policy was not concerned with England, and he certainly did not envisage building Ireland into a religious and military base from which to interfere in English affairs ((JCA 59)). 'Neither James nor Tyrconnel had any intention of using the Irish army to intervene in English affairs' ((JCA 78)). The only time Irish troops were called to England was during the emergency of 1688 to help repel the Dutch invasion.

**9.** James' army was not pro-Catholic, but was loyal to him as King. 'The number of active military conspirators was very small, probably not more than twenty or thirty' ((JCA162)). The principal institution in the conspiracy was the 'Treason Club', a loose collection of Whiggish officers ((JCA 155)). They met at the Rose Tavern and were certainly not motivated by thoughts of religious rectitude. They gained additional support by the energetic work of Lieutenant-Colonel Thomas Langston, who was on close terms with officers who had served in Tangier and were bitter because they had been withdrawn. ((JCA 158)).

James asked the officers in one regiment whether they supported freedom of religion ((JCA 158)). Based on this sole incident, Langston spread wild stories about James planning to evict all Protestant officers from the English army ((JCA 158)). James did dismiss some officers for opposing religious freedom, and this was seen as an assault upon the rights of property, as their Commissions had been bought ((JCA 48-9)).

The great majority of their replacements were Protestants and: 'There is no evidence whatever that James did intend to replace all Protestants officers with Catholics. Even if this had been his wish there were insufficient Romanists in England to do so' ((JCA 159)).

But the officers contacted by Langston were professional soldiers who relied upon their sword for their livelihood ((JCA 156)), and the reports from Ireland gave them a feeling of insecurity ((JCA 163)).

So Langton fastened on the twin bogeys of religion and the very real fear, amongst many army officers, that some sort of purge was not far in the future ((JCA 159)). It was in this manner that the army conspiracy came into being. There is no reason to doubt that a well trained and loyal army of 20,000 men could have dominated a population of 51 million and that James could have used it to promote his political policies ((JCA 103)). Military coercion in England would have proved difficult and the army might, ultimately, have proved too small, but a policy aimed in that direction cannot, on these grounds, be dismissed as a bizarre dream ((JCA103)).

The army was willing to be used in this way ((JCA 103)). '... the military rebellion in 1688 was not about the use of the army or the rights of the Monarchy but about property' ((JCA 103)). 'Certainly it would have been difficult to enforce toleration through the army, but it was quite possible to create an absolutist style of government with its support and then employ the reformed administration to introduce a toleration' ((JCA 112)).

From all the evidence available it is nonsense to suggest that this Protestant army, although loyal to James, could have been used to forcibly 'convert' the 51 million population to Catholicism, even if James had aimed to do so, which he did not. As well as this, such 'forced conversions' would have been condemned by the Pope.

If James had remained in power for another year or so, it is likely that he would have outmanoeuvred his opponents, been a powerful king with a subservient parliament and would have firmly established religious liberty, while maintaining the Anglican church as the Established Church of the country.

## ACCUSATION 17

James showed public sympathy for the Huguenot refugees, while secretly supporting the revocation of the Edict of Nantes. His financial appeal for the refugees was issued with reluctance and only to please public opinion.

### THE FACTS

1. The Edict of Nantes guaranteed the Huguenots (Protestants) of France freedom of worship in those districts and towns where they existed in 1598. After 1666 there were isolated reports of antagonism against the Huguenots ((RDG 21)), and in 1679 Huguenot churches which had been built outside the districts stipulated in the Edict were destroyed ((RDG 22)). Commencing in 1681, soldiers (Dragonnades) were billeted on leading families and terrorised them. This caused many thousands to outwardly conform to the State Church.

2. At first James was pleased to hear of large scale conversions. As they were occurring at the same time as the fantastic fabrications of the 'Papist Plot' were being spread ((FCT 313)), James dismissed rumours of undue pressure as typical anti-Catholic propaganda, based on exaggerated reports of isolated incidents ((FCT 313)). Anti-Catholic writers quote from conversations held during this early stage, and then imply James held the same views throughout the whole period of persecution, thus giving a false picture of James' mind.

In late 1681 James gave the stories of persecution more credence. Barrillon, the French ambassador, informed Louis that James could hardly believe: "the reports of ferocities, or rather barbarous cruelties, used in France against the Protestants . . . against all common sense and reason, as well as against charity and justice" ((OCT311)).

It needs to be born in mind that Louis was aiming to build a Gallican [French] Church independent from Rome. He would not allow the Pope to appoint bishops and was misappropriating the name 'Catholic' as part of his propaganda to hide his aims. The Pope wished for him to be overthrown and helped those endeavouring to do so. So it is not just to blame the Church for the crimes of Louis

When James became king in 1685, he granted the foreign churches the same protection as Charles had done, and continued to grant naturalizations ((RDG 130)). In October of that year, Louis revoked the Edict and launched a vicious campaign to force conversions to 'Catholicism'.

James ordered his ambassador to ensure that English Protestants were not maltreated, and to do all in his power to help those English who had become naturalised French ((MAB 63)). He wrote in early 1686 to William of Orange of: "the very hard usage the Huguenots had and still have in France" ((MA 187)). He told the Dutch ambassador: "He detested Louis' conduct as not being politic, much less Christian" ((MA 187)).

Barrillon, in a letter to Louis of 3rd May 1686, reported that after James discovered the truth of what was happening, he disapproved of the revocation of the Edict ((MA 187)). Bonreppaus, a special French envoy who arrived at the beginning of 1686, found that James had been shocked by the persecution.

He tried unsuccessfully to convince James that the reports were exaggerated ((MA 187)). In the summer of 1686 the Spanish ambassador reported how 'His Brittanic Majesty . . . declared that he abhorred the employment of jack-booted missionaries as unpolitic and unchristian: that though he wished to see his own religion embraced he thought it contrary to Holy Writ to force consciences ((MA 187)).

It is now generally agreed by historians, even those who criticise James on other matters, that he condemned the persecution in France. 'As far as persecution is concerned, there is no evidence to suggest that he approved of the Dragonnades and a good deal to show he did not' ((RDGB 821)).

**3.** James donated £500 of his own money to Huguenot relief, yet did make anti-Huguenot remarks privately. He informed Sir William Trumbel:

"That though he did not like the Huguenots, for he thought they were of anti-Monarchial principles, yet he thought the persecution of them was unchristian and not to be equalled in any history since Christianity. That they might be no good men, yet might be used worse than they deserved, and it was a proceeding he could not approve of" ((RDG 130)).

Whig history has portrayed the arrival of the refugees in England as a purely religious event, ignoring its very important political aspect. James viewed all Protestants (i.e. non-Anglicans and non-Catholics), especially those fleeing from France, as republicans. He certainly didn't like them, and they didn't like him. Jeffreys also saw them as republicans who were against Episcopacy ((RDG 130-133)).

The arrival of thousands of dedicated, well educated, middle class, young ((RDG 23)) and politically conscious republicans, to add to the existing delicate situation in England, was seen by James as a major political threat. The already settled Huguenot community had supported Cromwell in the Civil War ((RDG 123)), and had recently joined the campaign to have James excluded from the Throne ((RDG 123)). Others were very active as Dutch propagandists undermining James' authority ((RDG 140)). So it is not surprising that James was pleased at the efforts of Bonnepeaus to persuade the refugees to return home, and at Maremont's attempts to form a corps to fight the Turk ((RDG 131)).

That James was correct to view them as disloyal enemies was confirmed later when they played a significant part in supporting the Dutch invasion of 1688 ((RDG 136)). In 1715, 'it could still be claimed that they formed the single most desperate and disciplined body in England opposed to the restoration of the Stuarts' ((RDG 136)).

**4.** Three weeks after the revocation, James signed an Order for an Appeal on behalf of the refugees. But it was not issued till 5th March 1686. This delay of four months, together with the uninspired wording, has been criticised. But James realised that the occasion of a national Appeal could be misused for tirades in the pulpits against Louis, France, Catholics, the Pope and James himself. Preachers could depict the dangers of having a 'Catholic' king without mentioning any king by name. They were unlikely to explain that Louis was creating a state church detached from the authority of the Pope, and that his use of the word 'Catholic' was a misnomer. Nor were likely to explain that all Catholic Europe, including the Pope, was condemning Louis.

The difficulty of deciding how to prevent the preaching of the Appeal being used to undermine James' authority is the most likely cause of the delay. The covering letter issued by the Archbishop of Canterbury, after consultation with James, stated that sermons were to encourage charity: 'by such motives and inducements only' as contained in this present order ((RDG 135)).

So they were not to include attacks on the king of France or Catholics, nor depict the horrors of the persecution. Emotive words and forceful language, which might heighten hatreds and assist republican agitation, were to be excluded. The clergy were to restrict their words to explaining the needs of the destitute Protestant refugees in England needing relief ((RDG 132)). 'The preachers must not meddle in matters of state' ((MA 190)).

This was part of the government's effort to damp down anti-French and anti-Monarchist emotions. This policy was illustrated by the Official Gazette not reporting events in France ((RDG 135)). An anti-French book by Jean Claud was banned ((MA 187)) and when questioned, considerations of republicanism were uppermost in James' mind. He said: "dogs defend each other when attacked; so do kings" ((MA 187)). Barrillon informed Louis that James: "did not approve of libellous tracts against reigning Monarchys, but the banning of the book did not imply that James endorsed the revocation of the Edict of Nantes" ((MA 188)). The printing of literature in Holland for distribution in England was a serious problem for James ((JPKB 179)). In attempts to persuade the Dutch authorities to restrict this propaganda, he was stressing the principle of non-interference in the affairs of other states. It was therefore essential that he strictly maintained this principle himself.

**5.** During the first part of his reign, James instructed English ships not to allow French citizens on board unless they had a passport ((RDG 131)), except where there were humanitarian considerations. For example: When Algeria was at war with Holland, Huguenot refugees were found on a Dutch ship when captured by the Algerians. Their situation was desperate. If they claimed to be French citizens they would be landed in France to face Louis' revenge, but if they claimed to be Dutch they would be taken to Africa as slaves. The English navy, while checking Algerian ships for English nationals, found a group of these Huguenots. James was informed and he used his royal authority to grant them British nationality, so they were released to settle in England ((ABA 55)).

So we find that James pursued a humanitarian policy towards his political enemies, while attempting to maintain a stance of strict neutrality and non-intervention in Continental affairs.

**6.** To guard against money raised for humanitarian purposes being diverted to political uses ((FCT 315)), he designated a group of Lords, Bishops, officials and clergy to administer the distribution ((RDG 133)). The funds raised were to benefit: 'those who lived in entire conformity and orderly subjection to government established both in church and state'. A similar clause had been added in 1685 to a Parliamentary Bill proposing to permit large scale naturalisation.

To mention this pressure to conform to the Anglican Church, without recognising that a similar pressure had existed for 25 years ((RDG 101)), and was present after 1688, may lead to a distorted image of James' attitude. As Parliament had outlawed non-Anglican churches, it was logical to apply the same laws to immigrants who wished to become British subjects.

With regard to the Huguenots, the government from the beginning of Charles' reign, 'decided to licence new congregations only if they accepted the Anglican liturgy translated into French' ((RDG 57 and 94)). After the 1688 overthrow of James many Huguenot churches were forced to conform due to governmental financial pressure ((RDG 109)). So there was nothing unusual or personal to James in this Parliament inspired pressure to become Anglicans during the first two years of his reign.

7. Although the Huguenots recognised the Anglican Church as a Protestant Church, they would have preferred to continue with the form of service they had used in France. There were no doctrinal problems for them in using the Anglican liturgy ((RDG 95-6)) and their beliefs were nearer to those of the Anglicans than to those of English non-Conformists ((RDG 99)). The main problem was one of authority.

The Huguenots had been used to self-governing communities, whereas they were now expected to come under the administration of Anglican bishops. It was the surrender of their traditional self-governing 'republican' type of administration that caused an extremist section severe heart searching. If this small minority of the refugees were not willing to conform to the Anglican Church then the government, whether of James or of others, was happy to see them re-emigrate to somewhere else such as Holland. It may be noted that James did not at any time attempt to make these refugees accept the authority of his own church.

8. The only time the Huguenots were not required to conform was from April 1687 to November 1688. This was when James was ruling without Parliament and there was wide religious freedom ((RDG 102)). It was during this time that the Huguenots poured into the country ((RDG 101)). As many arrived in these two years as came during 1681-1686 plus 1689-1690 ((RDG36)).

Of the £90,000 raised by Crown Appeals between 1681 and 1694 ((RDG 58)), half was raised by James during the two years of 1686 and 1687((RDG 134)).

9. Historians agree that the skills of the Huguenot refugees were a great commercial asset to those countries, including Britain, in which they settled. Undoubtedly the religious restrictions placed on them in Britain by its Anglican Parliament made many thousands decide to settle elsewhere. The manner in which the refugees poured into England during the eighteen months of religious freedom under James, suggests that if his policy had been followed throughout the whole period, the number of settlers would have been much greater and their contribution to British life and prosperity that much more.

## ACCUSATION 18

The Whigs blamed James for everything that went wrong between the restoration of the Monarchy and the invasion of William. James was depicted as having no real ability, and of being incompetent and selfish. He was said to have been ignorant of army, naval and commercial affairs, and to have contributed nothing to social progress. Some of the events used to build this picture are considered below:

- a. It was said that, by not following up the battle of Lowestoft, he allowed the Dutch fleet to escape in 1655.

As Commander of the fleet preparing for this battle he spent long hours with his captains, not only discussing tactics but also encouraging a team spirit, to enable them to learn each others characters. This was something new, and this tradition in the British navy is directly attributable to him ((HH 158)).

James believed that the example of the Commander had a great effect on morale, so he always stayed where the fighting was hottest. He did this at Lowestoft where his friends were killed by his side ((JH 166)). When it was later realised how close the heir to the throne had come to being killed, Charles insisted that James should not lead the navy into battle again ((JH 166)).

Although outnumbered, James' tactics resulted in a defeat for the Dutch off Lowestoft ((JH 164)), and the remainder of their fleet fled home with the English in pursuit.

Having been on deck for 22 hours, James laid down fully dressed after giving instructions that he was to be called as soon as the Dutch were sighted. Henry Brounker, a Groom of the Bedchamber, informed the captain that James had ordered a slackening of speed, and the captain accepted his word. By morning the Dutch were too far ahead to be overtaken.

James wanted to court-martial Brounker, but as he was an Member of Parliament this was not permitted ((JH 163)). He was expelled from Parliament, but escaped abroad before the reason for his action could be discovered ((JH 164)). So it was not the fault of James that his victory was not followed up.

**b.** In 1667 the Dutch attacked the fleet at anchor in the Medway with devastating results, and his detractors blamed James.

But there was a reason for the devastation. The Plague and Fire of London in 1666 caused Parliament to be very reluctant to finance the continuance of the war, so money was not voted to keep the larger ships at sea ((JH 171 and MA 86)). James was appalled, but overruled ((JH 171)). While the ships were laid up, James ordered extra land based guns to be installed at Sheerness to protect the ships. But because of lack of money and therefore workmen, the guns were not placed in position ((PGR 51, 164-169)). So the catastrophe was not due to James.

**c.** In 1682 the, 'Gloucester' was sunk off the east coast while taking James to Scotland. Burnet wrote: 'The Duke got into the boat; and took care of his dogs and some unknown persons who were taken, from the earnest care of his, to be his priests; the long boat went off with very few in her, though she might have carried off about eighty persons more than she did' ((JH 229)). Churchill, who later deserted to William, claimed that if James had not been so obstinate and had abandoned ship quickly, all might have been saved ((MA 143)).

Legge agreed with Churchill, but denied that preference had been given to a dog and priests ((MA 143)). But these accounts come from statements made by their relatives after these witnesses had died, respectively 60 and 42 years later ((JH 229)). They are not therefore to be classed as reliable.

James was also accused of showing callousness in being more upset when he heard that the pilot had swum to safety, than that so many men had lost their lives ((MA 143)).

Burnet was not at the scene of the tragedy, but Samuel Pepys, the well-known Diarist, was on a nearby ship. Sir John Berry was the captain of the Gloucester, and James gave his own account of the incident when he wrote to his daughter Mary, and William, three days later ((FCT 213)). These three accounts give a more reliable picture than that of the absent Burnet.

The ship was one of several sailing together, and the Commanders of the other boats warned the pilot of the Gloucester that he was taking a dangerous route. As the pilot ignored these warnings ((JH 228)), James blamed him for the loss of the ship ((FCT 214)).

He wrote "We lost a great many men and considering the little time the ship was above water after she struck first, it was well so many were saved . . ." He reported that 110 out of 250 were drowned, including several of his own servants.

The accusation that James couldn't make up his mind and delayed the evacuation is not born out by the facts. The experience must have been very frightening for Churchill and Legge, who were not sailors, and no doubt they were in a hurry to leave the ship. But James didn't panic but arranged for some important papers in a heavy box to be transferred to the barge. He was also concerned to arrange for some salvage officers to remain on board ((MA 143)). The ship was on a sandbank, and the sailors do not appear to have feared a sudden foundering, as they cheered James when the barge reached a nearby ship safely. But before the barge could return, the Gloucester suddenly slid off the sandbank into deep water ((JH 229)).

It was not a calm sea, as James' detractors claimed. A gale was blowing, which probably explains why the barge was not crowded on its first trip. The gale also made rescue from the water difficult ((JH 230)). There was only one priest on board and James' dog was found sharing a plank with a doctor ((JH 229)).

James did say that if he had realised that the pilot had survived, he would have hanged him in accordance with the custom of the sea ((FCT 214)). But this was a sign of his fury at the pilot's criminal stupidity in causing so many deaths, rather than a sign of his indifference to the fate of his men. James gave eleven months pay to the widow, and a sum of money to each child, of every drowned man ((JH 230)).

**d.** James' enemies could not deny that the reforms in the navy, during his command, were so fundamental and extensive that England ruled the seas for 250 years. What they did do, however, was to give all the credit to his subordinates and imply that he craftily tried to take all the credit for himself ((JH 144)). Lord Macaulay's History popularised this idea when he wrote that James would: 'have made a respectable clerk in the dockyard at Chatham' ((JH 144)).

James was Admiral of the Fleet during most of the reign of Charles. Samuel Pepys was Secretary to the Navy, a position he retained during James' reign. The system of reorganising the navy adopted by Pepys consisted in making laws and rules for all aspects of its administration.

He has truly been called the founder of the Civil Service. Much of his inspiration came from the history of the Monastic Orders ((PTR 48)). James' addiction to order and method led to a happy relationship with Pepys ((JH 133)), who was also a brilliant organiser. "It was Britain's good fortune that at a time when her navy was in desperate straits these two men worked as an enthusiastic team" ((JH 143)). James would have achieved much less without Pepys, but Pepys would have been impotent without James' drive at the highest circles of power.

For example:

When Pepys complained of a lack of proper job descriptions and clear definitions of duties, James instructed him to put his ideas on paper. James then placed these before the Privy Council. No one thought that James was claiming credit for having written them himself, and Pepys was delighted with James' action ((JH 145)).

It was Pepys who compiled the: 'Instructions to Commanders', which in essence is still in use today. "The Duke of York's Sailing and Fighting Instructions", was largely the work of Sir William Penn senior, but it may be assumed that it was edited and approved by James, as it bore his name and therefore his reputation ((JH 146)). The two greatest reforms were the founding of a regular naval establishment, and the introduction of midshipmen ((JH 146)). On 15th July 1686 the use of naval vessels for private profit was prohibited, but a high pay scale was established for Commanders. This aimed to place them above temptation and subject to naval discipline.

The 'Press Gangs' were replaced by volunteers, who received a thorough apprenticeship and a small allowance in addition to their keep. A naval hospital was planned for Greenwich ((ABA 18-28)). James, who had been an army commander of international repute, devoted much time to learning about the navy, and visited the ships and dockyards ((JH 145)), although he lacked practical knowledge, such as being able to estimate the weight of anchors ((FCT 74)).

e. When he was Duke of York, James strongly argued for a regular modern army, and the Genadier, Scots, Coldstream, Life-Guards and other famous regiments were formed at this time ((JH 142)). James' work for the army led Fortescue, the greatest army historian, to write regarding James: "It is not too much to say that his expulsion was, in this respect, the greatest misfortune that ever befell the army". ((JH 143)).

**f.** Overseas trade has always provided an important contribution to British prosperity, with an influential class deeply concerned with its progress. So James' enemies accused him of not taking an interest in Commerce. But this is false. Although much time had to be spent on politics, immediately on his return from exile in 1660 he founded the Royal Africa Company ((FCT 83 and JH 150)), and later invested in and supported several trading companies of the East Indies, Turkey, Hamburg and the Canary Islands. He became Governor of the Hudson Bay Company ((GMT 272)). He was very efficient and quickly sent the navy to recapture trading posts lost during Cromwell's period of rule ((JH 150)).

**g.** An example of his reformist social policies can be seen in his laws regarding marriage. James issued a decree to regulate wedding procedure, so as to end clandestine marriages especially of minors, and to prevent men committing bigamy. The men who overthrew him annulled this reform, and it was not reintroduced until 1753 in the 'Hardwick Marriage Act' ((FCT 318)).

**h.** His electoral programme in 1688 included the partial abolition of imprisonment for debt ((JRJ 156)). With his overthrow this reform was not introduced and in 1729 gaolers were still torturing debtors to death ((GMT 346)).

**i.** Negro slaves in the British colonies were not allowed to receive baptism. This was because baptism would have been a public recognition of their full humanity. As Christians they would have been entitled to Sunday rest, religious education and recognition of the unity of their marriages, thereby preventing the separation of partners when being sold. Religious education would also have led to local church leaders and teachers being taught to read. James stated that he was going to insist Negroes should be baptised and he condemned their masters ((MT 155)). He was deposed before being able to put his policy into law.

It may be noted that William's invading army in 1688 included a battalion of Negro slaves ((HTJY 49)).

## **ACCUSATION 19**

King James II was a fool.

### **COMMENT**

Accusations against James are made on three levels. Firstly he is accused of being a tyrant in crushing liberty. When it is shown that he was working for greater liberty, he is accused of being insincere. When his sincerity becomes apparent, he is accused of being a stubborn fool. The message of this third accusation is that his aims were praiseworthy, but his failure to obtain them was due to his own stupidity. The implication being that if he had pursued his ideals with moderation and wisdom the leading politicians, being just and tolerant men, would have supported him.

In this manner the blame, for the failure to make Britain a tolerant society, is placed on James, rather than on those who so bitterly and treacherously opposed him.

As to whether James was a fool is a matter of opinion not of fact. But in forming an opinion the following aspects should be considered.

**a.** James knew very well that by becoming a Catholic he was putting his three crowns of - England - Scotland - Ireland at risk. Was he a fool to follow his conscience?

**b.** If he had been willing to live in subservience to an intolerant Parliament, sign the death warrants of innocent men; see the work and property of non-conforming Protestants, Catholics, Quakers and others being destroyed; and watch honest men of good will living in fear, he would have had few problems. He could have lived as a wealthy king for the rest of his life and been called a wise and great king. Was he a fool to reject that role?

**c.** For 25 years his brother had struggled to implement the Declaration of Breda. But, despite his astute political brain, the repression of all who would not conform to the State Church was worse at his death than when he had been crowned. Was James a fool to attempt another method?

The Crown still had substantial constitutional rights. Was he a fool to use them to their full in order to force through reforms against the vested interests that controlled Parliament? What viable alternative policy could he have pursued?

**d.** To have aimed at achieving freedom of worship, without obtaining civil rights for non-Anglicans, may be judged in retrospect to have been a more achievable policy. All reformers hear the argument that: 'half a loaf is better than none'. This can be an attractive and intelligent point of view. But James believed that the only way to ensure that his reforms would not be rescinded after his death, was to change the whole spirit of the times by breaking down prejudices, hatreds and fears. On the evidence available to him at the time, was it foolish of him to judge that it was possible to gain: 'the whole loaf'?

**e.** James lacked a broad and firm power base upon which he could rely for support. His only authority was his kingship and his only weapons were those of argument and 'browbeating'. His options for manoeuvre in policies, tactics and manpower were narrowly circumscribed. Most Catholics were politically inept, due to having been excluded from public life for generations ((JRJ 81)). Many of his assistants were third rate politicians, taking advantage of his needs to gain a high civic position. So it was difficult for him to pick a dynamic, tactful and popular team.

**f.** James' last minute negotiations and changes of plans before escaping to France were depicted as actions of a dithering old man. But this was part of the propaganda war to win over the waverers to William's side. Once James had decided that his army was not able to defeat William's superior force, (he was a very experienced general), he informed the Admiral of the Fleet that he did not expect him to resist ((MAB 171)). When urged by an officer to regroup a loyal army in the north, he answered: "It would cause a civil war; he would not do such mischief to the English nation, which he loved, and which would soon come to their senses again" ((MA 262)).

A self-seeking man, wanting power for its own sake, would have fought on regardless of the cost to the nation. He hoped that the constitutional problems arising due to his overthrow, and the unpopularity of a foreign army of occupation, would lead to his recall. It may be remembered that the republicans had executed his father 1649, yet nine years later a disorganised nation called for the return of the Monarchy. He threw the Great Seal into the river Thames; depicted by the Whigs as an act of purposeless spite. But he did it to prevent a legal Parliament being called in his name. ((MAB 172)).

The compromise solution suggested by the Anglican bishops would have made James a prisoner of the Whigs for the rest of his life. His father had warned him that for a king it was never far from the prison to the grave ((PTR 173)). William of Orange justified his invasion by claiming that the son of James was an impostor. As the Prince had a greater right to the throne than William or his wife Mary, the baby's life was in danger.

James wrote to Admiral Dartmouth: "Tis my son they aim at and `tis my son I must endeavour to preserve whatever becomes of me". James told the French ambassador that negotiations with the bishops were a feint while he got his wife and child out of the country ((PRT 166)).

Although he may have been on the verge of a nervous breakdown, he had grasped the essential unwelcome facts and decisively acted upon them. He saved his son as heir to the throne from capture and spared his country civil war.

**g.** There is a tendency to judge those who gamble and win as being wise but those who gamble and lose as being foolish. When William sent his whole fleet to sea, heavily laden with men, horses and munitions, in the treacherous English Channel weather of November, he was gambling.

A sudden storm could have destroyed the whole of his army and navy in less than an hour, and seen the end of Holland as a separate nation. If this had occurred, he would have gone down in history as a fool rather than as a clever general.

James was gambling his throne in an effort to achieve reform. If king Louis of France had not removed his troops from the Dutch frontier, thereby enabling William to invade England, James would most likely have won his gamble and the elections. He would now be honoured as a wise king who had founded British religious liberty.

**h.** During a lifetime, every leader makes mistakes. This is especially true when he is under great pressure. Some of James' acts could be seen as lacking in tact to the point of being foolish. His treatment of the Oxford Dons and the bishops shows a lack of flexibility, even when we allow that 'bullying' was the only weapon he possessed. But these would not justify summing up his whole life and policy as being foolish.

i. It is consistent with the evidence to view James as neither a brilliant man nor a simpleton, but of average intelligence and ability. He undertook practically single-handedly to challenge the prejudices and fears of a whole nation in the cause of a worthy ideal. This he did at a time when France was persecuting in the name of 'Catholicism', Ireland was taking advantage of his policies to obtain independence, and William wished to gain control of the British armed forces. A genius was required, and James was not a genius. But this does not mean he was a fool. "It was everybody's loss that in succeeding to the throne, he had taken over a task that was beyond his capabilities" ((JH 259)).

## CHAPTER VIII

### MYTHOLOGY REGARDING LOUIS XIV AND WILLIAM OF ORANGE

Whig mythology portrayed Louis XIV as a devout, zealous Catholic, loyally obeying the urgings of the Catholic French clergy to promote the Catholic Faith by stamping out heresy. William of Orange was pictured as a man of high principle, who unselfishly answered the call to save Protestant England from a tyrannical Catholic king.

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### THE REALITY OF LOUIS XIV

**a.** Louis aimed to establish himself as head of a Gallican (i.e. French) State Church in France. As a first step Louis XIV demanded that the Pope appoint his nominees as bishops regardless of their qualities. Louis and his clerical supporters were willing to deny the Catholic doctrine of 'The Real Presence' in order to make it easier for Protestants to join his Gallican Church ((VC 265)).

In 1682 the Assembly of Clergy passed: 'The Four Articles' which claimed that the Gallican Church had the right to veto doctrinal statements made by the Pope ((PH 182)). The Pope refused to appoint as bishop any priest who had taken part in the Assembly, and by 1693 there were 36 dioceses without a bishop ((AHJ 32)). The Pope wrote out a document to excommunicate Louis ((CH 131)), but in 1680 the Assembly of Clergy had stated: 'they were bound to His Majesty by ties that nothing can break' ((NCE-LOUIS)). The Pope decided to play for time for fear that the Church in France would follow down the same road as taken earlier by Henry VIII of England.

It was this near schismatic Assembly of Clergy which urged Louis to revoke the Edict of Nantes. Yet its revocation was depicted in Whig propaganda as being the result of a true Catholic spirit. Those French clergy loyal to the Pope had been excluded from positions of influence.

**b.** The greatest threat to Christendom at that time was the advance of Moslem Turkish armies to the gates of Vienna. The Pope called on all Catholics and Protestants to unite in defence of Europe. Nearly all responded positively, including the northern German Protestant Princes and William of Orange. But Louis not only refused, he tried to persuade Poland not to assist. He gave financial help to pro-Turkish Hungarian rebels, and increased pressure on western Germany at a time when it was of most help to the Turks.

Louis demanded the right to make the final choice in selecting the bishop of Cologne, which was close to the border of France. When the Pope refused ((JRJ 276)), Louis sent his army to occupy the town, knowing that the armies of the Catholic princes were fighting the Turks in the south. Protestant Brandenburg troops, led by the Huguenot general, Schonberg, moved to the city to protect it and its Catholic bishop ((JRJ207)).

**d.** So as to put pressure on the Pope, Louis invaded Avignon in southern France, which was a possession of the Holy See ((JRJ 276)).

**e.** The foreign embassies in Rome had extended their right of sanctuary to all their properties, which often involved whole streets. The Pope gave instructions to end this abuse and all countries, except France, complied. When the Pope therefore refused to recognise the French ambassador, Louis despatched 500 soldiers and 200 supporters to try to enforce recognition. The ambassador and the priests with him were excommunicated. In retaliation the Papal Nuncio in Paris was imprisoned ((VC 201)). It was nine months before the French withdrew from Rome.

So whatever judgements may be made regarding Louis' reign, and he is admired by many for his positive achievements in education, technology and art, it is false to depict his religious and political policies, including that of persecution of Protestants, as springing from loyalty to the Catholic Church and the Pope.

## THE REALITY OF WILLIAM OF ORANGE

**a.** The primary reason for William's invasion of England was to establish in power men who would place Britain's armed forces at his disposal in the coming war with France ((JRJ 189, 329)).

**b.** The second reason was based on his fear that the Whigs would overthrow James on their own and establish a Republic, thereby denying his wife any hope of succeeding to the throne in the future ((MAB 195)). Alternatively they might establish a Constitutional Monarchy that would relegate his wife to a figurehead without power.

**c.** He took a great risk in sending his navy and army to sea during the time of winter storms ((JRJ 260)). He didn't gamble his whole future in order to reinstate a few Dons to an Oxford College, and to restore laws for the persecution of non-Anglicans. He was a Calvinist himself and if resident in England would have been included amongst those being persecuted. He was also well aware that the Church of England was not in the slightest danger of being suppressed by a handful of peaceable Catholics.

When on 7th May 1689 Britain declared war on France, with William in command of the British army and navy, he had achieved the primary aim of his invasion. When he and Mary were made king and queen, he had achieved his secondary objective.

**d.** Another assessment of William's aims stresses his third motive. 'He invaded England in 1688 to prevent her being dragged into a circle of alliances drawn by France, and to secure her financial, commercial, colonial, naval and military power for the Protestant forces of Western Europe, in their fight against the imperialism of LouisXIV'. ((JCA 206)).

So the story of William coming: 'to save Protestantism' is a myth. One modern historian has commented, "1688-9 marks the great discovery that a revolution is as effective a myth about the origins of political institutions as a sun-god or a Tojan hero". ((JC 237)).

## **CHAPTER IX THE ANTI-CATHOLIC PHOBIA**

It is impossible to understand the history of the reigns of Charles II and James II without appreciating the extent of the hatred for, and fear of, Catholics and the Pope.

### **a). IN GENERAL**

'Anti-Popery was the strongest, most widespread and most persistent ideology in the life and thought of 17th Century Britain . . . Fear of, and hostility to, Catholicism was to be found in every section and class . . . Constant use, and abuse and exploitation of anti-Catholic sentiment did not appreciably diminish its potency. . . in a pre-industrial society it was considered safe to direct popular hostility, and even mass violence, against the Catholics. They were so isolated and uniquely execrated that there was little danger of such attacks getting out of hand, as they did in 1780, and turning into anti-social disturbances endangering all order and property. The reverse was true. Anti-Popery was one of the forces making for national unity' ((JRJ 76)).

### **b). BONFIRES**

Catholics were accused of causing The Plague, The Fire of London, and practically every mishap that befell England during those years. Pope-burning processions were excellent shows, ending in bonfires where effigies of the Pope and his cardinals were thrown on the flames. An observer described one held on 17<sup>th</sup> November 1677. There were:

'Mighty bonfires and the burning of a most costly Pope carried by four persons in divers habits, and the effigies of two devils whispering in his ears, his belly filled full of live cats who squawled most hideously as soon as they felt the fire: the common people saying all the while it was the language of the Pope and the Devil in a dialogue betwixt them. A tierce of claret was set out before the Temple Gate for the common people. Mr. Langhorne saith he is very confident the pageantry cost forty pounds.' ((MDRL 98)).

These bonfires were not spontaneous outbreaks of popular feeling. They were expensive affairs paid for by the politicians ((MDRL 98)).

Anglicans were frequently worried because it was not always made clear whether it was only Catholic bishops who were being burnt in effigy. When James banned bonfires and fireworks in November 1685 ((MA 183)), it was not due to a killjoy attitude, but because they were a major means of inflaming religious and political hatreds.

### **c). A CENSUS**

In the official summary of the Ecclesiastical Census of 1676, there is an exact calculation of how many 'Papists' were of the age to 'bear arms' ((DCDA 414)). This indicates how the neurotic fear of a Catholic military danger prevailed, within the highest circles of administration, during the reign of Charles II.

### **d). THE GREAT FIRE OF LONDON**

When the fire broke out, it was not long before the 'Papists' were blamed. Stories of 4,000 French Catholics roaming the streets throwing firebombs were widely accepted as true ((JL 199)). It was believed that the Papists intended to burn all England town by town ((JL 217)). Such rumours may be excusable in times of panic and tragedy amongst the uneducated, but the political leaders in Parliament joined in. By blaming the Catholics, the republican revolutionary movement against Charles II could be strengthened. 'It was increased hatred of Rome which was perhaps the most important result of the disaster' ((SR 132)).

James took command of fire-fighting because the mayor was indolent. All eye-witness reports show him bravely organising the blowing up of houses to form fire-breaks, and being in the centre of danger. He moved from section to section encouraging his men, making key decisions, and using his own bare hands at times. This was all deliberately forgotten when the Whigs were engendering blind religious bigotry in Parliament.

A Parliamentary Committee could come to no conclusion as to how the fire was started ((JL 256)). But when, 'The Monument' was erected in 1681 to: 'Preserve the Memory' of the fire, an inscription was carved:

'This pillar was set up in perpetual remembrance of the most dreadful burning of the Protestant city, begun and carried out by the treachery and malice of the Popish faction, in the beginning of September, in the year of Our Lord 1666, in order to the carrying on their horrid plot for extirpating the Protestant religion and old English liberty, and introducing Popery and slavery.' ((JL 258)).

Rioting ignorant fanatics immediately after the fire were not responsible. It was ordered by Parliament fifteen years later, when their own committee had stated that the fire's origin was unknown.

When James became king he had the words erased. But in 1689 Parliament had them restored. In the 19th Century the inscription was permanently removed ((JL 258)).

#### **e). RIOTS**

During James' reign, anti-Catholic riots took place in Oxford, Worcester, Warwickshire, Bristol and Scotland ((MAB 66)). The ignorance of the mobs, regarding the true religious and political situation, may be judged by their attack on the Spanish Embassy in 1688 ((MAB 172)). Spain formed part of the anti-French alliance hoping William's invasion would be a success.

The chapel of the Elector Palatine in the city was attacked, although its Catholic Elector allowed Protestants full liberty of conscience, worship and civil rights. At the time he was desperately looking for help to throw out the French forces persecuting both his Protestant subjects and those loyal to the Pope.

#### **f). THE POPISH PLOT**

Titus Oates was born in 1649. He went to Cambridge but left in deep disgrace without taking a degree. He managed to receive ordination by the Church of England, but could not obtain a living for he antagonised all who came into contact with him.

In 1677 he became the Protestant chaplain to the household of the Duke of Norfolk, but was soon sacked and sank into poverty. Claiming a wish to become a Catholic, he was received into the Church and at his request sent to Valladolid in Spain to join the Jesuits. He was soon expelled for outrageous behaviour and then lived in London with Israel Tonge, a notorious anti-Jesuit. He then attended a Jesuit school for six months at St. Omer in France, but was expelled for unnatural vice ((GWK 86)).

Although Oates had failed to learn anything with which to incriminate the Jesuits, he did obtain the names of many priests. Returning to England, Oates and Tonge wrote a story claiming that Oates had discovered an elaborate plot for overthrowing Charles II and establishing Catholic domination. A large French and Irish army was to be enrolled, and the names of prominent English Catholics were given as the designated holders of various offices. Their tale was so full of inconsistencies and improbabilities, it was ignored by all responsible citizens. But in 1678 Oates and Tonge made a formal deposition to a justice, who was murdered soon afterwards in mysterious circumstances.

This publicity enabled the King's enemies to place the narrative before the Privy Council. Oates was reported as saying: "That murder happen'd well for me . . . my Plot had come to nothing without it". Charles was persuaded to attend the second meeting of the Council at which the answers of Oates, on matters of simple fact, showed him to be a liar. But after the king had left the meeting, it was agreed to publish the story.

Lord Shaftesbury and friends, who were fighting to have James excluded from succeeding to the throne, grasped this opportunity to spread the narrative. This story plus a stream of additional pamphlets caused excitement and panic. In the wave of anti-Catholic hysteria that followed, 16 priests and 5 laymen were executed. About 2,000 were imprisoned (i.e. 40% of the known fit adult Catholic males between 16 and 60 years of age), and many others suffered from mob violence.

So blind was the bigotry that the king dared not intervene for fear of the cleverly stimulated emotions being turned against himself and the Crown. The trials were a mockery of justice, with no counsel allowed to argue for the accused, the defence not permitted to cross-examine 'witnesses', and the accused not shown the precise crimes with which he was charged until he was in the dock. The judges were determined to convict and the juries, mishandled by mobs surrounding the Court, were terrified lest they too should be arrested.

When the House of Lords 'tried' Lord Stafford, the diarist John Evelyn was present and wrote that Oates' testimony: "Should not be taken against the life of a dog", and that it was not likely that: "The Jesuits should trust him with so high and dangerous secrets". Yet Stafford was found guilty and beheaded. A man sent to 'find' seditious letters hidden in a convent in Cork, which would incriminate the Catholic Archbishop of Armagh, was exposed with the 'letters' before he set sail from Bristol. But this did not prevent the prosecutor obtaining a guilty verdict and the Archbishop's death.

Reputable opinion was not able to bring the situation under control for some time. Eventually, in May 1685, Titus Oates was sentenced to life imprisonment for perjury. But after James' overthrow the government released Oates, and awarded him a pension for life ((JH 247)). During the next few months he concentrated on producing pamphlets purporting to give the history of what he called 'The Bloody Assizes' as presided over by judge Jeffreys. He invented 'martyrologies' (stories of heroic deaths) of individuals caught following the Monmouth rebellion, who had not in fact been executed [See Chapter VII Accusation 5]. As the Church of England still refused to provide him with a position, he joined the Baptists, but was expelled as a disorderly person and a hypocrite. He died in 1705.

The ease with which an unsubstantiated and wild accusation by such an unreliable figure was accepted by nearly the whole nation, including the judiciary and the House of Lords, is a measure of the all pervading irrational abhorrence and fear of Catholics at the time.

**((Unless otherwise noted, this Chapter has been based on 'Catholics in England' by M.D.R. Leys)).**

## **CHAPTER X THE MISUSE OF WORDS BY THE WHIGS**

Whig literature was not merely clever in its misuse of words to discredit James. It also misused words to paint a bright picture of the alleged benefits of overthrowing a Catholic Monarch in 1688.

They used such terms and phrases as The GLORIOUS Revolution - a FREE Parliament - a WILLIAMITE army - A REVOLUTION - the INVITATION to William - William's RIGHT to intervene - SAVED the Anglican Church - The TOLERATION ACT of 1689 - THE BILL OF RIGHTS - A FREE press - A STEP TOWARDS DEMOCRACY - Led to BETTER JUDICIAL PRACTICE.

But what reality was behind these brain-washing slogans?

### **a). 'GLORIOUS' (i.e. possessing honourable fame).**

At times a country finds itself suffering under a tyranny involving harsh suppression of all opposition. There is vicious discrimination against dissidents, mass imprisonment without trial, torture, the killing of agitators, and the hopelessness of achieving justice by peacefully . A revolution with the support of the populace may in such circumstances be described as GLORIOUS.

But this was not the situation in 1688. The rightful king was struggling to establish religious freedom and civil rights. He had stopped executions for religious beliefs, emptied the jails of prisoners of conscience and permitted exiles of many beliefs to return from abroad. Refugees were allowed to open their own churches. The main acts for which he was held guilty were:

1. Forcing an Oxford College to admit non-Anglican Dons and students.
2. Trying to force the reading in churches of a royal document explaining why he was working for religious freedom.
3. Using his royal authority to dissolve an intolerant Parliament, so as to obtain the election of a majority of libertarian Members of Parliament.
4. Of using his royal powers excessively in order to fight discrimination in government institutions and the military forces, and to obtain a friendly Parliament.

There was nothing GLORIOUS in overthrowing such a ruler.

The action of a small group of army officers in disabling a section of the British army, as a foreign army invaded, would be more correctly described as 'traitorous'.

In 1988 the Queen attended a joint meeting of the Houses of Parliament to commemorate: 'The Glorious Revolution'. The royal script-writers appear to have faced a dilemma in the face of modern historical research. The Queen said the events were: 'Glorious' because hardly anyone was killed. This definition avoided the traditional meaning of the word as used in official history for three hundred years.

### **b). A FREE Parliament**

A major assertion of official history is that William enabled the English people, led by their lords, clergy and army, to hold a 'free parliament' in the spring of 1689. History books have maintained this illusion by omitting the circumstances in which the parliament, that deposed James and voted for the crowning of William, was held.

' ... a thick wall of silence has descended over the Dutch occupation of London in 1688-90. The whole business came to be seen as so improbable to later generations that by common consent, scholarly and popular, it was simply erased from record.' ((JII 128)).

In December 1688 the Dutch assumed control of the national finances and administration. Dutch officers also directed the War office and ordered the English army to be sent away from London and dispersed into small units. ((JII 126)). The units were forbidden to come within 20 miles of the capital.

Dutch troops were deployed to the north and west of London at Woolwich, Kensington, Chelsea, Paddington and Richmond ((JII 128 and 146)). Others took control of St. James' Palace, Whitehall and Somerset House ((JII 128)). British regiments in the Dutch army were quartered in the Tower and at Lambeth ((JII 145)), making it difficult for them to communicate with the English army units to the north. Their commander was Hugh Mackay who had lived in Holland since 1674, had a Dutch wife and was very loyal to Holland ((JII 145)).

So when parliament met in early 1689, the capital was firmly under the control of foreign troops, with the English army expelled from the capital. [See map at end].

It is therefore false to claim that a free parliament met in 1689 in a free atmosphere to express the free wishes of the nation.

### **c). A WILLIAMITE ARMY**

From Whig histories one would gain the impression that the national army supported William. But there was widespread dissatisfaction throughout the country. William feared a national uprising led by English army units. Of 40,000 in the British army, 10,000 were dismissed and 10,000 sent to man towns in Ireland. A further 10,000 were ordered to Holland. This left 10,000 English troops to face an occupation force of 19,000 ((JII 135)).

There was army unrest and a regiment at Ipswich refused to embark, under a Dutch general, for Holland. Seizing cannon they marched to join pro-James forces in Scotland. It was politically embarrassing for the Dutch to attack British troops on English soil, but William couldn't rely on the loyalty of any English troops he might send against them. So 4,000 Dutch cavalry under General Ginkal were sent. They surrounded them at Sleaford in Lincolnshire. Being outnumbered, the British had to surrender and were quickly sent to Holland ((JII 144-5)).

William warned his commander in Holland that the 10,000 British troops were unreliable. They were constantly toasting 'King James'. ((JII 145-6)). The Ipswich event led to the 1689 Mutiny Act ordering the death penalty for mutiny or desertion ((ECB32)). All fighting against James' supporters from 1689 till 1691 was, apart from Mackay, under the command of foreign generals. These were Soims, Ginkal, Schomberg, Wilhelm and Ruvigny ((JII 145)). The occupation of Ulster in 1689 was organised principally by Bentinck, Schomberg and Solms.

Not one English minister or commander played a significant part in this major operation. Of Schomberg's eight aides, one only could speak English. ((JII 149)). It was Dutch, Danish and Huguenot troops supported by modern powerful Dutch artillery that won the battle of the Boyne ((JII 151)). The Dutch could not risk ordering English or Scottish troops to fire on James' army, so kept them in the rear ((JII 155)). In modern language, Britain had become a military satellite of Holland.

#### **d). A 'REVOLUTION'**

This word is defined as: 'the forcible substitution by subjects of a new government for old.' ((POD)). When a nation's army successfully invades the territory of another nation and the victorious leader forces his new subjects to make him their king, the correct description of such an event is: 'occupation' or 'conquest'.

Less than a quarter of William's army was British ((JCA 175)), and it is probable that at least half of these did not support his attack on their native land. When suspicions arose in early 1688 that William was planning to invade England, half the officers in the Anglo-Dutch Brigade stationed in Holland returned to England. They then assisted James to strengthen the British army ((JCA 133)).

Without money or influence, confined to their quarters in a hostile land and threatened with execution if they deserted, ordinary soldiers were not able to leave ((JCA 134)). When 200 were captured at sea they rejoiced ((JCA 122)), and Scottish soldiers, while guarding English troops who had been led into William's hands by their traitorous officers, drank James' health.

Few British subjects were involved in the 1688 events, and those that were took a very subordinate part. 'The decisive decisions in 1688 were those made by William and Louis, rather than those of James, the seven bishops or even the seven signatories of the invitation to William' ((JRJ53)).

On 22 January 1689 the House of Commons met and declared the throne to be vacant. They offered to elect William as king on certain conditions. This proposal abandoned the principle of hereditary kingship, and if accepted would have made the Monarch subordinate to Parliament, thereby establishing in effect a republican form of government.

The House of Lords saw this as a threat to their own hereditary rights, and continued to consider James as King. Some wanted James to return but under limitations; others proposed that a Regent be appointed until James died, at which time Mary would succeed. Alternatively they considered making Mary queen immediately, with William as her consort. Constitutionally, James' son was next in line to the throne, but his right was ignored.

On 5th February, William called the leaders of Parliament together, and informed them firmly that he would be neither Regent nor Prince Consort. If he was not appointed king for life he would return to Holland ((MAB 183)).

Many had not resisted the invasion because William had said he was not coming to claim the crown but to press James to change his policies towards Parliament's laws. They were now appalled at what they had allowed to occur. Some had turned against James when his army was retreating, but if the Dutch army withdrew they would be swept from power and called to account by a returning James. They were aware that the British army, although dispersed, was full of bitter men.

William won the vote by 64-46. But when account is taken of six pro-James Members who had been excluded from voting, and those who feared William's threat to leave the country, it can be seen that it was not the enthusiastic and overwhelming vote as it was later portrayed.

So on 13 February the Crown was 'offered' jointly to William and Mary but: 'the sole and full exercise of the regal power', was to be held by William ((MAB 183-5)). In the Declaration proclaimed by him on landing in November, he had stated that: 'He abjured all thought of conquest' ((TM Vol. III, Ch ix)).

William of Orange was the first successful invader of the British Isles since 1066. The acts of a few disloyal British officers in disorganizing the British army had contributed to William's victory, but did not constitute a 'Revolution'.

#### **e). THE INVITATION**

In an attempt to give the invasion some form of moral authority, the Whigs with some Tory supporters ((ECC 1)) claimed that William had come at the invitation of leading gentlemen. These it was claimed were acting on behalf of the whole nation. Their action may be likened to the small Communist cliques in Eastern Europe between 1950 and 1990, 'inviting' Russian troops to invade so as to 'save' their country from libertarian moves being made to make their countries democratic.

The 'letter of invitation' was dated 3rd June 1688, yet William first set sail in September, to be driven back by the weather. Historians today do not believe the Dutch could have gathered such a huge army and fleet together in three months. William had in fact taken the decision to invade in the previous April ((JRJ 250, MAB 91 and MA233)).

The letter was in response to a communication from William indicating his invasion plans. The 'invitation' letter was one of association rather than one of invitation ((JRJ 240)).

William was concerned that fear might cause his allies to hold back from their treachery at the critical moment. So William's agent made them send William a signed letter stating their intended treachery, thereby making it impossible for them not to carry out their role ((JRJ 240, MAB 121-3)). The writers claimed that 95% of the nation would support William, but admitted that they had very little definite support as: 'it be not safe to speak to many of them beforehand'. ((DCDA 120)).

#### **f). WILLIAM'S RIGHT TO INTERVENE.**

When one country decides to invade another it is necessary to find an excuse. In early 1688 William's wife Mary, being James' eldest child, was still next in succession to the English Crown. So William could claim he was merely bringing forward her succession in order to preserve law and English liberties. The situation did not justify this pretext but other aggressive wars have been launched with similar justifications.

On 10 June 1688 James Francis Edward was born and as a son of James took precedence over Mary. William sent congratulations to his new nephew ((JH 266)), but William's right to invade was now even less. It was the English conspirators who thought of a way to overcome this problem and utilize the birth to their own advantage. With their letter of 'invitation' the conspirators told William he had injured his cause by congratulating James, because he could use the birth of the Prince as an excuse: 'your entering the kingdom in a hostile manner' ((DCDA 121)).

A whispering campaign claimed that the queen had had a miscarriage and that another child had been brought into the bed in a bedpan. It was whispered that only 'Papists' were present at the birth and that it was a trick to deny: 'Protestant Mary' her rights. Rumours were also spread that James had VD and was therefore unable to have a healthy son. There was no evidence of this. Arabella, his former mistress, had born him four healthy children between 1670 and 1674 ((JH 168)).

There had been rumours of a miscarriage at six months, but everyone at Court knew that they were unfounded. The actual birth was witnessed by the Queen Dowager, several Lords and Ladies both Catholic and non-Catholic, and members of the Privy Council. Many of the Ladies stood around the bed ((JH 267)). Few Royal births have been more fully documented ((MAB 118)), and at a special meeting of the Privy Council testimonies were given by the midwife and laundress ((MAB 148)).

By the time George I was crowned in 1714 even the Whigs had been forced to abandon their falsehood ((BW 15)). But at the time, the conspiratorial lies were so effective that for several years few would dare challenge the accusation ((FCT 406)).

When the Dutch army landed, William issued a declaration excusing his action. The Declaration was written in Dutch, with an abridged translation in English. After summarising the main Whig points of propaganda against James, it contained the words: 'lastly there were circumstances which raised a grave suspicion that the child who was called Prince of Wales was not really born of the Queen' ((TM Vol. III, Ch. ix)).

The Earl of Shrewsbury, a prime mover in the conspiracy and whose signature headed the letter of: 'invitation', later admitted that William would have invaded even if the Prince had never been born ((MAB 91)). So the 'right' of William to invade, based on the hereditary right of his wife, was a gross deceit.

When a people are truly suffering under a tyrant, falsehoods are not required in order to gain their acquiescence to a: 'Glorious Revolution', and a foreign invasion.

### **g). William 'SAVED' the Anglican Church**

A major justification for supporting William's invasion was that it would save the freedom of the Anglican Church. It is therefore pertinent to examine whether the Church of England was free under Whig rule.

'The Tudors had failed to bring all within their form of Church discipline, but had made the Church an instrument of state policy' ((BW 68)), 'but at no time in our history was the Anglican Church in England and Ireland so completely subservient to the purposes of the civil government as under the Whigs'. ((BW 68)).

'The Established Religion was regarded by most politicians and by many churchmen first as a safeguard for the Whig system of government, especially as a valuable form of police control over the lower classes'. ((BW 76)). 'The bishops were mainly chosen for their sympathy with Whig doctrines and their capacity for enforcing them'. ((BW 76)). The usual qualifications of a bishop for office was political service or the support of powerful patrons in the Whig party ((BW 78)).

Of vital concern to the freedom of the Anglican Church was the ability for its bishops and clergy to meet and formulate policy regarding doctrines, discipline and social comment. Apart from the period between 1700 and 1717, when Queen Anne and the Tories had influence, and one occasion in 1741, Convocation was not permitted to meet during the long period of Whig rule ((BW 82)). This situation, combined with the social divide between bishops, clergy and laity, led to lethargy. There was uninspired preaching, practice, spirituality and the failure to integrate the Methodist Movement within the Church's structures ((BW 82-83)).

'Religion has rarely been so uninspired as in this century' ((BW 83)). Religion was discussed by many writers of the time, but they showed little apprehension of the spiritual, and tended towards Deism and neglect of Christian practice and doctrine ((BW 83)). Apart from a few great men and a sprinkling of some devoted country parsons: 'the Established Church throughout the century was more of a political system tinged with the minimum of Christian doctrine than a living example of faith animating the community' ((BW 94)).

This compares with Church life under James, when the Established Church 'Was beginning to flourish more than it had ever done since the Reformation' ((JRP 8)).

The Whigs depicted themselves as full of indignation that a non-Anglican king, such as James, should govern the Anglican Church. Yet within a few months, they had enthroned a king who was neither Anglican nor English as its governing head ((MAB 84)). William of Orange was a Dutch Calvinist ((HTJY 34)) who ordered the Anglican clergy what to preach ((MAB 190)).

#### **h). THE TOLERATION ACT OF 1689**

This Act has been presented as an historic revolutionary achievement in its granting of religious liberty. But in reality it was a retrograde step. Under James, religious minorities had been granted freedom of worship and the end of most civic discrimination against their members. But: 'in order to placate the English upper classes, William and Mary omitted to fulfil even the terms of their 1687 declaration.

Unlike James' Declaration, the Williamite 1689 Act was prefaced by no doctrine of tolerance. The motives for it were plainly political. Not a single old law against religious liberty was repealed or suspended; instead dissenters were granted relief by being "exempted from the penalties of certaine Lawes".

All the penal laws were held to be in force, particularly against Catholics and Unitarians, who received no relief whatsoever despite the promises of 1687' ((HK 211)). 'With the Toleration Act freedom went into retreat' ((HT 211)).

'The so-called Toleration Act was as grudging as possible; it merely exempted Dissenters (except those who rejected the doctrine of the Trinity) from the Penal Laws. William's suggestion that dissenters should be made capable of holding office provoked an explosion' ((JRJ319)). The Act permitted non-Anglican Protestants and Jews to conduct worship, but they were still barred from voting, taking part in Parliament, local government, state administration, leadership in the armed forces, attending a University, opening a school or being a teacher. The laws were not consistently enforced but could be used to cause suffering to Dissenters.

For example:

In 1742 the City of London was raising money to build the new Mansion House. The Corporation passed a by-law that anyone declining nomination for the office of sheriff would be fined. Then for several years in succession Protestant Dissenters, known to be unwilling to qualify by receiving Anglican Communion, were nominated and elected. By 1754 the fines had reached £15,000 ((BW 71)).

Additional anti-Catholic laws prevented a Catholic acting as a guardian, sending a child to a school abroad, carrying arms, owning much property, marrying a Protestant who owned property, being a solicitor or possessing a horse worth more than £5 ((BW 183)). Catholic landowners paid double taxes. ((MDRL 115)). To boast of a toleration act which left minorities with less freedom than they possessed previously is another example of a hypocritical misuse of words.

Although James' acts had not been indorsed by Parliament, there was real religious freedom prior to his overthrow. 'It may also be said that if James had not made his stand in the fight for religious toleration, the recognition of the legitimacy of non-Conformists in 1689 would have been unlikely'((MAB190)).

## **i). THE BILL OF RIGHTS**

This Bill was passed on 25th October 1689, not as a reaction to the rule of James but as an attempt to limit the power now in William's hands. It tried to remove the King's right to use the dispensing power widely, levy taxes, create Church Commissions and keep a standing army. These rights were transferred to the small group of landowners and rich merchants who now controlled Parliament. These 'rights' did not benefit 95% of the population. When the rich and powerful were abusing their new powers, the poor could not appeal for assistance to a strong king or independent Anglican Church.

There were about 200 lay Peers in the House of Lords ((BW 22)), who represented 200 powerful families. There were also 26 bishops appointed by the government to control the State Church. These few families had unassailable power because of their ownership of vast estates, covering two-thirds of the country ((WE 555)). This gave them control of the House of Commons as well as of the House of Lords.

Voting was not secret so fear, bribery and the desire to gain approval of landowner and employer made elections for the 80 County Members of Parliament undemocratic. Small cliques of local magnates and country gentlemen chose the candidates. Contested elections were rare ((BW 26)). The total electorate of the 203 cities and boroughs in England was 85,000, with 181 constituencies having less than 1,000 voters each, making bribery and threats very effective.

The small boroughs had a bewildering variety of electoral systems, lending themselves to gerrymandering. The great majority of Members of Parliament represented their personal interests and those of their patrons. Some boroughs were frankly the property of patrons who could give or sell the seat ((BW 27)). As late as 1790 there were a mere 2,655 voters in the Scottish counties and only half were genuine freeholders, the others being created by the landowners.

The 45 Scottish Members were elected on such a narrow basis that the government, by means of patronage and bribery, could assure itself of at least a majority from these constituencies ((BW 28)). The revolutionary families 'packed' Parliament far more thoroughly and permanently than James had attempted.

The chief organ of local government was the 'Justice of the Peace' ((BW 49)). His power in urban as well as in rural districts was immense, being an administrator with juridical functions ((BW 50)). These J.P.s were local despots ((BW 52)) and generally belonged to the ruling political party ((BW 54)).

The political philosophy of Whig rule was known as: 'laissez faire' (government should limit its interest to the protection of private property). It led to: 'the scantiest crop of important legislation in our Parliamentary records' ((BW 8)).

John Locke, the leading political philosopher, wrote:

'Civil Society, the chief end wherof is the preservation of property...'

'The great end of Men's entering into Society being the enjoyment of their properties in peace and safety' ((BW 5)).

Locke and most other economists viewed poverty as almost a crime and therefore deserved ((BW 137)). The efforts of individual philanthropists were swamped by the spirit of the age ((BW139)). The most marked characteristic of Whig rule was the great cleavage between the well-to-do: 'persons of fashion and fortune', and the poor: 'lower order of people' ((BW 128)). Class barriers were far less when Charles and James were kings ((BW 128)). As a rule the poor were regarded as a class apart, to be ignored except when their hardships made them boisterous ((BW 129)).

No efforts were made to enforce the laws made in previous generations. A visitor remarked in 1730 that, although there were: 'excellent laws for maintenance of the poor . . . few nations are more burdened with them, there not being many countries where the poor are in a worse condition'. ((BW 130)). Wages were kept to the minimum, and prices high, on the excuse that this made the poor work harder ((BW 143)).

At times there was starvation amongst the poor ((BW 126)). Entertainments for working people were repressed so they would not waste their time and money ((BW 129)). Two thirds of pauper children in the Work Houses died before they were five, and those that survived were put to work at low pay with no control over the way their masters treated them, which was often most inhumane ((BW 132)). The ruling class lacked for nothing and, if a member did become short of money, he was assured of a government post involving little work, as a pension ((BW 146)).

The words: 'freedom ... from excessive bail, fines and cruel punishments', in the 'Bill of Rights', applied to the Whig ruling class only. Punishments for the ordinary person included pillory and whipping, burning in the hand, transportation and hanging ((BW 135)). By 1760 death was the penalty for 160 felonies including sheep-stealing, cutting down a cherry tree, being seen for a month with gypsies, and petty larcenies ((BW 62)). The Vagrancy Acts ordered 'rogues, vagabonds and sturdy beggars' to be whipped 'until bloody', and then sent to houses of correction ((BW130)).

Local authorities saw prisons as a method of making money. Prisoners awaiting trial had to pay to have their cell door opened, for beds, for putting on and taking off irons, and discharge from jail. Prisoners of both sexes were herded into overcrowded insanitary rooms with malignant forms of typhus almost endemic. In 1716 there were 60,000 people in prison for debt, some for the smallest sums. Of 800 prisoners in the Marshalsea jail 300 died in less than three months.((BW135)).

Education for both rich and poor reached its lowest level compared with previous centuries and with those to come ((BW 139)). The 'Glorious Revolution' made the Charters of Universities, Parliament, Corporations and Charitable Endowments inviolate ((GMT 365)), so these vested interests were placed outside the control of public influence. The town Corporations could spend their revenues on gluttonous feasts while neglecting their duties ((GMT 365)). Headmasters of Endowed Schools could give poor service and even close schools, while still drawing income from the endowment ((GMT 365)).

At both Universities the chartered monopoly led to lazy, self-indulgent Dons who almost entirely neglected the undergraduates. The number in attendance fell to less than half those in the reign of Charles II ((GMT 365)). Professors seldom performed their functions ((GMT 366)). By 1770 serious examinations for degrees had ceased at Oxford, although the teaching of Mathematics at Cambridge was to a good standard ((GMT 366)).

As the endowed grammar schools decayed, secondary education decreased despite a growing population ((GMT 364)). Protestant Dissenters managed to establish some private Academies of a high standard, but studies had to be finished abroad. If Catholic children went abroad for education they were breaking the law ((BW 88)). Attempts by Anglicans to improve education made little progress once the Whigs gained full power in 1730 ((BW 141)).

With Whig Party workers being appointed to professorships, the teaching of Law at the Inns of Court and Oxford was practically non-existent. Men truly dedicated to the Law gave private lectures ((BW 62)). After 1744 it was not necessary to be learned in the law in order to become a J.P. ((BW 50)).

In 1721 the beginnings of Trade Unions were made illegal and strikes suppressed by the military, yet combinations of employers were permitted. ((BW 143)). It is not surprising that in this brutal age, bull baiting, cock fighting and throwing, badger baiting, goose riding and public hangings were seen as amusements. They encouraged the barbarous custom peculiar to the English of insulting and jesting at misery ((BW 135)). Holidays were at Easter, Christmas, Whitsuntide and eight, 'Hanging Days' at Tyburn ((BW 132)). 'England had the bloodiest penal code in enlightened Europe' ((WAS 248)).

Prior to the 'Glorious Revolution' Britain took only a small part in the slave trade, but in 1698 licensing regulations were abolished ((OAS 49)). And after the Treaty of Utrecht in 1713, Britain assumed first place in the trade to north and south America, which she held for over ninety years ((BW 51)). The British form of slavery was particularly ferocious because it did not have laws and religion as ameliorating factors, as existed in other countries ((OAS 81)).

The harsh life, poor food and illnesses in the navy made it very unpopular so 'Press Gangs' were used to kidnap men to serve at sea. The good wages, conditions and apprenticeship schemes introduced by James before the 'Revolution' had brought this form of slave labour to an end ((ABA 18-28)). James had also banned 'Press Gang' labour in the shipyards. ((ABA 27)). Even when William was about to sail and there was a desperate need to man the enlarged English fleet, James was reluctant to use 'Press Gangs' ((ABA 106)). Yet some of the English troops in William's army had been 'Press Ganged' while in Holland ((ABA 139)).

After the passing of the 'Bill of Rights' the situation in Britain changed. "For William's war, the system of pressing, in abeyance at first, was soon stretched to the utmost and was organised with almost brutal efficiency." Even while the ships were laid up during the winter, it was thought too risky to allow the men to go home; so they were kept on board . . .' ((DO 330)). 'Another of the terrors of London was the fear of being suddenly seized by the licensed press-gangs of the navy . . .' ((BW 133)). This was in about 1716. During the reign of George II, Admiral Vernon declared that: "Our fleets are defrauded by injustice, manned by violence and maintained by cruelty" ((GMT 348)).

## **j). A FREE PRESS**

In 1695 the Licensing Act was not renewed and this: 'has usually been hailed as a triumph for freedom of the Press, and even as evidence of greater enlightenment after the Revolution. But contemporaries did not think so' ((OD 511)).

'Cromwell effectively created a state monopoly of news . . . the system was transferred to the Royalists, and in 1662 the Press was formally placed under tight Parliamentary control . . .' ((GB 83)). When Charles suspended Parliament in 1679 the Act could not be renewed. It was then that the Titus Oates and other lying Whig propaganda poured from the presses with such dramatic results.

'... in the 17th Century both government and its subjects were inexperienced in either digesting the printed page or judging its effects' ((FSS 249)). It did not operate again until Parliament met in 1685.

In 1688 the Crown, without a formal statement, relinquished control of the Press to Parliament ((FSS 300)). The Revolutionary Parliament renewed the Licencing Act and it operated until 1695. In 1694 the House of Commons explained to the House of Lords why they did not wish to renew the Act. 'All 18 reasons were of expediency, not moral or philosophical' ((FSS 306)). They were mainly concerned with restraints on commerce, such as causing high monopoly book prices, a closed-shop for book-sellers; delaying the importation of foreign books through the customs and being unworkable due to the increasing quantities involved.

There is no reason to presume that this development would not have taken place if James had continued in power. The granting of religious liberty under him would automatically have resulted in a more open expression of religious and philosophical opinions. Most likely James would have continued to use the laws of seditious libel with regard to political opinion, but this is what the Whigs also did after the 'Revolution'.

'Parliamentary leaders objected to publicity. Curiously the Revolution of 1688 made no observable change in this attitude . . .' ((FSS 265)). 'There was a strict control over political opinion' ((OD 512)). 'In 1704 Chief Justice Holt stated that it was necessary for all governments, that people should have a good opinion of it, and that it wasn't maladministered by corrupt persons'. ((FSS 271)). Any criticism of the government constituted seditious libel ((OD 511)). 'The powers of Parliament were as vague and elastic as those that had been held by Charles and James ((FSS 276)).

In May 1712 registration and taxation was imposed on all aspects of newspaper and pamphlet production, thereby putting the media into the hands of the rich and established sections of society. It was not until 1771, the year following the end of Whig rule, that debates in Parliament were allowed to be reported. ((FSS 311)).

### **k). A STEP TOWARDS DEMOCRACY**

The assertion is made that by overthrowing an absolute Monarch in 1688, Britain was enabled to evolve gradually towards democracy without violent upheavals.

But this gradual evolution could have taken place without the events of 1688. Charles II and James II were not absolute Monarchs. They ruled in a poorly defined relationship with Parliament. Charles' helplessness in the face of Parliamentary support for the Titus Oates barbarism, and the inability of Parliament to obtain promulgation of the Exclusion Act, indicate that neither had absolute power.

The partnership was threatened when Parliament, by means of the Exclusion Act, attempted to abolish the hereditary right of succession. Charles' legal suspension of Parliament was necessary to defend the Monarchy and partnership.

James preferred to work in a team, and take advice from his assistants ((JH 158)). There is no evidence that James wanted absolute power for its own sake. His one reason for trying to exercise his rights to their maximum was the issue of religious freedom. If Parliament had agreed to implement the 1660 Declaration of Breda, there would have been no cause for the partnership between King and Parliament to have broken down.

This relationship could have evolved over the generations towards a system of government akin to what we possess now. The very fact of religious freedom would have meant a freer circulation of literature and a more open intellectual climate, which would have prepared the way for democracy. The idea that 1688 opened the way for eventual democracy is based on the Whig myth that James was a tyrant grasping for absolute power.

## **1). LED TO BETTER JUDICIAL PRACTICE**

In 1714 a law to make the judiciary independent of government became operative. This is claimed as a delayed fruit of 1688. But the development of improved Court practice was to be seen prior to this date. In 1670 the jury had been freed from the threat of being penalised for giving the 'wrong' decision, in 1677 the criteria for considering evidence had been improved, and in 1679 the Habeas Corpus Act had been passed. There is no reason to presume this trend would have stopped because James had forced Parliament to grant religious freedom.

## **CHAPTER XI WHIGS, TORIES, JACOBITES AND ANTI-CATHOLICISM**

### **A). THE NEED FOR ANTI-CATHOLICISM**

For ten years following the restoration of the Monarchy in 1660, political life flowed in two streams:

1. The Royalist, which upheld the hereditary rights of Monarchy working in cooperation with Parliament.
2. The Republican, which aimed to transfer effective power to Parliament.

Republicanism was a small and dying force until James, the heir to the throne, became a Catholic in 1673. This enabled the Republicans to re-ignite anti-Papal fears amongst many Royalists. These Royalists were willing, through fear of having a Catholic King, to abandon their loyalist principles of hereditary monarchy. They would ally themselves with the Republicans who were becoming known as 'Whigs'. So from about 1673 till nearly 1770, political opinion came to flow in three streams:

1. Tories who, although mostly anti-Catholic ((ECA 3)), upheld the royalist hereditary principle regardless of a king's religion. After 1688 they remained loyal to James and became known as 'Jacobites'. ((EC 17-19)).
2. Tories whose royalist principles were overcome by fear of Catholicism. They retained the name of 'Tories' and eventually supported the Protestant Hanoverian kings, who reigned following the death of Queen Anne.
3. Whigs, most of whom were republican at heart and wanted the aristocracy to exercise all power through Parliament, who saw the Monarch as a necessary symbol with which to maintain the loyalty of the lower classes.

As William of Orange was primarily concerned with using the British army and navy, he let the Whigs run the internal affairs of the country. When he and his wife Mary died, the Tories ignored the claim of James' son who was a Catholic, and agreed to let the Whigs place Anne, James' youngest daughter, on the throne.

The Tories felt there was some continuity of the royal family. In 1712 Anne died without children and there were no Protestant members of the Stuart royal family available to be crowned. The next in line was a distant Protestant Prince who ruled his Hanoverian domains as a paternal despot without a Parliament ((BW 13-14)). He had divorced his wife before shutting her up in a fortress for the rest of her life ((BW 11)), and had replaced her with three mistresses ((BW 152)).

Most Tories were aghast at the prospect of such a King and swung to support the Jacobites. But, by postponing the elections for Parliament, the Whigs established this prince on the throne as George I.

A Jacobite rising in 1715 failed.

George I and his son George II didn't bother to learn English and lived in Germany ((BW 14)). This led to the Whigs having much independence in the administration of the country, but also to increased support for the Jacobites.

The Jacobites considered that the grandson of James should be crowned as Charles III. He is frequently referred to as 'Bonnie Prince Charlie'. In 1745 he landed in Scotland and captured this northern kingdom, before marching south to Derby. But, against the arguments of Charles, his commanders hesitated and retreated north. When they made this decision, the Whigs were having great difficulty in raising recruits for new regiments, and they had accepted that the capital could not be held ((CPB 373 and ECC 92-100)). Some Dutch troops had arrived in September, but not enough Dutch and Germans could arrive in time to save the Whigs. The French were also preparing to land a Pro-Charles army in the south ((ECC 95-99)).

The Jacobite leaders didn't realise, as Charles did, that a rebellion on the defensive was doomed' ((CPB 377)). As the Jacobites withdrew, the Dutch reoccupied Carlisle ((ECC 101)) and popular support swung to the apparently winning side. 'The almost unanimous opinion of modern writers is that the Prince was right, and Charles could have restored the native house without the aid of a foreign bayonet' ((CPB 373)). King George V said that if Charles had marched south, "I should not have been king" ((CPB373)).

It was the very strength of the Jacobite threat, which lasted for nearly 70 years, that made it imperative for the Whigs to saturate the British mind with anti-Catholic propaganda. It was the only way the Whigs could persuade the Tories not to unite with the Jacobites.

'That the faults of James have had more attention from historians than his virtues cannot be denied, and the reason is not far to seek. His cause received so much support that more than half a century after he had lost his throne his grandson came within an ace of recovering it, and thus it was a matter of life and death for the Whig oligarchs to denigrate his memory. He was depicted as a veritable ogre, and the adherents of the Hanoverian regime never tired of denouncing the terrible state of affairs which were supposed to have existed while he was on the throne' ((CPA 249)).

James II, in his Memoirs wrote of the republican faction trying to: 'convince the nation with fears' ((JH 249)). A modern author, describing the events of 1745 has written: "The stress which the Whigs laid upon religion shows very clearly what those astute politicians believed to be the most effective argument against Charles" ((CPB 366)).

## **B). THE END OF WHIG POWER**

The failure of the 1745 rebellion led to a collapse of hope amongst the Jacobites. When George III was crowned in 1760 most accepted him as king. He had been born in England, spoke the language, was very patriotic and a pious Anglican, not like his dissolute father and grandfather. So his character made their acceptance easier. This meant that the Tories were again united and by 1770, with the aid of the king, they had taken power from the Whigs.

The Whigs had portrayed Catholics as 'agents of Rome' dedicated to the overthrow of 'British Liberties'. In pursuing this policy they had caused the Catholic communities in Ireland, Quebec (Canada) and the highlands of Scotland, to be alienated from the Crown. Although the Tories had been educated during the 70 years of Whig rule, and had thereby absorbed much prejudice against Catholics, they were more open minded and realised that Catholic alienation was not due to their religious beliefs, but to the manner in which they were being treated.

In 1774 the Catholics of Quebec were granted liberty of worship, and in the same year an Irish Relief Bill was passed. An Act of 1778 freed priests in England from liability of imprisonment for offering Mass, and permitted Catholics to inherit property. The 1791 Constitutional Act granted extensive rights to the Catholics of Quebec, and in 1793 Irish Catholics were permitted to vote, sit on juries and occupy some administrative positions.

The Whigs were out of power for 60 years and changed from defending vested interests to representing the advocates of social justice. Between 1800 and 1830 they assisted the reformist wing of the Tories to end the transportation of slaves ((OAS 179)), humanize the prison system ((HAC 146)), grant most civic rights to Protestant Dissenters, and in 1829 to Catholics ((HAC 148)). As the Tories were now supporting a Protestant King, anti-Catholic prejudice could not be used against them, so it was dropped from Whig literature.

Much of the way of life established by the 'Glorious Revolution' had now been swept away, and by the time they were returned to power in 1830 the Whigs had become more libertarian than the Tories, eventually changing their name to 'The Liberal Party'. But the earlier Whigs had left a legacy of anti-Catholic myths deeply imbedded in history books, monuments and folklore.

## CHAPTER XII HISTORICAL STUDIES AND THOMAS MACAULAY

The manner in which historical studies were treated during the period of Whig rule is a significant factor when considering the way James II has been portrayed in history books.

'By the eighteenth century History, the best preparation for public life, appears to have been entirely neglected in the great schools of Eton, Winchester and Westminster' ((BW 139)). 'At neither Oxford nor Cambridge did the professors of history, instituted by George I in 1724 for the express purpose of training public servants, appear to have given any lectures during this period ((BW 140)). 'No lecture was delivered by any Regius Professor of Modern History at Cambridge between 1725 and 1773'. ((GMT 366)). In this void the pseudo-history of anti-Catholic myths and slogans established itself.

During the first half of the 19th Century a slow revival of historical studies enabled academic circles to begin freeing themselves from 'Whiggish History'. But then Thomas Macaulay made his immense contribution to 'popular history'. He was a journalist and Whig M.P. but, between 1828 and his death in 1860, he concentrated on historical writing. He was not a trained historian, but made history the favourite reading of the general public of his day ((ABB 65 & 102)).

He used his journalistic talents to portray historical events as battles between good and evil, Whigs and Tories. But: 'he saw men and their motives too much in black and white, and the habits of Party oratory tended to intensify still more these lights and shades' ((ABB 68)). William of Orange was his hero ((ABB 102)), so James was made wholly bad and William wholly good ((ABB 68)).

'The splendid rhetoric, that carries its readers onto so many heights, too often distorts the truth or conceals the awkward fact which would spoil it' ((ABB 68)). Macaulay's History has now been shown to be full of numerous deliberate misrepresentations of well-documented facts ((JRJ 7, FCT 73, JH 146, MA 162, ABB 68)). Some of his errors are excusable. 'Macaulay's ignorance of contemporary correspondence necessarily vitiates the value of much of his history'. ((ABB 64)). So his sense of proportion is distorted. A printed fable or libel, invented long after the time to which it refers, is allowed to appear in his pages because he was unaware of contemporary letters that proved its falsehood ((ABB 64)).

'He was too ready to take at their face value, tales emanating from republican printing presses during the last years of the Stuart regime, from which he would have drawn back in horror, had he been better acquainted with the past histories and characters of those who wrote them' ((ABB62)).

Due to these grave errors in his writings, it is now agreed that: 'Through his genius the whole focus of English history becomes in due course distorted' ((ABB 12)). 'Sales of his "History of England" broke all records for this type of book and continued to sell widely well after his death' ((ABB 102)).

Because of his simple, exciting and interesting style, his portrayal of historical events came to dominate school history teaching for several generations. 'For one scholar with sufficient judgement and knowledge of the facts to correct his superficial generalisations, there were a hundred journalists, schoolmasters and textbook writers ready to absorb them with uncritical delight and transmit them to posterity' ((ABB 12)).

Macaulay was not personally anti-Catholic, and he advocated emancipation. But through his pen the anti-Catholic myths of 1688 became part of English culture. Although blatant errors are now not so often repeated, the attitude of prejudice towards James and his religion to which they gave birth, still remain.

Other historians incorporated Whig falsehoods into their writings, but they had a less wide readership. 'The historiography of the whole decade of the 1680s is a propaganda job that would have done credit to a modern revolutionary regime' ((PE 191)). The myths have become so entwined into English patriotic pride, that there is a psychological barrier to facing the reality of this period of history.

## **CHAPTER XIII**

### **WERE RELIGIOUS PROTESTANTS BIGOTED?**

In explaining historical situations involving anti-Catholicism, there is a danger that blame for injustices may become ascribed to innocent individuals, organisations or beliefs. So often we find that political forces exploited genuine and worthy causes. The leaders of Parliament during the reign of Charles II, claimed to be defending the Church of England and Protestantism. But did they have any right to appropriate these names to themselves? King Louis of France was claiming to be acting on behalf of Catholicism, and in the modern world racists have acted in the name of defending Christianity. Communists claimed to be fighting for: "peoples' democracy". Dictators have achieved power in the name of liberty. So when a political movement claims to be acting from religious motives, its credentials need to be checked carefully.

**1.** Since Elizabeth I, Parliament had repeatedly called for stricter anti-Catholic laws and offered rewards to those who betrayed a priest. This implies that few Anglicans or Dissenters would betray priests due to religious motives.

**2.** The action of organised London mobs, dedicated politicians and pamphleteers, should not be taken as indicating the feelings of ordinary Anglicans. Some of the mobs blasphemed the Cross ((ABA 29)).

**3.** By 1685 most Protestants were anti-Catholic, but this did not necessarily spring from religious belief. It came from generations of propaganda depicting Catholics as a threat to English freedom. It is easy to understand how a zealous reader of the Bible, who is taught that Catholics wish to burn all Bibles, will have his religious idealism channelled into hating the Catholic Church. By the end of the 17th century few knew Catholics personally, so had little idea of their real beliefs. Even when a Catholic denied accusations he was not believed. The population had been taught that Catholics could lie if it would help spread their faith.

From the replies to the 1687-8 canvass by James, most Anglicans were prepared to live peaceably with Catholics and Dissenters including non-Christians ((HTJY 31)). But fear of the Pope made them want to exclude Catholics from public office. For them 'The Penal Laws and Test Acts were political not religious discrimination' ((HTJY 31)).

4. Clarendon was responsible for promoting persecuting laws during the reign of Charles II, but he was not a devout Anglican. He: 'regarded the fundamentals of religion as few and simple and considered the particular form adopted should be dictated by convenience and by the needs of the civil state' ((JM 94)). 'At the Restoration it was politically expedient to extend the boundaries of the Church and to calm partisan differences' ((JM 94)).

5. An example of how a deeply religious person could be induced to act unjustly is illustrated in the life of Richard Baxter, the Presbyterian leader. He was at a Puritan meeting when he and two others discovered that: 'the first lively motions that awakened their souls to a serious resolved care of their salvation', was the reading of a certain book. Later he learnt that a Jesuit priest had written it (the printer had omitted passages which would have indicated its Catholic authorship). Baxter later wrote that he had: 'met with several eminent Christians that magnified the good they had received from that book' ((FJP 264-66)).

This experience affected his attitude towards 'Papists'. He wrote an article: 'The Duty of all other Christians towards the Papists in order to the promotion of the common interests of Christianity'. This treatise reads like a modern ecumenical document, with such phrases as: 'We must acknowledge and commend all that is good among them, and must truly understand in what we are agreed'. It recommends the reading of Papist books so that: 'we should profit by each other, and love his word whoever writeth it'. ((FJP266)).

He wrote that Protestants must not judge all Catholics as bad just because some give scandal. He extended his positive approach to the Catholic Church as an institution, when he urged the recognition of: 'what good use God hath made of Rome's grandeur, unity and concord', in preserving Europe from the Heathen. ((FJP 264-265)). He was attacked when he stated that the Beast Of the Apocalypse referred to pagan Rome, not to the Pope, and that Babylon did not symbolise papal Rome ((FJP142)).

Despite this outlook he welcomed the overthrow of James. He had been taught that: 'the Catholic creed bound the Catholic to owe no authority, whether of God or man, except Rome, so every sincere Catholic must needs be a potential rebel against the king'. He believed that Roman agents were at work, they would stick at nothing to bring about their end; that they had caused the Fire of London; were gathering Horse and Arms; had persuaded the Dutch to declare war on England in 1670; and had organised the plot of 1678 exposed by Titus Oates ((FJP 129-130)).

He even called Fr. Parsons, author of the book he so strongly praised; 'a most traitorous Jesuit' ((FJP 265)). 'For months and even years the fear of Popery, It is clear, was uppermost in his mind' ((FJP130)). So a good man had been manipulated into supporting bigotry and opposing a zealous king with whom he had so much in common, and who had helped to obtain his release from prison. His zeal was also misdirected when he presented a petition for the expulsion of all Jews from the country ((AMH 211)).

6. The revolutionaries were not devout Protestants. One commentator at the time wrote, concerning those gathering around William in Holland: 'There is not in Hell a wickeder crew. Men who plotted with Shaftesbury during the Titus Oates period and had nearly sent Samuel Pepys to the gallows in 1679. There was Harbord and Aaron Smith who had bribed false witnesses against Pepys, and Widman and Scott who spoke of hanging the baby Prince in his swaddling clothes. At their head the dissolute, foul-tongued Herbert who was placed in command of the fleet' ((ABA 135)).

Herbert had been dismissed by James in the spring of 1687 because Pepys discovered £4,000 had disappeared while he was serving in the Mediterranean. As he was unable to account for slaves he had starved or sold, further enquiries were pending ((ABA 39)). He was reported in 1663 to have kept a harem in Tangier ((MAB 121)). This Herbert was godless, yet Whig propaganda built him up as a man of high principles, who had resigned a well-paid position rather than become a Catholic and disown his 'Protestant' beliefs and heritage.

The army conspirators were: 'hard and dissipated men like Kirke and Trelawney and fashionable young rakes from the disreputable Rose Tavern'. ((JCA 164)). 'Those who had made the revolution were mainly composed of men who had very dishonourable and shameful careers' ((ABA 221)).

7. It was the godless Herbert who took the 'invitation' to William, asking him to save 'Protestantism'. He compares sharply with the man James had earlier sent to William asking him for his moral support in favour of religious freedom ((FCT 352)). This was William Penn, a life long friend of James and his assistant in drafting the Declaration of Indulgence together with writing pamphlets to promote James' cause ((JRJ 115-8)). He became chief organiser in the campaign to achieve a libertarian Parliament ((JRJ 132-34)), and recruited supporters for James throughout the country ((JRJ 144)), and remained loyal after the invasion at the risk of his life ((FCT 309)).

Historians rightly depict William Penn as a very good man, tirelessly working as a Quaker for peace and freedom. When they also accept the caricature of James as being a 'Papist Tyrant', they find it difficult to reconcile how the two men worked together. They use such phrases as: 'extraordinary, indeed inexplicable friendship', or: 'what in Penn attracted James is difficult to see'. ((FCT 309)). But once a true picture of James is grasped, the problem disappears.

**8.** Several key religious figures depicted as anti-Catholic heroes in Whig pseudo-history realised afterwards that the politicians had manipulated them. Of the seven bishops, 'persecuted' by James, five remained loyal to him by refusing to recognise William as king. With three others, they were part of the one third of Anglican bishops and 400 clergy who were deprived of their posts because they would not swear allegiance to William of Orange ((JRP 2-3)). These became known as 'Non-Jurors'. Only two Anglican bishops voted for William ((JII 131-2)) - the man who was alleged to have saved their Church.

As the Archbishop of Canterbury, Sancroft, refused to crown William as king, Compton officiated ((DO 235)). When the new Queen Mary asked for the Archbishop's blessing, he suggested she ask for her father's first ((JRJ 300)).

Princess Anne was exiled from William's court because she was suspected of Jacobite sympathies ((MA 282)). In 1692 she wrote a letter to her father: 'if wishes could recall what is past, I had long since redeemed my fault' ((JH 304)). She was full of remorse for having deserted him in 1688. James left a message when he died, for his wife to make his forgiveness of Anne clear ((JH 307 and MA 282)).

**9.** One reason some leading political Anglicans favoured James being excluded from the throne, was a genuine fear amongst the well-to-do that unless the Exclusion Bill was passed, a Republic would eventually be established ((MAB 30)).

**10.** The great majority of those who worked with James during 1688 were pious Anglicans or Protestant Dissenters. Whig 'histories' have naturally ignored them, and once William was in power, they kept out of the public eye. They have therefore not been given due credit for working for a free society. It is also noticeable that the period of Penn's life, when he was at the peak of his political career and influence, tends to be glossed over by some commentators.

**11.** Sunderland, who encouraged James to take some unwise steps, was religiously indifferent ((JPKB 112)). He fought as an 'Anglican' to exclude James from the throne ((OD 193)). Called himself a Catholic when serving James, although he never became one ((MT 173)), and a Protestant when wishing to serve William after 1688 ((JPKB 277)).

**12.** The treachery of the small group of army officers took the country by surprise ((JPKB 159)), and it was not part of a broadly based religiously inspired movement to overthrow the king. It has been pointed out that: 'the most ferocious opponents of the Church of Rome were frequently, in the 17th Century as now, not very conscientious or reputable adherents of their own churches' ((FCT 97)).

We may add, when considering the persecution of the French Huguenots and other incidents in history, that the most ferocious opponents of Protestantism were frequently not very conscientious adherents of Rome.

## **MODERN HISTORICAL RESEARCH**

For generations the independent minded historian who challenged aspects of 'The Whig view of history' was ridiculed as a Jacobite romantic out of touch with the real world. But in the early part of this century Hilaire Belloc, educated in France prior to attending Oxford University as a mature student, used his journalistic skill to bring the issue into the open.

In 1953 the historian Hugh Ross Williamson wrote: "Twenty years ago I found it difficult to read him without anger . . . My mind was not changed by reading Belloc but by studying sources, which revealed ... the general rightness of Belloc... "Since then Papers read at Special Conferences in 1979 and 1987 have been edited by Eveline Cruickshanks and published as: 'Ideology and Conspiracy' and: 'The Jacobite Challenge'. More recently, Meriol Trevor, W.A.Speck and Jonathan Israel have published books based on contemporary sources and original archival materials. These have further contributed to undermining 'official history'.

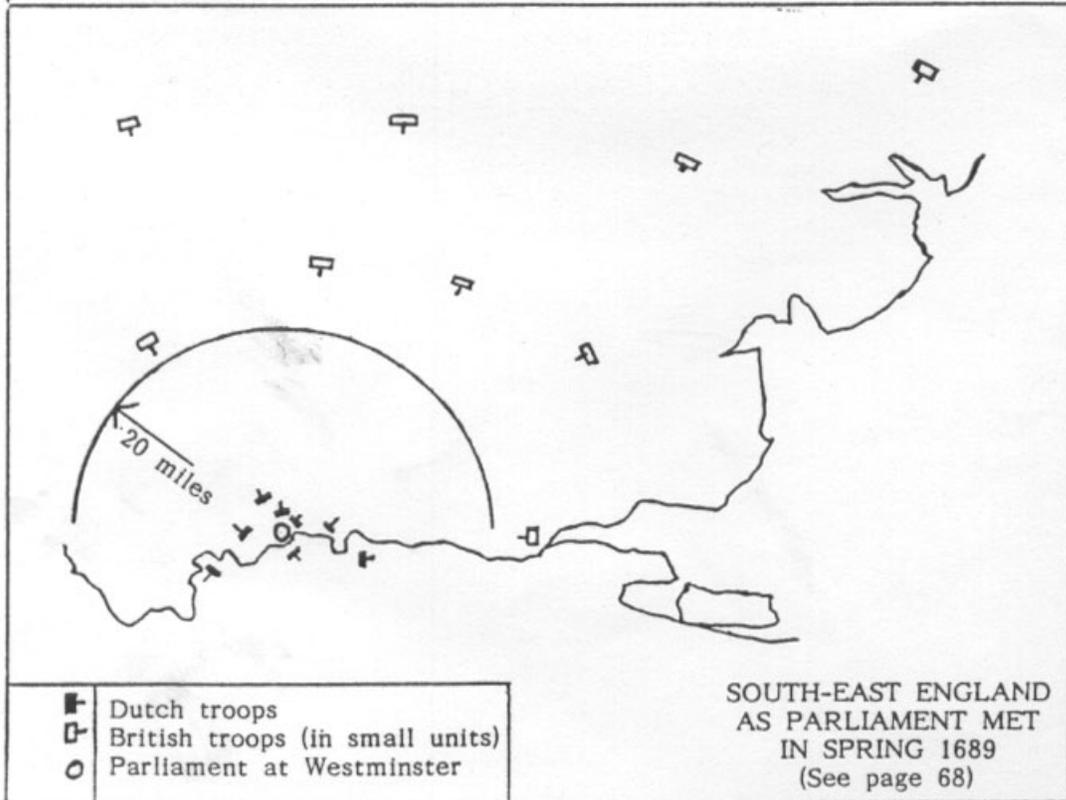
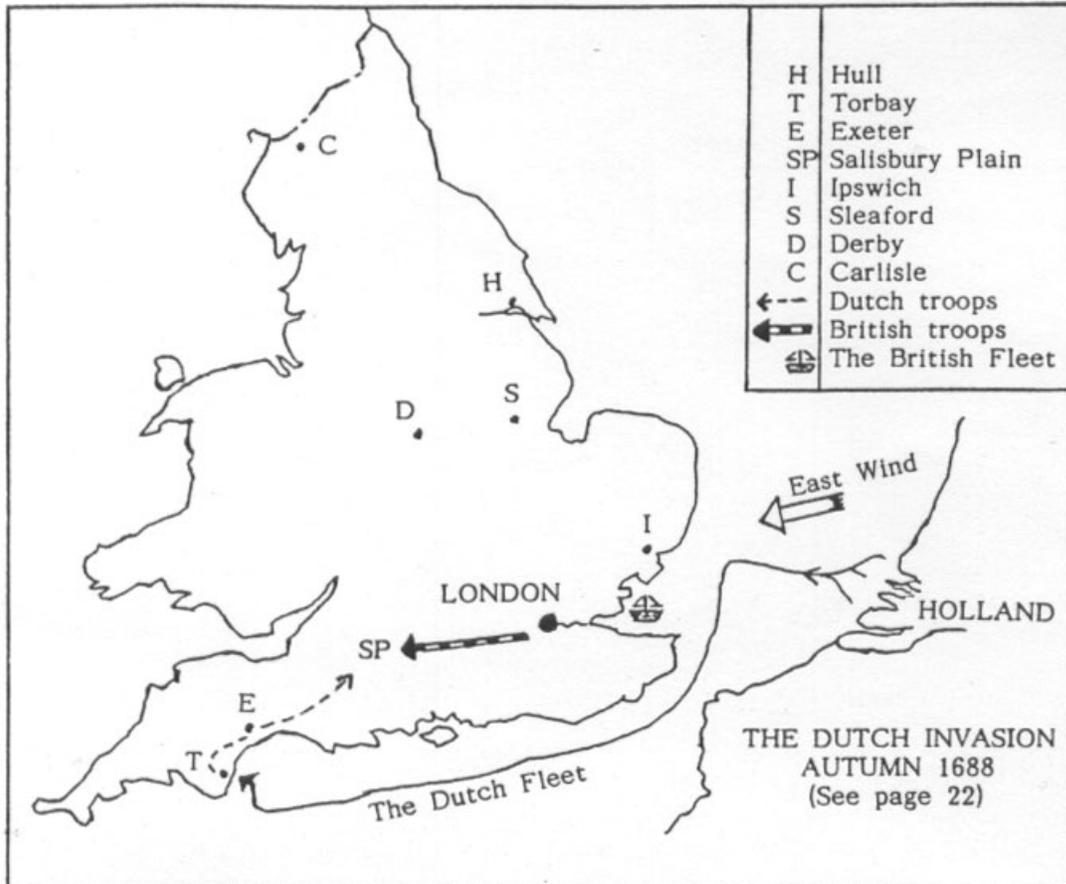
These publications do not explicitly examine the success of Whig propaganda in moulding public opinion to be prejudiced against the Catholic Church. But they are destroying the framework within which this anti-Catholicism is set.

**APPENDIX: CLAUSE 2 OF THE SECRET TREATY OF DOVER  
BETWEEN CHARLES II OF ENGLAND AND LOUIS XIV OF FRANCE  
signed in 1670**

The lord king of Great Britain, being convinced of the truth of the Catholic religion, and resolved to declare it and reconcile himself with the Church of Rome as soon as the welfare of his kingdom will permit, has every reason to hope and expect from the affection and loyalty of his subjects that none of them, even of those upon whom God may not yet have conferred his divine grace so abundantly as to incline them by that august example to turn to the true faith, will ever fail in the obedience that all peoples owe to their sovereigns, even of a different religion. Nevertheless, as there are sometimes mischievous and unquiet spirits who seek to disturb the public peace, especially when they can conceal their wicked designs under the plausible excuse of religion, his Majesty of Great Britain, who has nothing more at heart (after the quiet of his own conscience) than to confirm the peace which the mildness of his government has gained for his subjects, has concluded that the best means to prevent any alteration in it would be to make himself assured in case of need of the assistance of his most Christian Majesty, who, wishing in this case to give to the lord king of Great Britain an unquestionable proof of the reality of his friendship, and to contribute to the success of so glorious a design, and one of such service not merely to his Majesty of Great Britain but also to the whole Catholic religion, has promised and promises to give for that purpose to the said lord king of Great Britain the sum of two million livres tournois, of which half shall be paid three months after the exchange of the ratifications of the present treaty in specie to the order of the said lord king of Great Britain at Calais, Dieppe or Havre de Grace, or remitted by letters of exchange to London at the risk, peril and expense of the said most Christian king, and the other half in the same manner three months later. In addition the said most Christian king binds himself to assist his Majesty of Great Britain in case of need with troops to the number of 6,000 foot-soldiers, and even to raise and maintain them at his own expense, so far as the said lord king of Great Britain finds need of them for the execution of his design; and the said troops shall be transported by ships of the king of Great Britain to such places and ports as he shall consider most convenient for the good of his service, and from the day of their embarkation shall be paid, as agreed, by his most Christian Majesty, and shall obey the orders of the said lord king of Great Britain. And the time of the said declaration of Catholicism is left entirely to the choice of the said lord king of Great Britain.

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