

(G) ACT AGAINST PAPISTS (1593)²⁸

An act against popish recusants. For the better discovering and avoiding of all such traitorous and most dangerous conspiracies and attempts as are daily devised and practised against our most gracious sovereign lady, the queen's majesty, and the happy estate of this commonweal by sundry wicked and seditious persons, who, terming themselves Catholics and being indeed spies and intelligencers, not only for her majesty's foreign enemies, but also for rebellious and traitorous subjects born within her highness's realms and dominions, and hiding their most detestable and devilish purposes under a false pretext of religion and conscience, do secretly wander and shift from place to place within this realm to corrupt and seduce her majesty's subjects and to stir them to sedition and rebellion: be it ordained and enacted ... that every person above the age of sixteen years, born within any the queen's majesty's realms or dominions or made denizen, being a popish recusant ... and having any certain place of dwelling and abode within this realm, shall within forty days next after the end of this session of parliament ... repair to their place of dwelling where they usually heretofore made their common abode, and shall not any time after pass or remove above five miles from thence. ...

Provided always, and be it further enacted by the authority aforesaid, that all such persons as ... aforesaid shall within twenty days next after their coming to any of the said places, as the case shall happen, notify their coming thither and present themselves and deliver their true names in writing to the minister or curate of the same parish and to the constable, headborough, or tithingman of the town; and thereupon the said minister or curate shall presently enter the same into a book to be kept in every parish for that purpose. And afterward the said minister or curate and the said constable, headborough, or tithingman shall certify the same in writing to the justices of the peace of the same county at the next general or quarter sessions to be holden in the said county; and the said justices shall cause the same to be entered by the clerk of the peace in the rolls of the same sessions.

And to the end that the realm be not pestered and overcharged with the multitude of such seditious and dangerous people as is aforesaid, who, having little or no ability to answer or satisfy any competent penalty for their contempt and disobedience of the said laws and statutes and being committed to prison for the same, do live for the most part in better case there than they could if they were abroad at their own liberty ...: if any such person or persons, being a popish recusant ..., shall not ... repair to their place of usual dwelling [etc.] ... as is aforesaid ..., and shall not ... conform themselves to the obedience of the laws and statutes of this realm in coming usually to the church to hear divine service, and in making such public confession and submission as hereafter in this act is appointed ..., such offender ... shall, upon his ... corporal oath before any two justices of the peace or coroner of the same county, abjure this realm of England and all other the queen's majesty's dominions forever.

Ibid., IV, 843 f.: 35 Elizabeth, c. 2.

(H) POOR RELIEF ACT (1598)

[Reproduced above, Section 6F.]

²⁸ An earlier act, 1585, had banished Jesuits and seminary priests.

B. TUDOR-STUART ABSOLUTISM, 1485–1637

in M. KNAPPEN, CONSTITUTIONAL AND LEGAL HISTORY OF ENGLAND (1942) 307–48)

HENRY VIII AND THE MOVEMENT FOR CHURCH REFORM

The Succession of Henry VIII (1509–47) and the Continuation of His Father's Policy. If there were any hopes that th[e] diminution of the strength of the aristocracy was merely a temporary thing, the work of one extraordinary genius that would end with his death, they were dispelled by the actions of his successor, Henry VIII, who came to the throne in 1509. In 1513 the King had the imprisoned Earl of Suffolk (page 311) executed without any further legal steps beyond an old attain (condemnation without trial) in

Parliament. Shortly after this Henry took as his chief adviser an ambitious churchman, Thomas Wolsey, who soon became Archbishop of York, cardinal, and Lord Chancellor. In the last capacity he presided over the Court of Star Chamber. Under his vigorous administration, which lasted nearly fifteen years, this body extended its already growing jurisdiction and more and more put the fear of the law into the turbulent nobles. With the Star Chamber punishing contempts and perjuries committed in the common law courts, the older tribunals also became increasingly effective against powerful offenders, and the King was able to secure convictions almost at will. In 1521 Edward Stafford, Duke of Buckingham, who had a semblance of a hereditary claim to the throne through descent from Edward III, dared to comment on the apparent ill-health of the King, who lacked a male heir, and to say what he would do to Wolsey when he came to the throne. When word of this reached the ears of Henry, he acted with all his father's ruthlessness. The Duke was arrested, tried, convicted, and executed, all within the space of six weeks. Other nobles were afterwards dealt with as summarily, but in reality these early examples were all that were needed. The powers of the English nobility did not revive appreciably until the eighteenth century.

The Restriction of the Political Power of the Church: Nationalism. The great contribution however, of the second Tudor Henry to the constitutional history of his country was, as already suggested, the virtual elimination of the political power of the Church. Like his father, he successfully accomplished his great destructive work because he was able to bring to bear on his opposition certain hostile forces that needed only leadership to make them effective. Nationalism, the movement for religious reform, and anticlericalism were notable forces in the late medieval period (pages 244, 253). They had continued to grow throughout the fifteenth century, and there were signs of them in the early Tudor period. Nationalism was stimulated by that competition in the field of foreign trade to which we have already referred (page 309). Its effect on the English religious world can be seen in the willingness of Henry VII to take sides against the popes in his diplomatic negotiations whenever it suited his convenience.

The Reform Movement. The movement for religious reform was a complex but growing one. Lollardry had not completely died out, and there was a marked recrudescence of it in London at the turn of the century. Its demands for changes in the old religious regime were re-enforced by the rise of two new movements. One was the Renaissance, the revival of learning, which in northern Europe under the leadership of the Dutch scholar Erasmus began to direct attention to existing evils in the Church. This reforming activity is sometimes called humanist, or humanistic, because Erasmus and his followers were interested in humane scholarship, or the humanities. It grew naturally out of an interest in classical studies, since a knowledge of Greek stimulated scholars to read the New Testament in the original and to contrast the system there pictured with the one they saw around them. At Cambridge and Oxford in the early 1520's English students were beginning to imitate Erasmus, and one of the most prominent of them was Hugh Latimer, the yeoman's son who has told us of buckling on his father's "harness" when he went to fight for his Tudor king in 1497. The other, and more powerful, re-enforcement of the Lollard movement came from the Continental Reformation initiated by the German monk Martin Luther and soon taken up by Huldreich Zwingli and other Swiss leaders. These men had humanistic backgrounds, but they were more religious-minded than Erasmus. They developed theological doctrines—such as justification by faith alone, without the need of consulting priests—and they consequently put more fire into their movement than Erasmus the intellectual did into his. By the middle 1520's they had followers in the English universities and in London who were taking the lead in the reforming movement away from the Lollards and Erasmians. Their most prominent representative was William Tyndale, who once more (page 246) began the translation of the Bible into English, and in 1526, after fleeing to the Continent, put out the first printed New Testament in the vernacular.

Anticlericalism. All the reforming movements just mentioned contributed to the growth of anticlericalism. Erasmus stressed morality as opposed to sacerdotalism (the dependence on priests), and Lollard, Lutheran and Zwinglian alike emphasised the duty of the individual to make his own peace with God, to the neglect of priestly ceremonies. The anticlerical movement, however, received much support from laymen as well. As the zeal and morality of the priests declined in the fifteenth century the common man saw less and less reason why they should be supported in idleness and comparative luxury when they

did so little to justify this relatively high standard of living. In town and country, but particularly in the towns, men objected to the efforts of the clergy to enforce their old tithe rights and many other similar ones. Some joined in the hue and cry against the churchmen from even more questionable motives. Many objected to the policy of the clergy in restricting economic activities by such means as trying to hold laymen to the medieval doctrine of the just price (page 102). These aggrieved individuals wished to buy and sell freely, charging what the traffic would bear and openly collecting interest on their loans, a practice forbidden by the teaching of the Church. So strong was the feeling against the clergy in London by 1514 that when a churchman was accused of murdering a Lollard prisoner in that year, his bishop had to appeal to the King to stop the proceedings. A fair trial could not be obtained, said the prelate, since the people of the capital were so malicious that any twelve men in the city would condemn any clerk, even though he was as innocent as Abel.

Importance of the Royal Attitude. Eventually all these forces making for change might by themselves have brought about an English Reformation. But it would have required a long time, for the Church was still strongly entrenched, protected by its wealth and political position. The English kings were accustomed to co-operate with the popes and lesser churchmen. Lollards had been burned, and other reformers forced to work in secret. In 1514 the young Henry VIII, responding to the episcopal request in the traditional fashion, protected the clergy from the wrath of the laity, and later went so far as to write a book against Luther. So long as he retained that attitude the progress of the Reformation on English soil was slow. It was his change of front in the 1530's that brought the Church down so rapidly.

THE ROYAL "DIVORCE" AND THE REFORMATION STATUTES

The King's "Divorce" Project. This shift in the royal attitude was caused by personal and political rather than by religious motives. Catherine of Aragon was six years older than Henry, and the only surviving child of the union was a daughter, Mary. There was no precedent for a woman ruler in England, with the possible exception of the unpromising one of Matilda's stormy career in the twelfth century. Many feared a renewal of the dynastic wars after the King's death. About 1527 Henry fell in love with one of the Queen's attendants, Anne Boleyn (pronounced Bool'in). He decided to secure a divorce¹ and to marry Anne. For this it was of course necessary to apply to the ecclesiastical authorities. There were some technical difficulties in the way; for, as we have seen (page 312), a papal dispensation had been issued to authorize the marriage in the first place and it was difficult for one pope to reverse the decision of another so explicitly stated. Still the Roman curia had surmounted as great obstacles in other royal cases—including some that involved Henry's own sisters. Catherine, however, was the aunt of Charles V, who as the result of the fortunate Hapsburg marriages had inherited Spain, Austria, and the Low Countries and had subsequently been elected Holy Roman (German) Emperor. What was worse, his army had captured Rome in 1527 and was virtually holding prisoner the Pope, Clement VII, who had supported Charles's great rival, Francis I of France, in the diplomatic maneuverings of the time. Under the circumstances, therefore, it was hard to expect the Pope to annul the marriage of his captor's aunt and thus to declare Charles's cousin Mary illegitimate and her claim to the English throne void.

Henry's Devices to Sway the Pope. Still, Henry was a determined man, and he directed all his energies to securing his objective. For two years he besieged the already besieged Pope with embassy after embassy demanding a decision in his favor. Various legal arguments were offered, of which the one most frequently employed was that a pope (in this case Julius II, Pope in 1503) had no right to issue a dispensation allowing a marriage specifically prohibited in the Bible, as Henry now read it. But the question was, in fact, a political rather than a legal or theological one, and the Pope took refuge in delay, hoping that something would turn up to rescue him from his difficulty. When, in 1529, Henry decided that the means already used were not strong enough, he dismissed his chief minister, Wolsey, who had hitherto managed the

¹ More properly an annulment, for the Church, as we have seen, did not recognize what we call divorce, with the privilege of remarrying (page 223). But "divorce" was the term used at the time for such annulments, and the one historians have employed in describing this case.

negotiations. He took a more active charge of state affairs himself, and summoned Parliament. At first he used this body as an auxiliary in his negotiations with the Pope. He had it pass minor bills of a sort hostile to the powers of the clergy, such as an act reviving the old royal right to veto all ecclesiastical legislation. He hoped that the threat of more severe anticlerical acts on such matters, after the manner of the medieval Statutes of Provisors and Praemunire, would bring the Pope to terms. If an invading French army could have made a little more progress in Italy, this might have been possible, but the military hope failed, and in 1533 Henry decided to take even more drastic action.

The Reformation Statutes. In the next twelve months a series of statutes passed by the Reformation Parliament, as it was called, virtually destroyed the political power of the Church, and incidentally gave the King his annulment. The Act of Appeals (1533)² supplemented the Act of Praemunire by forbidding ecclesiastical appeals of any sort to go out of the realm thereafter. Accordingly it was immediately possible for Henry's new and pliable Archbishop of Canterbury, Thomas Cranmer, to hear the great case of the "King's matter," and give the desired decision without fear of being reversed on appeal. It was thereupon announced that Henry had already married Anne Boleyn, and in September a child was born, a girl—to Henry's intense disappointment—who was named Elizabeth. Since the Church of Rome would, of course, not recognize the legitimacy of Elizabeth or any subsequent issue of the new marriage, the King and Parliament proceeded to sever all ties with the Continental Church and to set up one distinctively English. The Act of Supremacy (1534) made the King Supreme Head of the Church in England, and conferred upon him practically all the rights belonging to the pope before that time.³ The Act of Annates⁴ of the same year made final a similar measure, tentative and threatening, of two years previous, forbidding the payment of annates, which constituted the chief source of papal revenue from England (page 18). It also provided that future elections to bishoprics should proceed according to a system known as the *congé d'élire* (privilege of election). According to this arrangement chapters of canons could not elect until they had the royal permission and then must choose the man named in the written *congé*, in other words, the royal nominee. After the passage of this act the king named the bishops as he named sheriffs, though once in office the bishop was theoretically irremovable. An Act of Succession, settling the crown on the issue of the marriage with Anne, completed the so-called Reformation statutes.⁵

Their Constitutional Effect: Severance of the International Tie. No doctrinal changes were made by these acts, unless the alteration in the earthly headship of the English Church be so considered. But it will be seen that constitutionally they were of the greatest significance. They struck at one of the chief sources of ecclesiastical strength, and they settled in favor of the crown every major controversy that we have seen disturbing medieval relations between the spiritual and temporal arms. The severance of the ties with Rome that was brought about by the Acts of Appeals, Supremacy, and Annates deprived the English churchmen of that international support which had proved so valuable in all their earlier struggles with the secular authorities. No longer could they appeal to Rome for assistance, to English laymen to do their duty as members of an international body, or even to the established practice in other Christian countries. For England was now a law unto herself, and consequently English churchmen had to stand on their own feet thereafter.

Powers of the Ecclesiastical Courts. Specifically, the acts dealt with the old questions of court jurisdiction, control over the personnel of the clergy, and ecclesiastical finance, which had agitated church and crown relationships in earlier days (pages 108–117). The Act of Appeals took the starch out of the ecclesiastical courts. While those in England still retained most of their old jurisdiction, their independence disappeared with the loss of their connection with Rome. Henceforth ways could be found to see that they did nothing contrary to the royal will. A symptom of their new position was the increasing number of minor

² S-M, No. 74B, pp. 304–5.

³ S-M, No. 74G, pp. 311–12.

⁴ S-M, No. 74D, pp. 307–8.

⁵ S-M, No. 74F, pp. 310–11.

acts, which began as early as the thirteenth century (page 112) and were now much enlarged in scope, taking away from one type of case after another the clerical privilege of claiming benefit of clergy.

Elections and Finance. The Act of Annates, as we have said, definitely settled the question of the control of ecclesiastical elections—the thorny topic that had troubled William Rufus, Henry I, and John. In combination with the Act of Supremacy, it also went a long way to end the age-old problem of the wealth of the semi-independent Church with which Edward I and so many other medieval kings had struggled. By substituting the crown for the pope as head of the English Church, ecclesiastical as well as secular taxation was put in the royal hands.

THE DISSOLUTION OF THE MONASTERIES AND ITS RESULTS

Dissolution of the Monasteries. Yet the bulk of the Church's wealth was not directly affected by these measures, since theoretically no more taxes were required after their passage than before, only a different recipient for some of them. Indirectly, however, these acts served to put all the Church's wealth at the mercy of the crown and eventually to reduce the clergy to comparative poverty. As Supreme Head of the Church, Henry was entitled to supervise and discipline the churchmen, both regular and secular. He was not as economical as his father, and some futile French wars had emptied his coffers well before the "divorce." He and his advisers were not slow to see the financial possibilities inherent in his new powers. Through an agent named Thomas Cromwell, he conducted an investigation into monastic morals. The results so roused the solicitude of this "pious" monarch for the spiritual welfare of the monks and nuns that he decided to abolish their institutions and confiscate their property. This he did, with the consent of Parliament, between 1536 and 1540. The regular clergy, as such, thus ceased to exist in England.

Far-reaching Effects of the Dissolution. The elimination of the regular clergy, however, was only one of the effects of the dissolution. The property that thus passed into the royal hands was soon given or sold at a very low rate to the King's friends and their friends. This created a powerful class of landlords whose position depended on preventing any restoration of lands to the Church. Consequently, when the anti-Roman movement later took on a definite religious complexion (page 331), they tended to support the Protestant movement and to oppose any revival of Catholicism. The dissolution of the monasteries therefore helped to speed up the Reformation and to strengthen the chances that the alterations which it effected in England's ecclesiastical structure would become permanent. The dissolution also had very important economic effects. Most of the people who received monastic lands belonged to the rising class of enterprising landlords who had been affected by the trend toward the capitalistic organization of economic activity (page 247). Not content with a mere living from their property, they wished to derive from it the maximum income possible. Consequently they did not content themselves with the old customary rents, but sought to exact from their tenants all that the market would bear. This new type of rent was called rack rent, because it seemed to contemporary observers to operate as did the torturing device of that name. Furthermore, these new landlords much more frequently tried to enclose their lands (page 249) than had the old ecclesiastical proprietors (cf. page 392). With the profits they obtained in these ways the new-style landlords might buy more lands and repeat the process, or they might invest in some of the new manufacturing and trading schemes that were springing up. Partly because of the amount of wealth that the dissolution of the monasteries thus made available for such investments, England developed very rapidly as a capitalistic nation during the next century. These religious and economic changes also had a great effect on the problem of poor relief, which we shall consider later (page 391).

OTHER EFFECTS OF THE CHANGES IN THIS REIGN

Impoverishment of the Secular Clergy. The secular clergy were almost as harshly treated as the regular, though the pressure was applied to them more slowly. Those employed as chantry priests—clergy supported by endowments to say masses for the souls of the departed, and commonly to teach school also—had their endowments finally confiscated just after the close of Henry's reign. The ordinary parish clergy, most of whom had always been poor enough, were not greatly affected in a financial way by the Reformation, though they were left at the mercy of neighboring laymen if their parishes happened to have

any property worth taking. But in the course of time the bishops and other high clergy whose appointments could be dictated by the crown were easily shorn of most of their lands by the simple process of the sovereign's refusing to nominate anyone who would not accept the royal terms. These terms commonly included the surrender to the crown of this or that manor or lease, so that after a few such appointments to a see most of its endowments would be in the monarch's hands.

Tudor Absolutism Established. Wycliff's dream of secular control of ecclesiastical funds was thus realized. But economic and political power go hand in hand, and with the property of the clergy went their political strength. A few brave souls, such as Sir Thomas More, Lord Chancellor and author of *Utopia*, John Fisher, Bishop of Rochester, and a handful of monks, dared to resist these changes—or at least to refuse to co-operate in making them—but they paid for their boldness with their lives. The leaders and many of the participants in a general rising of religious conservatives in the north of England, called the Pilgrimage of Grace, met the same fate in 1536. The power of the Church was thus broken by Henry VIII and his supporters, just as the power of the nobles had been by Henry VII and his. From 1535, or 1540 at the latest, we may date the establishment of Tudor absolutism. In the latter year Parliament was induced to pass an act which gave statutory force to royal proclamations, provided they did not involve the death penalty or the fundamental law of the land. Thus the English came very close to accepting that Roman theory which had been used as a rationalization for earlier Continental absolutisms—that the will of the prince is law.

EDWARD VI AND THE PROTESTANT MOVEMENT

Edward VI (1547–53). Henry died in 1547 and was succeeded by Edward VI, the son he had so greatly desired. But Anne Boleyn was not the mother of the child. She had been executed on a charge of infidelity in 1536 and her place was taken by a young lady of the court named Jane Seymour, who bore Edward in 1538. She died a few days later, and was succeeded by three more queens, whose comings and goings are not important for our purposes.

Edward's Short Reign. As a nine-year-old boy, Edward had to rule through regents. They assigned the young King tutors who were so conscientious about giving their equally conscientious royal charge a thorough classical education that they quite possibly worked him to death.⁶ At any rate, he died in 1553 at the age of sixteen. The boy King's short reign is therefore memorable more for his advisers' doings than his own.

The Religious Question. The religious problem was the chief concern of these ministers. As already noted, the legislation of Henry VIII had little doctrinal significance. The reformers of the Tyndale and Latimer school—now called Protestants because their German allies had protested against a decree of a German Diet (parliament) at Spires in 1529 forbidding further religious changes and refusing toleration to Lutherans in Catholic states—were therefore clamoring for advances along this line.⁷ Edward's uncle, Edward Seymour, Duke of Somerset, who acted as Protector during the early part of his reign, and John Dudley, Duke of Northumberland—the son of the financial agent of Henry VII—who virtually succeeded him, though without the title, were both inclined to Protestantism, and so furthered the movement. In 1549 Parliament passed an act permitting the clergy to marry. In the same year by another statute, called the Act of Uniformity,⁸ a new prayer book was introduced that all clergymen were compelled to use in conducting the services of the Church. It was confused and vague on doctrinal points, but it translated the services into English from the medieval Latin formerly used, and otherwise suggested a tentative Protestantism in some places. Although there was a revolt in the west, public opinion in most of England seemed to accept these changes and in 1552 a more thoroughly Protestant prayer book was substituted⁹ for the one of 1549. In it

⁶ The writer is indebted for this suggestion to Professor T. W. Baldwin of the University of Illinois, who has made a special study of the subject.

⁷ Tyndale himself had been seized on the Continent and executed for heresy in 1536.

⁸ S-M, No. 77A, pp. 325–26.

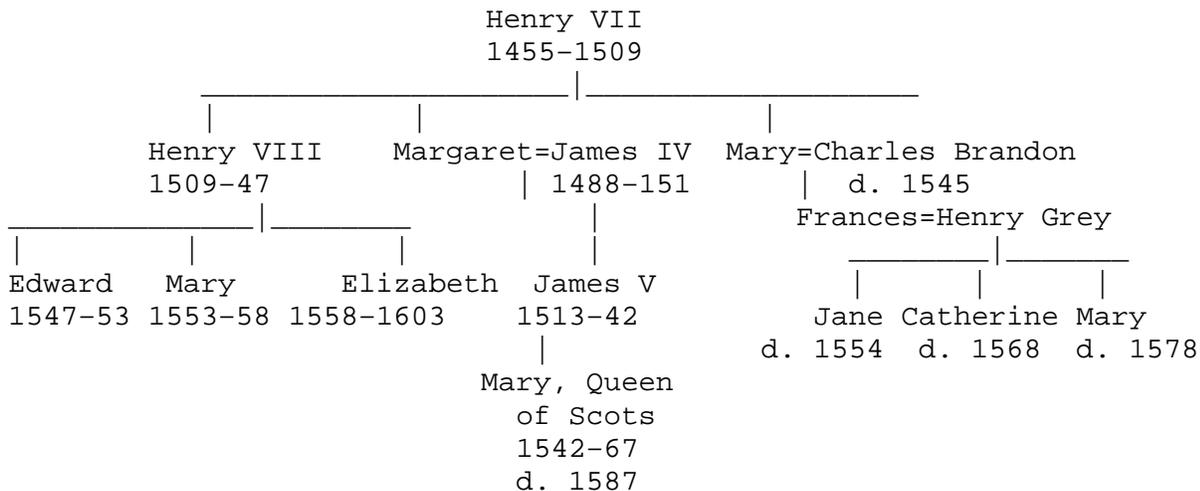
⁹ S-M, No. 77B, pp. 326–27.

the communion was treated as a memorial meal, after the Zwinglian practice, instead of a sacrifice, as the Catholics considered it. The next year the Council issued a creed of Forty-Two Articles in which the doctrine of transubstantiation was flatly denied and five of the seven Catholic sacraments were dropped. Plans for even more sweeping reforms were under way when Edward died in July, 1553, leaving a problem about the succession.

THE SUCCESSION OF MARY: HER POLICIES

The Succession Question. Henry VIII had secured parliamentary authorization to will the crown as he chose. With a fine disregard of the niceties of both law and theology, he fixed the order of succession as (1) Edward, (2) Mary, (3) Elizabeth, and then (4) the Grey sisters, who were descended from his sister Mary by her second marriage, with Charles Brandon, later Duke of Suffolk.¹⁰ He thus disregarded the facts (1) that both Mary and Elizabeth had been declared illegitimate by act of Parliament, (2) that the child Mary—Queen of Scots, as she was called—was descended from an older sister and had a better hereditary claim than the Grey girls, and (3) that his daughter Mary Tudor had been brought up a Catholic and might therefore be expected to reverse the policies of both Edward and himself. In spite of all these difficulties, however, his settlement commanded great respect, and since it had the endorsement of Parliament, most Englishmen regarded it as final.

GENEALOGY OF THE TUDORS



The Dudley Plot and the Succession of Mary (1553-58). Nevertheless, the ambitious John Dudley, Duke of Northumberland realizing that a Catholic sovereign would mean his fall from power, determined to try to upset this arrangement. He reasoned that if he could persuade an acceptable Protestant woman claimant to marry his son, Guilford Dudley, and if she could be made queen, he might retain his position as virtual ruler of England. As Edward's declining health became more and more evident, Northumberland began to lay his plans. It is probable that Elizabeth, who had already had her fingers burned in one abortive plot, refused to have anything to do with the scheme. In any case, she was passed over on the grounds of her legal illegitimacy, and the parents of Lady Jane Grey were induced to participate in the scheme. They duly ordered the necessary marriage, which thereupon took place, according to the custom of the time by which children were expected to obey the parental dictates in such matters. The dying Edward was persuaded to recognize his cousin Jane as his successor, and on his death she was proclaimed queen. Public opinion would have none of this scheme, however, and when Mary evaded arrest and sent out a call for assistance, the response was overwhelming. She then had little difficulty in taking possession of London and imprisoning her rival. Thereafter few disputed her right to the throne. The extent to which the Protestants

¹⁰ S-M, No. 76, pp. 323-24.

were involved in this Dudley plot, which Mary could only regard as treasonable, must not be forgotten in considering the events of her short reign.

Mary's Foreign and Religious Policies. As the offspring of Henry's marriage with Catherine of Aragon, Mary was virtually committed to a Spanish-Hapsburg policy and also to a Catholic one. That they both failed disastrously must not be considered a reflection on the personal qualities of the Queen, who was, with the possible exception of her young half-brother, personally the most honorable and conscientious of all the Tudors, and perhaps therefore the least responsive to public opinion. She regularly did what she thought right, regardless of the consequences. She secured from Parliament the restoration of the Catholic creed and worship,¹¹ though she could not obtain the restitution of the monastic lands nor—at first—the repeal of the Act of Supremacy. Then she arranged a marriage with her cousin Philip, son of Charles V and his heir in Spain and the Low Countries. This deeply offended the nationalistic spirit in England, which feared the domination of the Spaniard. Several revolts occurred, of which the last, led by Sir Thomas Wyatt, son of the sonnet-writer, was very serious and only suppressed after the Queen had been in great danger. In the executions that followed, Lady Jane Grey—called the Nine Days' Queen because of her short "reign"—and others of her party were sent to the block. The marriage with Philip thereupon took place, and the prospect of a Catholic heir put Mary in a somewhat stronger position politically. By the usual process of exerting pressure on the lord lieutenants (page 389) and sheriffs who managed the elections she obtained a compliant Parliament. It restored the Roman supremacy over the Church¹² and also revived the fifteenth-century legislation against heresy (page 246), which had been repealed in Edward's reign.

The Persecution of Protestants. For the next four years, from 1555 through 1558, the Queen and her advisers endeavored to stamp out Protestantism, according to the traditional theory of persecution. This held that it was the duty of the authorities to inflict a few earthly pains in order to spare heretics—if they could be terrorized into repentance—and their potential followers infinitely greater torments in the next world. Nearly three hundred men and women were burned at the stake. One of these was Cranmer, who had granted Henry the "divorce" from Mary's mother. Latimer and several other bishops were also executed in this way. Instead, however, of destroying the rival religion, this persecution served only to strengthen it, for the blood of the martyrs is proverbially the seed of the Church. At the stake Latimer remarked to a fellow bishop who was to die with him, "Be of good comfort, Master Ridley, and play the man. We shall this day light such a candle by God's grace, in England, as I trust shall never be put out." A zealous Protestant propagandist named John Foxe saw to it that his hopes were realized. By gathering up all the stories of these sufferings he could find, and publishing them—with woodcut illustrations—early in the next reign, he formed an association in the English mind between Catholicism and religious persecution that has never been completely dispelled. This near-Ku Klux Klan spirit, which in the popular mind fixed upon the Catholic Queen the title of Bloody Mary, became part of the English national consciousness. It must be kept in mind in order to understand later political and constitutional developments in England, particularly those in the next century and a half.

The Failure of Mary's Foreign Policy. The opposition to the royal program which grew out of these executions was confirmed and strengthened by the Queen's eventual childlessness and the failure of her foreign policy. Soon after the marriage Philip retired to the Continent, never to return, but he managed to persuade his deserted spouse to aid him in a war with France. As the Pope chose to support the French cause, the devoted Catholic Queen thus found herself under the displeasure of the one for whose interests she had made such great exertions in the past. The crowning blow came in 1558 with the French capture of Calais, that trophy of the Hundred Years' War on which English national vanity had so long fed. This was more than her subjects could forgive. The disheartened Queen told her courtiers that when she died "Calais" would be found written on her heart. In a few months she took to her deathbed, and amid bonfires and other sixteenth-century signs of general rejoicing her sister Elizabeth succeeded to the throne.

¹¹ S-M, No. 78A, p. 328.

¹² S-M, No. 78C, pp. 329–30.

ELIZABETH AND HER CAUTION

The Character of Elizabeth (1558–1603). The keynote in Elizabeth's policy was caution. Twenty-two years' experience of imminent danger in the midst of plot and counterplot had given her character as definite a set as the years of exile had that of her grandfather Henry VII, whom she resembled in many ways. Once when imprisoned by her sister on suspicion of complicity in the Wyatt plot she is said to have written these lines with a diamond on the window pane of her room in the Tower:

Much suspected by [of] me;
Nothing proved can be.

The authorities of that day could indeed prove nothing against her, and she spent the next half-century in equally successful efforts to prevent anybody else from maneuvering her into a disadvantageous position.

Her Religious Policy. The religious problem she solved for her lifetime by adopting a middle-of-the-road policy and refusing to be pushed to either side. She could not very well be a Roman Catholic in view of the circumstances of her birth. But that did not mean that she had to be very much of a Protestant either. She could retain a certain number of Catholic ceremonies and keep the doctrine of her Church so vague that men of widely differing opinions could be accommodated in her establishment. The prayer book that she had the 1559 Parliament approve¹³ was a changeable-silk masterpiece of ambiguity. Catholic and Protestant phraseology were so woven together that when using the communion service the Anglican (Church of England) priest was almost enabled to say the Catholic mass and administer the Protestant supper at the same time. By variations of emphasis the moderates of either party might be satisfied with the same words. From this strategically vague position she never allowed herself to be moved very far, though in 1571 she felt it politic to consent to the adoption of a moderately Protestant statement of faith called the Thirty-Nine Articles. Extremists of both sides she frowned upon, but she avoided shedding blood for religious convictions alone. Only in cases of a semipolitical nature was corporal punishment inflicted. Everyone was required by law to attend services in the Established Church, but the dutiful subject did not have to agree with what he heard and might hold to his own religious opinions as long as he did not try to spread them or disturb the peace.

Foreign Relations and the Succession. With a similarly judicious caution Elizabeth dealt with her other major political problems: foreign relations and the succession question. These were inextricably intertwined, because Elizabeth was unmarried, and it was assumed that she would accept one of the foreign princes who were being proposed as possible consorts. The history of England in the preceding century seemed to show that when sovereigns married their own subjects, troubles followed inevitably, and this kind of a move was considered out of the question, especially in the case of a woman ruler. Since a foreign marriage in those days meant a diplomatic alliance, the succession question was an integral part of the problem of foreign relations.

ELIZABETH AND MARY QUEEN OF SCOTS

Mary Queen of Scots. The situation was further complicated by the fact that the chief powers with whom an alliance would be worth while were France and the Spanish-Hapsburg combination,¹⁴ and both of them were Catholic. Since the adherents of the old religion did not recognize Elizabeth's claim to the throne, nor Henry's right to will the crown, they supported the claims of Elizabeth's cousin, Mary Queen of Scots (see the table, page 331). If Elizabeth married a Protestant prince, both Catholic houses might unite to depose her and put Mary on the English throne. If she consented to marry a representative of one of the Catholic states, she ran the double risk of being dominated by one of the strong Continental powers and having the disappointed rival actively championing Mary's cause.

¹³ S-M, No. 81 B, pp. 346–48.

¹⁴ The German possessions of the house were now under the control of Philip's uncle, Ferdinand I, but the two rulers were naturally in close agreement.

Elizabeth's Courtships. In these difficult circumstances Elizabeth's supreme caution led her to adopt an admirably successful policy. By alternately or even simultaneously holding out matrimonial hopes to both the great Catholic rivals she paralyzed their military arms. Why should they risk a costly war when they might soon attain their ends by the happy means so successfully employed by the Hapsburgs at the beginning of the century? Never a Penelope played her suitors more adroitly than did Elizabeth. Now she was sending an embassy to get a picture of an Austrian archduke and verify a report that his head was as large as the Earl of Bedford's—apparently the biggest one at the English court. Now she was dallying with the French King's brother, a pock-marked and undersized specimen whom she affectionately dubbed her "little toad." As she thus spun out the years, France became involved in a long series of civil wars fought on the issue of religion, while a prolonged revolt of the Protestants in the Low Countries, which led to the rise of the Dutch Republic, similarly exhausted Spain. All those years England husbanded her strength and slowly caught up with the declining Continental powers. The island kingdom, it has been remarked, remained in the dry while outside the rain of internecine war was falling on the fools.

The Downfall of Mary Queen of Scots. While this policy effectively preserved England for a generation from overseas attack, it did not contribute anything to the settlement of the succession question, or the claim of Mary Queen of Scots to immediate possession of the southern kingdom. But Mary herself did a good deal to simplify this problem. Being a very emotional and impetuous woman, the very antithesis of Elizabeth, she soon quarreled with her own subjects on the question of religion; for she was half French and had been brought up a Catholic, while Scotland, under the influence of a reformer named John Knox, had turned Protestant. When she fell out with her second husband, Lord Darnley, and married the Earl of Bothwell, who was generally believed to have conspired with Mary to murder Darnley, her scandalized subjects rose in revolt. Mary, after being imprisoned, escaping, and twice suffering defeat in battle, decided that the least of the evil choices which confronted her was to flee to England and throw herself on Elizabeth's mercy, which she did in 1568. Her son by Darnley she was forced to leave in Scotland, where he was brought up a Protestant and allowed to reign nominally as James VI.

Her Imprisonment in England. Elizabeth's mercies on Mary were not too tender, but at first they were not as bad as they might have been. After some hesitation Elizabeth put her rival in semihonorable detention, justifying the action on the ground of Mary's alleged complicity in Darnley's murder. There the English Queen kept her "guest" for nearly twenty years. She spared Mary's life, however, although Elizabeth's agents discovered several plots to assassinate the Protestant ruler so as to pave the way for the succession of her Catholic rival.¹⁵ The English Parliament regularly petitioned Elizabeth to permit the trial and execution of her dangerous cousin, but the Tudor sovereign was reluctant to establish a new precedent for the beheading of queens.

ENGLISH ECONOMIC DEVELOPMENT

The Question of Colonial Trade. Eventually, however, time and changing circumstances combined to end Mary's life and demonstrate the strength that England had been steadily building up in the long years of evasion and delay. In spite of opposition from the older guilds, the trend toward the capitalistic organization of industry and trade (pages 247, 328) had continued. By the greater specialization of labor and the superior planning for large-scale production made possible by this system a greater quantity of goods could be made for a fixed sum of money than had been possible under the gild system. With an increasing quantity of manufactured goods to dispose of, the English naturally began to look for overseas markets. From the middle of the century English merchants and seamen had not only been trading industriously along the coasts of Europe but had been endeavoring to get a foothold in those new worlds which Columbus and other contemporary explorers had discovered. According to the current theory of colonization, however, the dominant political power in an overseas territory reserved to its own nationals the exclusive right to trade in its colonial possessions. Between them Spain and Portugal had been given all the new lands by Pope

¹⁵ The two surviving Grey sisters, Catherine and Mary, had contracted unfortunate marriages that were generally supposed to render their candidacies out of the question.

Alexander VI in 1493. If the Dutch or English wished to trade in these areas, therefore, they could only do so by force of arms.

The Joint-Stock Companies. Nevertheless the potential profits from such trade were so great that many ventured into it. Overseas enterprise was further encouraged by the development of joint-stock companies. The first of these—the Muscovy Company—grew out of an expedition led by Willoughby and Chancellor in 1553. On this hazardous voyage the North Cape route to Archangel was discovered after a brave struggle against icy dangers, in which Willoughby and two of the three ships were lost. Since, however, the investors had owned all the ships jointly, all shared in the profits arising from Chancellor's safe return. By the application of this principle of joint investment, with which we are so familiar today, merchants thus eliminated the most serious of the risks in foreign trade.¹⁶ Prior to this time a man was commonly made for life if his ship came in, but ruined with equal thoroughness if it did not, since all his eggs were in the one bottom.

THE WAR WITH SPAIN

The Sea Dogs. During the 1560's and 1570's, therefore, a swarm of English adventurers, known as sea dogs, half-trader and half-pirate, were attacking Spanish overseas possessions. With these exploits of Hawkins, Drake, Raleigh, and their colleagues the reader is doubtless already familiar from his study of American history. Spain protested, but tolerated these minor nuisances rather than risk losing the great matrimonial prize in London.

The Armada. By the 1580's however, it was evident that Elizabeth did not intend to marry. And in any case she was past the age of childbearing. Other reasons induced the Spanish to try conclusions at this time. In 1587 Elizabeth felt strong enough to give a "reluctant" consent to the execution of the imprisoned Mary. Her cousin's French blood had formerly made the Spanish lukewarm in their support of the Catholic claimant, but now they were free to invade England without fear that the French would profit as a result of a Catholic victory. The Spanish were also angered by English support given to the Dutch in their revolt. So in 1588 a great navy, or Armada, as it is called in Spanish, was organized and dispatched to end the English nuisance. It was to sweep the defending fleet aside and then ferry Spanish troops across from the Low Countries to complete the conquest. Drake, Hawkins, Howard, and other English sea dogs, assisted by a convenient storm, defeated these plans, however. The wreckage of the Armada was strewn along the Channel coasts, out into the North Sea and up around the tip of Scotland, whither the survivors fled on their way home. Men rubbed their eyes, and suddenly realized that England had become a great power. Although much smaller in area and population than either of her great Continental rivals, she was now able to hold her own with them as she had with disorganized France at the beginning of the Hundred Years War. All the ground lost during the fifteenth century had been more than made up under the Tudors. Like the story of Bannockburn in the annals of Scotland, this Armada episode, in which a small country vindicated its claim to equal status in the family of nations by successfully defending itself against an apparently overwhelming invading force, makes one of the proudest chapters in the national history. In the succeeding three and a half centuries as Englishmen went on to conquer and defend a great world empire they were inspired by the example of such leaders as Drake, and came to feel that his spirit was still with them guiding, counseling, and even ready to lend more tangible aid in emergencies.

Call him on the deep sea, call him up the Sound,
 Call him when ye sail to meet the foe
 Where the old trade's plyin' and the old flag flyin'
 They shall find him ware an' wakin', as they found him long ago!

The Age of Shakespeare. Elizabeth thus ended her reign in triumph. For the last fifteen years her warships harried the Spanish coasts or lurked behind tropical islands to intercept her enemy's returning treasure fleets. At home, like the jubilant victors in all wars, people strutted about, boasting of their power

¹⁶ For the charter of a very important joint-stock company, the East India Company, see S-M, No. 88B, pp. 401-02.

and claiming the lion's share of the credit for their own particular group. This spirit—combined, of course, with many other influences—helped to produce the great works of literature and music that were the artistic glory of the Elizabethan age. The cheerful exuberance that is reflected in many of Shakespeare's works carried over into the next reign, and is to be seen even in the account of the destruction of his Southwark theater, the Globe:

Nothing did perish but wood and straw and a few forsaken cloaks. Only one man had his breeches set on fire, that would perhaps have broiled him if he had not by the benefit of a provident wit put it out with bottle ale.

JAMES I AND HIS PROBLEMS

The Succession of James (1603–25). A strong and merry age it was, but the change of rulers brought in a monarch who was not likely to do so well as Elizabeth in keeping England at high pitch. This was James, the son of Mary Queen of Scots, who now became James I of England though he was the sixth James of the northern kingdom. Elizabeth had strenuously refused to recognize anyone as her successor, since, as she put it, people naturally turn to the rising rather than the setting sun. But with the discrediting of the Grey line (page 339 n.) and the execution of James's Catholic mother the English generally came to look upon the Scottish King as the logical heir to the throne, and he succeeded without difficulty in 1603. Since his claim had come through a woman—in fact through two, his mother and his great-grandmother, Margaret, daughter of Henry VII—he began a new English dynasty called the Stuart, from Darnley's surname¹⁷

His Problems. James's difficulties as a ruler of England were many though not insuperable. Being a mere man, he could not hope to command the affectionate respect that had marked Elizabeth's declining years. As a Scotchman he was considered a foreigner, and his dialect and his friends highly offensive. He had no stomach for a fight, wished desperately to avoid war, and took elaborate precautions against assassination. He had a shambling gait and did not make a regal appearance. Furthermore, he was passionately fond of airing the pedantic learning that had been imparted to him by his conscientious Scottish tutors. None of these traits, of course, endeared him to the swashbuckling veterans of the Armada struggle.

His Character. James's chief weakness, however, was that he took the attitude of a retired businessman. He had been a successful ruler in Scotland, one who upon reaching maturity had in twenty years or less of active reign thrown off the restraints imposed by both nobles and churchmen and got the upper hand over both sets of rivals. In other words, he alone had done in the northern kingdom, before he was quite middle-aged, what Henry VII and Henry VIII had needed practically two whole lives to accomplish. He therefore possessed the ability to do great things in England had he so chosen. But for years he had been dreaming of the day when his second cousin should die and he would come into his great inheritance. Scotland was poor, weak, and barren compared to England. In the eyes of contemporaries the Scots were lean and starved cattle about to be turned loose in the lush green pastures of the south. So poor, in fact, was the Scottish monarchy that when James brought Anne of Denmark back from the Continent as his bride in 1590 he had to ask his nobles to bring their own food to the welcoming banquet at the royal palace. James had therefore developed a kind of complex during the years of waiting, a fixed conviction that when he became King of England all his troubles would be over and he could relax. Sure enough, when the great day came he proceeded to enjoy himself, spend freely, and run up debts. Visiting the chief English minister, Sir Robert Cecil, whom he soon created Earl of Salisbury, James decided that he would like the Cecil country house as a base for hunting, of which the pacifist King was passionately fond. So he persuaded his host, who could not well refuse, to accept one of the royal manors, Hatfield, in exchange for the Cecil estate—Theobald's Court, some fifteen miles north of London. There he proceeded to dawdle away a good part of his time watching his favorite hawks tear other birds to pieces while Salisbury did what he could with the government at Westminster. This put a great advantage in the hands of the parliamentary opposition, of which we shall speak in the next chapter.

¹⁷ This happened to be the same as Mary's maiden name, for he was her cousin. The Stuarts were so called because they were descended from the family that held the hereditary Lord High Stewardship of Scotland.

THE FOREIGN POLICY OF JAMES I

Scotland. Yet when James did care to concern himself with affairs of state, most of his policies in the field of international relations were sound, judged by later standards. He tried hard to secure a political and economic merger of England and Scotland in addition to the mere union of the crowns. A single kingdom of Great Britain was his aim. But the English were loath to share their green pastures. They feared to open their commercial world to the free competition of the northern peddlers, who would tramp through Poland with packs on their backs, as one horrified Englishman put it. Parliament rejected nearly all bills with such aims, and genuine union was postponed for a century.

Ireland. Ireland, as often, is an exception to the rule, for James's policy there has not commended itself to later critics. James may be defended to some extent, however, by pointing out that his policy in dealing with the neighboring island was really an extension of a Tudor one. We left Ireland still in a state of semichaos at the time of the visit of Richard the Second. Henry VII tried to bring some order out of this confusion by sending over a governor, Sir Edward Poyning, who succeeded in establishing the English authority throughout the island. He introduced an arrangement by which all the acts of the Irish Parliament had to be approved in advance by the English council, a restriction known as Poyning's law.¹⁸ Government by such English lord lieutenants or deputies as Poyning, with an army at their backs, cost money, however, and when the Tudor sovereigns desired to economize they often entrusted the rule to a representative of one of the two leading and rival Irish families, the Butlers (Earls of Ormonde) or the Fitzgeralds (Earls of Kildare and Desmond). These local potentates commonly abused their trust by using their official position to settle old scores with their rivals. By Elizabeth's time, when religious differences had developed to complicate matters—for the Irish naturally rejected the new faith of their conquerors and remained Roman Catholic—adventurers of the Drake and Hawkins type persuaded the English authorities that the best policy was to confiscate the lands of some of the most troublesome Irish and settle (plant) these areas with Englishmen. A new English migration to these plantations therefore took place, much after the manner of Strongbow's emigration four hundred years earlier (page 89). When James came to the throne of England he inherited, along with the great prize, a good-sized revolt in northern Ireland—in Ulster. When it was finally suppressed, a plantation of that whole area was undertaken and carried out more thoroughly than any of its predecessors. It was difficult, however, to attract the ordinary nonadventurous Englishmen, who, according to the original plans, were to till the soil. So the lean and hungry Scots, barred from England, were diverted there, and the result was the development of that Scotch-Irish Protestant Ulster which after three hundred years of strife still blocks the way to a united Ireland.

Continental Relations. In his dealings with Continental powers James consistently strove for peace, as already suggested. He promptly ended the war with Spain and proceeded to enjoy fifteen years of European quiet. During that period he married his daughter Elizabeth to the Elector Frederick of the Palatinate, a leading German Protestant prince. Unfortunately this royal son-in-law became involved in the disastrous Thirty Years' War that devastated Germany and disturbed the peace of Europe from 1618 to 1648. In 1619 Frederick accepted election as King of Bohemia, roughly the modern Czechoslovakia. In November, 1620, however, the Catholic party drove the Winter King—as he was called from the brevity of his stay—out of his new territories and soon overran the Palatinate as well. In England the men of 1588 cried out for a return to the old methods of dealing with Catholic invaders, but James, who in 1618 had ordered the execution of the belligerent Sir Walter Raleigh on an old charge of treason, would have none of them. Instead he set himself to obtain the restoration of his son-in-law's original domains by peaceful means. To this end he proposed to marry Charles, his only surviving son, to a Spanish princess, whose parents, of course, were on the Catholic side in the Continental struggle. The Palatinate was to be returned to Frederick as part of the Spanish marriage settlement.

The Spanish and French Matches. The prospect of a Catholic queen waked memories of the days of Bloody Mary in English minds and roused a storm of opposition. In the face of it Charles romantically took

¹⁸ S-M, No. 73D, p. 301.

the risk of a visit to Madrid to court his prospective bride in person. But the Spanish terms proved to be too stiff. Charles managed to return in safety and a bachelor, to the intense relief of his father's subjects. James, however, proceeded to impale himself on the other horn of the Catholic dilemma by arranging a match between Charles and a French princess, Henrietta Maria. The wedding had scarcely taken place when the King died and left Charles to deal with the situation as best he could.

CHARLES I AND HIS FOREIGN POLICY

The Character of Charles I (1625–49). Charles was much more attractive personally than James. Though shorter than his father, he made a good appearance, had been brought up in England, and had no Scottish accent. But in his early years he had not had his father's hard training in the art of ruling, and especially in the art of ruling Scots. In time this inexperience was to cost him dear. Yet for a dozen years he held his position firmly enough, and had he been ruling England alone he might have continued to do so indefinitely.

His Foreign Policy. The breaking-off of the Spanish match meant a short war with the old adversary. Then an early quarrel with Charles's French father-in-law brought on hostilities. With the power that was supposed to be his ally. But the new King's difficulties with Parliament (pages 372–5) would not permit of much indulgence in such expensive luxuries as foreign wars, and after 1628 he religiously kept the peace. Under an able Lord Deputy, Thomas Wentworth, Earl of Strafford, Ireland was given the best government it had ever known or was to know for many a long year. For once, the accounts of the troublesome island actually showed a profit to the English government. However much Englishmen grumbled about the pacific policy of Charles and his father, it was actually a great benefit to them. Once more the Continental fools were being exhausted by war while England was safe in her island shelter, manufacturing quantities of goods by the new capitalist domestic system, filching trade from her rivals otherwise engaged, colonizing, building up her strength, and preparing for the day of world empire, which was to come when the question of the control of her own government had been settled.

C. THE SETTING UP OF THE LIBERAL SYSTEM, 1637–1714

in M. KNAPPEN, CONSTITUTIONAL AND LEGAL HISTORY OF ENGLAND (1942) 419–54)

Oligarchic Liberalism and Its Establishment. Between 1637 and 1714 England abandoned the Tudor constitutional system, which the early Stuarts had endeavored to operate, and substituted for it a species of that kind of government known as liberalism. Liberalism in European political thought is not necessarily connected with tendencies to socialism or communism, but may be defined as a system of government in which a large measure of the power is held by some or all of the classes below the nobility and the clergy. There may be oligarchic, or restricted, liberalism, in which the upper classes remain predominant, or there may be democratic liberalism, in which virtually every class enjoys an equal share in the suffrage. The type set up in England by the beginning of the eighteenth century was oligarchic liberalism. The story of the transition to this new system is the story of how (1) the power of the royal absolutism was broken, (2) the gentry and their upper-middle class allies gained the upper hand over their other associates in the opposition coalition, and (3) this position was consolidated. There is some overlapping in time between the first and second topics because, as in many another revolution, factional quarrels began before the main struggle was ended. But it will be convenient to consider these topics consecutively. We begin with the story of the destruction of the royal absolutism.

THE DESTRUCTION OF THE ROYAL POWER: THE SCOTTISH TROUBLES

Charles's Position in England. We have seen that by 1637 Charles had gained the upper hand in England and might have retained it had the English been his only subjects. Peaceful methods had failed to break the royal control of the machinery of government. Force could be resorted to only in favorable circumstances and when emotions were aroused to a high pitch Religion was the subject most heavily charged with emotional dynamite, and Charles, as one who had been brought up an Anglican in a country

where that party was gaining strength, could be expected to ride out whatever storm his English opponents might stir up by themselves.

Scottish Problems: The Nobility. Charles, however, was also King of Scotland, and there the situation was quite different. James, who had grown up among his turbulent northern subjects had learned how to master them, and had done it well (page 344). Charles knew little of their ways, and for that little he had only scorn. His second kingdom was to him merely a poor and backward land, and not until 1633—when his English opponents had been well disposed of—did he deign to visit it. By that time he had already offended most of the Scottish nobles by a high-minded but politically inadvisable attempt to recover from them the ecclesiastical property they had acquired during the Scottish spoliation of the Church in the preceding century. This spoliation had followed roughly the English pattern except that the crown had not profited, and now Charles wished to force the return of this ill-gotten wealth to the Church. A compromise was finally arranged on this issue, but not until a good deal of bad blood had been engendered. The situation was not eased during the royal visit by the demand of Charles's clerical friends for the leading places in the state processions. The Scottish Lord Chancellor, the "old cankered, goutish" Earl of Kinnoul, when asked to give precedence to Archbishop Spottiswood declared that while he was Chancellor, "Never a priest in Scotland should set a foot before him as long as his blood was hot"—a condition that, under the circumstances, bade fair to continue for some time.

The Clergy and Scottish Nationalism. It might be expected that the prospect of greater endowments would cause the very influential Scottish clergy to rally to Charles's support, but they were almost solidly Presbyterian and they felt sure that Charles intended to use the money to make the Church Anglican. These dark suspicions were strengthened by the marks of favor Charles bestowed on Scottish bishops, and were confirmed by the King's intrusion of "two English chaplains, clad in surplices," into the Sunday morning exercises at Edinburgh's St. Giles Cathedral, where they "acted their English service." Scottish sensibilities were deeply offended by this performance, and further outraged when the sounds of boisterous revelry in the nearby royal banqueting chamber prevented the holding of any afternoon service at all in the cathedral. Deaf to the mutterings of Scottish discontent, after his return to England Charles ordered the preparation of a service book on the Anglican model, under the supervision of his chief ecclesiastical adviser William Laud, Archbishop of Canterbury, and another English bishop. When the work was done, he coolly sent word that the book was to be employed in all Scottish churches. Since neither Scottish Council nor the national assembly of the Scottish Church had been so much as consulted in the matter, this was a gross affront to the Scottish national pride and dignity.

The Tumult in St. Giles. To ally the Scottish nobles, clergy, and national spirit against him almost simultaneously was an act of absentee madness on Charles's part. But he chose to ignore all protests against his arbitrary alteration of the traditional Scottish form of worship. Safely removed from the scene of the troubles, he thought his command reasonable enough and ordered its enforcement. The Scottish response to such treatment was duly made. James had dominated these people well enough, but not for so long as to obscure the memory of the successful uprisings against his mother and other predecessors. When on the fateful Sunday morning, July 23, 1637, the Dean of Edinburgh began to read the required liturgy in St. Giles Cathedral, he was met by angry buzzings from the common people, mostly women, who customarily attended that service. When the Bishop ascended the pulpit stairs to quiet the congregation, some unknown markswoman flung a footstool intended for him, though it actually came closer to the Dean. This was the shot heard round the British world. It precipitated a riot. "False thief, is there no other part of the kirk (church) to say mass in but thou must say it in my lug (ear)?" protested one irate worshiper as she hurled her Bible in the face of a young man who was helping with the Catholic-sounding responses. Troops had to be called in to clear the church of the battling women before the service could proceed, and then only to the tinkling of breaking glass as stones came through the window. Furthermore, when at last the official exercises were duly concluded, it was pull-devil pull-baker for the soldiers to get the clergy safely through the crowd. Angry hands tore the clerical gowns from their wearers' backs in the process. By afternoon the rioters had possession of the town.

The Covenant. Much as the better-class citizens of the community deprecated mob violence, they sympathized with the rioters on the religious question. Rather than see the irresponsible elements take matters into their own hands without conservative leadership, prominent Scots decided to give these proceedings some semblance of legality. Back in the 1580's, when Catholic assassination plots had been rife in Protestant countries and one against the Dutch William of Orange had succeeded, the Scots had drawn up a Covenant, vowing to defend their King and "the true reformed religion." This document was now resurrected, modified to suit the new circumstances, and submitted to nobles, clergy, and people, who with great emotion swore to keep the faith. The Covenanters, as they were now called, thus gave their movement the appearance of a traditional Scottish defense of both the welfare of the sovereign and the true religion—which to them meant Presbyterianism. According to their theory they were not rebelling against their King, but merely trying to protect him from bad advisers and to prevent any alteration of their long-established religion.

The Bishops' Wars and the Short Parliament. Charles now embarked on a long series of devious negotiations, threats, and broken promises that did nothing to help the situation. He did not know his Presbyterians, and could not grasp the seriousness of the problem. He felt confident that with a little delay tempers would cool and all would be forgotten. When he was disappointed in this hope, he attempted to use force, and in 1639 undertook the first of two campaigns, which are called, from the religious issues involved, the Bishops' Wars. For this campaign he raised what army he could afford without summoning the English Parliament, and marched north. But the impoverished Scots had long been eking out their incomes by acting as mercenaries in the Continental wars, and he was met on the border by an obviously superior force. After a little skirmishing he conceded the Scottish demands and withdrew; but only to look for further means of breaking his promises. In desperation he turned for advice to the Earl of Strafford (page 348), whose success in Ireland led the proud Lord Deputy to think that Parliaments could be managed. So in the spring of 1640 Charles summoned an English Parliament and demanded help against the Scottish rebels. The members of the House of Commons, remembering their last meeting and Eliot's fate, would provide no funds until grievances had been redressed. In three weeks Charles angrily dissolved this Short Parliament, as it was called.¹ Strafford had maintained that if worst came to worst and Parliament would not do its duty, the King would be justified in overriding the law (page 373) in the matter of parliamentary control of direct taxation. Charles therefore raised another army and tried to equip it by means of a forced loan. He even resorted to the expedient of reviving the old Great Council (page 274), and summoned the Lords to vote a tax without the presence of the Commons. But they would do no more than offer personal loans, and the King could not obtain sufficient funds for his needs by this means. Furthermore, his conscript army would not fight when it reached the border. In this Second Bishops' War the Scots did not stop on the border, but seized three of the northern English counties, exacted a promise of £850 a day indemnity, and demanded a parliamentary ratification of any future agreement.

THE LONG PARLIAMENT AND CONSTITUTIONAL CHANGES

The Long Parliament. Strafford now returned to England, and relying on his personal assistance, Charles decided to brave an English Parliament again. This met on November 3, 1640. Since it was not finally dissolved until 1660, it is properly called, in contrast with its predecessor, the Long Parliament. Dark-browed Strafford, who by his masterful conduct of Irish affairs had won from his opponents the title of Black Tom the Tyrant, showed a strange lethargy in dealing with the English House of Commons. Though it was generally supposed that he intended to impeach the leaders of the lower house—particularly the most prominent, John Pym—they got their blow in first and impeached the Earl. Pym, like his Scottish counterparts, was an artist at playing on the mob, and by judicious words to London merchants could fill the streets of Westminster with club-waving apprentices. These, combined with the Scottish army in the north, supplied a logic for his arguments more potent than any that could be found in legal precedents or put in

¹ For accounts of some of the stormy sessions of this body, see S-M, no. 95, pp. 471–75.

parliamentary speeches. By thus menacing Charles and the Lords he pushed through Parliament several important measures.

The Impeachment and Attainder of Strafford. The first was the attainder of Strafford. No legal proofs could be discovered of actual misconduct on Strafford's part; so attainder was substituted for formal impeachment. This alternative procedure was an act of Parliament that simply decreed death for the victim without any proof of delinquency.² Charles had promised that Strafford should not suffer for any services rendered his master, but in the end he broke even this promise. Taking refuge behind his family, the King declared that for himself he feared no mob, but must protect his wife and children. So he signed the act of attainder. "Put not your trust in princes," quoted Strafford wryly on learning of his fate. On May 12, 1641, he was beheaded before a huge assemblage on Tower Hill, the rising slope just outside the Tower. Other royal ministers fled or were imprisoned. With force at its back, Parliament had at last found an effective way of controlling the royal officials.

The Abolition of the Prerogative Courts and the Adoption of the Triennial Act. The second achievement of the Long Parliament was the abolition of the prerogative courts—Star Chamber, High Commission, and the rest—including, unfortunately, the Court of Requests.³ A minor act prohibited the collection of ship money and other royal exactions without parliamentary consent.⁴ Furthermore, this revolutionary body protected the position of Parliament itself by a Triennial Act that provided for the assemblage of Parliament once every three years, whether the king summoned it or not.⁵ Had it not been for the controversial subject of religion, the Commons might have continued its reform program indefinitely.

The Religious Question and the Militia Issue. On the thorny religious question, however, no agreement could be reached. The Puritans wanted more or less sweeping reforms, depending on their particular party, while the Anglicans, led by a Cheshire gentleman named Sir Edward Hyde, wanted the ecclesiastical establishment to remain virtually unchallenged. Charles was quick to take advantage of this opportunity to split the opposition. Ireland, also seizing its opportunity, had blazed out in revolt in October, 1641, and it was imperative that an English army should be raised to deal with the situation there. By all the precedents the King should have had the absolute command of such a force, but "King" Pym and his followers, naturally fearing that in such a circumstance it would first be turned against rebels nearer home, claimed control of it in the name of Parliament.⁶ On this militia matter Charles could make a stand because of the discontent of Hyde and his followers with the program of religious reform that the Puritans were beginning to push through.

THE FIRST CIVIL WAR: THE RISE OF CROMWELL

The Outbreak of the First (English) Civil War. The Puritans in Parliament aggravated the situation in December, 1641, by ordering the publication of the so-called Grand Remonstrance, a detailed attack on the royal policy. Charles retaliated in January, 1642, by a personal invasion of the House of Commons at the head of a file of soldiers in an attempt to arrest Pym and four other leaders. They had been warned in advance, however, and were safely down the river in the City of London, where the apprentices could be relied on to keep them out of harm's way. After this there was almost no hope of avoiding civil war. Feverish preparations alternated with fruitless negotiations during the next few months until August 22, 1642, when the King raised his standard on a hill near Nottingham, in the midlands, and called on all his loyal subjects to aid him against his enemies. With the Anglicans at his back Charles could now afford to challenge the show of force by means of which his opponents had been dictating to him. The English

² S-M No. 96B, pp. 477–78.

³ S-M No. 96E–F, pp. 479–81.

⁴ S-M, No. 96G, pp. 481–82.

⁵ S-M, No. 96A, pp. 476–77.

⁶ For the ordinance on the subject finally passed by the House, see S-M, No. 96M, pp. 486–87.

conflict, which in effect was already being conducted by violent means only partially concealed below the surface of events, was now transferred to the battlefield outright.

Strength of the Two Sides. In this First Civil War, as it came to be called to distinguish it from later troubles in England, the King had the support of a majority of the Lords and a large minority of the Commons. He was strong in the north and west, except for the seaports where trade and Puritanism went together. Best of all from his point of view, he had “birth and breeding,” young gallants accustomed to riding and hunting, of whom his sister (page 346) Elizabeth’s son Rupert, soon proved to be a most dashing cavalry leader. It was from these swash-buckling horsemen that the whole party received its title of Cavaliers. On their side the Parliamentarians had some thirty of the Lords to the king’s eighty, the wealth of the south and east, including London, the support of the navy, and the grim determination that went with a belief in Calvinism. Because the Puritans of this faction tended to round (crop) their hair in short and sober fashion instead of following the Cavaliers’ style of long locks, this party came to be known as Roundheads.

First Years of the War. At first military experience told. Parliament’s conscripted army fared badly and Charles and Rupert fought their way almost to London. The capital was only saved by the efforts of its trained bands, almost the only efficient ones in the country. These militiamen, or rather militia boys—for most of them were the city apprentices temporarily released from their shops for this kind of military holiday—were an important factor in the war, for they constituted an emergency Parliamentary reserve that the King could not match. Establishing his capital at Oxford during the winter of 1642–43, the King planned a triple-headed drive on London for the next year. This came from the north, northwest, and west, and was only beaten by the stout resistance of the Puritan mercantile towns combined with the efforts of a Parliamentary cavalry leader who was developing into an able rival of Prince Rupert.

Oliver Cromwell. This was Oliver Cromwell, who dominated the scene for the next fifteen years. Pym died in 1643 and Hampden, of ship-money fame, was mortally wounded in a skirmish the same year, so new leaders had to be discovered. In any case the time for speeches and lawsuits was past, and a man of Cromwell’s type was needed. He was a gentleman whose Welsh great-great-grandfather, Morgan Williams, was Thomas Cromwell’s brother-in-law. Williams’s son Richard, given a good slice of monastic property in Huntingdonshire by his uncle, had taken his patron’s name. The seventeenth-century Cromwell had been a member of Parliament as early as 1628 but had not particularly distinguished himself in that body. On the battlefield, however, he found his proper milieu. After one of the early engagements he remarked to Hampden, who was his cousin, that nothing could be accomplished by such conscripts as the “old decayed serving men and tapsters.” “You must get men of a spirit,” he maintained. That winter he was busy in the east-county villages recruiting “such men as had the fear of God before them and made some conscience of what they did.” By spring he had a cavalry regiment composed of suitably spirited men, and in the campaigning that followed they soon won for themselves the title of Ironsides. Though Cromwell was not made Commander in Chief of the Parliamentary forces until 1650, from this time on he was the chief factor in bringing victory to his side and as such was the dominant political leader of the army after 1647 at the latest.

Scottish Intervention and the Victory of the Parliamentarians. During the first two years of the English Civil War the Scots, who had made it possible in the first place, refused to participate, because the House of Commons, composed of Puritans of different shades of opinion, would not commit itself to a strictly Presbyterian position. In December, 1643, however, the serious military situation drove the English Parliamentarians to take the Covenant,⁷ and the next year a Scottish army duly crossed the border. That summer, with its help the Parliamentarians won a very important victory at Marston Moor, near York, which gave them control of the north. In this action Cromwell’s disciplined cavalry turned the tide. After an initial success on the wings, where cavalymen regularly fought, the royalist cavalry commonly got out of hand—as they did on the opposite wing on this occasion—and pursued their fleeing rivals off the field. Cromwell was able to keep his Ironsides in control after the initial successful charge, however. Wheeling them around,

⁷ S-M. No. 100, pp. 504–04.

he took the royalist infantry in the rear, and under the double assault it soon broke. The following year, after a thorough re-organization on the Cromwellian pattern, the New Model Army, as it was called, gained a similar victory over Charles himself at Naseby, north of Oxford. In 1646 the university town surrendered. After a period as a wandering fugitive the King gave himself up to the Scots, and the First Civil War was over.

CROMWELL'S TACTICS

Royalist Cavalry	_____	Royalist Intantry	_____	Royalist Cavalry
The Ironsides	_____			Other Parliamentary
	Parliamentary-Scottish			Cavalry
	Infantry			

THE SECOND CIVIL WAR AND THE EXECUTION OF CHARLES I

Negotiations and the Second Civil War. Charles had chosen to yield to the Scots because he felt that he could make better terms with them than with the English. At first he was disappointed, for they rejected his offers, and on the payment of the Scottish war expenses by the Parliamentarians his custodians surrendered him to the English. But their southern allies did not keep the agreement about the Covenant (page 429), and in December of 1647 the Scots came to terms with the captive King, who surrendered his convictions to the extent of consenting to a three-year trial of Presbyterianism. This led to the Second Civil War in 1648, in which the English Parliament—still opposed to Charles's exaggerated demands for power—and the New Model Army, now inclined to Independency, were opposed to the English royalists and the Scots. It was a short-lived affair in which a large Scottish army caused considerable alarm but proved to be no match for the New Model. Scattered revolts in Wales and England came to even less.

Pride's Purge and the Execution of the King. Cromwell and his military supporters now took the decisive step of executing the King. The majority of the Puritans in the Commons were opposed to this policy. Like the Scottish Covenanters, they had begun the war with no intention of eliminating monarchy from the constitution. They thought they could regain the rights they claimed and share control of the state with a monarch properly limited, somewhat after the medieval fashion. At first they waged war ostensibly only on the royal advisers; not until the fighting had gone on for months did some of them begin to accept the theory of the absolute supremacy of Parliament, and then but gradually. Cromwell dealt with this opposition majority among the Commons by sending Colonel Pride with some soldiers to exclude them from the House. After Pride's Purge, as this action was called, there remained only some ninety members in the sitting part of the Commons, now dubbed the Rump. These members were, of course, pliable enough and under Cromwell's direction set up a special court to try the King.⁸ Cromwell reasoned that Charles was a troublemaker and a shedder of innocent blood, as the Second Civil War showed. Until "Charles Stuart, that man of blood" was brought "to justice" there would be no peace. "If we beat the king ninety and nine times yet he is king still," a shrewd observer on the Parliamentary side had remarked long before. Cromwell therefore had recourse to the principle—already applied to Strafford, and in 1645 to Laud—that stone-dead hath no fellow. According to existing law the penalties of treason could only be applied properly to offenses against the king, but under the new theory of popular—or at least parliamentary—sovereignty it was possible to accuse Charles of treason against the people of England. This was done. Charles, showing more dignity in his last hours than in his earlier career—"Nothing in his life so became him as the manner of his leaving it," said a poet—refused to recognize the jurisdiction of the court.⁹ He went calmly to his death on January 30, 1649. As the executioner swung the ax no thunderbolt was hurled to save the head of the Lord's anointed. After that disillusionment the theory of the divine right of kings was discredited in the eyes of many.

⁸ S-M No. 104A p. 516.

⁹ S-M, No 104B, pp. 517-18.

Final Defeat of the Royalist Party. The death of Charles did not, however, mark the end of the royalist party. Taking up the cause of the dead King's son, who was now known to the faithful as Charles II, it struggled on in Ireland and Scotland. In the summer of 1649 Cromwell crushed it and the Roman Catholic cause simultaneously in the western island. This was done with a ferocity that has left a lasting stain on the General's memory, one only to be explained by the English Puritan's feeling that an Irish Catholic was not entitled to the same treatment as an Anglican royalist or a Scottish Presbyterian. In 1650 and 1651 the last signs of resistance were stamped out in Scotland and the north. A clever maneuver, which lured Charles into England, ended with his being a wandering fugitive after a disastrous defeat at Worcester, on the Severn not far from the border of Wales. After many further adventures, including a day spent hiding in an oak tree while Cromwell's soldiers scared the neighborhood, the Stuart claimant was glad to escape to the Continent. Less than fifteen years from the day the footstool was thrown in St. Giles Cathedral the royal power was virtually eliminated as a factor in English politics and in the English constitution. It was to revive to some extent in the future, but it would never be what it had been before Charles I gave the opposition the fatal opening by arbitrarily altering the form of the Scottish church service.

CONFLICTS WITHIN THE OPPOSITION COALITION

The Opposition Coalition and Its Growth. To destroy the absolute monarchy was one thing. To determine what should be put in its place was another. We have seen that the original opposition coalition consisted of Presbyterian and Independent Puritans and the secular elements represented in the House of Commons—country gentry, well-to-do merchants, and common lawyers. But when the controversy was taken to the battlefield these men could not do all the fighting themselves. There is an old proverb that a rich man's war is a poor man's fight. The work of such recruiting agents as Cromwell in appealing to the yeomen, and even to the laboring classes, naturally made these elements politically conscious and politically important—just as the original Parliament summoned to be a pliable money-granting body eventually became politically important in its own right. Years of hard campaigning and of discussions around the campfire in the evening—when the strict discipline of the New Model forbade chicken-stealing expeditions or other mundane soldierly diversions—sharpened this feeling of political importance. This was particularly true among the troopers, the cavalrymen, who were required to provide their own horses and were therefore commonly yeomen's sons who had volunteered. Before the Civil Wars were ended, therefore, other social elements had been added to the opposition, elements of whose political aspirations some account had to be taken. These were called Levellers and Diggers, the equivalent of the modern democratic liberals and communists.

Organization of Our Story. The tangled story of the fortunes of these many competing interests which altogether made up the victorious Parliamentary coalition can best be told by indicating how each of the unsuccessful ones in turn made its bid for power and was beaten, leaving the field to the alliance of gentry, merchants, and lawyers.

The Presbyterians. The Presbyterian Puritans—strongly Protestant clericals, with a long tradition and international standing that brought support from Scotland and the Calvinistic churches on the Continent—might have been expected to recover a measure of power similar to that which the Church had enjoyed in the Middle Ages. Their allies in Parliament did succeed in organizing some of their leaders into an advisory body on religious policy, called the Westminster Assembly, and for a time (1643–45) it looked as though they would be successful. But their long English tradition included a century's experience of looking to laymen, in the persons of the country gentry, for political leadership and legal protection, while their international standing—particularly their Scottish connections—did not endear them to the increasingly nationalistic English. Worst of all, they cared more for the niceties of a narrow factionalism than for the broad considerations of Protestant statesmanship. Accordingly they were never able to come to any agreement with the Independents, with whom they held so many major doctrines in common. Furthermore, the university-trained Presbyterian clergy found service as army chaplains too troublesome and left this field to their more enterprising Independent brethren, who soon controlled the religious policy of the army. Consequently, the Presbyterians in the Assembly could not secure effective support for the program they

enunciated. Though they drew up a confession and catechisms that have since been standard equipment in most English-speaking Presbyterian churches, they could not obtain parliamentary endorsement for their most important constitutional demand. That was the right of the local churches, controlled by their ministers, to excommunicate whomever they chose. Without the free exercise of this powerful disciplinary weapon the Presbyterian clergy would have no effective authority. The Puritan laymen in Parliament had been greatly influenced by Tudor theory and practice in the matter of the supremacy of the secular power over the Church—a system commonly called Erastianism, from Erastus, a sixteenth-century theologian who championed one version of this teaching. After a great struggle in the spring of 1646 the Erastian clement in the Long Parliament kept the power of excommunication in its own hands, and after that the clerical Presbyterian party ceased to have any great strength.

The Levellers. The spring of 1646 also marked the end of the First Civil War. During the interlude preceding the Second Civil War there were many negotiations and discussions on the future form of the state. Had the authorities of the Long Parliament paid most of the army in full and mustered it out, they could perhaps have kept the upper hand over that rising political power. With a folly equal to that of Charles in 1637, however, they tried to discharge the surplus regiments without making up their arrearages in pay. That highhanded project at once disclosed the strength of the Leveller movement. This movement was led by one John Lilburne, a former officer in the army, of Independent religious views, who had honorably resigned rather than take the Presbyterian Covenant that was required of all officers under the terms of the Scottish treaty of 1643 (page 429). Though he had been a zealous Puritan, he had become disgusted by the factionalism of the clerical leaders and had turned to secular political agitation. He and his followers reasoned that if the war was being waged in the name of the people of England, as the Parliamentarians were maintaining, it was only fair that the common people—who were also doing most of the fighting—should be represented in Parliament. “The poorest he that is in England,” said these early democrats, “hath a life to live as the greatest he. And therefore ... every man that is to live under a government ought first by his own consent to put himself under that government.” Consequently they began to advocate a democratic program, contained in a document called the Agreement of the People, which provided for universal manhood suffrage, frequent parliamentary elections, and electoral districts equal in population.¹⁰ Their opponents, who believed that democracy eventually meant communism, accused them of preaching economic equality for all. Since communism was then supposed to involve the leveling of all classes and individuals, Lilburne’s supporters were called Levellers, though actually they advocated only political equality, not economic.

Their Opportunity and Their Failure. Roused by the threat of dismissal without pay, the rank and file of the army, which had been greatly influenced by Lilburne’s teaching, appointed representatives, called agitators, or agents, to an army council that was formed to present the case of the army to Parliament. Cromwell and the higher officers were also represented on the council, which undertook to formulate a governmental policy as well as to collect the money due the men. Though Cromwell did not sympathize with the democratic aspirations of his men, he wished to retain their loyalty and so supported their refusal to be discharged without pay. In this stand they were successful. But when the worst of the crisis was passed, Cromwell and his son-in-law, General Ireton, who had formulated conservative arguments used against the Levellers in the debates of the army council, tried to suppress the Leveller movement by sending the agitators back to their regiments and diverting the attention of the army to other problems. Torn between their loyalty to their General and their devotion to Lilburne’s principles, the soldiers wavered. For a time there was the threat of a serious mutiny, but Cromwell’s personality carried the day. Though the discontented veterans had him at their mercy at one tumultuous mustering, they would not shoot the man who had led them to so many famous victories, and at length the General’s orders were obeyed. Lilburne struggled on with his agitation, however, and after the Second Civil War the Levellers once more made a bid for power by insisting on the adoption of a version of the Agreement of the People as the price of their cooperation in the program culminating in Pride’s Purge (page 430). Here again, however, Cromwell

¹⁰ For a later and somewhat more conservative version of this document, see S-M, No. 103, pp. 511–16.

outmaneuvered them, and after another small mutiny the movement was effectively suppressed. Though the Levellers formulated virtually all the ideas of the American Constitution and nineteenth-century democracy, including the theory of a written constitution and reserved powers, these ideas were too new to win widespread support immediately. The shopkeepers and yeomen needed more education and more training in democratic thinking before they dared take the risk of asserting their real power.

The Diggers. Most extreme of all the competing movements was that of the Diggers, led by one Gerrard Winstanley. These people took the step which Lilburne refused to take, and asserted that the people who had fought to free England could not be genuinely free unless they were given some means of subsistence. Very often during the enclosure movement

The village green that had got mislaid
Turned up in the squire's back-yard.

These reformers insisted that the land of England was the heritage of Englishmen, and particularly that landless (“disinherited”) men had a right and a duty to dig—hence the name—plant, and sow the old common lands. Current religious teaching they denounced as a mere cloak to conceal inequality, a pretty story designed to divert popular attention from the obvious injustices of this life. They thus spoke, as they thought, for the material interests of that inarticulate group of completely landless laboring men whose voice had not been raised before, even in the Peasants' Revolt. In 1649, after the Second Civil War, they endeavored to put their ideas into practice in a few scattered co-operative colonies established on the commons (land reserved for community use). But where the Levellers could not succeed there was little hope for these people. Soldiers were sent to drive them from their holdings. Much force was not commonly necessary, however, and the experiments were of comparatively short duration.

The Independent Saints. With the Presbyterians, the Levellers, and the Diggers eliminated as political factors by 1650, the field was left to the Independents and the landlord-merchant-lawyer group. Both elements had the advantage of numbering Cromwell among their sympathizers. While the General hesitated to choose between them, the issue was in doubt. During the next three years he was occupied with the Scottish wars and also a naval fray with the Dutch, but by 1653 he was ready to turn his attention to the internal problems of England. By this time the curse of individualistic factionalism was beginning to affect the religious party of the Independents, and this group was showing signs of splitting into still more subdivisions. Of these the most important politically was one called the Fifth Monarchists, who believed that Christ was about to return to the earth to set up His Kingdom and that it was the duty of the earthly saints to take over the English government and prepare the way for Him.¹¹ They were thus Protestant clericals somewhat on the Presbyterian model in desiring to dominate the state, though independent in their polity. Cromwell was not an avowed Fifth Monarchist himself, but in looking over the administration of the English government he saw so much bribery and corruption among the members of the Rump Parliament, particularly in the matter of confiscated estates of royalists, that he thought it might be well to experiment with the idea of government by saints.

The Nominated Parliament. Accordingly, in 1653 Cromwell asked the Rump to dissolve, and when the members refused he drove them out with his troops. In their place he called the Nominated Parliament, a body of one hundred and twenty members named by Independent clergymen. They were not all “saints,” but a working majority were, and they at once instituted a reform program. Much of this was sound, but it took a religious line instead of beginning; with the moral abuses that Cromwell had in mind. One of the major proposals was to abolish the tithe system so as not to require unbelievers to support the Church. But since many of the tithe rights had come into lay hands at the dissolution of the monasteries which had formerly held them, this seemed to Cromwell and his landlord friends like an attack on the institution of private property. Consultations were held; the soldiery appeared once more; and the saints were sent off home.

¹¹ According to their interpretation of the Biblical prophecies in Daniel and Revelation, there had already been four earthly monarchies, Babylonia, Persia, Macedonia and Rome, with the fifth and heavenly one yet to come. Hence the name.

The Triumph of Gentry, Merchants, and Lawyers: The New Secular Policy. Thereafter Cromwell and his supporters turned to a secular policy. The merchants who were prospering as a result of the destruction of the monopoly system in domestic trade were anxious to secure more markets overseas. There was a clamor for a return to the tactics of Hawkins and Drake. Under Cromwell's leadership England now allied herself with Catholic France and attacked Spain. Reviving some of the glories of Drake and Raleigh, and even Edward III, the English took Jamaica in the West Indies, blockaded the Spanish ports, waylaid the treasure fleet, and took Dunkirk, a Channel port in the Spanish Netherlands that was regarded as making up for the loss of Calais. It was a brilliant revival of English national power and a great stimulus to further advances along the road to world empire. But it was far removed from the religious policy Cromwell had advocated in those dark winter days of 1642–43 in the east-country villages. Henceforth, except for a few small risings of Fifth Monarchy men, Independency was politically dead.

ATTEMPTS OF THE VICTORS TO CONSOLIDATE THEIR POSITION:
THE COMMONWEALTH AND PROTECTORATE

The Problem of Consolidation. There remained the problem of consolidating the success of the gentry, prominent merchants, and lawyers who had thus eliminated their rivals. This problem proved to be a very difficult one indeed. With a military genius such as Cromwell to lead them their position was strong enough. They could

decide all controversies by
infallible artillery,

and few dared to dispute them. The difficulty was to devise a constitutional system that did not depend on having a military genius to keep in order the elements in society which had potential political strength—in other words, a system which commanded the voluntary support of these elements. Cromwell and his advisers tackled this problem early in his career, but as a constitution-framer he proved to be a good general and little more.

The Commonwealth, 1649–53. On the execution of the King in 1649, monarchy and the House of Lords were both abolished by acts of the Rump Parliament.¹² A Council of State, consisting of forty-one men—mostly members of Parliament, with a sprinkling of peers, and judges—was set up to aid the Rump in directing the government.¹³ Though Cromwell was the dominating influence, theoretically there was no chief executive; and this system is therefore known as the Commonwealth, the seventeenth-century equivalent of Republic.

The Protectorate, 1653–58. After the dissolution of the Nominated Parliament, which had merely been substituted for the Rump in the Commonwealth system, England began her first—and thus far her last—experiment with a written constitution. In its original form this was called the Instrument of Government.¹⁴ It provided for a Parliament—to be elected by men having a property qualification that kept control of the government in the hands of the classes now dominant, a Council of State, and an elected Lord Protector, Cromwell, to hold office for life. Because of this last feature the government of England during the period while it lasted (from 1653 to 1658) is known as the Protectorate. As Lord Protector, Cromwell was given nearly all the powers of the former monarch, and indeed the Protectorate under his rule is hard to distinguish from the Tudor monarchy. The likeness became even more striking toward the end of the Protectorate, after a supermilitaristic interlude. Cromwell quarreled with his first Parliament and ruled for a time through major generals who were given military command of different sections and enforced martial law on the areas under their control. Then in 1657 the Instrument of Government was modified by the Humble Petition and Advice.¹⁵ This created a Second House—virtually the House of Lords under another title—and gave

¹² S-M Nos. 106–7, pp. 521–22.

¹³ S-M. No. 105. pp. 519–21.

¹⁴ S-M, No. 111, pp. 525–29.

¹⁵ S-M, No. 112, pp. 529–32.

Cromwell the privilege of selecting the man to succeed him as Protector. It was even suggested by his advisers who drew up the Petition that Cromwell take the title of king, but he refused to make such an obvious admission of the failure of the antimonarchical movement. The Protectorate system creaked and groaned, but on the whole it worked not too badly as long as the great General lived, which was until September, 1658.

The Period of Confusion, 1658–60. No one else could operate such machinery, however. Oliver's oldest son Richard, named as successor by the father, had little to commend him as a ruler except the family name. In the spring of 1659 the leading army officers forced him to resign. They recalled the Rump Parliament to do their will, but when that unfortunate body proved intractable, it was expelled a second time. Public sentiment—which once more made itself felt in popular demonstrations in the capital—would tolerate military rule in none but an Oliver Cromwell, however, and soon the officers were compelled first to recall the Rump and then to add to it the surviving victims of Pride's Purge. This enlarged Long Parliament, being dominated by a majority of Erastian Presbyterians, was of course more conservative than the Rump.

THE RESTORATION OF THE STUARTS

Charles II (1660–85). Gradually it became apparent that if the group which had been victorious in the major and minor struggles of the Civil Wars was to hold any great part of its gains, it must speedily find a ruler and a type of government that would be acceptable to the nation. Years of exile had rendered the fugitive Charles II tractable, and negotiations soon showed that he was the answer to the problem. Both the Parliamentarians and the Stuart claimant felt that half a loaf was better than none. By giving up most of the substance of power Charles could have a crown and a comfortable living. By conceding the monarch a few small points the oligarchic liberals could retain most of the gains made in the two preceding decades. A Parliamentary general named George Monck and the Parliamentary admiral, the Earl of Sandwich, arranged everything with Sir Edward Hyde, who was acting as Lord Chancellor for Charles. From Breda in the Netherlands, Charles issued a declaration promising—subject to parliamentary modification or approval—a general amnesty for all offenders, freedom of conscience in religious matters, security for property acquired during the recent troubles, and all the delinquent back pay for the army. A specially elected Parliament, called the Convention Parliament because it was not regularly summoned by a king, voted for the recall of the royal exile. In May, 1660, he returned in triumph. A new Parliament was elected, and undertook the work of giving effect to the compromise already arranged.

The Restoration Settlement. For the time, the country had had enough of formal constitutional documents, and no efforts were made to define in general terms the restrictions placed on the king. In theory Charles resumed the position occupied by his father. He was given the royal title, the royal property, and nominally the royal prerogative. None of the legislation passed by Parliament since 1642 without the royal assent was recognized as valid unless it was specially re-enacted. The King was voted annual revenues supposedly sufficient for his needs. But actually the Restoration was far from a real restoration of Charles Stuart. By declaring invalid only those acts of Parliament which had not received the royal approval, those passed under pressure in the two-year revolutionary period before August, 1642, were left on the books. The prerogative courts were therefore barred and the King was obligated to have a Parliament at least every three years, though later a weakened version of the Triennial Act¹⁶ was substituted for the original one. Furthermore, Charles kept the promises incorporated in the Declaration of Breda. Very few of those who had rebelled against his father were executed.¹⁷ Most of the lands which royalists had lost during the period of upheaval were retained by those who had acquired them. The religious settlement, particularly, shows the weakness of the King. As suggested at Breda, Charles, who had become sympathetic with the Roman Catholic position during his exile, desired to introduce measures of religious toleration. But in a violent reaction against Puritanism the new Parliament—known as the Cavalier Parliament, in part because of its

¹⁶ S-M, No. 1140, p. 552.

¹⁷ Nine regicides (those directly responsible for the death of Charles I) and one other, Sir Henry Vane, whose abilities coupled with strong republican sympathy caused him to be considered especially dangerous, were executed.

loyalty to the old religion—insisted on passing legislation, called the Clarendon Code,¹⁸ making Anglicanism the only legal religion once more. When Charles a few years later tried to nullify this legislation by issuing a Declaration of Indulgence¹⁹—a proclamation granting religious toleration under certain conditions—there was such a storm of opposition that he withdrew it. When his brother James once remonstrated with him for not taking a stronger line with Parliament, he dryly remarked that he was too old to go on his travels again. That statement sums up the whole spirit of the Restoration. On paper the governmental system was very much like that of 1637. Actually, though a Statute of Indemnity and Oblivion was adopted, ostensibly to enable everyone to forgive and forget the past, no number of such acts could have wiped out the memories and the effects of the years between. The theory of the divine right of kings could not survive the experience of the realities of the execution in 1649 and the flight in 1651.

Later Restrictions on the Monarchy. Charles was the Merry Monarch, the easy-going person already pictured above who liked his fun, thought Puritanism no religion for a gentleman, and acted accordingly. As he enjoyed himself, additional laws and precedents were slowly heaped up to confirm the new trend of the English constitution. By acts passed in 1665 and 1667 Parliament revived the old practice of appropriating funds for a specific cause and insisting on an auditing of the royal books afterward. In 1673 the so-called Test Act took away the freedom of the crown to name civil or military officers by providing that thereafter all appointees must pass the anti-Catholic test of repudiating the doctrine of transubstantiation.²⁰ Some years before, in 1667, the King's chief minister, the Earl of Clarendon, was impeached and forced to seek refuge in exile. In 1678–79 impeachment charges were brought against another minister who was then the King's right-hand man, the Earl of Danby.²¹ When the King granted him a pardon, the Commons voted it illegal, and Danby remained in prison for nearly five years. In 1679 also an act was passed to make the writ of habeas corpus more effective. The right to these important writs which protected the citizen against arbitrary imprisonment had supposedly been guaranteed by the Petition of Right (page 373), but the royal agents had found means to evade this regulation. Now the law was so phrased as to defeat most of these devices. This reform act,²² incidentally, was one in whose passage humor played a not inconsiderable part. Voting in Parliament is by the method of division, in which the opposing factions file out separate doors, where they are counted by tellers from each side. Through the "aye" door on this occasion filed a more than usually corpulent lord. The teller for the ayes, who was keeping the count orally, jestingly counted him as ten, but then, seeing that the opposition teller, "who was a man subject to vapors [and] not at all times attentive to what he was doing," had not caught the joke, allowed the addition to stand and went on counting from there. The bill was finally declared passed by less than the margin of affirmative votes thus created, and although the total number of votes cast was more than the number present according to the records. This teller's "error" has been called by a great historian, G. M. Trevelyan, "the best joke ever made in England."²³

The Exclusion Bills and the Revival of Royal Power. On one matter, however, which arose toward the end of his reign, Charles felt deeply enough to assert himself and risk his throne. As a result, the compromise arrangement of 1660–62 was temporarily upset and for a time it appeared that there might be a

¹⁸ Named for Sir Edward Hyde, the King's chief minister, whom Charles created Earl of Clarendon. Actually Clarendon had little to do with the preparation and passage of these acts; S-M, No. 114J–K, P–Q, pp. 542–46, 553–55.

¹⁹ S-M, No. 115, pp. 559–60.

²⁰ S-M, No. 114R pp. 555–56.

²¹ S-M, No. 116F, pp. 572–6.

²² S-M, No. 114U, pp. 557–59.

²³ Godfrey Davies and Edith L. Klotz, in "The Habeas Corpus Act of 1679 in the House of Lords," *Huntington Library Quarterly*, Vol. III, 1939–40, pp. 469–70, are inclined to doubt this story because the minute book of the House of Lords, which has been relied on by other scholars for substantiation of the original historian's (Burnet's) account, can be shown to be not strictly accurate in reporting the total number of members present in the House of Lords at a given half day session. But no discrepancy has been found great enough to account for the difference noted on the day in question, and in any case no evidence has been uncovered that contradicts, or even bears directly on, Burnet's account of the episode, which is a circumstantial one.

genuine restoration of royal power. This important issue, which so roused Charles, was that of the succession. Soon after returning to England the King had married the Portuguese princess Catherine of Braganza, who brought him Bombay as her dowry. There was, however, no issue of this marriage. The next in line of succession, according to the accepted feudal theory, was Charles's brother James, the Duke of York—who, as an interested party in a war with the Dutch in 1664, had given his name to the captured port that is now the American metropolis. But James, bolder than the King, had openly professed the Roman Catholic religion. Englishmen, still brought up on Foxe and in some cases still fearing an effort to regain the old monastic lands, were strongly opposed to a Catholic ruler. From 1679 to 1681 three Exclusion Bills were proposed in Parliament, all designed in one way or another to bar the Duke of York from the throne. Nevertheless, Charles set himself resolutely to secure his brother's legal rights. In a prolonged struggle, which occupied the balance of his reign, he dissolved Parliament, defied the Triennial Act, as rephrased in 1664, by keeping the two houses from meeting for more than four years, and gained his point. This was made possible partly by Charles's own initiative and partly by the fading of memories of the forties and fifties, but largely by the fact that James's probable successor was a Protestant. His first wife, a daughter of Sir Edward Hyde, was a Protestant, and their two children, Mary and Anne, had been brought up in that faith. In 1677 Mary became the wife of the Protestant William of Orange, Stadtholder of Holland, while James had no children by his second marriage with the Italian Catholic Mary of Modena. Consequently, though some of Charles's politically influential subjects thought it worth while to assert the powers they had won in the preceding generation, others felt that in view of the probable short duration of Catholic rule it was more important to preserve the tradition of a hereditary monarchy as a symbol of orderly government.

JAMES II AND THE REVOLUTION OF 1688

The Succession and Reign of James II (1685–89). Charles, therefore, was able to bring about an apparent revival of royal power, and on the succession in 1685 of James—now James II—the new King proceeded to take advantage of this fact. Deceived by the apparent docility of his subjects, he undertook to violate the Test Act by putting Catholic officers in the army. He set up a prerogative court for the Church, under the name of the Ecclesiastical Commission. He also issued another Declaration of Indulgence, which he ordered to be read in all churches. When seven bishops submitted a petition remonstrating against this requirement, he had them arrested and tried for treason. In the midst of these proceedings a son was born to the Catholic Queen. This shattered the hope of an orderly Protestant succession and made the opposition's waiting policy futile. The resulting change of tactics soon disclosed the real weakness of the King's position.

The Invasion of William of Orange, 1688. At James's accession the opposition had been divided. One faction supported the claim of Mary, but another, which objected to a woman ruler with a foreign husband, preferred as its candidate the Duke of Monmouth, an illegitimate son of Charles II. An ill-timed revolt of Monmouth's sympathizers in 1685 ended, however, in his capture. With characteristic political stupidity James had him executed. This served very nicely to unite the opposition, since there was no longer any alternative to the claim of Mary and the Stadtholder. After a tumultuous trial the seven bishops were acquitted by a Middlesex jury amid scenes of great enthusiasm. Thereupon men of nearly all shades of opinion joined in sending William an invitation to come and claim the throne. The Dutch statesman was not particularly interested in getting control of England for its own sake, but he was engaged in a desperate struggle with the Catholic Louis XIV of France, and could very well use English support in his Continental operations. He duly raised an army and waited for a "Protestant wind." It came, and blew William down the Channel to Torbay in Devonshire, obligingly shifting just in time to enable him to make the turn into the port before James's fleet could overtake him.

The Glorious Revolution. Once safely on land, William had only to wait for the fulfillment of the promises already given him. He made no haste to advance on the capital. James collected what army he could and moved west to meet his rival. But every day brought the unhappy monarch news of fresh desertions to the enemy. "Est il possible?" ("Is it possible?"), his bumbling son-in-law, George of Denmark, Anne's husband, kept repeating when such word was brought, until James began to use the French phrase

for the Prince's nickname. Then one day the King's best general, John Churchill, was gone, and the next Est il possible? himself disappeared. James realized that resistance was useless. He abandoned his kingdom, carefully dropping the great seal in the Thames as he went, and after some adventures managed to escape to France in December, 1688. Because of the bloodless nature of this upheaval, the events of these months are commonly referred to as the Glorious Revolution. The next year James came back to claim his throne, landing and soon establishing himself in hospitable and Catholic south Ireland. But William, with the help of the Ulster Irish, who have been called Orangemen ever since, easily defeated him in 1690 at the battle of the Boyne, north of Dublin. James promptly scuttled off to France again, never to return.

THE REVOLUTIONARY SETTLEMENT

The Theory of the Social Compact Adopted. Immediately after James's first fight a Parliament—again called a Convention Parliament, because without the great seal the King's name could not be used on the summonses—was called to arrange the new governmental settlement. When it met, the harmony among those who had invited William disappeared. They had been in agreement about their distaste for James, but, as in the earlier revolutionary period, the leaders who were successful in destroying the old system could not agree on a substitute. The conservative group, called Tories for reasons that will be explained later (page 493), did not wish to abandon the theory of a monarchy based on strict hereditary right and so wanted Mary to rule alone, on the pretext that James had abdicated by his flight and that the throne had automatically descended to her.²⁴ The more advanced party, however, called the Whigs (page 493), advocated the full theory of the social compact (page 360). According to them, James had ruled badly, broken the social contract, and so forfeited his position. The throne was therefore vacant. Parliament, in the name of the nation, might fill it with whomever they chose. And the Whigs preferred to name William and Mary as joint sovereigns. In the end William settled the quarrel in the Whigs' favor by letting it be known that he would refuse to be his wife's "gentleman usher." The Tories were forced to yield, and husband and wife were given the crown jointly, with the right of succession to either survivor.

The Bill of Rights. Besides making a definite ruling on this major issue of political theory, the Convention Parliament decided to put the conditions of the royal tenure in writing this time and leave less to the vague sphere of tacit understandings and gentlemen's agreements. There was talk of drawing up a formal statement of constitutional principles, somewhat after the order of the Instrument of Government. But when it was seen that a long time would be needed to reach an agreement on the terms of such a document, a shorter course was taken, the formulation of a statement of particular governmental abuses to be barred for the future. This was, of course, quite in the tradition of the Great Charter, to which the opposition had been constantly appealing during the seventeenth century. The result was a Declaration of Rights, which, when passed by Parliament in 1689, became the great Bill of Rights.²⁵ This listed most of the faults of which Parliament considered the Stuart monarchs guilty, and settled the crown on William and Mary on the understanding that these misdeeds were not to be repeated. In this bill were included final settlements of many questions of long standing, on which the opposition had obtained some kind of a favorable statutory or legal ruling before, but without being sure of their enforcement. Frequent Parliaments, control of taxation by that body, and freedom of speech in it were all secured. So were the rights of subjects to petition the crown, and to have juries fairly drawn. Cruel and unusual fines, excessive bail, the Ecclesiastical Commission, and the power of the crown to dispense with the enforcement of certain laws were all abolished. The prohibition of the maintenance of a standing army in time of peace without the consent of Parliament was a new principle, introduced to cope with an abuse unknown before the time of James II.

Supplementary Acts. A corollary to this last provision was a supplementary statute called the Mutiny Act, which permitted the raising of an army and the enforcement of martial law for a period of six months.²⁶

²⁴ The superior hereditary claim of James's infant boy was explained away either by the fact that he too had left the country or by asserting that he was an adopted child, not truly born by the royal mother.

²⁵ S-M, No. 120A, pp. 599–605.

²⁶ S-M, No. 120B, pp. 605–06.

On the expiration of this period the act was renewed, as it was regularly later, usually for a year at a time. This helped to ensure frequent meetings of Parliament, though the financial needs of the government were a more compelling cause. Another supplementary statute, called the Act of Toleration, gave freedom of worship to all Christians except Catholics and those extremists who denied the doctrine of the Trinity.²⁷

Later Acts. Even with these supplementary acts, however, some loopholes were left to the executive because of the haste with which the revolutionary settlement was arranged. These loopholes were stopped up by a succession of acts passed before William's death in 1702. By keeping in session for seventeen years a Parliament elected in circumstances unusually favorable to the crown, Charles II had to some extent prevented the true wishes of the electorate from being represented in Parliament in the late sixties and early seventies. A new Triennial Act of 1694 forbade this practice and provided for fresh elections at least every three years.²⁸ A Treasons Act of 1696 protected the interests of potential opponents of the king by requiring that anyone accused of treason must be allowed to see his indictment in advance, and have legal counsel, while proof of the act in question was to be supplied by two witnesses in open court.²⁹ At the same time censorship acts, which had given the royal authorities control over the press, were allowed to lapse.³⁰ Finally, in 1701 an Act of Settlement gathered up the remaining loose ends.³¹ The act was made necessary by the death of the last surviving child of George and Anne. William and Mary—the latter had died in 1694—had no children, and it was thus evident that the line of the Protestant Stuarts was running out. In order to avoid a Catholic successor many individuals with better hereditary claims—such as the members of the Continental House of Savoy, who were descended from Charles the Second's sister Henrietta—were passed over, and the crown was settled on the Protestant Electress Sophia of Hanover and her issue. Sophia was a daughter of James the First's daughter Elizabeth, and her husband the Winter King of Bohemia. Their descendants thus at long last came into a kingdom far greater than the one lost in 1620. In arranging this settlement Parliament seized the opportunity to make a few more conditions. By one of them the action of Parliament in the Danby case (page 444) was confirmed. The king's pardon was not to be a bar to any future impeachment charge. Secondly, the precarious tenure of judicial office which put judges at the mercy of the crown (page 361) was abolished. Henceforth judges were to hold office for life, subject only to charges of misconduct proved in Parliament, instead of holding office at the royal pleasure as before.

THE HANOVERIAN SUCCESSION

Anne (1702–14), the Act of Union, and the Hanoverian Succession. Parliament thus became, to all intents and purposes, theoretically sovereign in England, as it had been in practice since 1689 at the very latest. It had unmade and made kings, and had prescribed the conditions on which they were to hold office. It remained to be seen whether this new combination of laws, precedents, and the national temper would stand the test of an actual Hanoverian succession—whether those who held the real power would accept a German-speaking monarch, of whom they knew nothing, rather than acknowledge the incomparably superior hereditary claim of the son of James II, who after the death of his father in 1701 had continued to reside in France. William died in 1702—killed by a fall when his horse stumbled on a molehill—and his sister-in-law Anne succeeded him. At first she co-operated in the plan to pave the way for the Hanoverian succession, and in 1707 after prolonged negotiations Scotland and England—thereafter known as Great Britain—agreed upon an Act of Union by which they were united under one government, with a single Parliament sitting at Westminster.³² In exchange for giving up their separate government the Scots were granted free trade with England and all the foreign trading rights of Englishmen. This Act of Union was

²⁷ S-M, No. 120D, pp. 607–8.

²⁸ S-M No. 120E, pp. 608–09. The period was changed to seven years in 1716 (S-M No. 123B), p. 618), and to five in the Parliament Act of 1911 (p. 555).

²⁹ S-M, No. 120F, p. 609.

³⁰ S-M, No. 123A, pp. 619–21. For samples of these rules in their earlier forms, see S-M, No. 85, pp. 387–89.

³¹ S-M, No. 120H, pp. 610–12.

³² S-M, No. 121A, pp. 612–15.

largely designed to eliminate the possibility that the Scots—who had been none too cordial to William when he supplanted the direct line of the Scottish Stuarts—might refuse to accept the Hanoverian line when Anne should die. Gradually, however, the Queen, who personally preferred the Tory party, came under the influence of a minister named Henry St. John, Viscount Bolingbroke, whose devotion to the theory of hereditary monarchy was such that he planned to restore the Stuart claimant. To do so he needed a free hand in the government for a period of time before Anne's death long enough to make the proper arrangements. After months of careful preparation the Queen was persuaded to give him the all-important post of Lord Treasurer, but the excitement of the political struggle killed her, and Bolingbroke was not given the six months' time he considered necessary for his scheme. "What a world this is, and how doth fortune banter us," he exclaimed when he realized that his opportunity—golden, as he thought—was slipping from his grasp. Whether, in any case, the country would once more have received a Catholic monarch, or have long retained him had it once done so, is doubtful. But as it happened the matter was not put to the test in the way Bolingbroke had hoped. Sophia had died a few months before Anne, but her son George peacefully succeeded to the English throne in 1714.

Later Unsuccessful Jacobite Revolts: The '15 and the '45. Still there was a vigorous group of Bolingbroke's followers who supported the claims of the Jameses, father and son, and so were called Jacobites—from the Latin name for James, Jacobus. Twice they troubled the Hanoverian government with revolts. In 1715 the son of James II, called James III by his faithful followers but the Pretender by the Hanoverians, claimed the ancestral throne, and there was a rising of his supporters. It was mostly confined to Scotland, and put down without great difficulty. Thirty years later there was another on behalf of the Pretender's son Charles, called the Young Pretender by the Hanoverians to distinguish him from his father, now dubbed the Old Pretender. England was then engaged in a war with France, the King George's War of American history, and "Bonnie Prince Charlie" had some help from abroad. He was able to occupy Edinburgh and invade England, but at length he was put to flight. His adventures during his wanderings and along the route of his ultimate escape to France were even more romantic than those of his grand-uncle and namesake, but his exile had no such happy ending. Eventually he drank himself to death, and with him the Stuart cause leaves the pages of history for those of song and story.³³ Oligarchic liberalism was definitely established in England.

The Nature of the Resulting Liberalism. Why we have called this liberalism oligarchic liberalism may be understood by recalling that parliamentary suffrage was still as limited as it was in the Middle Ages (page 262). Furthermore, by an act passed in 1710 membership in the House of Commons was restricted to men having an income of £600 a year from lands if they were county members, or £300 if burgesses. The legislation of this period naturally reflects the wishes of the elements that were in control of the government. In the Restoration settlement the old feudal dues (wardship, marriage, and so on), which had forced the landed class to pay a good share of the cost of the government, were quietly dropped.³⁴ Instead, Parliament perpetuated the excise (sales) tax introduced during the Civil War period, which bore most heavily upon the common people, since even the purchases of their food were taxed while the upper classes did not spend all of their income in ways subject to the excise. The method of administering existing governmental agencies also reflected the change in control of the machinery involved. The high standards to which the Tudor Stuart councils had held the overseers of the poor were allowed to deteriorate in the troubled period of the Civil Wars. With the propertied classes dominating the government thereafter, these standards could never be restored. Poverty came to be regarded as virtually a crime, and the lot of the underprivileged, from this time until the present century, remained very bad, with emigration the best available remedy.

³³ "Sound the Pibroch," "The Skye Boat Song," "Charlie Was My Darling," "Will You No' Come Back Again?" "Calle, an the King Come," "Bonnie Charlie's Noo Awa'" and many others. The great Scottish poet Robert Burns, though a tax-collector for the Hanoverian government, was an inveterate writer of Jacobite songs.

³⁴ S-M, No. 114B, pp. 536-37.