

**SIGNIFICANT HISTORY OF THE UNITED STATES CONSTITUTION AND
BILL OF RIGHTS IN ENGLAND, 1600-1700**

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1600

The constitutional crisis did not begin in England until the seventeenth century, but the outcome of the struggle for power had far-reaching results. Henry VIII had been able to disengage England from Rome with a minimum of difficulty. One daughter, Mary, had made England Catholic again, and another daughter, Elizabeth, had returned her country to the Protestant fold. These sudden changes provoked only minor uprisings and posed no major constitutional problems except in the relationship between church and state.

The ease with which the Tudor monarchs changed the official religion may be accounted for by the fact that the great religious revival which had sparked both the Catholic and the Protestant reformations on the continent made little headway in England until near the close of the sixteenth century. There were few devout enough to court martyrdom or to plot the overthrow of the dynasty. The memory of the Wars of the Roses and later the threat of a Spanish invasion bound most Englishmen too closely to their sovereigns to permit rebellion, whatever the justification. Then, too, the Tudors had known when and how to lead public opinion and when to acquiesce in the desires of their subjects. Above all else, they had known how to control parliament. This happy combination of experience and circumstance came to an end when Queen Elizabeth-the last of the Tudors-died in 1603. The English crown passed to her cousin, James Stuart, the son of Mary Queen of Scots, who Elizabeth had executed for treason.

The 17th Century was the Golden Age, a period in Dutch history in which its trade, science, and art (e.g., Rembrandt) were among the most acclaimed in the world. Of the 13 colonies in America, they were founded from 1607 (Virginia) to 1733 (Georgia).

1603

KING JAMES I

The first difficulty arose from increasing dissent within the Anglican Church. Many led by the archbishops and bishops wanted to keep the rituals and ceremonies of the Catholic Church. They believed that inward devotion could not exist without "the beauty of holiness." These prelates won the support of the crown, but conflicted with the Puritans. The Puritans wanted to reduce the amount of ritual and emphasize Calvinist theology. Some Puritans were content to work for mild reforms within the existing organization of the church, but the

Presbyterians wanted to abolish the offices of archbishop and bishop and turn the control of the churches over to committees of laymen and clergymen.

James widened the split between Anglican and Puritan, who supported the prelates because his experience with the Presbyterian form of church government in Scotland led him to believe that "Presbytery agreeth as well with a monarch as god and the devil. Then Jack and Tom, and Will and Dick shall meet at their pleasure, censure me and my council and all our proceedings." He swore to make the Puritans conform or "harry them out of the land." Those clergymen who refused to accept the Anglican Prayer book were deprived of their livings.

The status of the monarchy declined under the reign of James I, known as the "wisest fool in Christendom". James believed in the "divine right of Kings". That God had made someone a King and as God could not be wrong, neither could anyone appointed by him to rule a nation. James expected Parliament to do as he wanted, and not argue with his decisions.

However, Parliament had a major advantage - they had money and James was continually short of it. Custom duties was one source of James' income; but Parliament told him that he could not collect it without their permission. So in 1611, James suspended Parliament and it did not meet for another 10 years. James used his friends to run the country and they were rewarded with titles. This offended Members of Parliament who believed they had the right to run the country.

In 1621, James re-called Parliament to discuss the future marriage of his son, Charles, to a Spanish princess. Parliament was outraged. If such a marriage occurred, would the children be raised as Catholics? Spain was still not considered a friendly nation to England and many still remembered 1588 and the Spanish Armada. The marriage never took place but the damaged relationship between King and Parliament was never mended by the time James died in 1625.

GUY FAWKES DAY

Guy Fawkes as a Roman Catholic restorationist from England planned the Gunpowder Plot of 1605. They wanted to displace Protestant rule by blowing up the Houses of Parliament, with King James I and the entire Protestant aristocracy inside. The conspirators saw this as a reaction to systematic discrimination against English Roman Catholics. E.g., at the Hampton Court conference in 1604, King James I attacked both extreme Puritans and Catholics. The King of Spain would not help, so the terrorists rented a cellar beneath the House of Lords. By March 1605, they had hidden 1800 pounds (36 barrels, or 800 kg) of gunpowder in the cellar. Peter Heywood snatched the torch from Fawkes' hand at the last instant.

After his arrest, King James directed that Fawkes be tortured, light at first, but more severe if necessary. After being found guilty, Fawkes and the plotters

were taken to Old Palace Yard in Westminster and St Paul's Yard, where they were to be hanged, drawn and quartered. Fawkes, though weakened by torture, cheated the executioners. When hanged until almost dead, he jumped from the gallows, breaking his neck and died. A co-conspirator, Robert Keyes, attempted the same trick; but unfortunately for him the rope broke, so he was disemboweled fully conscious.

John Milton's Satan in book six of *Paradise Lost* was inspired by Fawkes — the Devil invents gunpowder to try to match God's thunderbolts. Post-Reformation and anti-Catholic literature often personified Fawkes as the Devil in this way. From Puritan polemics to popular literature, all sought to associate Fawkes with the demonic. However, his reputation has since undergone a rehabilitation, and today some toast him as, "The last man to enter Parliament with honorable intentions."

SHAKESPEARE

The most influential writer in all of English literature, William Shakespeare was born in 1564 to a successful middle class glove maker in Stratford upon Avon, England. Shakespeare attended grammar school, but his formal education proceeded no further. In 1582 he married an older woman, Anne Hathaway, and had three children with her. Around 1590 he left his family behind and traveled to London to work as an actor and playwright. Public and critical success quickly followed, and Shakespeare eventually became the most popular playwright in England and part-owner of the Globe Theater.

His career bridged the reigns of Elizabeth I (ruled 1558–1603) and James I (ruled 1603–1625), and he was a favorite of both monarchs. Wealthy and renowned, Shakespeare retired to Stratford and died in 1616 at the age of fifty-two.

Shakespeare authored *King Lear* around 1605, between *Othello* and *Macbeth*, and it is usually ranked with *Hamlet* as one of his greatest plays. The setting of *King Lear* is as far removed from Shakespeare's time as the setting of any of his other plays, dramatizing events from the eighth century b.c. But the parallel stories of Lear's and Gloucester's sufferings at the hands of their own children reflect anxieties that would have been close to home for Shakespeare's audience.

One possible event that may have influenced this play is a lawsuit that occurred not long before *King Lear* was written, in which the eldest of three sisters tried to have her elderly father, Sir Brian Annesley, declared insane so she could control his property. Annesley's youngest daughter, Cordell, successfully defended her father against her sister. Another event that Shakespeare and his audience would have been familiar with is the case of William Allen, a mayor of London who was treated very poorly by his three daughters after dividing his wealth among them. Not least among relevant developments was the then recent

transfer of power from Elizabeth I to James I, which occurred in 1603. Elizabeth had produced no male heir, and the anxiety about who her successor would be was fueled by fears that a dynastic struggle along the lines of the fifteenth-century Wars of the Roses might ensue.

Elizabethan England was an extremely hierarchical society, demanding that absolute deference be paid and respect be shown not only to the wealthy and powerful but also to parents and the elderly. King Lear demonstrates how vulnerable parents and noblemen are to the depredations of unscrupulous children and thus how fragile the fabric of Elizabethan society actually was.

1620

THE MAYFLOWER

In 1620 one hundred Puritans boarded the 'Mayflower' bound for the New World. They saw little chance of England becoming a country in which they wished to live. According to William Bradford, on November 9th, 1620, the 'Mayflower' sighted what is now Cape Cod. Despite seeing land, the crew searched for another month to find somewhere to land. They eventually landed and named their settlement "Plimouth" (also historically known as "Plimoth", an old English spelling of the name) after the major port city in Devon, England from which the Mayflower sailed.

On December 25th, after finding a place where the Mayflower could be safely anchored, the Pilgrim Fathers began to build the first house for common use. Half died from sickness the first winter because of the cold weather and the inadequate housing they built.

A Native American named Squanto helped those that survived. He showed them how to sow maize and how to cultivate the crop. Bradford claimed that seeds brought from England were of little use. Over the next few years, as life for Puritans became more uncomfortable in England, more made the journey across the Atlantic. By 1630, their numbers were such that the Puritans were able to establish the Massachusetts Bay Company and Boston, which was to grow as a major port. Despite the privations of 1620, the Puritans founded colonies that thrived and their success depended on fishing, shipbuilding, trade and farming.

THE MAYFLOWER COMPACT:

The Mayflower Compact was the first governing document of Plymouth Colony. It was written by the Separatists later known as the Pilgrims who crossed the Atlantic aboard the Mayflower, seeking the freedom to practice Christianity according to their own determination and not the will of the English Church. It was signed by 41 of the approximately 100 passengers in what is Provincetown Harbor near Cape Cod.

The Mayflower Compact was based simultaneously upon a majoritarian model (even though the signers were not in the majority) and the settlers' allegiance to the King. It was in essence a social contract in which the settlers consented to follow the compact's rules and regulations for the sake of survival.

1625

KING CHARLES I

Charles was the second son of James I. His elder brother, Henry, died in 1612. Like Henry VIII, his accession to the throne depended on the death of his elder brother. Charles I became King of England in 1625, the second of the Stuart Kings.

Charles was a quiet person who tended to stay in the background as he had a stammer. Also conscious of his height, just over 5 feet tall. In paintings of Charles and his family, the children sat on the floor at his feet. His wife, the catholic Henrietta Maria of France, sat in a chair making it appear Charles was taller than everyone else.

Charles was a good linguist and he developed a great love of art. Van Dyck and Rubens painted in England at his invitation and Charles spent a fortune on paintings by the masters such as Titian and Raphael. His collection of art, though impressive, put him in a difficult financial position.

When Charles was crowned in 1625, his relationship with the numerous Puritans in the House of Commons should have gotten off to a fresh start as compared to his father, James I. However, Charles relied too heavily on the Duke of Buckingham, one too closely linked to Catholicism. Ironically, Charles did all he could to associate himself with the Church. But the State Church was also tarnished – so either course of action had its problems.

Charles preferred grand church services, full of ritual and color. This clashed with many who preferred plain and simple services. Charles angered many by having favorites at court. His most favored advisor was the Duke of Buckingham who was murdered in 1628. Parliament agreed that Charles could pick his own advisors but only if the person appointed was acceptable to them.

Buckingham cultivated in Charles a belief that the King was always right. In this, Charles shared his father's belief in the Divine Right of Kings. He frequently took positions and refused change regardless of arguments put before him. Such a trait would have disastrous consequences.

Constant arguments led Charles to lock out Members of Parliament for 11 years - from 1629 to 1640 (the so-called Eleven Years Tyranny). A King could do this under what was known as Royal Prerogative. This caused little anger among

the people of England. Many Members of Parliament used their position for personal gain, usually at the expense of the people.

In 1628, Charles appointed Laud, Chancellor of Oxford University, a Puritan stronghold. Whether done to deliberately provoke Puritans will never be known. By 1633, Laud was Archbishop of Canterbury. Once Archbishop, Laud embarked on a campaign to suppress Puritan lecturers. Oxford and Cambridge Universities had produced a number of able graduates who were employed by local Puritan merchants to deliver lectures. Within the square mile of the City of London, forty-six lecturers delivered sixty sermons a week. It should have come as no surprise to Charles that the City would oppose such a rule.

Parliament took advantage of the King's financial weakness. They were willing to support the King but wanted the heads of his two most influential advisors. Both Laud and Wentworth survived their trials but Parliament resorted to a Bill of Attainder for both men who were subsequently beheaded.

In December 1628, Charles issued a royal declaration that reform of the church was no concern of Parliament. The judiciary also backed the King and consistently found in his favor over where power lay.

Offices, as usual, went to the highest bidder and this frequently meant that they stayed within a certain family that had raised sufficient revenue to afford to keep it. Sir Julius Caesar held the Mastership of the Rolls from 1614 to 1636. In 1639, his son Charles bought the office for £15,000; of course many made a great deal of money from their positions. Keeping the office within a family did not guarantee the next incumbent could do the job.

Charles ruled by using the Court of Star Chamber. To raise money for the King, the Court heavily fined those brought before it. Rich men were persuaded to buy titles. If they refused to do so, they were fined the same sum of money it would have cost for a title anyway.

In 1637, Charles tried to impose a new prayer book on the Scots - he had been crowned King of Scotland in 1633. The Scots wanted simple and plain prayer services while the new prayer book required more ritual and grandeur. This clash led to the Scots invading England and occupying Durham and Newcastle.

In November 1640, Charles was forced into recalling Parliament as only they had the money needed to finance a war with the Scots or, as happened, giving the Scots a sum of money to get them to leave England. Parliament would assist the King if he agreed on the following:

- (1) Laud and Strafford to be removed as advisors and put on trial. Both men were eventually executed.
- (2) Ship Money was to be declared illegal.
- (3) Parliament could never be dismissed without

assent of Parliament. If, for whatever reason, Parliament was dismissed, no more than three years could pass before a new one was called.

Such demands clearly challenged Charles' belief in the divine right of Kings to govern as they saw fit. They were on a collision course.

His foreign policy was a disaster. Mansfeld's expedition to Northern Europe failed. Part of the navy supported an attack on the French Protestants at La Rochelle besieged by Richelieu's forces. Many could not understand why a Protestant naval force was assisting a Catholic army in attempting to defeat another Protestant force.

Charles had also lost the support of the House of Lords as a result of his treatment of John Digby, the Earl of Bristol. He had been James's primary link with Spain since 1611 but was blamed by James and Charles, egged on by Buckingham, for the Spanish Match fiasco. When Charles became King in 1625, he offered Bristol an olive branch – if Bristol admitted that the failure of the Spanish Match was his fault, he would be returned to favor. Bristol would not do this and Charles responded by claiming that Bristol had tried to convert him to Catholicism while in Madrid. This was a highly inflammable claim and Bristol demanded a trial in front of the Lords and in April 1626, he got his wish.

The dissolving of Parliament two months later ended the trial; but it showed how the King could potentially treat all of them. Less than two years into his reign, Charles had managed to anger both houses of Parliament and upset some highly influential men in both houses.

Charles financed a war with France by resorting to extreme measures. He invited the gentry to contribute to a forced loan. Those who failed to pay were thrown in jail. He ordered maritime ports to pay for any improvement required in the navy. Troops were billeted on the public. To further enforce his authority, Charles placed several counties under martial law.

THE PETITION OF RIGHT

In March 1628, a new parliament was called. It had all the potential for major trouble; however, it was not as traumatic as predicted. Eliot was brought into line by being convinced that a further campaign against Buckingham would prove less fruitful than a campaign against Charles. The Commons decided to launch a campaign that would limit the King's power of arbitrary imprisonment. The Commons decided to use a 'Petition of Right' which was meant to defend 'ancient, sober and vital liberties'.

The Petition made illegal arbitrary imprisonment (without a stated reason), taxation without Parliament's consent, billeting of the army on the public, and subjecting civilians to martial law. Charles gave his "royal word" to

uphold the Petition; yet just two years into his reign he had lost Parliament and his “word” was not good enough. Parliament wanted the Petition to have full legality and in an instance where Charles climbed down, he gave the Royal Assent to the Petition of Right on June 7th 1628.

1636

Cambridge College founded in Cambridge, Massachusetts, three years later to be renamed for clergyman John Harvard.

THE ENGLISH CIVIL WAR

In 1642, Charles attempted to arrest his 5 leading critics in Parliament. They fled to the safety of London which made conflict inevitable. Charles raised his royal standard at Nottingham in August 1642 and called on all loyal subjects to support him. He made Oxford his headquarters for the war. Sir William Waller, a Member of Parliament, called the English Civil War "this war without an enemy."

There were only three major battles in the English Civil War – Edge Hill (1642) Marston Moor (1644) and Naseby (1645). ... In 1646, Charles surrendered to the Scots rather than to Parliament. He hoped to take advantage of the fragile Scottish and Parliamentary alliance that could collapse at any time. Instead the Scots took advantage of Charles and sold him to Parliament for £400,000 in January 1647. The problem now was what to do with him. The King actually helped in his own downfall.

In November 1647, Charles escaped to Carisbrooke Castle on the Isle of Wight and in 1648 the short-lived second civil war broke out. The supporters of the King were defeated at Preston. Charles proved to Parliament he could not be trusted. They tried Charles at Westminster Hall in January 1649, and found him guilty. He had “traitorously and maliciously levied war against the present Parliament and the people therein represented.” Charles was executed on January 30th, 1649.

The English Civil War had many causes but Charles’ personality must be counted the major one. At the start, few could have predicted the civil war would have ended with the public execution of Charles. His most famous opponent in this war was Oliver Cromwell - one of the men who signed the death warrant. No King had ever been executed in England and the execution of Charles was not greeted with joy.

1651

King Louis XIV (1638-1715) of France would play a significant role in Europe, America, and especially in England. He was “of age” (13) on the throne

in 1651, and would reign for 72 years, the longest in the recorded history of Europe.

1653

OLIVER CROMWELL

In the 1630s Cromwell, a Puritan, experienced a religious crisis convinced he carried out the purposes of God. The word "Puritan" means followers who had pure souls and lived a good life. He believed that everybody should lead their lives according to the Bible. In 1640 the people of Cambridge elected him first in the Short Parliament and then in the Long Parliament.

Although Cromwell lacked military experience, during the English Civil War he created and led a superb force of cavalry, the *Ironsides*, and rose from the rank of captain to that of lieutenant-general in three years. He convinced parliament to establish a professional army - the New Model Army - which won the decisive victory over the King's forces at Naseby (1645).

The King's alliance with the Scots and his subsequent defeat in the Second Civil War convinced Cromwell that the King must be brought to justice. He was a prime mover in the trial and execution of Charles I in 1649 and subsequently sought to win conservative support for the new republic by suppressing radical elements in the army.

Cromwell became army commander and lord lieutenant of Ireland, where he crushed resistance with the massacres of the garrisons at Drogheda and Wexford (1649). He killed them despite surrender on the promise of amnesty. He ordered all Irish children sent to the West Indies to work as slave laborers in the sugar plantations. He knew many would die out there - but dead children could not grow into adults and have more children. Cromwell left a dark stain on the history of Ireland.

Cromwell then defeated the supporters of the King's son Charles II at Dunbar (1650) and Worcester (1651), effectively ending the civil war. The victors then quarreled. The Presbyterian wing of the Puritan movement, supported by the Scots, sought to set up a constitutional monarchy with Charles at its head and their creed as the established church of England. In this, they were opposed by the army, which was more radical than Parliament. Many soldiers wanted a republic and still more were Independents, a left-wing branch of Puritanism. The Independents favored religious toleration for all except the Catholics and Anglicans and opposed Presbyterianism as the established church. Added to these political and religious grievances, Parliament refused to pay the troops.

The army drew up the Instrument of Government, the only written constitution England has ever had. By its terms, Cromwell was made Lord Protector for life and a new Parliament was ordered.

In 1653, frustrated with lack of progress, he dissolved the rump of the Long Parliament. He thought a new Parliament should consist of righteous men on the advice of the Independent preachers. The religious fanaticism of this Parliament is best illustrated by the name of one of its members, Praise-God Barebones. Within five months, this group of extremists had so angered Cromwell by their impractical policies that he turned them out as well. Although his Puritan convention (popularly known as Barebones Parliament) failed, it made Cromwell lord protector. In 1657 Cromwell refused the offer of the crown – probably the only humble decision he ever made.

At home Lord Protector Cromwell reorganized the national church, established Puritanism, readmitted Jews into Britain and presided over a certain degree of religious tolerance. Abroad, he ended the war with Portugal (1653) and Holland (1654) and allied with France against Spain, defeating the Spanish at the Battle of the Dunes (1658).

Cromwell had purged Parliament of ninety-six Presbyterian members, and seizing, trying, and executing the faithless Charles. The monarchy terminated and the House of Lords abolished. The problem was to find an alternative form of government.

His rule included rigid social and religious laws along radical Protestant lines. Cromwell's government divided the country into 11 districts, each under a major general, who collected tax, dispensed justice, and took on the task of guarding public morality. Church attendance was compulsory. Horse racing and cockfights banned, plays prohibited, gambling dens and brothels closed, as were many alehouses. Drunkenness and blasphemy were harshly dealt with. People being people, these measures were extremely unpopular.

The Puritans believed that if you worked hard, you would get to Heaven. Pointless enjoyment was frowned upon. Cromwell shut many inns, theatres, and banned most sports. Boys caught playing football on a Sunday were whipped. Swearing was initially fined, and those who kept swearing sent to prison. Sunday became a very special day under the Puritans. They banned most forms of work. Women caught doing unnecessary work on the Holy Day could be put in the stocks. Simply going for a Sunday walk (unless it was to church) could lead to a hefty fine.

To keep the population's mind on religion, instead of having feast days to celebrate the saints (as had been common in Medieval England), everyone was to fast one day a month. Cromwell believed that women and girls should dress in a proper manner. Make-up was banned. Puritan leaders and soldiers would roam the streets of towns and scrub off any make-up found on unsuspecting women. No colorful dresses. A Puritan lady wore a long black dress from neck to toes. She wore a white apron and her hair was bunched up behind a white head-dress. Puritan men wore black clothes and short hair.

By the 17th Century, Christmas had become a holiday of celebration and enjoyment - especially after the problems caused by the civil war. Cromwell banned Christmas and wanted it returned to a religious celebration where people thought about the birth of Jesus rather than ate and drank too much. Soldiers were ordered to go round the streets and take, by force if necessary, food being cooked for a Christmas celebration. The smell of a goose being cooked could bring trouble. Traditional Christmas decorations like holly were banned.

Despite all these rules, Cromwell himself was not strict. He enjoyed music, hunting and playing bowls. He even allowed full-scale entertainment at his daughter's wedding. Despite being a highly "religious" man, Cromwell had a hatred for the Irish Catholics. He thought them all potential traitors, willing to help any Catholic nation that wanted to attack England (he clearly did not know too much about the 1588 Spanish Armada).

Cromwell had a bodyguard of 160 men during the Protectorate. In the end he was just as dictatorial and autocratic as Charles and James had been. He called Parliament when he needed money and dismissed it when it argued. The results of the Commonwealth and the Protectorate confirmed in the English a hatred of military rule and the severe Puritanism associated with it. From this point on, Parliament opposed Puritanism vigorously.

By the end of his life, the people hated both Cromwell and the 11 major-generals who helped to run the country. The population tired of having strict rules forced onto them. Cromwell died in September 1658. His coffin was escorted by over 30,000 soldiers as it was taken to Westminster Abbey where he was buried, the place of Kings and Queens.

His son, Richard, took over leadership of the country. However, Richard was clearly not up to the task and in 1660 left the job. Most of the population and Parliament asked Charles II to return to become King of England.

Charles II first ordered Cromwell's body dug up and put on trial as a traitor and regicide (someone who is responsible for the execution/murder of a King or queen) for the death of his father. Cromwell's body was put on trial, found guilty, and symbolically hanged from a gallows. What was left of his body remains a mystery. His head was put on display in London for many years.

1660

BILL OF ATTAINDER

A bill, act or writ of attainder was a piece of legislation that declared a person guilty of a crime. A Bill of Attainder allowed for the guilty party to be punished without a trial, part of the English common law. Whereas Habeus Corpus guaranteed a fair trial by jury, a bill of attainder bypassed it. Despite its unfair nature, they were not abolished in the United Kingdom until 1870.

The word “attainder” meant tainted, used mostly for treason. It suspended a person’s civil rights and guaranteed the person would be found guilty of the crimes stated in the bill as long as the King granted his Royal Assent. Serious crimes invariably led to execution. The Crown would confiscate the guilty person’s property as they had no right to make a will. All titles held would go to the Crown. In this sense, the attainted person’s family were also punished, though not to the same degree.

The first Bill of Attainder was used in 1321 and the last in 1798. The most famous people to be executed as a result were Thomas Cromwell in 1540, Catherine Howard in 1542, and Laud and Strafford in 1641. In Catherine’s case, Henry VIII delegated the passing of the Royal Assent to others so that he did not have to sign the document himself. In May 1660, Bills of Attainder were served on Oliver Cromwell and John Bradshaw (the judge at Charles I trial), backdated to January 1649 – the month and year Charles was executed. The bill stated that all the bodies were to be dug up and symbolically executed as befitted traitors.

After Cromwell died, England had seven governments in the course of twelve months. A real economic crisis. So England brought back its King.

KING CHARLES II

General Monck, commander of the Protectorate’s army in Scotland, believed restoration of the monarchy the only way to unify the country, with Parliament governing the country. In this way the people would have an individual to rally around while Parliament continued to represent the will of the people when it came to decision-making.

Edward Hyde, 1st Earl of Clarendon, negotiated the Restoration Settlement on behalf of Charles. The final settlement was based on the Declaration of Breda (April 1660) in which Charles promised liberty of conscience, a land settlement and arrears of pay for the army. However, Parliament was to work out the details of these intentions– a sign of the relationship Charles and Parliament was to have. Parliament made clear they would not tolerate behavior associated with Charles I. Charles II would not have needed reminding that his father had paid with his life as a result of taking on Parliament.

In 1660 Parliament offered to restore the monarchy if Charles would agree to concessions for religious toleration and a general amnesty. Charles was not as hard-headed as his father, and he agreed to the proposals. He returned to London on a wave of popular support to be crowned Charles II (1660-85).

Charles’ closest five advisors had initials which formed the word “Cabal”, which came to mean a secret association because they were suspected to be the real power behind the throne. The Restoration was notable for a relaxation of the strict Puritan morality of the previous decades. Theatre, sports, and dancing were

revived. Charles' court was notable for its revelry and licentiousness. While Charles was enjoying his new court, he was less than successful internationally. The English fought a losing naval war with the Dutch, and England's presence on the high seas had never been so low.

Under Charles II there was a general move towards a cabinet style of government. Groups formed which were the fore-runners of the later Tories (the court party, supporting royal prerogative), and the Whigs (the country party, supporting Parliamentary rights in moderation). The name "Whigs" came from the Whiggamores, Scottish rebels against the King, while the "Tories" were named after Catholic royalist rebels in Ireland.

The Exclusion Crisis contributed to the development of the English two-party system: the Whigs were those who supported the Bill, while the Tories opposed it. Ultimately, the succession was not altered, but James was convinced to withdraw from all policy-making bodies and to accept a lesser role in his brother's government.

Ironically because royal power had not been resolved, Charles arrived in London with many powers that had been removed from his father. He could select his ministers and summon, prorogue and dissolve Parliament.

The one area that Parliament could have exerted its authority over the King was money. Charles II had been a King in exile and though he returned in a blaze of glory, he had no obvious income to match his new status. Both King and Parliament would have been aware that money, ultimately, was the issue that drove his father, Charles I, and Parliament apart. The split ended on a cold January day in 1649 when Charles I was beheaded. So no one needed reminding that money is always a major issue.

Charles II and Parliament made a financial settlement, which came from Crown lands, custom duties, and new excise duties on certain commodities. In return Charles II had to surrender the Crown's old feudal rights, such as wardships, and his prerogative powers over taxation, which would prevent his levying taxes without Parliamentary agreement.

The settlement on paper was very generous. However, the new excise duties did not raise as much as was anticipated and Charles received about 2/3rds of the agreed allowance. Later monarchs were to benefit from this settlement. As trade increased, so did the revenue from excise duties. But this did not help Charles. In times of war, he had to ask Parliament for additional money. Though the raising of revenue had been the major cause of war between Charles I and Parliament, it turned out not to be an issue between Charles II and Parliament.

1661

Charles was further helped in early 1661 when a general election brought in a Parliament with a majority of Royalists, soon called the 'Cavalier Parliament'. While unwilling to give up any of its powers, it refused to clash with the King; both had a similar philosophy, similar ideologies, and worked together well.

The Cavalier Parliament first met in April 1661 and approved anti-republican legislation. There was still a fear in the country of republican movements. In a gesture of loyalty, Parliament declared the King as sole controller of the militia in the land:

“The sole supreme government, command and disposition of the militia and of all forces by sea and land, and of all forts...is, by the laws of England ever was, the undoubted right of his majesty....and that both or either houses cannot, nor ought to pretend the same.”

Anglicans dominated the Cavalier Parliament, convinced that Dissenters were social revolutionaries. The “proof” for this came from a failed London rebellion of the Fifth Monarchy Men in January 1661 who believed that Christ was about to begin his reign on Earth. Out of a fear of social revolution, the Anglicans passed four acts that created the two worlds of Anglicanism and Nonconformity.

The Corporation Act of 1661 strengthened the power of Charles II and was part of the Restoration Settlement. The Act removed from town office anyone suspected of disloyalty. In the years leading to the Civil War and in the years of the Interregnum, many Royalists had been removed from office and replaced by those loyal to Parliament. The Corporation Act appointed commissioners who could remove anyone from office who refused the oaths of allegiance and supremacy, the oath against resisting the Crown, the declaration against the covenant, or believed him unloyal to the government. As a result the Corporation Act of 1661, Royalists extended royal influence throughout England, a highly effective piece of legislation.

Further acts continued this approach – and their titles clearly indicate the thinking behind them. ‘The Act for the Safety and Preservation of His Majesty’s Person and Government’; ‘The Act to Preserve the Person and Government of the King’; ‘The Act Against Tumultuous Petitioning’ (this forbade large scale petitioning) and the 1662 Licensing Act, which allowed the publishing of books only with a license from authorities.

The Act of Uniformity (May 1662) reinforced the Prayer Book of Elizabeth I. It showed no concessions to the Dissenters and as a result 1,760 ministers and 150 dons and teachers lost their living, with no compensation. The Conventicle Act (May 1664) penalized anyone who attended a Dissenters congregation or

preached at one, and the owners of the building. The Five Mile Act (October 1665) attempted to force Dissenters out of towns where they ministered, forbidding them to teach or take in lodgers.

1665

THE GREAT PLAGUE AND THE GREAT FIRE

In 1665 the Great Plague climaxed in London, decimating the population. Not surprisingly, the first victims of the plague were found in the poorer districts of the city. The cramped living conditions, with so many in the slum areas of London, meant that people could not avoid contact with either the rats, the insects biting the rats, or someone who had the disease. A popular nursery rhyme best summed up the symptoms of the plague:

*Ring-a-ring of roses,
A pocketful of posies,
Attischo, Attischo,
We all fall down*

The first stanza was a reference to red circular blotches found on the skin. These could develop into large and painful puss filled sacs under the armpits and groin. The second stanza refers to a belief that a cloud of poisonous gas spread the disease, stopped if you carried flowers, as the smell of the flowers would overpower the germs. As the disease got worse, “bad breath” was an understatement. The final symptom was a sneezing fit promptly followed by death.

The approaching winter halted the spread of the disease as the weather took its toll on the rats and fleas. Though the worst had passed by the end of 1665, the end of the plague as a major killer only occurred with the Great Fire of London – the city’s second tragedy in two years. The fire devastated 80% of London, and 13,000 homes.

In 1666 the Great Fire burned 450 acres and left large parts of the capital in ruins. The fire is said to have started in a bake house at the bottom of Pudding Lane. It destroyed Old St. Paul's Cathedral. Within days of the fire, architect Christopher Wren presented the King with a plan for a new cathedral. With some alterations this became the magnificent church that stands today. Wren was master of works for the construction of the cathedral for the rest of his life, in addition to being responsible for scores of other churches and the Royal Naval College at Greenwich.

1678

POPISSH PLOT

Titus Oates was a renegade who had joined the Church after Cambridge University but was dismissed from his post for drunken blasphemy. He became the chaplain for a Royal Naval ship, the *Adventurer*, but he was dismissed for sodomy.

To elevate himself in society after his fall from grace, Oates discovered a plot to kill the King – what became known as the ‘Popish Plot’. He “uncovered” the plot after he managed to infiltrate Jesuits based in London. The plan was to kill the King, Charles II, and replace him with his Catholic brother James. Thousands of Protestants would be killed in a blood bath.

It was all nonsense – the invention of a fertile if warped mind - but events at the time conspired to assist Oates. In 1666 many Londoners had blamed the Catholics for the Great Fire, so blaming the Catholics was not new. London was also in the grip of an economic depression and many were unemployed. Catholics became a convenient scapegoat blamed for just about anything.

Oates gave, under oath, an account of what he had found out from the Jesuits. This account was made to a magistrate called Sir Edmund Geoffrey. He was found murdered in London after Oates had given his statement, serving to heighten tension. In September, Oates named many Catholics as being part of the conspiracy. Charles II treated his claims with huge skepticism but Parliament latched on to them and argued that they should be investigated. Oates was given a state apartment in Whitehall and an annual allowance. He also gained much credibility when one of the first names he gave – Edward Coleman – was found to be in treasonable communication with the French. This played into the hands of Oates and “proved” that his claims were true.

Coleman had been a secretary to the Catholic Duke of York. To many in London, Oates’ story seemed to make perfect sense. Known Catholics were ordered to leave London and many Protestants in the city openly carried weapons to defend themselves against what they perceived to be an impending Catholic onslaught. This hysteria played into the hands of Oates and served to elevate his status in London.

Oates accused five leading Catholic Lords of treason. Charles II greeted it with laughter. The King personally questioned Oates and found large discrepancies in his story. Oates upped his story by accusing the Queen and the Royal Doctor of plotting to poison Charles. The King was not willing to accept such nonsense and ordered Oates’ arrest. However, Parliament stepped in and saved Oates, such was the paranoia he had created. Unwilling to take on Parliament, Charles agreed not to proceed with the arrest. Significantly, by the end of 1678 Parliament had passed two acts that forbade Catholics from being members of either the Commons or the Lords.

A number of Catholics had been executed as a result of the hysteria created. Oates was sent to prison for perjury but was released in 1688 by William III with a weekly income of £10. For the short-term chaos he had created, probably not a deserved outcome.

1679

HABEUS CORPUS

On the judicial front, the Habeus Corpus Act (1679) made justice officials responsible for the welfare of prisoners in their care, provided for a speedy trial, and ensured that a person could not be tried twice for the same crime.

Social conditions during the 17th century were abysmal. Laws were harsh, and religious non-conformists and Catholics faced heavy discrimination. On the other hand, things were so much better in England than elsewhere in Europe that England served as an example of model government to such continental commentators as Voltaire and Montesquieu. Perspective is everything.

KING JAMES II

THE EARLY YEARS

James was the younger brother to Charles II. His early life dominated by the English Civil War and years in exile. While abroad, James fought with both the French and Spanish armies. After Oliver Cromwell's death in 1658 and the subsequent collapse of the Commonwealth in 1660, Charles II was restored to the English throne. Although James was the heir-presumptive, it seemed unlikely that he would inherit the crown, as Charles was still a young man capable of fathering children.

Upon his brother's restoration, James was named Duke of Albany in Scotland, to go along with his English title, Duke of York. Upon his return to England, James produced an immediate controversy by announcing his engagement to Anne Hyde, the daughter of Charles's chief minister, Edward Hyde. Their first child, Charles, was born less than two months later, but died in infancy, as did five further sons and daughters. Only two daughters survived: Mary (born 30 April 1662) and Anne (born 6 February 1665).

Samuel Pepys wrote that James was fond of his children and his role as a father, a contrast to the distant parenting common to royals at the time. James's wife was devoted to him and influenced many of his decisions. Even so, he kept a variety of mistresses, including Arabella Churchill and Catherine Sedley, and was reputed to be "the most unguarded ogler of his time." Anne Hyde died in 1671.

Whereas Charles gained a reputation as a man whole could hold his own in politics when required to do so, James was seen as being dull, slow and incapable

of grasping the politics of the day. To Parliament, Charles was pragmatic and flexible in his approach. James was far too honest for his own good and let everyone know his beliefs. He had a devotion to the memory of his father and an adherence to absolute Catholicism, something he had experienced in Spain and France in his earlier years. James developed the belief that Parliament could only be controlled by an authoritarian approach - not that different from his father, or his brother in the later years of his reign.

During the reign of Charles, James was appointed Lord High Admiral, in charge during an era of major reform both of naval expansion and training. He led the Navy against the Dutch in the Second Anglo-Dutch War (1665-67) and the Third Anglo-Dutch War (1672-74). James received praise for his courageous leadership – but not for his strategy. The office of Lord High Admiral, combined with his revenue from post office and wine tariffs (granted him by Charles upon his restoration) gave James a sufficient salary to keep a sizeable court household.

Following its capture by the English in 1664, the Dutch territory of New Netherland was named the Province of New York (now New York City) in James' honor. After the founding, he gave the colony to proprietors George Carteret and John Lord Berkeley. Fort Orange, 150 miles north on the Hudson River, was renamed Albany after James's Scottish title. In 1683, he became the governor of the Hudson's Bay Company, but did not take an active role in its governance. James also headed the Royal African Company, which participated in the slave trade.

In 1669, James was received into the Catholic faith. As an heir to the throne of Britain, such a move caused trouble. Charles was in good health for a number of years after this but as his health failed, the possibility that might James might ascend to the throne caused a crisis. Supported by his brother, James was duly named as the true successor when Charles died.

Charles II opposed James' conversion to Catholicism, ordering that James's daughters, Mary and Anne, be raised as Protestants. Nevertheless, he allowed James to marry the Catholic Mary of Modena, a fifteen-year-old Italian princess. James and Mary were married by proxy in a Catholic ceremony on 20 September 1673. On 21 November, Mary arrived in England and Nathaniel Crew, Bishop of Oxford, performed a brief Anglican service that did little more than recognize the Catholic marriage. Many of the English, distrustful of Catholicism, regarded the new Duchess of York as an agent of the Pope.

Growing fears of Catholic influence at court led the English Parliament to introduce a new Test Act in 1673. Under this Act, all civil and military officials were required to take an oath (in which they were required not only to disavow the doctrine of transubstantiation, but also denounce certain practices of the Catholic Church as "superstitious and idolatrous") and to receive the Eucharist under the auspices of the Church of England. James refused to perform both

actions, instead choosing to relinquish the post of Lord High Admiral. His conversion to Catholicism was thereby made public.

In spite of his conversion to Catholicism, James continued to associate primarily with Anglicans, including John Churchill and George Legge, as well as French Protestants, such as Louis de Duras, the Earl of Feversham. In 1677, James reluctantly consented to his daughter Mary's marriage to the Protestant William of Orange (who was also James' nephew). James acquiesced after his brother Charles and William had agreed upon the marriage. Despite the Protestant marriage, fears of a potential Catholic monarch persisted, intensified by the failure of Charles II and his wife, Catherine of Braganza, to produce any children.

[In 1678 John Bunyan published *Pilgrim's Progress*]

In 1683, a plot was uncovered to assassinate Charles and James and spark a republican revolution to re-establish a government of the Cromwellian style. This conspiracy, known as the Rye House Plot, backfired and provoked a wave of sympathy for them. Several notable Whigs, including the Earl of Essex and the King's illegitimate son, the Duke of Monmouth, were implicated. Essex committed suicide and Monmouth, along with several others, was obliged to flee into exile. Charles reacted to the plot by increasing repression of Whigs and dissenters. Taking advantage of James's rebounding popularity, Charles invited him back onto the privy council in 1684. While some in English Parliament remained wary of the possibility of a Catholic King, the threat of excluding James from the throne had passed.

1685

James II became King in 1685. As tradition, Parliament gave him a generous reception to start to his reign. James was handed the largest grant given to any Stuart monarch. The 'honeymoon' era, however, lasted only a few months. In November 1685, he prorogued Parliament when it questioned his appointment of Catholic officers into the army and organizing the army on the lines of the French. That he held summer training camps for the army on Blackheath (south-east of the city) and Hounslow Heath (to the west of the city) was seen as a potential threat to London should the King decide to flex his muscles. In short, his attempt to move England to absolute Catholicism led to the 1688 Revolution and his removal from the throne. These three short years had to seem like an eternity to those involved.

Soon after becoming King, James faced a rebellion in southern England led by his nephew, the Duke of Monmouth, and another rebellion in Scotland led by Archibald Campbell, the Earl of Argyll. Argyll and Monmouth both began their expeditions from Holland, where James' nephew and son-in-law, William of Orange, had neglected to detain them or put a stop to their recruitment efforts. Argyll sailed to Scotland and, on arriving there, raised recruits mainly from

amongst his own clan, the Campbells. The rebellion was quickly crushed, and Argyll himself was captured at Inchinnan on June 18, 1685. Having arrived with fewer than 300 men and unable to convince many more to flock to his standard, Argyll never posed a credible threat to James. He was executed on June, 30 in Edinburgh.

Argyll's rebellion was coordinated with Monmouth's, but the latter was more dangerous to James. Monmouth proclaimed himself King at Lyme Regis on June 11. He attempted to raise recruits but was unable to gather enough rebels to defeat even James's small standing army. Monmouth's rebellion attacked the King's forces at night, in an attempt at surprise, but was defeated at the Battle of Sedgemoor. The King's forces, led by Feversham and John Churchill, quickly dispersed the ill-prepared rebels. Monmouth himself was captured and executed at the Tower of London on July 15.

The King's judges—most notably, George Jeffreys—condemned many of the rebels to transportation and indentured servitude in the West Indies in a series of trials that came to be known as the Bloody Assizes. Some 250 of the rebels were executed. Judge Jeffreys rode the circuit accompanied by his executioners. Those who confessed themselves guilty got to live a day longer. Any suspected of a crime that pleaded innocent were immediately executed.

As an example, a humble woman named Elizabeth Gaunt had allowed a suspected rebel (James Burton) to stay overnight in her house. “My fault was one of those which a prince might pardon. I have only helped an unfortunate family. It is required of us that we should hide him who fleeth, and not betray him that goeth astray.” William Penn, the celebrated founder of Pennsylvania was present when Jeffreys burned her at the stake, remarking that “The crowd melted into tears around her.”

While both rebellions were defeated easily enough, the effect on James was to harden his resolve against his enemies and to increase his suspicion of the Dutch. To protect himself from further rebellions, James sought safety in an enlarged standing army. This alarmed his subjects, not only because of the trouble soldiers caused in the towns, but because it was against the English tradition to keep a professional army in peacetime. Even more alarming to Parliament was James's use of his dispensing power to allow Catholics to command several regiments without having to take the oath mandated by the Test Act. When even the previously supportive Parliament objected to these measures, James ordered Parliament prorogued in November 1685, never to meet again in his reign.

In 1686, James embarked on a program to persuade Anglican clergy and Tory politicians to join with him in an attempt to persuade Parliament to repeal the Test Act and the Penal Laws. At the same time he used his position to promote Catholics in the army, to high positions at Cambridge and Oxford Universities and within the Civil Service. In June 1686 the Court of King's Bench

(which had been purged to remove any judge who may have objected) gave legal recognition to what James had been doing – putting his own men in positions of power. In July 1686, James created the Commission for Ecclesiastical Causes – its purpose to tame the Anglican Church even though Parliament had banned prerogative courts in 1641. One of the first things that the Commission did was to expel the Fellows of Magdalen College, Oxford University. Later in 1687, the college was turned into a Catholic institution.

To many, James seemed to be on a deliberate collision course with Parliament in a manner that resembled the mistakes made by Charles I. Protestants at court were dismissed and this left James with a predominantly Catholic court dominated by Robert Spencer, Earl of Sunderland. The Earl of Tyrconnel, a Catholic, was made Lord Deputy of Ireland (January 1687) and immediately set about reversing traditionally Protestant policies.

DECLARATIONS OF INDULGENCE

Advised by the Quaker William Penn, who believed that Protestants posed greater dangers to the country than Catholics, James decided the only way ahead was the dissolve Parliament, repeal the Penal Laws, and hold a general election whereby the result would end in a Catholic Parliament that would rubber stamp all that he wanted. So James I issued the 1st Declaration of Indulgence in April 1687 which suspended the Penal Laws, and dissolved Parliament on July 2, 1687.

James resorted to a “dirty tricks” campaign. He used his authority to fill offices with his own men – be it Justice of the Peace, Lord Lieutenant, Deputy Lord Lieutenant, etc. James also used agents to canvass the people outside of London as to their response to what he was doing. James worked on the belief that no one wanted another civil war. In September 1687 the announcement was made that the Queen was pregnant. James now had an added incentive – to secure a Catholic nation for his heir.

By the 1687 Declaration of Indulgence, also known as the Declaration for Liberty of Conscience, James used his suspending power to negate the effect of laws punishing Catholics and Protestant dissenters. James ordered the Declaration read from the pulpits of every Anglican church, further alienating the Anglican bishops against the Catholic governor of their church. While the Declaration elicited some thanks from Catholics and dissenters, it left the Established Church, the traditional ally of the monarchy, in the difficult position of being forced to erode its own privileges.

James provoked further opposition by attempting to reduce the Anglican monopoly on education. At the University of Oxford, James offended Anglicans by allowing Catholics to hold important positions in Christ Church and University College, two of Oxford's largest colleges. He also attempted to force the Protestant Fellows of Magdalen College to elect Anthony Farmer, a man of generally ill repute who was believed to be secretly Catholic, as their president

when the Protestant incumbent died, a violation of the Fellows' right to elect a candidate of their own choosing.

In April 1688, James issued another Declaration of Indulgence. He ordered that it had to be read in church on two successive Sundays. In May 1688, seven Bishops petitioned against this and they were put in the Tower charged with seditious libel. On June 30th 1688, all seven Bishops were acquitted by a Jury, a serious blow to James. He should have took greater note of the public joy at their acquittal.

On June 10, 1688, the situation became more intense with the birth of James Edward (by many disputed as a hoax). James now had his heir to the throne who would have been brought up as a Catholic. Many in Parliament saw a Catholic monarchy stretching into the future; a view they did not like.

1687

SIR ISAAC NEWTON

Sir Isaac Newton (1643-1727), an English physicist, mathematician, astronomer, natural philosopher, alchemist, theologian, and one of the most influential men in human history. In 1687 he published his *Philosophiæ Naturalis Principia Mathematica*, the most influential book in the history of science. In this work, Newton described universal gravitation and the three laws of motion, laying the groundwork for classical mechanics, which dominated the scientific view of the physical Universe for the next three centuries, and is the basis for modern engineering. Newton showed that the motions of objects on Earth and of celestial bodies are governed by the same set of natural laws by demonstrating the consistency between Kepler's laws of planetary motion and his theory of gravitation, thus removing the last doubts about heliocentrism and advancing the scientific revolution.

In mechanics, Newton enunciated the principles of conservation of momentum and angular momentum. In optics, he built the first practical reflecting telescope and developed a theory of color based on the observation that a prism decomposes white light into a visible spectrum. He also formulated an empirical law of cooling and studied the speed of sound.

In mathematics, Newton shares the credit with Gottfried Leibniz for the development of the differential and integral calculus. He also demonstrated the generalized binomial theorem, developed the so-called "Newton's method" for approximating the zeroes of a function, and contributed to the study of power series. Newton was also highly religious (though unorthodox), producing more work on Biblical hermeneutics than the natural science he is remembered for today.

1688

INVITATION TO WILLIAM OF ORANGE

On the same day the seven Bishops were acquitted, an all-party Invitation was sent to William of Orange. The invitation crossed party lines, symbolic of the fear that politicians of all hue had of the potential for another civil war or the intervention of a European catholic power in support of James. The principal signatories of the Invitation were some of the most influential men in the Kingdom: Admiral Edward Russell, Henry Sidney, the 4th Earl of Devonshire and the 12th Earl of Shrewsbury, all Whigs; the Earl of Danby, Baron Lumley and Henry Compton, Bishop of London, all Tories.

This group of Protestant nobles, later known as the Immortal Seven, invited the Prince of Orange to come to England with an army. By September, it had become clear that William sought to invade. Confronted by these moves, James lost control of the situation. In a panic James immediately began reversing many of the policies he had introduced. Rather than stem the tide, this only served to make him seem more devious; that he would do anything to maintain his power.

In November 1688, William landed at Torbay, Devon and advanced on London. Many lords rose in his favor – the Earl of Devonshire seized Nottingham on November 21st; Danby seized York on November 22nd, and John Churchill Duke of Marlborough (ancestor of Prime Minister Winston Churchill), defected from the army to the side of William.

Believing that his own army would be adequate, James refused assistance from Louis XIV, fearing the English would oppose French intervention. When William arrived on November 5, 1688, many Protestant officers defected and joined William, as did James's own daughter, Princess Anne. James advanced as far as Salisbury, Wiltshire, in November to meet William but retreated back to London. James lost his nerve, and declined to attack the invading army, despite his own numerical superiority.

Seemingly devoid of any support, James sent the Queen and Prince James Edward to France on December 9th. On December 11, James attempted to flee to France, first throwing the Great Seal of the Realm into the River Thames. James was captured in Kent; later, he was released and placed under Dutch protective guard. Having no desire to make James a martyr, the Prince of Orange let him escape on December 23. James was received by his cousin and ally, Louis XIV, on Christmas Day, 1688, who offered him a palace and a pension.

William convened a Convention Parliament to decide how to handle James's flight. While the Parliament refused to depose him, they declared that James, having fled to France and dropping the Great Seal into the Thames, had effectively abdicated the throne, thereby becoming vacant. To fill this vacancy,

James's daughter Mary was declared Queen; she was to rule jointly with her husband William, who would be King.

The Parliament of Scotland on 11 April 1689, declared James to have forfeited the throne (due to the Scottish Parliament upholding of the belief in Divine Right of Kings, abdication was not a valid option).

The Irish Parliament did not follow their examples. It declared that James remained King and passed a massive bill of attainder against those who had rebelled against him. At James's urging, the Irish Parliament passed an Act for Liberty of Conscience that granted religious freedom to all Catholics and Protestants in Ireland.

In March 1689, James landed in Ireland with French troops. James worked to build an army in Ireland, but was ultimately defeated at the Battle of the Boyne on July 1, 1690 when William arrived, personally leading an army to defeat James and reassert English control. James fled to France once more, departing from Kinsale, never to return to any of his former Kingdoms. Because he deserted his Irish supporters, James became known in Ireland as *Séamus an Chaca* or “James the be-shitten”.

Some supporters in England attempted to restore James to the throne by assassinating William III in 1696, but the plot failed and the backlash made James' cause less popular. Louis XIV's offer to have James elected King of Poland in the same year was rejected, for James feared that acceptance of the Polish crown might (in the minds of the English people) render him incapable of being King of England. After Louis concluded peace with William in 1697, Louis ceased to offer much in the way of assistance to James. He remained in France until he died on September 6th, 1701, a bitter man, never understanding why God had abandoned his cause.

WILLIAM AND MARY

William was born in November 1650 the only child of Prince William II, the Stadtholder of Holland. His mother, Mary Stuart, was the daughter of Charles I. Therefore, William's credibility in England was cemented by the fact that he had a bloodline to the Stuarts. William married Mary, a first cousin and daughter of his uncle, James II, in 1677. This marriage in its original state was a political union but both became inseparable as their marriage progressed. Thus in the 1688 Revolution, James II battled his nephew (and son-in-law).

William III, along with his wife Mary II, were crowned on February 13, 1689 after Parliament had decreed that James II had abdicated the throne and that “William and Mary” should succeed him. Mary's sister, Anne “Minette”, had married a brother to King Louis XIV of France, which makes us wonder how any of these marriages survived the wars. Family reunions had to be very interesting.

Before being asked by senior political figures in England to land with a military force, William had established a good reputation as a competent military commander. He had saved the United Provinces from being conquered by Louis XIV in the Franco-Dutch War (1672-79) and had helped to govern the state, along with regents. William was seen as a main protector of the Protestant faith in Western Europe. For those in England who believed that James II was pushing the country down the road of Catholicism, William was a natural replacement. It was useful he had a bloodline to the Stuarts. His wife Mary had made her Protestant credentials clear.

“William was thin, weak and solemn, with a Roman eagle nose, and piercing eyes. His constitution had been undermined by a severe attack of smallpox in early manhood, and his chronic asthma gave him a constant deep cough. In war and politics he was an indifferent commander, but his obstinacy in defence, his courage in attack, his willingness to master accepted techniques carried him through.” (J P Kenyon)

His whole life William remained suspicious of Louis XIV, thinking the French King desired "Universal Kingship" over Europe. Louis described William as "my mortal enemy" and saw him as an obnoxious warmonger. France's small annexations in Germany (the Réunion policy) and the recalling of the Edict of Nantes in 1685, caused a surge of Huguenot refugees to the Republic. This led William III to join various anti-French alliances, such as the Association League, and ultimately the League of Augsburg (an anti-French coalition that also included the Holy Roman Empire, Sweden, Spain and several German states).

In 1685, when James II succeeded Charles, William at first attempted a conciliatory approach, whilst at the same time trying not to offend the Protestants in England. William hoped James would join the League of Augsburg, but by 1687 it became clear that James would not fight the French. Relations worsened between William and James thereafter. When James announced his wife's pregnancy, William wrote an open letter to the English people in which he disapproved of James' religious policies and encouraged the Protestants. Seeing him as a friend, and often having maintained secret contacts with him for years, many English politicians began to ponder an armed invasion of England.

William landed in England on November 5 (Guy Fawkes day), 1688; a day already special in the Protestant calendar. William at first opposed the prospect of invasion, but most historians now agree that he began to assemble an expeditionary force in April 1688, as it became increasingly clear that France would remain occupied by campaigns in Germany and Italy, and thus unable to mount an attack while William's troops would be occupied in Britain.

Believing that the English people would not react well to a foreign invader, he demanded in a letter to Rear-Admiral Arthur Herbert that the most eminent

English Protestants first invite him to invade. In June, James's wife, Mary of Modena, bore a son (James Francis Edward Stuart), who displaced William's wife to become first in the line of succession. Public anger also increased due to the trial of seven bishops who had publicly opposed James's religious policies and had petitioned him to reform them.

He came ashore from the ship *Brill*, proclaiming "the liberties of England and the Protestant religion I will maintain", with approximately 11,000 foot and 4,000 horse soldiers. James's support began to dissolve almost immediately as Protestant officers defected from the English army.

Parliament offered William and Mary the throne in 1689. [Interestingly, this was the same year Peter the Great became tsar of Russia.]

As King of England, William wanted to continue his crusade against France and Louis XIV. It was one of the primary reasons he wanted to lead England. After arriving, William had to somehow understand what was an alien political system to him. Before the 1688 Revolution, the Whig Party had stood as a single entity. In William's reign the Whigs split in two. The Court Whigs, with its leadership known as the Junto, gave their full support to the new King. The Country Whigs remained suspicious of a foreign King and wary of the Court Whigs.

The Tories developed a tentative alliance with the Country Whigs as it was the Court Whigs who found favor at William's court. For his part, William relied on the 2nd Earl of Sunderland for advice – though it was usual for William to listen to no other. Sunderland was a non-party man who was not shackled to any of the beliefs and ideas of either the Whigs or Tories. While not a Prime Minister in any sense of the term, Sunderland was seen as the senior political figure in the country and one who served the King as opposed to allowing party politics to shape his views.

“The King valued him (Sunderland) because his loyalty was never seriously in doubt and in their cold appraisal of men and things, their willingness to forsake principle for expediency, and their impatience with fools, they were not unlike. Sunderland's brazen rudeness also impressed a man who never had much room for flatterers.” (J P Kenyon)

William listened to his few advisors in silence, took an age to weigh up all the possibilities while his advisors waited on – and then came to a decision. Contemporary accounts make it clear that the few advisors who attended William found the whole process disconcerting.

William believed that certain areas of government were too important to delegate. He took control of the Treasury, foreign matters, and the armed forces. William was also the main driving force behind diplomatic matters in Europe,

especially the Grand Alliance against Louis XIV. Few doubted William's work ethic and on many occasions he worked late into the night on matters of state. William took ownership of certain areas of government simply because he did not fully trust senior politicians who he believed would put a political slant on decision making.

Within government, William divided up political posts among different parties. In this way he hoped to avoid the issue of one party becoming more dominant than others. He also hoped to engender in those who worked for him a greater sense of loyalty to the country than to party or personal beliefs. William's first ministry was made up of a combination of people with a varied political backgrounds (Danby and Sunderland included). However, by 1693, he had moved more to the Whigs as they were more supportive of his European ventures as opposed to the Tories who were not.

Over the next few years the Whig dominated government introduced what some have described as a 'financial revolution' – measures that have lasted until today. In 1693, a National Debt was created; in 1694, the Bank of England was created, and in 1696 recoinage was introduced. These merged the financial world with Parliament and government for the first time. William recognized such international advantages from the Dutch banking system.

Some politicians were wary about an expansion of government power, especially one based around a standing army led by the King. These men gathered themselves around Robert Harley who founded the New Country Party out of concerned Whigs and Tories. When conflict in Europe died down (around 1697), there seemed less of a demand for the reforms brought in by the Whigs and William. In 1698, William pushed to one side the Whigs who had loyally supported him and brought into his political fold the Tories who had previously opposed his foreign policy. When war in Europe broke out again (The War of Spanish Succession), the Tories were dropped and the Whigs once again admitted into government in 1701.

William's foreign policy was dominated by his campaign against Louis XIV. In September 1697, Louis had signed the Treaty of Rijswijk in which France agreed to give up all territories conquered after 1678 (with the exception of Strasburg) and by which Louis recognized William as the rightful King of England with Anne as his rightful heir. It appeared as if Louis had abandoned his previous support of the exiled Stuarts. However, war in Europe was reignited by Louis' attempt to inherit the Spanish empire. Louis also did not endear himself to William when he announced his support for the 'Old Pretender', the son of James II that some suspected was not really a son, to be King of England. The War of Spanish Succession required William to formulate a new series of alliances.

He was well on the way to creating a European alliance against Louis XIV when his work was cut short. On February 21, 1702, William was riding in Richmond Park when his horse stumbled on a mole hill. The King was thrown

from his horse and he broke a collar bone. His weakened body could not take the shock and William died at Kensington Palace on March 8, 1702. Years later, Sir Winston Churchill, in his epic *History of the English Speaking Peoples*, put it more poetically when he said that the fall "opened the trapdoor to a host of lurking foes". William was buried in Westminster Abbey alongside his wife.

William's primary achievement was to contain France when it was in a position to impose its will across much of Europe. This effort continued after his death during the War of the Spanish Succession. Another important consequence of William's reign in England involved the ending of a bitter conflict between Crown and Parliament that had lasted since the accession of the first English monarch of the House of Stuart, James I, in 1603. The conflict over royal and parliamentary power had led to the English Civil War during the 1640s and the Glorious Revolution of 1688. During William's reign, however, the conflict was settled in Parliament's favor by the Bill of Rights 1689, the Triennial Act 1694 and the Act of Settlement 1701.

William endowed the College of William and Mary (in present day Williamsburg, Virginia) in 1693. Nassau, the capital of The Bahamas, is named after Fort Nassau, which was renamed in 1695 in his honor. Similarly Nassau County, New York on Long Island is a namesake. Long Island itself was known as Nassau during early Dutch rule. Though many alumni of Princeton University think that Princeton, N.J. (and hence the university) was named in his honor, this is probably not the case. Nassau Hall, at the university campus, is so named, however.

The modern day Orange Institution is named after William III, and makes a point of celebrating his victory at the Boyne. New York City was briefly renamed New Orange for him in 1673 after the Dutch recaptured the city, which had been renamed New York by the British in 1665. His name was applied to the fort and administrative center for the city on two separate occasions reflecting his different sovereign status—first as Fort Willem Hendrick in 1673, and then as Fort William in 1691 when the English evicted Colonists who had seized the fort and city.

THOMAS OSBOURNE

Sir Thomas Osbourne, the Earl of Danby, was one of the leading politicians in the reign of Charles II and William III. The Popish Plot swept him from power. In December 1678, Danby was impeached but he received a royal pardon in March 1679. The House of Commons declared the pardon illegal and Danby resigned. The House of Lords ordered that he be sent to the Tower of London where he remained, without being put on trial, until February 1684. Danby retired into private life for the remainder of the reign of Charles II.

The pro-Catholic policies of James II meant that Danby had no chance of getting back to court. Here was a man who had seemingly secured a future

Protestant monarchy – with a King who had made it plain that he saw the future of his Kingdom as being Catholic. However, it was these policies of James II that effectively resurrected his political fortunes. Danby was one of the seven signatories of the famous Invitation to Prince William and during the 1688 Revolution, Danby secured the north of the country for the Prince.

The Revolution propelled Danby back into frontline politics. He became a vociferous supporter of a joint rule between William and Mary, which was incorporated into the Bill of Rights of December 1689. Danby had already been appointed Lord President of the Council in February 1689 but by early 1690 he was chief minister once again.

Between 1690 and 1694 he used his influence to ensure that Parliament forwarded the money required to finance the War of the League of Augsburg but in 1694 he fell victim to party politics when the King pushed the Tories to one side and associated with the Whigs. Just one year later came the opportunity that his enemies had wanted. Danby was impeached for receiving a bribe from the East India Company. The charge was never followed up but it was enough to ruin his reputation and his political career was over.

JOHN CHURCHILL

John Churchill, 1st Duke of Marlborough, was born on May 24th, 1650. He was the third son of Winston Churchill who was a Royalist during the English Civil War. The war had impoverished the family. Churchill was educated privately and at St. Paul's School in London. He furthered his education at Court where he served as a page to the Duke of York (the future James II). Churchill married in secret. His wife was Sarah, the daughter of Robert Jennings.

Churchill gained a commission in the Foot Guards in 1667. His sister Arabella, who was the Duke of York's mistress, may well have aided his initial military career. Churchill, however, made a name for himself during campaigns in Tangiers (1668 to 1670) and in the third Anglo-Dutch War from 1672 to 1674. While his military career went from strength to strength, so did the social rise of his wife Sarah. She became Lady-in-Waiting to Princess Anne, the youngest daughter of the future James II and much later became Queen Anne.

When James II became King, Churchill became second-in-command of the English army. It was his army that defeated the Duke of Monmouth in the summer of 1685, which cemented the royal authority of James. However, Churchill opposed the King's pro-Catholic views and his attempts to catholicize England.

In the 1688 Revolution Churchill joined William of Orange's forces at Axminster on November 24th. The night before he had dinner with James II and simply rode on horseback to the opposing side. The next day, Sarah and Princess Anne left London and joined the rebels at Nottingham. To some Churchill's move

was an obvious one. Though Churchill continued to prosper in the reign of William III, the King had little time for him as a person (though not as a military leader).

The one overriding issue William found hard to juggle was the fact that as second-in-command of the King's army, Churchill had simply moved over to William's side as he advanced from Torbay in Devon. It was something he was never comfortable with as he placed loyalty above all else. This was one of the reasons why William failed to honor Churchill with Knight of the Garter. The honor had an air of chivalry about it – something that William did not believe that Churchill had. However, William put aside his personal views and recognized his military value to the nation.

Under William III, Churchill became the Earl of Marlborough in 1689 and joined the Privy Council. However, his political and military careers were thrown off track when he was arrested for a supposed part in a Jacobite plot to assassinate William. He lost all his offices and was imprisoned in the Tower of London for six weeks in 1692. He was brought back into the fold in 1694 as European issues came to the fore. It became clear that Louis XIV had not ended his attempt to take over more parts of Europe and many feared his design on Spain. Few were surprised when the War of Spanish Succession broke out.

Few things could have suited Churchill more. Accused of being part of a plot to murder the King left him tainted in the eyes of some – even though the accusation was false. The war was a perfect way for Churchill to demonstrate his loyalty and service to the King. He became Captain-General of the English Army in the Netherlands. He was also appointed Ambassador-Extraordinary to form a Grand Alliance against Louis. In August/September 1701 this was signed with Holland and with Emperor Leopold I. When William III died in March 1702, Churchill became the political and military leader of the war effort against France.

The War of Spanish Succession dominated politics in Britain. Anne effectively left government to Harley, Godolphin and Churchill – the Triumvirate. Politically, Churchill was third in line to Harley and Godolphin and he was described as politically timid. Churchill relied on his two partners to raise the necessary finance for the war. Within the field of politics, his military reputation stood him in good stead. Politicians were certainly not subservient to Churchill but they respected what he stood for.

It was in the War of Spanish Succession that Churchill extended his fame. He was not a military innovator but used what he had at his disposal to great effect. “He was a soldier of genius who, without innovating, used the strategy, tactics and equipment of his day to perfection, and who performed miracles of organization.” (E N Williams)

Churchill's military success was great. He captured Bonn (May 1703) and Blenheim in Bavaria (August 1704), Ramillies in the Netherlands (May 1706), Oudenarde in the Netherlands (July/August 1708) and Malplaquet (August/September 1709). In recognition of these victories, Queen Anne granted him £5000 a year for the duration of her life – though it was eventually to be made for his life. Emperor Leopold I made Churchill Prince of Mindelheim – though the Bavarian town was returned to the government of Bavaria in the Peace of Utrecht.

In February 1705, the Queen and a grateful Parliament gave him the royal manor at Woodstock with its 16,000 acres of land on which he built Blenheim Palace – with the help of more public money. However, the country became weary of the war and the financial burdens it brought. His influence at court was reduced when his wife was replaced as Anne's favorite by Mrs. Masham – a cousin of Robert Harley who was becoming more and more skeptic about the war.

Churchill and Godolphin had to rely on the Whigs to get anything through Parliament and many assumed that the Whigs had a vested financial interest in keeping the war going. In private, Churchill was not supportive of the Whig belief that Spain had to be part of the peace settlement. However, with his position at court weakened, he publicly supported their "No peace without Spain" demand.

Anne turned to the Tories in 1710. Churchill was dismissed on December 31, 1711 and Sarah was effectively removed from the Royal Court at the same time. After this, Churchill spent his time traveling around Europe. However, he had taken the time to court support amongst Hanoverians.

When George I was crowned King in 1714, Churchill had all his offices restored. This was a symbolic gesture of thanks and recognition by the King as when he was Elector George of Hanover, he would have been more aware than most of the threat of Louis XIV – a threat not keenly felt in a nation protected by the English Channel and the Royal Navy. John Churchill, Duke of Marlborough, died on June 16th 1722.

SIDNEY GODOLPHIN

Sidney Godolphin, 1st Earl of Godolphin, was a senior politician whose career spanned the reigns of Charles II, James II, William III and Anne. Godolphin was primarily a political manager and had tenuous links to any political party. Godolphin's primary political expertise was in finance and he can be considered one of the leading Treasury men of the era.

Sidney Godolphin was the third son of Sir Francis Godolphin who was a wealthy land owner. Born into such a privileged family it was expected that Godolphin would attend Oxford University. He was also a member of the Royal Court where from 1662 to 1672 Godolphin served as Page of Honour to Charles

II. In 1675 he married Margaret Blagge who was Maid of Honour to the Duchess of York. However, the marriage was short-lived as she died in 1678.

Godolphin was under the patronage of the 2nd Earl of Sunderland and he voted to exclude from the throne the Duke of York, the future King James II. Under Charles II, Godolphin served as Commissioner to the Treasury and Secretary of State for the North. In 1684 Godolphin became Baron Godolphin and was appointed Commissioner of the Treasury. He held this position until 1689 – serving James II, the man he had voted to exclude from the throne. It was a sign of his ability that James kept him in such an important position.

In fact, Godolphin was a non-party man who had a significant gift for financial and administrative matters. In many senses he was a modern-day civil servant as opposed to a politician. Because of his seeming political neutrality, Godolphin could act as a manager between the Crown and Parliament or between the Crown and the two political parties of the day – the Whigs and Tories. Godolphin was also capable of bringing together groups that held very diverse political ideas.

Probably the best example of the esteem that Godolphin was held in with regards to his financial and managerial abilities came in the 1688 Revolution. He served James II right up to the time William of Orange advanced on London. It was Godolphin, along with Halifax and Nottingham, who met William at Hungerford on December 8, 1688. When he returned to London, James had fled. In the subsequent debates as to what to do after this, Godolphin argued to retain James as King but with his powers carried out by a Regency. However, Parliament argued that James had abdicated the throne and offered it to William and Mary who subsequently became William III and Mary II.

Regardless of his loyalty to James, William appointed Godolphin Commissioner to the Treasury in 1690. He held this position until 1696. In was during these years that a ‘financial revolution’ occurred with the creation of the National Debt (1693) and the Bank of England (1694). However, Godolphin had become unhappy with the politics of the time and in February 1696 resigned.

Godolphin returned to government in December 1700 when he once again was appointed 1st Commissioner of the Treasury – a post he held for one year. When Anne became Queen, Godolphin was appointed Lord Treasurer (May 1702); a position he took with some reluctance. He found that politics was dominated by three men – himself, Robert Harley and Churchill. His primary focus in the reign of Anne was to find the finance needed for the Spanish War of Succession without crippling the economy. He proved to be a skilful operator and in 1706 he became an Earl. Politics took its course and when Anne turned to the Tories in 1710, Godolphin’s political career was over. The Tories had not been supportive of the war believing that it was making a number of Whigs extremely wealthy at the expense of the nation. Godolphin was associated with the war and paid the price.

SCOTTISH PRESBYTERIAN REBELS AND IRISH CATHOLIC BANDITS

THE WIGGS

The term Whig was initially a term of political abuse used by the Tories. It was meant to discredit those who held different beliefs to the Tories and roughly translated it meant “Scottish Presbyterian rebels”. First used in the reign of Charles II, by the time of the Exclusion Crisis (1679 to 1681) it had become an accepted political label. The first Whig ‘leader’ was Shaftsbury and his opponent in the Tories was Danby.

The first Whigs were a difficult group to summarize in terms of their wholesale beliefs. However, such a disparate group all shared one value at this time – that the future James II should be excluded from the throne as a result of his Catholicism.

The first Whigs were curious political bedfellows. They included former Roundheads opposed to the Royal Court on ideological grounds; former Cavaliers who had become disillusioned with Charles II; Presbyterians who disliked the Restoration religious settlement; backbench gentry who opposed the Royal Court for its licentious behavior and extravagance and career politicians who saw the Whigs as their best passport to political advancement. Such an interesting group proved difficult to manage but the fact that they covered so many different parts of society was also a strength.

As to ideology, the Whigs believed that the consent of the people was the source of political power and authority and that monarchs were in power only as a result of a contract with the community. If the community believed that the reigning monarch had failed them, they had the right to resist him/her. They also tolerated Dissenters.

In the reign of James II this was clearly an issue when the King wanted nothing more or less than a Catholic society – history would have informed the Whigs that a fervent Catholic was highly unlikely to tolerate Dissenters. The Whigs played a fundamental role in the 1688 Revolution that removed James from the throne and placed on it the more tolerant William and Mary.

In the reign of William and Mary, the Whigs split in two. Two separate groups were formed: the Court Whigs and the Country Whigs. Their titles give away their allegiance and it was to the Country Whigs that the more radical elements of the party drifted. The Country Whigs aligned with the Country Tories to form the New Country Party led by Robert Harley.

The Court Whigs took office under William III and between 1694 and 1698 they developed a series of traits that stayed with them for over a century. The Whigs were seen to be the party of privilege where money counted. They were the

richer gentry, noblemen who had made fortunes out of the financial revolution. They were keen supporters of patronage as a means of ensuring that 'their men' were in high places both centrally and in the localities.

Even at the end of Queen Anne's reign they maintained their link to the monarchy by effectively organizing the accession of George I in 1714. Their association with the crown became, for them, an accepted right and it was during the reign of George I that they managed to discredit the Tories with Jacobitism – a charge that kept the Tories out of political power for most of the 18th Century. To the people in power, the Whigs were considered to be the established party of order.

THE TORRIES

The Tories, a name given to them by the Whigs, were first led by Danby when Charles II was King. The party was formed in the last months of the Cavalier Parliament and the Exclusion Crisis. The names 'Tory' or 'Tories' were initially terms of abuse used by Whigs – also initially a term of abuse – and it meant "Irish Catholic Bandits". However, under the effective leadership of Danby the name was adopted by the party.

Danby was a master at management and he used the position he had in politics to advance those who he felt would best support his policies. The Tories believed in Divine Right, the King's prerogative and hereditary succession. They were strong supporters of the Anglican Church against Catholics and Dissenters.

Such beliefs as a whole were challenged in the reign of James II. His drive to push the country to Catholicism was bound to conflict with the Tory belief in upholding the Anglican Church. Some Tories sided with James simply because he was King; but some sided with the Whigs in the 1688 Revolution that removed James from the throne.

Even the settlement caused upset in the ranks of the Tories. Some, clinging to the belief of divine right, thought that William and Mary should act as regents until the time that James could make some form of peace with the government and people. Other Tories believed that Mary should have supremacy over William simply because she was a blood relation to James whereas William was not. William, a respected Protestant leader from Holland, would not accept this and stated bluntly that he would return to Holland unless he was given full regal powers. The prospect of a political vacuum was not welcomed by anyone.

The 1688 settlement ended up splitting the Tories into the Court Tories and the Country Tories. The Court Tories did all that was expected of those who wished to be influential at court. The Country Tories tended to be more radical especially in the area of religion. They believed scientific advances weakened the Church and threatened society. They also believed that the so-called 'financial revolution' would also destabilize society as it could allow those from a less than

noble social position to climb the social ladder and dilute the social elite. There were Country Whigs who shared some of these beliefs and both united to become the Country Party led by Harley.

Court and Country Tories reunited in the reign of Anne – the last of the Stuart monarchs. She was seen as the legitimate monarch and a figure all could rally behind. However, the party was severely weakened by a bitter rivalry between Harley and another leading Tory, Bolingbroke. Their rivalry was such that on August 1st, 1714, when Anne died, the party was so disorganized and lacking focus that the Whigs took the lead in the Hanoverian succession. George I became inextricably associated with the Whigs when Bolingbroke fled abroad to involve himself in the Old Pretender's campaign. The Whigs were able to persuade George that the Tories were associated with the 1715 Jacobite rebellion. This was to condemn the party to many years in the political wilderness as the Whigs held the power in Georgian England.

ENGLISH BILL OF RIGHTS

Just before William of Orange invaded (or rescued) England, he had printed and distributed over 60,000 copies of the

Declaration of the Prince of Orange
October 10, 1688
Protestant Religion and Liberty

About ten pages long, the paper had all the hallmarks of propaganda; however, it actually convinced much of the public to join him in the fight. After it had the effect of all England embracing its views, and a virtually bloodless revolution, William could hardly deny Parliament putting the highlights of his Declaration into effect – thus the Bill of Rights. The Act restated and confirmed many provisions of the earlier Declaration of Right.

The Bill of Rights is seen by some historians as the start of constitutional monarchy - whereby a King or Queen was effectively tied by law as to what they could do and more particularly what they could not do. William thought to oppose the imposition of such constraints; but he chose not to engage in a conflict with Parliament and agreed to abide by the statute.

The December 1688 Bill of Rights charged James II with abusing his power. It declared that James had abdicated and that the Crown had legally passed to William and Mary and their heirs. The Bill of Rights bluntly forbid the monarch from being a Catholic and from marrying a Catholic.

The Bill of Rights criticized the suspension of the Test Acts, the prosecution of the Seven Bishops for merely petitioning the crown, the establishment of a standing army, and the imposition of cruel punishments. The Bill of Rights also had a major political bent to it that handed a great deal of

power to Parliament. Some historians view it as the start of constitutional monarchy.

Prerogative courts such as the Ecclesiastical Commission were banned; taxation raised through anything else other than Parliament was banned; a standing army raised without Parliament's consent was banned; the prosecution of anyone petitioning the Crown was also banned. The Bill of Rights also stated that calls for a Parliament should be frequent and that there should be Parliamentary debates free from outside interference

The English Bill of Rights (1689), one of the fundamental documents of English constitutional law, differed substantially in form and intent from the United States Bill of Rights, because it was intended to address the rights of citizens as represented by Parliament against the Crown. However, its basic tenets were adopted and extended to the general public in the United States Bill of Rights, including:

the right of petition

an independent judiciary (the Sovereign was forbidden to establish his own courts or to act as a judge himself),

freedom from taxation by royal (executive) prerogative, without agreement by Parliament (legislators),

freedom from a peace-time standing army,

freedom [for Protestants] to bear arms for their defence, as allowed by law,

freedom to elect members of Parliament without interference from the Sovereign,

freedom of speech in Parliament,

freedom from cruel and unusual punishments and excessive bail, and

freedom from fines and forfeitures without trial.

The March 1689 Mutiny Act gave the monarch the legal means to maintain army discipline but Parliament had to support this every six months at a time – though this was later increased to a year.

The Toleration Act (May 1689) did not introduce classic religious toleration but it did exempt Dissenters (except Catholics and Unitarians) from certain laws. To all intents the act allowed freedom of worship but not full citizenship as the Test and Corporation acts were still in force.

In December 1694, the Triennial Act ordered that no Parliament should exceed three years and that no dissolution of Parliament should be longer than three years.

In December 1698, the Civil List was introduced. This provided the Crown with money to pay for its existence - as well as financing extraordinary expenditure such as wars. As war became more and more expensive as time progressed, the Crown came to rely more and more on Parliament for its financial survival.

In June 1701, the Act of Settlement was introduced. The Bill of Rights had ensured that Anne would be the rightful heir after William and Mary – along with her heirs. The Act of Settlement wanted to clarify what would happen if Anne left no heirs, as was the case. The act stated that the Sophia of Hanover and her heirs would succeed Anne. The House of Hanover was Protestant and the act ensured that the Protestant faith would continue after Anne died.

Ironically, William's Declaration was primarily a ploy to get England to join him in war with France (which did occur). In the opinion of many, the Declaration and the upcoming acts of Parliament led to the American Revolution a century later. All of this history gave the United States much to learn from:

- 1) representative government was superior.
- 2) liberties are based on positive law, not merely traditions;
- 3) religion a matter of individual choice and respected by all (e.g. the Toleration Act);
- 4) England which had rarely concerned itself with wars of continental Europe got involved in the global balance of power;
- 5) foreign policy was to maintain the balance of power and oppose tyrants such as Louis XIV (later Louis XV, Napoleon, Hitler, Stalin, etc);
- 6) backdrop to the right to bear arms;
- 7) The 1689 Bill of Rights inspired the U.S. 1791 Bill of Rights: the Third Amendment provision banning the quartering of troops, the Fifth Amendment protection against self incrimination, the Sixth Amendment right to Jury trial and indictments only from grand juries (a grand jury had famously refused to indict the Earl of Shaftesbury in 1682), and the Eight Amendment prohibition against cruel and unusual punishment;
- 8) the Act of Succession of 1701 prohibited the monarchs from removing judges after 1714.

9) William started the Bank of England in 1694 which was the example for Alexander Hamilton's First Bank of the United States.

10) Had England not waged war with France during this time period, then France would have controlled Quebec and most of the Mississippi Valley giving the United States no room to expand. The war with France also gave a Colonel by the name of George Washington an opportunity to shine; but that is a story for another day.

JOHN LOCKE

To some degree, the Bill of Rights (and the American Revolution) incorporated the ideas of John Locke, who argued in his 1689 work *Two Treatises of Government* that civil society was created for the protection of property (Latin *proprius*, or that which is one's own, meaning "life, liberty, and estate"). Locke also advanced the notion that each individual is free and equal in the state of nature.

Locke expounded on the idea of natural rights that are inherent to all individuals, a concept Madison mentioned in his speech presenting the Bill of Rights to the 1st Congress. Locke's argument for protecting economic rights against government may have been most salient to the framers of the Amendments; quartering and cruel punishments were not the current abuses of 1791.

FIRST AMENDMENT TO THE UNITED STATES CONSTITUTION

First Amendment – Establishment Clause, Free Exercise Clause; freedom of speech, of the press, and of assembly; right to petition

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

The clause itself was seen as a reaction to the Church of England, established as the official church of England and some of the colonies, during the colonial era.

Until 1694, England had an elaborate system of licensing. No publication was allowed without the accompaniment of a government-granted license. However, one of the earliest Western defenses of freedom of expression is *Areopagitica* (1644) by the English poet and political writer John Milton. In this work Milton argued forcefully against this form of government censorship and parodied the idea, writing "when as debtors and delinquents may walk abroad without a keeper, but unoffensive books must not stir forth without a visible jailer

in their title." Although at the time it did little to halt the practice of licensing it would be viewed later a significant milestone in press freedom.

Milton's central argument was that the individual is capable of using reason and distinguishing right from wrong, good from bad. In order to be able to exercise this ration right, the individual must have unlimited access to the ideas of his fellow men in "a free and open encounter." From Milton's writings developed the concept of the open marketplace of ideas, the idea that when people argue against each other, the good arguments will prevail. One form of speech that was widely restricted in England was seditious libel, and laws were in place that made criticizing the government a crime. The King was above public criticism and statements critical of the government were forbidden, according to the English Court of the Star Chamber. Truth was not a defense to seditious libel because the goal was to prevent and punish all condemnation of the government.

Milton wrote in reaction to an attempt by the English republican parliament to prevent "seditious, unreliable, unreasonable and unlicensed pamphlets". Milton advanced a number of arguments in defence of freedom of speech: a nation's unity is created through blending individual differences rather than imposing homogeneity from above; that the ability to explore the fullest range of ideas on a given issue was essential to any learning process and truth cannot be arrived upon unless all points of view are first considered; and that by considering free thought, censorship acts to the detriment of material progress. Milton also argued that if the facts are laid bare, truth will defeat falsehood in open competition, but this cannot be left for a single individual to determine. According to Milton, it is up to each individual to uncover their own truth; no one is wise enough to act as a censor for all individuals

The Glorious Revolution of 1688 in England established parliamentary sovereignty over the Crown and, above all, the right of revolution. A major contributor to Western liberal theory was John Locke. Locke argued in *Two Treatises of Government* that the individual placed some of his rights present in the state of nature in trusteeship with the sovereign (government) in return for protection of certain natural individual rights. A social contract was entered into by the people.

The American right of petition is derived from British precedent. In *Blackstone's Commentaries*, first published in 1765, Americans in the Thirteen Colonies read that "the right of petitioning the King, or either house of parliament, for the redress of grievances" was a "right appertaining to every individual".

In 1776, the Declaration of Independence cited King George's perceived failure to redress the grievances listed in colonial petitions, such as the Olive Branch Petition of 1775, as a justification to declare independence:

In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury. A Prince, whose character is thus marked by every act which may define a Tyrant, is unfit to be the ruler of a free people.

Historically, the right can be traced back to English documents such as *Magna Carta*, which, by its acceptance by the monarchy, implicitly affirmed the right, and the later Bill of Rights of 1689, which explicitly declared the "right of the subjects to petition the King".

SECOND AMENDMENT TO THE UNITED STATES CONSTITUTION

Second Amendment – Right to keep and bear arms.

A well regulated Militia being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed.

The right to keep and bear arms in jurisdictions operating under English Common Law follows a precedent that predates the invention of firearms, originating contemporaneously with the jury trial and the emergence of the common law system, during the reign of Henry II, who promulgated the Assize of Arms in 1181, which required knights and freemen to keep arms and to bear them in service of the King.

A Common Law right to have arms for self defense was codified in the English Bill of Rights of 1689, at least for Protestants. England, Ireland, the Colonies in North America (which became the United States), Canada, and Australia all received this Common Law inheritance and long maintained a responsibility to keep and bear arms tradition originating from this common basis.

The English Bill of Rights 1689 set out an individual right of Englishmen to have arms suitable for their own defense, permitting Catholics to have personal weapons and allowed Protestants, regardless of their social and economic station, to own firearms. This was because of the fear the Protestants had in England of being disarmed that led to the Glorious Revolution and subsequently their guaranteed right to self-defense.

William Blackstone wrote in the eighteenth century about the right to have arms being a "natural right of resistance and self-preservation", espousing the individual right to protect oneself.

THIRD AMENDMENT TO THE UNITED STATES CONSTITUTION

Third Amendment – Protection from quartering of troops.

No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law.

The Petition of Right is a major English constitutional document, which sets out specific liberties of the subject that the King is prohibited from infringing. The Petition of Right was produced by the English Parliament in the run-up to the English Civil War. It was passed by Parliament in May, 1628, and given the royal assent by Charles I in June of that year. The Petition is most notable for its confirmation of the principles that taxes can be levied only by Parliament, that martial law may not be imposed in time of peace, that prisoners must be able to challenge the legitimacy of their detentions through the writ of habeas corpus, and as here in the Third Amendment, the Petition's ban on the billeting of troops.

FIFTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Fifth Amendment – due process, double jeopardy, self-incrimination, eminent domain.

No person shall be held to answer for any capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

After his victory in 1066, William the Conqueror seized virtually all land in England. Although he maintained absolute power over the land, he granted fiefs to landholders who served as stewards, paying fees and providing military services. During the Hundred Years War in the 13th century, Edward III used the Crown's right of purveyance for massive expropriations.

Chapter 28 of the *Magna Carta* required that immediate cash payment be made for expropriations. As the King's power was broken down in the ensuing centuries, tenants were regarded as holding ownership rights rather than merely possessory rights over their land. In 1427, a statute was passed granting commissioners of sewers in Lincolnshire the power to take land without compensation. After the early 1500s, however, Parliamentary takings of land for roads, bridges, etc. generally did require compensation. The common practice was to pay 10 per cent more than the assessed value. As the voting franchise was expanded to include more non-landowners, the bonus was eliminated. The English Bill of Rights also contained numerous references that led to this language.

SIXTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Sixth Amendment – Trial by jury and rights of the accused; Confrontation Clause, speedy trial, public trial, right to counsel.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district where in the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Article 39 of the *Magna Carta* read: *Nullus liber homo capiatur, vel imprisonetur, aut desseisetur de libero tenemento, vel libertatibus, vel liberis consuetudinibus suis, sut utlagetur, aut exuletur, aut aliquo modo destruat, nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum, vel per legem terrae*, translated by Lysander Spooner in his *Essay on the Trial by Jury*: "No free man shall be captured, and or imprisoned, or disseised of his freehold, and or of his liberties, or of his free customs, or be outlawed, or exiled, or in any way destroyed, nor will we proceed against him by force or proceed against him by arms, but by the lawful judgment of his peers, and or by the law of the land."

Although it says "and or by the law of the land", this in no manner can be interpreted as if it were enough to have a positive law, made by the King, to be able to proceed legally against a citizen. The law of the land was the consuetudinary law, based on the customs and consent of John's subjects, and since they did not have Parliament in those times, this meant that neither the King nor the barons could make a law without the consent of the people. According to some sources, in the time of Edward III, "by the law of the land" had been substituted "by due process of law", which in those times was a trial by twelve peers.

During the mid-14th Century, it was forbidden that persons who had sat on the Presenting Jury (i.e., in modern parlance, the Grand Jury) to sit on the trial jury for that crime. 25 Edward III stat 5., c3 (1353). Over time, English juries became less self-informing and relied more on the trial itself for information on the case. Jurors remained free to investigate cases on their own until the 17th century.

The *Magna Carta* being forgotten after a succession of benevolent reigns, the Kings, through the royal judges, began to extend their control over the jury and the Kingdom. In David Hume's *History of England*, he tells something of the powers that the Kings had accumulated in the times after the *Magna Carta*, the

prerogatives of the crown and the sources of great power with which these monarchs counted:

One of the most ancient and most established instruments of power was the court of Star Chamber, which possessed an unlimited discretionary authority of fining, imprisoning, and inflicting corporal punishment, and whose jurisdiction extended to all sorts of offenses, contempts, and disorders, that lay not within reach of the common law. The members of this court consisted of the privy council and the judges; men who all of them enjoyed their offices during pleasure: And when the prince himself was present, he was the sole judge, and all the others could only interpose with their advice. There needed but this one court in any government, to put an end to all regular, legal, and exact plans of liberty. For who durst set himself in opposition to the crown and ministry, or aspire to the character of being a patron of freedom, while exposed to so arbitrary a jurisdiction? I much question, whether any of the absolute monarchies in Europe contain, at present, so illegal and despotic a tribunal. While so many terrors hung over the people, no jury durst have acquitted a man, when the court was resolved to have him condemned. The practice also, of not confronting witnesses to the prisoner, gave the crown lawyers all imaginable advantage against him. And, indeed, there scarcely occurs an instance, during all these reigns, that the sovereign, or the ministers, were ever disappointed in the issue of a prosecution. Timid juries, and judges who held their offices during pleasure, never failed to second all the views of the crown. And as the practice was anciently common of fining, imprisoning, or otherwise punishing the jurors, merely at the discretion of the court, for finding a verdict contrary to the direction of these dependent judges; it is obvious, that juries were then no manner of security to the liberty of the subject.

The first paragraph of the Act on July 5, 1641 that abolished the Star Chamber repeats the clause on the right of a citizen to be judged by his peers.

EIGHTH AMENDMENT TO THE UNITED STATES CONSTITUTION

Eighth Amendment – Prohibition of excessive bail and cruel and unusual punishment.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted

In England, sheriffs originally determined whether or not to grant bail to criminal suspects. Since they tended to abuse their power, Parliament passed a statute in 1275 whereby bailable and non-bailable offenses were defined. The

King's judges often subverted the provisions of the law. It was held that an individual may be held without bail upon the Sovereign's command.

In the early 17th century, King Charles I ordered noblemen to issue him loans. Those who refused were imprisoned. Five of the prisoners filed a habeas corpus petition arguing that they should not be held indefinitely without trial or bail. Eventually, the Petition of Right of 1628 argued that the King did not have such authority. Later, technicalities in the law were exploited to keep the accused imprisoned without bail even where the offenses were bailable; such loopholes were for the most part closed by the Habeas Corpus Act 1679. Thereafter, judges were compelled to set bail, but they often required impracticable amounts.

Finally, the English Bill of Rights (1689) held that "excessive bail ought not to be required." Nevertheless, the Bill did not determine the distinction between bailable and non-bailable offenses.

The prohibition against cruel and unusual punishment is copied exactly from the English Bill of Rights. Given the history in England from 1600 to 1689, too many knew first hand what this meant.

THE UNITED STATES CONSTITUTION, ARTICLE SIX

. . . "but no religious Test shall ever be required as a Qualification to any office or public Trust under the United States."

This was the culmination of very hard lessons learned in England in 1600-1700.

The Test Act of 1673 in England obligated all persons filling any office, civil or military, to take oaths of supremacy and allegiance, to subscribe to a declaration against transubstantiation, and to receive the sacrament within three months of taking office. The oath for the Test Act of 1673 was: "I, N, do declare that I do believe that there is not any transubstantiation in the sacrament of the Lord's Supper, or in the elements of the bread and wine, at or after the consecration thereof by any person whatsoever."

In 1678 the act was extended thus: "I, N, do solemnly and sincerely in the presence of God profess, testify, and declare, that I do believe that in the Sacrament of the Lord's Supper there is not any Transubstantiation of the elements of bread and wine into the Body and Blood of Christ at or after the consecration thereof by any person whatsoever: and that the invocation or adoration of the Virgin Mary or any other Saint, and the Sacrifice of the Mass, as they are now used in the Church of Rome, are superstitious and idolatrous..."

Anglicans, Puritans, Protestants, Presbyterians, Catholics, Jews. Many lost their lives because of the struggles for who controlled the power of government in England. The Monarchy, Parliament, Judges? At one time or another they all killed in the name of God.

CONCLUSION

The Great Revolution in England in 1688 and the American Revolution in 1776 teach much about the tension between the power of government and the ultimate power of people. Those who have tasted liberty can tolerate only so much power in the hands of “government”, whether it be executive, legislative, or judicial. These revolutions teach us about tipping points, and we ignore them at our peril.

This history of England from 1600-1700 gave rise to the American Revolution, the United States Constitution, and the Bill of Rights. Had William of Orange lost the English Revolution of 1688, there would probably not have been an American Revolution in 1776. The foreign policy of William of Orange has been and still is the foreign policy of America and much of the World. How William of Orange involved government with private banks and a national debt has been and is the financial policy of America and much of the World.

William of Orange and George Washington have much in common. Actually, too much. The right person at the right time changed the face of freedom. Whether a blessing or a curse, know that in the future there will be another.

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