

# James II

## a study in kingship

John Miller

WAYLAND PUBLISHERS

James) were worth ten to fifteen pounds each and he feared that "persons that have not suffered in your service will run away with the booty."<sup>22</sup>

The judges' severity and the courtiers' scramble for this human booty are repellent to modern eyes, but the sixteenth and seventeenth centuries saw exemplary punishments for rebels as vital for the maintenance of peace and order. In 1569, after the rebellion of the northern earls, 450 peasants were butchered under martial law, far fewer than Elizabeth's government had intended. Elizabeth's courtiers, like James's, competed eagerly for the rebels' forfeited property. In the 1650s Cromwell regularly had prisoners of war transported to the plantations. Most men of property, therefore, viewed the punishment of Monmouth's followers with either indifference or satisfaction. There was, it is true, some sign of a hostile reaction in the west country. In December a heavy defeat for a government candidate in a by-election at Bristol was seen as "a sort of revenge for ill treatment by my Lord Chancellor and the soldiers". On the other hand, one of the region's leading magnates, Edward Seymour, expressed nothing but satisfaction at the rebels' punishment.<sup>23</sup> James, too, clearly approved what Jeffreys had done. He was always severe by nature and had earlier refused to pardon fifteen criminals sentenced to death, even though the Queen had pleaded for them, because he believed that the law should take its course. While Jeffreys was on his "campaign" (James's word) he informed James fully of what he was doing and, when he returned, James made him lord chancellor.<sup>24</sup>

The defeat of the rebellions greatly strengthened James's position at home. He still believed that the republicans would rebel, given half a chance, but he could now ensure that he was better able to deal with them. Monmouth's rebellion made James very aware of his military weakness: even at Sedgemoor Feversham had only two thousand foot and eight hundred horse. James decided to keep most of the forces he had raised for the emergency, thus doubling the size of his standing army, which increased to almost nineteen thousand officers and men. By contrast, the militia's poor showing convinced James that it was useless and dangerous. He hoped that Parliament would allow him to use the militia money to help maintain the army. When he failed to persuade Parliament to do so, he simply ignored the militia, ordering that it should no longer muster. Meanwhile, James spent much of his time in the summer and autumn of 1685 organizing and disciplining his army.<sup>25</sup>

Never one to underestimate the strength of his enemies, James saw his triumph over the rebellions as a great deliverance, a sign that God approved of his regime and wished him to advance the Catholic cause:

"Unless Thou defendest the city, the guard watches in vain. We know and our own experience tells us, unless Thou reachest forth Thy hand, we are presently in danger of sinking; sometimes, O Lord, Thy all wise Providence seems to sleep and permits the storm to grow high and loud, yet never fails to relieve Thy servants who faithfully call upon Thee in the day of trouble."<sup>26</sup>

His faith fortified, James resolved to press on with renewed determination to

make the Catholics' position safe for all time. While enlarging his army he had commissioned nearly a hundred Catholic officers. As a strictly temporary measure this was probably legal. As officers were obliged to take the Test within three months of being commissioned, they could technically serve for up to three months without taking it. Ignoring the arguments of Halifax and Guilford that it was illegal to employ them, James said that he was determined to do so, as good officers were in short supply. He added that it was up to his law officers to find expedients acceptable to the laws.<sup>27</sup> The English, however, always disliked standing armies, and one which contained Catholic officers seemed even more sinister. It was soon to appear more sinister still. On 8th October Louis issued the Edict of Fontainebleau, revoking the last vestiges of the toleration granted to the Huguenots by the Edict of Nantes, almost a century before.

\* \* \*

In both England and the Dutch republic, the news of the persecution which followed was greeted with horror. Many of the stories brought by Huguenot refugees were untrue or exaggerated, but the reality was disturbing enough. Louis claimed that the measures which he took to save his subjects' souls were no business of anyone else, but others disagreed and there were cases where it was debatable whether those who were being harassed were in fact Louis' subjects. Louis claimed that all Dutch and English Protestants who had been naturalized had become his subjects and so had their wives and children, whether they had been naturalized or not. Moreover, although he assured James and the States General that those who had remained English or Dutch citizens would be free to leave France, with their property, such assurances were not always respected by Louis' officials. Moreover, if their wives were French, the wives and children had to stay. Many members of the English and Dutch merchant communities were thus affected by the persecution, as friends or relatives were maltreated and trade was interrupted.

In Holland the persecution brought the first hint of rapprochement between William and Amsterdam. Amsterdam's merchants were particularly deeply involved in the French trade and the city's Protestant clergy, like those elsewhere, talked loudly of the perils facing European Protestantism. The regents of Amsterdam did not stop opposing William, but they agreed to open up channels of communication through which William was able gradually to undermine their resistance. Louis had expected such a reaction:

"I see clearly . . . that the Prince of Orange and his adherents will make use of the good success which God is giving to my efforts to convert my subjects to turn the States General against my interests, but the benefit which will result from this is so great that (whatever the effect it may produce where you are) it will not make me weaken in my determination to perfect the work."

He was sure that the rulers of Amsterdam would soon get over their excitement and see again that their true interest lay in close friendship with France, which alone could protect their liberties against William.<sup>28</sup>

The persecution also had a second, less obvious, effect on Dutch opinion.

The conduct of the Catholic King of France made the Dutch look more anxiously at the conduct of the Catholic King of England. The Dutch Ambassadors might report James's professions of friendship towards the States General, but d'Avaux reported that at the Hague many believed that James was much more friendly to Louis than to William.<sup>29</sup> Such suspicions were soon strengthened by a series of petty incidents. They led William and the States General to treat James more coolly, which in turn helped make James suspicious and hostile towards the Dutch.

In England the news of the persecution had a less obvious impact, not least because the press was firmly under government control. The *Gazette* made no mention of what was happening in France, a fact which provoked some comment, as news filtered through during October and November. English Protestants read with anxiety a speech by the Bishop of Valence urging Louis and James to join in extirpating heresy in their dominions. Faced with such news, even the most loyal Tory was bound to feel threatened by James's enlarged army and to fear that it would soon be filled with Papists. More than ever the Tories were concerned to preserve the Test, the "great guard and security to our church". "Never was there a more devoted Parliament," remarked one observer, "but you know the point of religion is a tender point."<sup>30</sup>

James's subjects mostly assumed that, as a Catholic, he must approve of Louis' persecution of the Huguenots. In fact, James's attitude is not easy to determine. Barrillon wrote often that James had expressed admiration for Louis' heroic efforts to root out heresy and that he had apologized for authorizing a collection in aid of the Huguenot refugees in England, saying in extenuation that English opinion was so agitated that he had no choice. Such letters need not be taken at face value. Barrillon knew that this was a matter dear to Louis' heart and may have embellished or even invented James's remarks to please his master. Even if James really said these things, it does not mean that he was sincere. James often larded his remarks to Barrillon with unctuous flattery of Louis and seldom said anything to Barrillon which he thought would displease the French King; if he did, Barrillon failed to report it. When undertaking some action which he thought Louis might not like (such as asking the States General for the three Scots regiments) James failed to mention it. Moreover, against the remarks reported by Barrillon one can set others—to Citters, to the Spanish Ambassador Ronquillo, to William himself—in which James condemned the persecution as impolitic and un-Christian.<sup>31</sup>

Any analysis of James's attitude should therefore be based on his actions, not his words, but here too there are contradictions. James ordered the collection for the refugees as soon as it was requested, but it was five months before the necessary authorization was issued and it included the condition that the money was to go only to those who used the liturgy of the Church of England. One reason for this delay was Barrillon's insistence that the letters for the collection should contain no expressions offensive to Louis. Barrillon also persuaded James to suppress a book about the persecution by one of the refugees. James gave as his reason the obligation of kings to defend each other against insults, but

it was naturally seen as implying approval of Louis' conduct. Such beliefs were confirmed by James's allowing French officials to search English ships for fugitives in French ports.<sup>32</sup> On the other hand, James's ambassador in Paris, Sir William Trumbull, did all he could to help English and Scots caught up in the persecution. Although James and Sunderland reprimanded Trumbull occasionally for some rather indecorous expressions, he was clearly carrying out James's orders. In June 1686, for example, Trumbull was told that the French Protestant servants who had come with him from England would not be allowed to leave France. James at once ordered Trumbull to return to England and to bring his Huguenot servants with him. Louis expressed surprise, remarking that he thought a king of James's religious zeal would not have concerned himself with such matters. But James was adamant, so Louis eventually let Trumbull take his servants with him.<sup>33</sup>

It is not easy to see a consistent pattern in James's behaviour, but I think it is possible. Despite his remarks to Barrillon, I suspect that James genuinely disapproved of the violent methods Louis used to convert the Huguenots. He seems to have disliked religious persecution on principle and was only too aware of how much more difficult Louis' actions made his task in England. If he hesitated to show his disapproval openly or to make representations to Louis to change his policies, this can be explained in three ways. First, James may have realized that Louis' mind was made up and there was no point in trying to change it. Secondly, he seems to have accepted Louis' argument that it was an internal matter and concerned himself only with marginal cases: British subjects who had not been naturalized, or Trumbull's Huguenot servants. Thirdly, as 1686 wore on, James came to regard Louis' friendship as vital to the success of his Catholicizing measures at home. He was therefore reluctant to push Louis too hard on matters which he knew were disagreeable to him. Louis was well aware of this reluctance and knew that if he refused James's requests, James could do little about it. When he did make a modest concession, he stressed his own magnanimity and expected James to respond with suitably fulsome expressions of thanks.

James's treatment of the Huguenots within England reflected a tension between different principles or emotions. On one hand, James sympathized with them as victims of persecution and saw that it would create a very bad impression if he did nothing for them. On the other hand, he distrusted them on political grounds. As early as July 1685 he suspected that the Huguenots had been mixed up with Monmouth's rebellion and these suspicions were carefully nurtured by the French. James's experience of Dissenters in England and Scotland had prejudiced him strongly against Calvinists, whom he regarded as enemies of monarchy. Moreover, at this time James was still seeking the co-operation of the Tories, many of whom looked with distaste on non-episcopal Protestant churches. Seen in this context, James's slowness in providing for the refugees and his insistence that they use the Anglican liturgy becomes comprehensible, if hardly creditable.<sup>34</sup>

\* \* \*

and prejudicing him against Petre. James was persuaded to take the direction of English affairs at Rome out of Howard's hands and to entrust them to Rinaldo. He thus replaced a man who was both knowledgeable and respected with one who was neither and whose sole claim to eminence was his kinship with the Queen. The story of James's relations with Rome is one of ignorance, arrogance and irrelevant self-gratification. Even when James offered to mediate between Louis and the Pope, he hoped that in return the Pope would at last make Petre a cardinal.<sup>11</sup>

James was thus unwilling to restore to the Pope the powers over the English church which the crown had acquired at the Reformation. He believed, not only that these powers were rightfully his, but also that they were needed for the advancement of Catholicism. Two aspects of the royal supremacy were particularly relevant: first, the power to maintain discipline among the Anglican clergy and secondly that part of the king's dispensing power which could be used for ecclesiastical purposes.

In the first weeks of his reign, James had ordered Sancroft and his colleagues to forbid their clergy to preach seditious sermons, warning that if the sermons continued he might reconsider his promises to the Church. Anti-Catholic sermons continued, however, some reflecting openly on the King.<sup>12</sup> In February 1686 James again summoned Sancroft and some other bishops and complained of such anti-Catholicism, mentioning especially the Sunday afternoon lectures and catechizing. He was persuaded not to demand the suppression of these exercises, on condition that Sancroft reissued the directions to preachers issued in 1662. These ordered the clergy to avoid controversy and "abstruse and speculative notions" and to concentrate on practical, moral divinity.<sup>13</sup> Still the sermons continued and anti-Catholic tracts poured from the press. A few bishops tried hard to enforce James's orders, but others were clearly unsympathetic. James replaced bishops who died with more compliant men (like Parker at Oxford and Cartwright at Chester), but such changes could alter the character of the episcopate only very gradually. Meanwhile, even prelates who had been closely associated with James, like Turner or Sancroft, proved less co-operative than he expected. Others were openly hostile. Compton had long been on bad terms with James. In the November session of Parliament he criticized strongly James's employing Catholic officers, for which he was dismissed from the privy council. In May 1686 John Sharp, rector of St Giles in the Fields, preached a sermon which James thought offensively anti-Catholic. He ordered Compton to suspend Sharp. Compton refused, which brought to a head the problem of James's inability to control the Anglican clergy. As he could not rely on the bishops to execute the disciplinary powers which the King, as supreme governor, had vested in them, he decided to delegate those powers to someone else. On 8th July he issued a warrant to establish an ecclesiastical commission, which was to exercise the King's powers to visit and discipline ecclesiastical persons and institutions, including the universities.<sup>14</sup>

Most contemporaries saw this as a revival of the Court of High Commission abolished by Parliament in 1641, and assumed, therefore, that it was illegal.

As Ogg has shown, this was not strictly correct. The commission claimed to exercise only those of the King's powers of ecclesiastical jurisdiction which had not been declared illegal by the Acts of 1641 and 1661. Unlike High Commission, it never called itself a court, nor did it impose fines or imprisonment. It claimed jurisdiction only over ecclesiastics and imposed only the purely ecclesiastical penalties of suspension and deprivation.<sup>15</sup> Although many questioned its legality, the most offensive aspect of the commission was perhaps the use to which it was put. It was used, first, to stop the Anglican clergy from warning their flocks against the dangers from Popery and secondly, to force the universities to admit non-Anglican students and teachers.

The corollary of James's disillusionment with the Anglicans was a softening of his hostility towards Protestant Dissenters. At first, this hostility had been reinforced by the support which some Dissenters gave to Monmouth, but after the November session of Parliament he began, for the first time, to doubt the Anglicans' loyalty. He was still reluctant to believe that (given time, and a degree of firmness on his part) the Tories would not see the error of their ways. He still saw them as the natural supporters of monarchy. Nevertheless, he knew that if (as he saw it) the Anglicans abandoned him, the obvious alternative was to offer a general toleration and seek support among the Dissenters. During 1686, as the Tory gentry remained opposed to toleration for Catholics and the Anglican clergy insulted his religion, James began to criticize the Church of England, not only for opposing his wishes but also for persecuting Dissenters. He came to believe that the Dissenters had been forced into their disloyal behaviour by religious persecution and so that, once the persecution was ended, the Dissenters would become loyal subjects of the crown. Thus the political arguments for relying on the Anglicans and for repressing Dissent were gradually weakening.

It is easy to see James's conversion to toleration as opportunistic and insincere. He certainly turned to the Dissenters only after failing to get his way with the Anglicans. Yet his change of heart was slow and complex. On one hand, he was never a tolerant man in the sense of being able to appreciate views which differed from his own. On the other hand, he had always claimed to be against religious persecution as such, and had justified the persecution of Dissenters, in England and Scotland, on political grounds. By 1686, however, the simple equation of Dissent and disloyalty seemed far less obvious than in 1681-85. Slowly and painfully, James had to rethink his position. He came to see a general religious liberty as not only feasible but right in itself. It took time to rid himself of the hope that his "old friends", the Tories, would forget their aversion to Catholicism; it took time to overcome his reservations about the Dissenters' political leanings. Once he had done so, his lifelong opposition to religious persecution could develop into a positive commitment to liberty of conscience, which he upheld in 1687-88 with every sign of sincerity.

In overcoming his prejudices in favour of Anglicans and against Dissenters, James received considerable help from his courtiers. Sunderland and his Catholic allies argued that Rochester and the Tories would always obstruct James's

religious measures and that he should therefore dismiss them and cease to rely on their support. A more upright adviser was the Quaker, William Penn. In 1673 James had told Penn, "that he looked upon us [the Quakers] as a quiet industrious people and though he was not of our judgment, yet he liked our good lives." Although Penn had supported Exclusion, he returned to court in 1685. James told him that he did not wish peaceable people to be troubled for their religion, but he still distrusted the Quakers in general, while expressing confidence in particular individuals. In 1686 Penn's influence grew. In March James suspended all legal proceedings against Quakers and by August other Dissenters could meet freely, if they petitioned the King for relief. James granted such petitions and expiated on the cruelty of the Church of England, declaring his willingness to end persecution for conscience's sake. He sounded the various types of Dissenters, to see "whether if liberty and impunity could be granted by law, the Dissenters would, in a body, signify their thankful acceptance thereof." By the beginning of 1687 the persecution of Dissenters had virtually stopped.<sup>16</sup>

If James had been content simply not to enforce the laws penalizing Catholic and Dissenting worship, there was little to stop him. James, however, wanted the penal laws and Test Acts formally and permanently removed. As he came to accept that the Tory Parliament of 1685 would not do so, he realized that he would have to call another. While the Tories dominated the shires and boroughs, however, a general election would produce another strongly Tory House of Commons. Before he could secure a Dissenting House of Commons, he would have to replace the Tory office-holders in the constituencies with Dissenters and Catholics. Under the Test and Corporation Acts, Dissenters and Catholics were excluded from such offices. Therefore, in order to employ them (and, he hoped, to encourage converts to come forward) James had to use his prerogative, his dispensing and suspending powers.

After proroguing Parliament in November, James granted some seventy Catholic army officers a pardon for having accepted commissions without taking the Test. The judges assured him that he had the power to grant the pardon, but were divided (one writer said seven to five) about his power to dispense them from taking the Test and oaths (of allegiance and supremacy) in the future. James therefore merely recommissioned the officers, since he could employ them for up to three months without their being asked to take the Test. He toyed with the idea of publishing the decision of the majority of the judges in favour of his dispensing power, but decided against it as the decision had not been unanimous. He resolved instead to establish its legality by means of a test case.<sup>17</sup>

If this case were to have the desired outcome, James had to be sure of the judges. In February he dismissed two for refusing to acknowledge his dispensing power and four others were dismissed in April. James could now bring his test case with every prospect of success. Sir Edward Hales, a Catholic officer was prosecuted for holding office contrary to law, but pleaded the King's dispensation. Lord Chief Justice Herbert found a pretext to call in all the judges

and eleven of the twelve ruled that "'tis an inseparable prerogative of the kings of England to dispense with penal laws in particular cases and upon particular necessary reasons" and "that of those reasons and those necessities the king himself is sole judge."<sup>18</sup>

This ruling provoked considerable controversy. Nobody denied that the king possessed a dispensing power, by which he could allow an individual to disobey a statute. There were many precedents for such a power, which had been extended into new areas by the assertion of the royal supremacy, whereby the king assumed the pope's power to dispense with ecclesiastical regulations. What was at issue was less the dispensing power as such than the way in which it was used. Tudor writers declared that it should be used "where equity requireth a moderation to be had". It had been agreed, too, that it could be used only in cases of transgressions against the law of men (*mala prohibita*), not transgressions against the law of God (*mala in se*). The offence created by the Test clearly fell into the former category. It could also be argued that the king could dispense with any statute which took away "any prerogative which is sole and inseparable to his person". The Test Act could be seen as coming into that category.<sup>19</sup>

Technically James had a reasonable case in claiming a dispensing power. He was no lawyer, as he freely admitted: "I am obliged to think what my judges do is according to law." He expected his legal advisers to preserve his rights, but distrusted lawyers and remarked that the law was used as a pretext for many injustices. Impatient with the law's subtleties and technicalities, James stuck to simpler, more clear-cut concepts like the laws of God and nature. These (he claimed) gave the king an inalienable right to his subjects' service and imposed on those subjects an inviolable duty to obey their king. Any statute which deprived the king of his subjects' service or debarred them from serving him was (in the eyes of both James and Penn) unjust in itself. Moreover, it was far from improper to dismiss judges who obstinately refused to recognize the injustice of such laws.<sup>20</sup>

James's subjects did not see matters in this way. They did not share his view of the law and resented the appearance of duress given by the judges' dismissal. They had resented the uses to which James had already put the dispensing power, admitting Catholics to the army and allowing converts to Catholicism to retain their college fellowships (the latter by virtue of the ecclesiastical part of the dispensing power). The judges' ruling in the Hales case opened the way to the admission of Catholics to civilian offices and perhaps (they feared) to benefices in the Church and seats in the House of Commons. Meanwhile, in Ireland Tyrconnell was busy filling the army and the administration with Catholics. For the Tories in particular the future looked alarming indeed. James was treating them harshly but spoke kindly to the Dissenters, while Rochester's credit at court was clearly reduced. To make matters worse, James's

\* In 1689 the dispensing power was declared illegal only "as it hath been assumed and exercised of late".

7. Chandaman, pp256-59. See the same author's "The Financial Settlement in the Parliament of 1685", in H Hearder and HR Loyn (eds), *British Government and Administration: Studies Presented to SB Chrimes* (University of Wales Press, 1974), pp144-54.
8. Reresby, pp 368-69; Fox, Appendix, ppxcv-xcvi, clv-clvi; Barrillon, 12th July, CPA 155.
9. D'Avaux, 1st March, FO 95/571; Fox, Appendix, pxliv; Barrillon, 19th and 29th March, BT 160; BL, Add 41823, f5; Dalrymple, II (b) 116-17.
10. Sidney, II 249-50; d'Avaux, 10th and 19th April, FO 95/571; *Clar Corr*, I 119-25; BL, Add 41812, ff1-2, 15.
11. *HMC* 7, pp325-26.
12. *CSPD* 1685, no 358; Barrillon, 23rd April, BT 161; BL, Add 34508, ff10-11, 14; d'Avaux, 3rd May, FO 95/571.
13. BL, Add 41812, ff38, 53-57, 104, Add 41817, ff67-68, 109, Add 41822, ff244, 251, 262-64, Add 34512, ff18-21.
14. BL, Add 41812, ff47, 74, 104; d'Avaux, 28th June, FO 95/571; *Clar Corr*, I 128; Dalrymple, II (b) 129-30; Barrillon, 31st May, CPA 155; SP 84/220, ff5-6; Japikse, I 1, pp20-21.
15. Japikse, I 1, pp21-22, 24-25, 28.
16. BL, Add 41812, ff121-23; GH Rose (ed), *Papers of the Earls of Marchmont* (3 vols, London, 1831), III 35-37.
17. Dalrymple, II (b) 124-25; BL, Add 34508, ff15-16, 53, Add 34512, ff21-22; Barrillon, 21st June, CPA 155.
18. Fox, Appendix, ppxcix-cxi.
19. Japikse, I 1, pp28-29; *Clar Corr*, I 153; *CSPD* 1685, nos 1462, 1503; BL, Add 34508, ff66-67, Add 41823, f27.
20. *CSPD* 1685, nos 864, 981; Dalrymple, II (b) 129-31; *HMC Stopford Sackville*, pp5, 9; Newton, *House of Lyme*, p336.
21. G Duckett (ed), "Original Letters of the Duke of Monmouth", pp4-6, in *Camden Miscellany; VIII* Barrillon, 26th July, CPA 155; Dalrymple, II (b) 134.
22. *CSPD* 1685, nos 1102, 1575, 1629, 1644; Kenyon, *Constitution*, p422.
23. A Fletcher, *Tudor Rebellions* (Longman, 1968), pp100-01; L Stone, *Crisis of the Aristocracy* (Oxford, 1965), pp413-14; Gardiner, *Commonwealth*, I 328, 465-66, III 194-96; G Davies, *Essays on the Later Stuarts* (Huntington Library Publications, 1958), pp49-50; *HMC Ormond*, NS VII 405.
24. CUL, Add MS 4836, ff11, 23; *CSPD* 1685, nos 1629, 1663; Dalrymple, II (b) 166.
25. Dalrymple, II (b) 137, 165, 169-70; Barrillon, 19th and 30th July, 9th Aug, CPA 155; Miller, "Officers", pp42-46; Miller, "Militia", pp661-62.
26. *Royal Tracts*, pp71-72. The authenticity of this passage is not certain, but some of the other pieces in the collection are genuine and this one has much in common with an earlier one (Davies, *Papers*, pp107-09).
27. Barrillon, 2 Aug, CPA 155.
28. Louis to d'Avaux, 25th Oct (quoted) and 6th Dec, d'Avaux, 29th Nov and 20th Dec, FO 95/571.
29. D'Avaux, 29th Nov, FO 95/571.
30. Evelyn, IV 484-87; Barrillon, 1st and 22nd Oct, 8th Nov, BT 161, 162; Bodl, Ballard MS 12, f15; Newton, *Lyme Letters*, pp137-38; *HMC Egmont*, II 164; Morrice P, p491.

31. BL, Add 34502, ff61, 77, Add 34512, ff35, 48; Burnet, *History*, III 87, 176; Dalrymple, II (b) 176-77.
32. BL, Add 34508, f88, Add 34512, f35; *HMC Downshire*, I 130; *CSPD* 1686-87, nos 611, 630; Bodl, Tanner MS 31, f279; Barrillon, 13th and 16th May 1686, BT 166.
33. Sunderland's correspondence with Trumbull is in SP 78/150 and SP 104/19 (partly printed in *HMC Downshire*, I). For the above incident, see SP 78/150, ff99-101, 105-08; *HMC Downshire*, I 192, 197-98; Louis to Barrillon, 9th Aug 1686, CPA 159.
34. Barrillon, 6th and 16th Aug 1685, CPA 155, 10th Sept and 1st Oct 1685, BT 161; Bonrepaus to Seignelay, 3rd Jan 1686, BT 163. My ideas on this point owe much to a seminar paper given by Rowland Gwynn at the Institute of Historical Research early in 1976.
35. Fox, Appendix, pxxvii; Barrillon, 22th Oct, 1st and 5th Nov 1685, BT 161, 162; Foxcroft, I 454-6.
36. Barrillon, 22 Nov, BT 162; *CJ*, IX 756.
37. Bramston, pp210-12; Barrillon, 19th Nov, BT 162; Morrice P, pp493-95; Grey, VIII 355-60; Reresby, pp394-95; Fox, Appendix, ppccxxxix-cxli.
38. *CJ*, IX 757-58; Grey, VIII 369; Reresby, p397; Fox, Appendix, ppccxi-cxli; Ailesbury, I 126-27.
39. Reresby, pp397-98; Barrillon, 29th and 30th Nov, 3rd Dec, BT 162; BL, Add 25371, ff140, 148; Ranke, IV 277-79; Bramston, pp216-17.

#### Chapter Eleven

1. *HMC Egmont*, II 167-68; *HMC Ormond*, NS VII 405.
2. Fox, Appendix, pxlviii; *HMC Stuart*, VI 3; *Life*, II 74, 99-100; Barrillon, 22nd Feb 1685, 25th March 1686, BT 160, 165.
3. See below, ch 14.
4. *Letters of Algernon Sidney to Henry Savile*, pp130-31; Barrillon, 17th June 1686 and 10th March 1687, BT 166, 168.
5. Barrillon, 22nd Nov, 3rd, 6th and 13th Dec 1685, BT 162; Fox, Appendix, ppccxliii-cxlv; BL, Add 15395, ff284-85, 298-99, 315-17.
6. Fox, Appendix, pccxliii; Barrillon, 28th March 1686, BT 165; Bonrepaus to Seignelay, 31st Jan, 4th and 11th Feb 1686, BT 163, 164; *HMC Rutland*, II 102-03.
7. Barrillon, 11th March, 18th July 1686, BT 165, 166; BL, Add 15395, f441; North, *Lives*, II 192-93; *Ellis Corr*, I 133-34, 138; Kenyon, *Sunderland*.
8. Barrillon, 4th Oct 1685, BT 161; Fox, Appendix, pccxxix.
9. Bodl, Rawl MS A257, ff243-44.
10. Bodl, MS Arch FC6, ff38, 103; *CSPD* 1687-89, no 486; TCD, MS 1184, no 21; Carte MS 181, ff158-59; Carte MS 209, ff15, 64, 66-67 (quoted), 345.
11. See above, p73-74; also Miller, *Popery*, ch 12. The Pope denied that Howard had opposed Petre's candidature: CUL, Add MS 4881, f583.
12. See above, p136; Bodl, Tanner MS 31, ff123, 156, 198-99; Morrice P, pp492, 520; Wood, III 141; *Ellis Corr*, I 3-5.
13. Ranke, IV 293-94; *Clar Corr*, I 258; Bodl, Tanner MS 31, ff268, 270; *CSPD* 1686-87, nos 227-28.
14. Bodl, Tanner MS 31, f250; BL, Add 34508, f133; *Ellis Corr*, I 4; T Sharp, *Life of Archbishop John Sharp* (2 vols, London, 1825), I 69-74).

15. D Ogg, *England in the Reigns of James II and William III* (Oxford, 1955) pp175-78.
16. Buranelli, pp69, 99 (this work is far from reliable on James, but its account of Penn's motives carries conviction); *HMC Buccleuch*, I 215; Miller, *Popery*, pp210-12; Morrice P, p594.
17. *CSPD 1685*, nos 1936, 1959; Barrillon, 3rd Dec 1685, BT 162; Bramston, p222; BL, Add 34508, ff97, 102, Add 15395, ff322, 328-29, 335-36.
18. Barrillon, 10th Dec 1685, 10th Jan 1686, BT 162, 163; BL, Add 15395, ff337-38, 468-69, Add 34508, ff105, 107; Kenyon, *Constitution*, pp422-23, 438-39.
19. Holdsworth, VI 217-21, 223-25; GR Elton, *The Tudor Constitution* (Cambridge, 1960), p19.
20. Gutch, I 436; *Clar Corr*, II 160-62; BL, Add 15395, f492; Buranelli, pp104-07.
21. Dalrymple, II (b) 166-67. See also BL, Add 34508, ff117.
22. BL, Add 41812, f70, Add 41813, ff86, 204, Add 41819, f245.
23. For Peyton, see BL, Add 34508, f52, Add 41814, ff139, Add 41820, ff175-76; Sunderland to Skelton, 10th Jan 1687, SP 104/19; d'Avaux, 25th Oct 1686, FO 95/572; *CSPD 1686-87*, nos 1582, 1680; Barrillon, 21st April 1687, BT 168.
24. D'Avaux, 17th Oct and 12th Nov 1686, FO 95/572; Barrillon, 28th Oct, BT 167.
25. BL, Add 41813, ff41, Add 41814, ff135, 176, 41823, f40; Japikse, II 2, pp731-32, 736; Dalrymple, II (b) 138-40; BL, Add 15396, ff105; Barrillon, 23rd Sept 1686, 9th Feb 1688, BT 167, 175; Campana, II 131.
26. Sunderland to Trumbull, 19th Oct, 19th Nov and 7th Dec 1685, SP 104/19; *HMC Downshire*, I 106, 116; SP 78/148, ff136, 157; Louis to Barrillon, 14th Dec 1685, CPA 156, ff294-95.
27. *CSPD 1685*, nos 1775, 1915; Japikse, II 2, pp725-26; BL, Add 41813, f59; d'Avaux, 17th Jan 1686, FO 95/572.
28. Burnet, *History*, III 86; Bonrepaus to Seignelay, 11th Feb 1686, BT 164; d'Avaux, 4th April 1686, 5th Aug 1688, FO 95/572, 574; Dalrymple, II (b) 158-60; *Clar Corr*, I 168-69.
29. BL, Add 41814, ff85, Add 41818, ff244, 250; d'Avaux, 21st and 28th Feb 1686, FO 95/572; Barrillon, 7th and 18th March 1686, BT 165.
30. Citters, 28th May 1686, FO 95/553; BL, Add 15396, ff186-87, 214; Bonrepaus to Seignelay, 17th Jan 1686, BT 163; Seignelay to Bonrepaus, 9th Feb 1686, CPA 160; Symcox, p184.
31. Louis to Barrillon, 28th Feb 1686, CPA 158; Bonrepaus to Seignelay, 11th and 25th Feb 1686, BT 164.
32. Symcox, p186; Louis to Barrillon, 26th Dec 1686, CPA 159; Barrillon, 25th Oct 1685, 17th and 21st April 1687, BT 161, 168; Bonrepaus to Seignelay, 14th March 1686, BT 165.
33. Burnet, *History*, III 176; BL, Add 15397, ff240-41; see also BL, Add 15396, ff355, 400-03, 424-25; SS Ing 12, f250.
34. BL, Add 34512, ff38-39, Add 34893, ff10-11.
35. BL, Add 34512, ff39-48, Add 15396, ff243-48.
36. Barrillon, 22nd and 29th Aug, 5th, 12th and 16th Sept, 7th Oct and 12th Dec 1686, BT 166, 167; BL, Add 41819, ff254-56; Citters, 15th Oct 1686, FO 95/553 (back of volume); Burnet, *Suppl*, p221; Japikse, I 2, p8; BL, Add 34508, ff133-34.
37. BL, Add 41814, ff40-41.
38. *CSPD 1686-87*, no 619; Japikse, I 2, p8; d'Avaux, 21st Jan 1687, FO 95/573; *Papers of the Earls of Marchmont*, III 71-72; BL, Add 41814, ff194.
39. Barrillon, 23rd Sept and 26th Dec 1686, BT 167; CUL, Add MS 4836, ff182, 184; BL, Add 15396, ff189-90; *Ellis Corr*, I 206-07; Kenyon, *Sunderland*, pp141-44.
40. Barrillon, 23rd Sept, 4th, 18th and 21st Nov, 12th, 16th and 23rd Dec 1686, 6th and 9th Jan 1687, BT 167, 168; *Clar Corr*, II 62-64, 90-91, 116-18 (quoted); SS Ing 12, ff2-6.
41. BL, Add 15396, ff139-40, 230-31; Miller, *Popery*, p272; Mackintosh, p636; BL, Add 25373, f87; SS Ing 12, ff1; Barrillon, 20th Jan 1687, BT 168; *HMC Beaufort*, pp89-90.
42. SS Ing 12, ff21, 30; BL, Add 34512, ff57-58; Resesby, pp448-49; Bramston, pp267-69; Barrillon, 17th March 1687, BT 168.
43. *Ellis Corr*, I 256; Ranke, IV 310n; Barrillon, 10th, 20th and 24th March 1687, BT 168; Burnet, *Suppl*, p281; Mackintosh, p641.
44. Kenyon, *Constitution*, pp410-13, 442-45; Gutch, I 352.
45. Kenyon, *Constitution*, pp402-03; Holdsworth, VI 221-23; Ailesbury, I 151; Barrillon, 21st June 1688, CPA 165.
46. PC 2/71, p413; *HMC Portland*, III 398; Kenyon, *Constitution*, pp410-13; *Ellis Corr*, I 269; Povey to Southwell, 5th April 1687, PwV 61; Barrillon, 31st March, 3rd and 21st April 1687, BT 168; SS Ing 12, ff81-82, 87-88.

#### Chapter Twelve

1. Ailesbury, I 105-06; BL, Add 34510, ff52-53, 113, Add 25374, ff326-27; Luttrell, I 416-17; North, *Lives*, III 186-87; PC 2/72, pp473-74, 648-49, 659-60, 664, 725-27.
2. *CSPV 1673-75*, pp310-11; J Miller, "Thomas Sheridan and his Narrative", to be published in *Irish Hist Studies* during 1977.
3. *Petty-Southwell Correspondence*, ed marquis of Lansdowne (London, 1928), pp231ff (quotation from p240); *The Petty Papers*, ed Lansdowne (2 vols, London, 1927), I 259-60; for Penn, see Buranelli, esp pp128-35.
4. Scott, *English, Scottish and Irish Joint Stock Companies*, II 148-49; *Petty-Southwell Corr*, p234; Ellis, I 307-08; *CSPD 1686-87*, no 1805, 1687-89, nos 28, 43, 104.
5. See especially Bonrepaus to Seignelay, 4th March 1686, 12th June, 28th July and 14th Sept 1687, BT 165, 170, 171, 172; Instructions to Bonrepaus and Barrillon, 5th May 1687, BT 169.
6. Barrillon, 28th June 1688, CPA 165; Bodl, Ballard MS 12, f25 (quoted); Foxcroft, I 480n; Evelyn, IV 555ff.
7. *CSPD 1686-87*, no 1712; Cartwright, pp47-51; BL, Add 34487, f5; Bodl, Ballard MS 12, f27; "Trelawney Papers", pp18-20, *Camden Miscellany II*; Wood, III 220; *A Copy of An Address to the King by the Bishop of Oxon* (1687); Morrice Q, pp107, 137.
8. Barrillon, 19th May 1687, BT 169; BL, Add 32095, ff243-46; *HMC Leybourne Popham*, p265.
9. *CSPD 1686-87*, nos 342, 1062, 1340; BL, Add 15396, ff41-42.
10. JR Bloxam (ed), *Magdalen College and James II* (Oxford Historical Soc, 1886), pp29-30, 51-52.
11. Bloxam, pp85, 91 and *passim*; Wood, III 238; Bonrepaus to Seignelay,