

ILLUSTRATIONS OF ENGLISH HISTORY.

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EFFECTS OF LAY-IMPROPRIATION.

A knowledge of the present order of things in England naturally kindles an interest with regard to our past history; and, indeed, a knowledge of that history is often requisite for understanding the causes and reasons of present circumstances. The past and present stand much in the relation of cause and effect: the past is as the seed, the present is the growing plant; the past is the source from which the broad current of the present flows.

Few events of the past have a more direct bearing upon the circumstances of the present than the Reformation; and among the different transactions connected with the Reformation, the spoliation of ecclesiastical property has had, and still has, an especial influence. I have spoken of the effects of this spoliation as seen to this day in the existence of our system of Poor Laws, and in the impoverishment of many of the benefices of the English Church. I propose now to regard it not only in this latter aspect, but in another important, though less obvious, point of view.

I would, however, first premise a little of the history of the endowment of the parishes of England by tithes. The notion of devoting a tithe, or tenth part of the increase of the earth, to the maintenance of religion, was borrowed immediately from the Law of

Moses; but from various passages in the Scriptures it may be gathered that this proportion of property was customarily devoted to the service of God in times anterior to the Mosaic dispensation.

The history of the endowment of our parishes with tithes was, in a great measure, as follows: The lord of a manor (and manors were usually co-extensive with parishes) voluntarily gave over a tenth of the produce of his land for the perpetual maintenance of a clergyman, who should carry on Divine service in the parish church (which was often built either wholly or in part by the lord), and administer religious instruction and the sacraments, and other offices of religion, to the residents in that manor or parish. Thus the payment of tithes of the produce was made a perpetual charge (as it is termed) upon the land, and the clergyman for the time being was constituted as much the owner of the one-tenth as the lord of the manor, or his representative, was of the remaining nine-tenths.

Tithes came to be divided into great and small tithes. Great tithes consisted of things grown from the earth, as corn, hay, wood; small tithes arose from things nourished by the produce of the earth, as calves, pigs, lambs, chickens, etc. A living to which both great and small tithes are annexed, is called a rectory; a living to which the small tithes only are annexed, is called a vicarage. So much for the origin and nature of parochial tithes.

I proceed now to speak of the step which led to the spoliation committed upon these parochial endowments at the time of the Reformation. It was a practice not uncommon with the monks of a particular abbey to induce the patron of a living, *advocatus ecclesiæ*, to endow the abbey with the great tithes of a parish, the monks engaging to supply a "parson" (such was the legal term), who should perform the duties of the parish instead of the monks, *vice* the monks, who were now put into the position of the rector. Hence the term "*vicarius*," or "vicar." The monks kept the great tithes, and left the small tithes to the vicar. In some cases the monks induced the patron to let them take all the tithes, great and small, engaging themselves to discharge the ecclesiastical duties of the parish, which in such a case would be within easy distance of the abbey. The proceedings

of the monks in possessing themselves of parochial tithes was called in law, the "Appropriation of the tithes."

When the Reformation came, with the suppression of the monasteries in its train, the parochial endowments, which the monks had appropriated, were not restored, as it might have been expected, to the benefices to which they had originally pertained, but were comprehended in the same broad-cast net of alienation which was thrown around all the other possessions of the monastic establishments. The laymen, who then became possessed of those parochial tithes which the monks had formerly appropriated, were termed in law, "Lay-Impropriators," and the owners of the same property receive the same designation at the present day.

In those instances in which the monks had left the small tithes of a parish to a *vicar*, the benefice was not affected by the dissolution of the monasteries, and the vicar for the time being has continued to receive them to the present day. But in those instances in which the monks had appropriated all the tithes, small as well as great, undertaking to discharge the parochial duties themselves, the case was different, and the small as well as the great tithes were seized by the impropriator. They who thus seized the whole endowment of a parish were, indeed, nominally required to make some payment to a clergyman who should perform the duty, and who was to be called the "perpetual curate." Hence, by the way, we see the origin of the three kinds of parochial benefices which we now have in England—rectories, vicarages, and perpetual curacies.

Frequent complaints of the inadequate stipends which the impropriators gave to the "perpetual curates" are on record; and inadequate those stipends continue to be. There is an instance in the neighbourhood of the town of Aylesbury exactly illustrating the condition of parishes where the monks had possessed themselves of all the tithes, and the lay-impropriators have in consequence obtained them.

Between the towns of Aylesbury and Thame, was a monastery called Notley Abbey, of which some remains still exist.

The monks of this abbey had appropriated the great

and small tithes of five parishes lying in the neighbourhood of the abbey. The consequence has been that since the dissolution of the religious houses, perpetual curates, with the most trifling stipends, and with no residence-houses, have contrived to serve in a manner these parishes. Hence these "livings" have usually been held by clergymen residing in other parishes, who had some other duty,—either another cure, or who kept a school, etc. One was not long since held by a clergyman who lived at a distance of seven miles, and who was at the same time master of a grammar-school and chaplain to a gaol. Now the case of Notley Abbey and its dependencies applies in a considerable number of instances. Such, then, as I have described it, is lay impropriation—one of the evils which tarnished the glory of the Reformation, and which has continued to the present day, though of late years it has in some degree been remedied. But some good effects have flowed from the practice of lay impropriation, forming a remarkable instance of the good which, under the working of Divine Providence, often flows from evil, and illustrating the saying of Shakespeare,—

"There is a soul of good in all things evil."

It was observed in the days of the Reformation, that "Papist lands make Protestant landlords," and the saying, with the alteration of two words, would also be applicable to the alienated tithes once in the possession of the monasteries. The impropiators were necessarily pledged to the cause of the Reformation, since the "superstitious uses" to which these tithes had been applied, formed the best plea, such as it was, for the seizure of them. And still more were the lay-impropiators pledged to the maintenance of the Reformation by the apprehensions which they very reasonably entertained that, if Popery were restored, they would be compelled to restore their impropriations. This circumstance, doubtless, tended in no mean degree, to the successful achievement of the Reformation in England; for, by the possession of the alienated tithes, a large proportion of wealthy and influential persons throughout the kingdom—nobles as well as commoners—were interested to add their weight to the Protestant scale of the balance in which the fate of the two religions long trembled in this country.

Nor was this the only effect which the system of lay-impropriation has had on the religious destinies of England, and the fortunes of her church. This very spoliation, as the event proved, went far, on a subsequent occasion, towards preserving the remaining property of the church. In the time of the Great Rebellion, when the sectaries had the predominance, there was a movement towards the total abolition of tithes; but the Round-head lay-impropriators threw themselves in the way of this movement, and it was chiefly through their opposition that it was arrested in its course. More unlikely things have happened than that the body of lay-impropriators should again be the means of preventing the spoliation of the remaining property of the church, on which in all generations there are people who would gladly make an attack. Indeed, at the stormy period which occurred during and immediately after the passing of the Reform Bill in 1832, when there was a great fermentation of ideas, and a rage for all kinds of change, demolition, and reconstruction, there was a considerable party, hostile, either on religious or irreligious or political grounds, to the church, who seriously contemplated the confiscation of her property, and openly avowed their design. Now the fact of there being a considerable and influential number of laymen in the country possessed of parochial tithes—amongst them the Duke of Bedford, the head of the powerful family of Russell, the owner of the great tithes of no less than thirty parishes—this fact must have formed a serious obstacle to the accomplishment of these designs of church-plunderers. For it would be almost impossible to draw a distinction in favour of the lay, and to the prejudice of the ecclesiastical, tithe-holder, especially as the latter fulfils the condition of Divine service annexed to tithes, while the former does not. Thus lay-impropriators act as a sort of security to the Church of England for the preservation of her remaining endowments and the stability of her institutions, and form, as it were, a kind of insurance for her material interests.

POLICY OF HENRY VIII.

For a due appreciation of the events of Henry VIII.'s reign, one of the most important in our history, it is

requisite to trace out the policy by which Henry himself, the prime mover in those events, was actuated.

For though his conduct was much swayed by the violence of his temper and the caprices of passion, he certainly had a policy of his own, to which, with more or less consistency, he adhered throughout his reign. Being a man of considerable capacity for government, with much cultivation of mind for the age in which he lived, and much power of application to business, he would probably have definite views of his own, and it is evident that he had the force of character and strength of will which would impel him to carry out his views into practice.

He lived, too, in the age of European kingcraft, and had been brought up under a father whose court was a perfect school of that craft. A little attention to the course of Henry's conduct will enable us to discover the line of policy which he followed throughout. The exercise of uncontrolled authority was unquestionably his grand ruling passion; and one of the methods by which he secured it was the practice of balancing one opposite faction of his subjects against the other, allowing now one of these factions and now another to obtain the ascendancy, and enjoy a triumph over its rivals.

By thus acting as a kind of arbiter between contending parties, he was able to prevent either party from becoming formidable to himself; nay, he was able to ride roughshod over the heads of both. So embittered were these parties against each other that, if one saw its rival depressed by the tyrannical exercise of royal authority, it heeded not its own liability to the same kind of treatment. We see in his reign two distinct party divisions, the one religious, between Roman Catholics and Protestants; the other political, between the party of the old nobility, the proud, though depressed remnant of the feudal baronage, and the new-raised men, the creatures of Henry VIII., and of his father, the representatives of the then rising middle-class. Among these new men, the Protestants of the court were mostly to be found; while attachment to the old religion generally characterized the party of the ancient aristocracy. It was a fundamental maxim of Tudor policy to keep down the old nobility by intimidation, by exalting new men to

power and dignity in the state, and by favouring the middle-class; such, indeed, in the decline of feudal institutions was the general policy of European Governments at this era. Henry VIII. thoroughly adhered to this policy; yet he would leave a certain political importance to the nobility as an element of support and dignity to his crown, and as enabling him, when it suited his purpose, to keep in check the men whom he raised up from the inferior ranks, and to prevent the Protestant and reforming parties from gaining the entire ascendancy. We may observe several instances of the manner in which Henry played off the "upstarts" against the old nobility, and the old nobility against the "upstarts." Wolsey was a signal example of the new great men raised up by the Tudors; as such, he was an especial object of the jealousy and hatred of the old grandee party, which he amply requited by overbearing their importance, and treating their persons with contempt.

Henry employed him to destroy, which he willingly did, the Duke of Buckingham, the very chief representative of the old feudal nobility. Afterwards, when the King designed the destruction of Wolsey, we observe that he employed the willing agency of the Duke of Norfolk, and others of that party, to accomplish it.

Then came Thomas Cromwell, another complete specimen of the men whom the Tudors loved to raise from a low position to the highest eminence. Cromwell's influence with the King entirely prevailed against that of the nobility, by whom his exaltation was regarded with the utmost disgust. When Henry had determined upon his ruin, he had only to turn him over to the tender mercies of the old nobility, as well as of the partisans of the Romish interest. Accordingly we observe in the Act of attainder, under which Cromwell was brought, without trial, to the block, that his contempt for the nobility, a plea for his condemnation which evidently emanated from that party, is specified as one of the offences for which he had deserved to suffer death. In this Act, Cromwell is significantly spoken of as "a man of as poor and low degree as few be within this your realm," as "having had your nobles of your realm in great disdain, derision, and detestation, as by express words by him most opprobriously spoken, hath appeared"; and as

having declared that "if the lords would handle him so, he would give him such a breakfast as never before was made in England, and that the proudest of them should know"—a striking picture, all this, of the mutual feelings which we may suppose to have been entertained by the two hostile parties, Cromwell and his aristocratic enemies.

I will now turn to the policy of Henry VIII. towards the contending parties of Romanists and Protestants, in which will be apparent his practice of balancing one against the other, and of employing each in turns to prevent the predominance of the other. By throwing off the Papal authority, by the suppression of the monasteries (which was begun in 1535), by authorizing the circulation of the Holy Scriptures (1537), by issuing the Protestant Articles of 1536, and the still more Protestant Bishop's book of 1537, he greatly encouraged the reforming party, and advanced their interest in the nation. But that they might not exceed a certain limit of importance, and that the Romish party might not be entirely and dangerously estranged from his person and government, he came out, in the year 1539, with the persecuting Act of the Six Articles, affirming some of the chief doctrines of the Romish Church.

This Act, passed as it was, after a series of Protestant measures, and while the suppression of the greater monasteries was actually proceeding, and, indeed, in the same session of Parliament with the passing of the Act for legalizing the surrender of them, was plainly intended to give encouragement to the disheartened Romanists, to soften their resentment, and to avoid driving them to extremities. For so long as the adherents of the Romish Church could preserve some of its essential doctrines, they would feel the less concern even at the destruction of its institutions and at the cruelties and severities exercised upon a class of their co-religionists.

After the passing of the Act of the Six Articles, the see-saw policy of the King in religious matters proceeded more actively than ever. Protestants were burnt under the provisions of this Act, while Roman Catholics were hanged, drawn, and quartered for asserting the supremacy of the Pope, or denying that of the King. In the year 1543, another step in return towards Romanism marked the

religious policy of the King : but in the same year the Protestants again received some encouragement from him by the passing of an Act in mitigation of the severity of the Act of the Six Articles. In the next year, 1544, he again took a decided step in a Protestant direction, publishing for the first time in this country, a volume of public prayers, including the Litany, in the English language—a volume which is regarded as the forerunner of the Book of Common Prayer. Futhermore, from about this time the persecution of Protestants under the Six Articles Act was almost entirely suspended. Such appears to have been the policy observed by Henry VIII. towards the conflicting parties in his realm. The consideration of it will aid us to understand the reasons of his fluctuating conduct, which would otherwise be almost unaccountable. It may also help us to the solution of a question which naturally arises, how it was that the tyranny of this king was endured by the English nation, although that tyranny was supported by no standing army.

STATE OF PARTIES DURING THE LAST SIX YEARS OF HENRY
VIIIITH.'S REIGN.

After the execution of Thomas Cromwell, which took place in July 1540, a few months after the last of the abbeys had fallen under his tremendous blows, the King betook himself very much to the advice of the wily Gardiner, Bishop of Winchester, a decided Romanist, and of the Howards, the Duke of Norfolk, his son, the Earl of Surrey, and their kinsfolk, a family which stood at the head of the old aristocratic interest and of the Romish party in England. But it was observed that Henry never afterwards gave his confidence so much to any one adviser as he had given it to Cromwell, and before Cromwell to Wolsey. There was also a powerful Protestant party at Court, of which the Seymours, to wit, the Earl of Hertford (afterwards the Duke of Somerset) and his brother, Lord Seymour, were the leading members. The two rival factions, now indicated, incessantly contended for the possession of Henry's favour, and for influence in the direction of affairs. About two years before his death, the King began to withdraw his favour

from Gardiner and the Howards, and to lean more and more to the Seymours and their party. The Seymours, it should be recollected, were brothers of Jane Seymour, and consequently uncles to Henry's son, afterwards Edward VI. As the health of the King failed, each of the two parties looked forward with eagerness to the possession of the supreme authority during the minority of the young King. The Duke of Norfolk and the Earl Surrey, as we may gather from certain of their expressions, which were afterwards brought up against them at their trial, thought themselves entitled, by their rank and standing in the kingdom, to the prospective regency. On the other hand, the pretensions of the Seymours to the chief government during Edward's minority, were founded upon their kinship with him, which would of course point them out as his natural protectors. To secure their prospect of ruling in his name, they incited Henry, who ever received with readiness accusations against powerful men in his kingdom, to work the destruction of the Howards, who, as the Seymours led him to believe, entertained designs of engrossing after his death a degree of authority which would be dangerous to his son's crown and government. Hence the execution of the Earl of Surrey and the attainder of the Duke of Norfolk. Both of these iniquitous acts took place in January 1547, the month in which Henry VIII. died. By his death the Duke of Norfolk escaped the axe; but he was detained a prisoner in the Tower throughout the reign of Edward VI. by the adverse party which then reigned supreme.

CONDUCT OF THE PARLIAMENT UNDER HENRY VIII.

The following comments are chiefly taken from Lord Brougham's work on the Constitution:—

The Parliament made itself the unresisting instrument of Henry's oppressions. Upon one occasion only can we perceive any disposition to resist him; it was in 1525, when he attempted to levy a tax, and afterwards a benevolence. The following were some of the statutes which the assembly made against all justice. After Henry had thrown off the Papal supremacy, of which he had previously been an ardent upholder, he made it

treason to deny his own supremacy, or even to refuse to swear to it. Under this Act, Bishop Fisher, the famous Sir Thomas More, and hundreds of less eminent persons, suffered death. Although a large proportion of the nation believed that Henry's marriage with Catherine of Arragon was valid, Parliament declared by an Act that his marriage with Anne Boleyn was valid, with the penalty of forfeiture and imprisonment against all who refused to swear to the validity of that marriage, or to the legitimacy of his issue by it, and the penalty of *death* against all who spoke against the legitimacy of that issue. Then when he had put Anne Boleyn to death, the Parliament declared that the marriage with her had been void, and that the issue was illegitimate. Afterwards, in settling the succession to the crown, they empowered him to alter that succession, and thus to expose the nation to the danger of another civil war about a disputed succession. Their full gratification of his rapacity in the matter of the religious houses was in part owing to their servility, in part to their religious zeal. But how great soever may have been the benefit from suppressing the monastic orders, it must be allowed to have been purchased at a high price, when we reflect first on the wholesale confiscation of the property belonging to 900 bodies, beside above 2300 charities and chapelries; next on the scandalous perversion of all justice by which the parties were by thousands condemned to poverty and stigmatized in their reputation, unheard, and with their enemies for their judges; and lastly, on the use made of the spoil thus seized on false pretences. Whatever victims Henry chose to destroy, the Parliament attainted, often without hearing them in their defence.

Thus Cromwell having lost his favour by recommending the marriage with Anne of Cleves, the Parliament attainted him of treason and heresy without any hearing. They did the like by Dr. Barnes and several others whom they burnt for heresy. The Duke of Norfolk, one of Henry's ablest and most faithful ministers, to whose good management he owed the defeat of the formidable insurrections in the North, and, before that, the victory of Flodden, was condemned by Parliament without trial to lose his head, on the most frivolous grounds, at Henry's bidding.

Two other Acts of Parliament in this reign were especially infamous. 1. The King was in 1529 formally released by Act of Parliament from all the debts he had contracted six years before, although his securities had in some cases passed into the hands of third parties by purchase, or otherwise, and this abominable precedent was followed in 1541, with the incredible addition that if any one had been paid his debt, the money was to be refunded by him. 2. The proclamations of the King in Council, if stated to be made under pain of fine and imprisonment, were declared to have the force of law. The King, by proclamation, might make any opinion heretical, and might denounce death against any one who held that opinion. It is truth incredible that Parliament and nation also should have so completely lost all the spirit for which they had once been conspicuous, as to consent to these and other iniquitous enactments. They seem, however, to have been awed by the force of his character and the ferocity of his temper.

It was not till after his death that they recovered courage to repeal some of his worst statutes, in particular those which created a great number of new kinds of treasons to gratify his cruelty and caprice.

THE STAR CHAMBER.

It is important to understand the nature of this Court, as illustrating the government of England under the Plantagenets, and still more under the Tudors and Stuarts. It was a very powerful engine of the royal authority—a great restraint upon the Parliament and the people.

By means of this Court most of the violent acts of the sovereign were performed. By it he was enabled practically to override the Constitution and the laws, as we shall presently explain.

The Court of Star Chamber was a branch of the Privy Council. It derived its name, according to the most probable supposition, from being held in an apartment of the Palace of Westminster, in which were kept certain contracts and obligations of the Jews, called "Starrs," a corruption of the Hebrew word "Shetar," a covenant. It was sometimes called also the King's

Ordinary Council. This Court was originally established in Plantagenet days, in order to control the factions of domineering barons, who were able to defeat the ordinary jurisdictions by over-awing the juries and even the judges.

An Act of Parliament was passed early in the reign of Henry VII. confirming the jurisdiction of the Star Chamber in cases of combinations to obstruct the due administration of justice. And very useful this Court had been in preventing the feudal power from reducing the judicial power to a mere name, wherever great men or their dependants were concerned. But the most grievous abuses arose out of the jurisdiction of the Star Chamber, abuses worse than the malpractices of the barons, which it was intended to check.

By means of this Court the Plantagenets, and still more the Tudors, were enabled to commit to prison or to fine at discretion, those persons against whom they conceived ill-will, thus depriving them of the protection of the common law, and violating the provisions of the Great Charter.

By means of this same Court the Tudors exercised a stringent control over Parliament, and were able to punish those members of it who had offended them. By it they could punish jurors who had given verdicts displeasing to the Court, arresting them, interrogating them, committing them to prison, and releasing them only on the payment of heavy fines.

A capital jurisdiction was not exercised by means of this Court, at least not directly; but it really amounted to the same thing whether the sovereigns sentenced obnoxious men to death by this Court, which they did not, or compelled jurors to find such men guilty through dread of this Court, which they undoubtedly did.

The existence of this Court of Star Chamber accounts for the fact that, as a rule, juries found all those persons guilty whom the Crown prosecuted. Hence the enormous iniquity of the State trials under the Tudor sovereigns. The only recorded case of a jury refusing to find a state prisoner guilty forms an exception that amply proves the rule, and shows the degree of intimidation which the Crown exercised upon juries in a State trial. The case is that of a certain Nicholas Throckmorton,

whom the government of Queen Mary wanted to put to death. The jury acquitted him. Observe the way in which this jury was treated, and you will be at no loss to account for the general subserviency of jurors in Tudor times. These jurors were all imprisoned by the Court of Star Chamber. Four of them were released on confessing that they had offended. The others, proving refractory, were fined heavily, some of them in the sum, very large for those days, of £2000! By means also of the Star Chamber, Queen Mary committed to the Tower a member who had opposed her wishes in Parliament.

This Court continued to exercise jurisdiction down to the time of the Long Parliament, when, having become especially odious to the community from the manner in which Charles I., Laud, and his other ministers had used its powers, it was finally abolished.

THE HIGH COMMISSION.

This commission, which was of a judicial kind, was first appointed by Queen Elizabeth under authority of an Act of Parliament, passed in the first year of her reign. The high commission was the engine by which the Queen proposed to enforce her supremacy in ecclesiastical matters. It stood in much the same relation to the Church as that in which the Star Chamber stood to the State. By the Act of Parliament to which I have referred, Elizabeth and her successors were empowered, as often they thought proper, to appoint a commission "to exercise under them all spiritual jurisdiction, and to visit, reform, redress, order, correct and amend all errors, heresies, schisms, abuses, offences, contempts and enormities whatsoever," of a spiritual or ecclesiastical nature. This commission whenever it was issued, which was often done by Elizabeth, and her two successors, for it was not a *standing* body, was called the "High Commission," or sometimes "The Court of High Commission." It had very great powers, extending equally over the laity and the clergy. It could expel the clergy from their livings; it had power to excommunicate any person, and excommunication involved various temporal penalties. The High Commission was worked under Elizabeth with excessive severity against both Papists, at

whom it was chiefly levelled in the first instance, and against Puritans. But perhaps its oppressions were greatest, and certainly they provoked the greatest degree of odium, when this court was under the direction of Laud and other advisers of Charles I., by whom it was employed with unrelenting activity against the Puritans. Indeed, to the proceedings of this Commission as regards religious matters, as well as to the proceedings of the Star Chamber in State affairs, is chiefly to be ascribed the excessive bitterness of spirit which the Puritan party displayed against Laud and his party in the time of the Great Rebellion.

The "High Commission" was abolished soon after the meeting of the Long Parliament, when the clause in Elizabeth's Act enabling the crown to appoint this commission was repealed.

James II., by virtue of a quibbling distinction which his law officers made in the wording of the above-mentioned clause in Elizabeth's Act, erected a similar Court of High Commission; but this unconstitutional proceeding was one of the causes which led to his downfall; and by a clause in the Bill of Rights (1689), the appointment of any similar commission is expressly prohibited. Although the rigour exercised by the Court of High Commission in the reign of Elizabeth, and her two next successors, was very oppressive, and the powers were a great restraint on the due liberty of the subject, we should remember that its severities were in accordance with the spirit of the age, and that when the Puritans, who had been the chief sufferers from its proceedings, gained the ascendancy, they exercised equal severities on the clergy and partisans of the Church of England. How the Romanists would have acted in this respect had they obtained the mastery of their opponents, we may safely conjecture from their previous conduct during the reign of Mary in England, and from their contemporaneous policy towards Protestants in continental kingdoms. In fact, the notion of tolerating difference of opinion in religious matters hardly entered into the minds of men of any party in those days.

THE OLD AND NEW OATHS OF SUPREMACY.

The Oath of Supremacy ordained by Elizabeth

in an Act of the first year of her reign was as follows:—

I, A. B., do utterly notify and declare in my conscience that the Queen's highness is the only supreme governor of this realm, and of all other her highness's dominions and countries, as well in all spiritual and ecclesiastical things or causes as temporal, and that no foreign prince, person, prelate, state hath or ought to have any jurisdiction, power, superiority, pre-eminence or authority, ecclesiastical or spiritual, within this realm; and therefore I do utterly renounce and forsake all foreign jurisdictions, powers, superiorities, and authorities, and do promise that from henceforth I shall bear faithful and true allegiance to the Queen's highness, her heirs, and lawful successors, to my power shall assist and defend all jurisdictions, pre-eminences, privileges, and authorities granted belonging to the Queen's highness, her heirs and successors, or united and annexed to the imperial crown of this realm. So help me God and the contents of this book."

This oath was required to be taken by every clergyman, every graduate of either University, every member of the House of Commons, every one holding any office under the Crown, every barrister, and a number of other persons. Its effect was to exclude all Papists from all share in the Government, from all official authority and public employment, excepting that the Lords temporal of Parliament were not obliged to take the oath.

It would also exclude from all these privileges a considerable number of Puritans, whose opinions were opposed to the spiritual supremacy of the Crown, and of whom some suffered death for impugning that supremacy. Not only were the functionaries and classes specified in the Act required to take this oath, but by a subsequent Act the Government was empowered to tender it to *any* person, the Lords only excepted. Thus, as it were, a drawn sword was suspended over the head of everyone, even in the most private station, who might in his heart dissent from the oath, and who would have the honesty to refuse it. The penalty for *refusing* this oath was that enacted "by the statute of provision and premunire made in the sixteenth year of King Richard the Second." The nature of this statute has been explained in a former paper of this series.

This Oath of Supremacy continued to be required till the first year of William III., when, by an Act of Parliament, the following Oath of Supremacy was substituted:—

“I, A. B., do swear that I do from my heart abhor, detest and abjure as impious and heretical, that damnable doctrine and position that princes excommunicated or deprived by the Pope, or any authority of the see of Rome, may be deposed or murdered by their subjects, or any other whatsoever. And I do declare that no foreign prince, person, prelate, state, or potentate, hath or ought to have any power, jurisdiction, superiority, pre-eminence, or authority, ecclesiastical or spiritual, within this realm. So help me God.”

This is the oath which down to the year 1865 was required, and it was taken by various persons, for example, by members of Parliament, clergymen, and graduates of the three elder Universities ; but from this statement are to be excepted the Roman Catholic members of Parliament, to whom a different oath was administered.

The OATH of ALLEGIANCE now in use was also finally settled by the same Act of William III. It is very short and simple, and is as follows :—

“I, A. B., do sincerely promise and swear that I will be faithful and bear true allegiance to her Majesty Queen Victoria. So help me God.”

PERSECUTION OF ROMAN CATHOLICS UNDER ELIZABETH.

Although Elizabeth, by the Oath of Supremacy which she introduced in the first year of her reign, effectually excluded all her Roman Catholic subjects, peers alone excepted, from all positions of public authority or trust, and even from some of the professions, yet she had no desire at the time to drive matters to extremity with them. On the contrary, it was her aim, in some degree, to conciliate the Romish party. This aim appears from the manner observed under her directions in revising the Book of Common Prayer. In this revision, many passages according with their views were retained. Thus, in the Communion Service, were restored the words used in delivering the bread and the cup, which had been translated from the Roman Catholic Mass-book into the first Prayer-book of Edward VI.,

“The Body of our Lord Jesus Christ,” etc., “The Blood of our Lord Jesus Christ,” etc. [See the two sentences in our present Prayer-book.] In the second Prayer-book of Edward VI., these words had been discarded, and for them were substituted the words which in our present Prayer-book follow in each case respectively the words to which I have referred above. Elizabeth’s revision *put them both together*, in order to gratify both parties, Romanists and Protestants.

In the Prayer-book as her revision has left it to us, were retained several other passages such as would be acceptable to the Romanists—as the form of Absolution in the Visitation of the Sick; and certain expressions in the Ordination Services, purporting to “give the Holy Ghost,”* and the power of “remitting and retaining sins.”

Certain passages, then, were left in Elizabeth’s Prayer-book in order to conciliate her Roman Catholic subjects; and some success appears at first to have attended the design. During the first eleven or twelve years of this Queen’s reign, they are said to have conformed to the Established Church, to have taken part in its public worship, and neither to have resisted the Queen’s government, or to have received molestation from it. But in the twelfth year of her reign (1571), a Bull was put forth by the reigning Pope, Pius V., excommunicating her, pronouncing her deposition, absolving her subjects from their allegiance, and inciting them to deprive her of the crown. The Romanists in England now ceased to conform to the Established Church, and among the more violent of them, that series of plots against Elizabeth’s throne and life, began to be laid, which henceforward at intervals troubled her reign almost to its end. These plots, so soon as they began, were met by a fierce policy of mingled self-defence and vindictiveness, on the part of Elizabeth’s government. Nothing, as it has been said, is more cruel than fear; and when to this feeling is added the offended pride of sovereignty (and the love of power seems to have been the ruling passion with Elizabeth), the most cruel treatment of defenceless

* This expression was first introduced into the Ordination offices of the Western Church in the 11th or 12th century.

enemies, real or imaginary, may be anticipated. And such, in truth, was the treatment of Papists by Elizabeth's government—a treatment not even justified by the treasonable designs of some of the Romish party. Although some partisans of Rome were ready to dethrone or murder the Queen, yet a large proportion of them were loyal and peaceable subjects of the crown. The very commander of the armament raised to meet the Spanish Armada, Lord Howard of Effingham, was a Romanist. Elizabeth's severities towards Romanists have constantly been urged in recrimination against the charge of Mary's persecution of adherents of the reformed faith. And it must be admitted, notwithstanding the great provocations which Elizabeth received from the Pope and his extreme partizans in England, that her policy towards the Romish portion of her subjects was unjustifiably rigorous. The Romanists enumerate between two and three hundreds of persons who suffered death during Elizabeth's reign for their attachment to their religion.

Undoubtedly the number was great, for the laws were so severe that they could not be obeyed by a sincere Romanist without (in his view) imperilling his salvation, nor disobeyed without incurring the heaviest penalties. Yet it should be remembered that the number of Protestants who suffered death during Mary's reign, which lasted only five years, was at least equal to the number of Romanists who suffered death during the forty-five years of the reign of Elizabeth.

I will now mention the heads of most of the persecuting Acts which were directed by Elizabeth against the Roman Catholics after the Pope had, in 1571, published against her his Bull of excommunication and deposition. By an Act passed in that self-same year, it was declared to be high treason to obtain or put in use any Bull from Rome, or to receive absolution under any Bull, and "premunire" to bring into the realm any crosses, pictures, beads, or "agnus Dei"* from the Pope. Another Act of the same year sought to prevent

* An "agnus Dei" was a cake of wax, stamped with the figure of a lamb supporting the banner of the cross. It was consecrated by the Pope, and much valued by the people.

Roman Catholics from avoiding the rigour of the English government by fleeing to the Continent, and enacted that any of the Queen's subjects leaving the kingdom without her license, and not returning within six months after proclamation, should lose all their goods and revenues for life. But the severest laws against the Papists and the profession of their religion began with the year 1581. By an Act passed in that year, it was made high treason to attempt the conversion of any one of the Queen's subjects to Romanism; to *hear* Mass was made an offence punishable by a year's imprisonment and a fine of 100 marks; and the fine which already existed for omitting to attend the worship of the Established Church, was raised to twenty pounds a month! In 1585, another Act was passed ordaining that all Jesuits and other Romish priests whatsoever, and all English subjects who had been educated in any foreign college or seminary of Romish priests, refusing to take the Oath of Supremacy, should be adjudged traitors, and suffer death as such; and that death, as for felony, should be the penalty for receiving such Romish priests as, having come from abroad, refused the oath! By this same Act of Parliament, persons sending money abroad to Jesuits or Romish priests, were rendered subject to the penalty of "premunire"; and all parents were prohibited from sending their children abroad, without the Queen's license, under a penalty of £100. This last prohibition was intended to prevent Roman Catholic parents from having their children educated by Romish priests, which could hardly be done in England.

In 1593 came out another Act, forbidding all Romanists who had been convicted of refusing to attend their parish church, from going *five miles* beyond their usual dwelling-place without written licence either from the bishop of the diocese or the deputy-lieutenants of the county, on pain of forfeiting their goods and the revenues of their lands for life. Those who violated this statute, and had not goods or lands of the yearly value of twenty marks, were to leave the kingdom, on pain of suffering death as felons.

The severity of these Acts is apparent at first sight; but it will be still clearer if we consider that to call upon a Romish priest to take the Oath of Supremacy, and so

deny the Pope's spiritual and ecclesiastical power in England, would be tantamount to requiring him to abjure his religion, and be like requiring a Mahometan to forswear Mahomet; that to prohibit Romanists from hearing the Mass was to prohibit them from doing what they deemed essential to their salvation; and that to require them to attend the services of the Established Church was to require them to join in what they believed to be the worship of heretics. Like all cruel enactments, these laws were impolitic as well as cruel, for they exasperated the Romanists, and produced constant plots and suspicions of plots against the throne and life of the Queen, whereby the minds of the people were kept in a state of disquietude and alarm.

These Acts were carried out with varying degrees of severity at different times in the reign of Elizabeth, and in the reigns of her successors. They were, however, to a great extent evaded; and doubtless the administrators and officers of the law connived much at the violation of them. Otherwise, all the consistent Romanists of England would have been either brought to the scaffold, exiled, or reduced to beggary. A considerable number of Roman Catholic proprietors of land continued to exist, especially in Lancashire and other northern counties; and in their houses a priest's hiding chamber, ingeniously concealed, was a frequent device, which in some instances may be seen at the present day. Such chambers are striking memorials of the persecutions which the professors of the Romish faith suffered in former days, especially in the days of Elizabeth. Of the severity of the pecuniary persecutions exercised against the Romanists in this queen's reign, some idea may be formed from the fact that the fines of "Popish recusants,"—that is of Romanists refusing to attend the services of the Established Church, together with the occasional confiscation of the estates and chattels of Romanist proprietors, formed an item in the crown revenues of that time, tending considerably to gratify Elizabeth's proud desire to be independent of Parliament in the matter of supplies for the support of her crown and dignity.

ONE YEAR OF RELIGIOUS PERSECUTION UNDER ELIZABETH.

In the year 1588 (the year of the Armada), a deist was burnt at Norwich. He was the fourth who had suffered in the same place within five years, for promulgating erroneous opinions.

In this same year of 1588, six Romish priests were hanged, drawn, and quartered, four laymen of the same faith (who, having embraced the Reformed faith, had returned to their former persuasion), four others, and a gentleman named Ward, for concealing Romish priests in their houses; and at the same time fifteen other men for no other offence than the profession of the Romish faith.

Thus in one year of Elizabeth's reign thirty-one persons suffered death on religious accounts.

PRIVY-SEAL LOANS UNDER THE TUDORS. A METHOD OF
ARBITRARY TAXATION.

The Tudor sovereigns may be said to have been expert in exercising arbitrary power without violation of the *forms* of law.

They evaded the *intention* of the law and broke it in the *spirit*, while they kept for the most part to the letter.

One instance of this method is seen in the practice which they followed of borrowing what were termed "Privy-seal loans," a practice worthy of note, as illustrating their policy, and showing the extent to which the fortunes of private persons were at the mercy of those sovereigns. When a man was known to have amassed a considerable sum of ready money, the ministers would send to a magistrate of the district in which he lived a paper sealed with the royal Privy-seal, signifying the sovereign's desire to become the moneyed man's debtor to whatever amount might be specified in the particular instance. No security beyond the good faith of the sovereign was given for the payment of the debt, and in case of his death before the payment was made, the liquidation of the debt was left to the honour of his successor. The unpaid Privy debts of Queen Mary lay, it is said, heavily on her conscience when she was on her death-bed.

The expedient of Privy-seal loans was first resorted to by Henry VIII., under Wolsey's advice. It was a most oppressive proceeding, for scarcely anyone would venture to refuse the loan, however reluctant he might be to grant it. If he refused, he would render himself liable to accusation on some other ground, or to be employed on some distasteful service; for it was an acknowledged maxim of those days that the Crown might employ any of its subjects on any service that it might think fit. One instance indeed occurred of such a refusal, and the manner in which the refusal was requited shows the practical necessity under which an individual lay of complying with a demand of this kind. An alderman of the city of London declined to lend Henry VIII. a sum of money under a Privy-seal. The alderman, who was of a very corpulent person, was forthwith ordered to march as a foot soldier in an expedition which was then going forward against Scotland. A striking specimen of the operation of this practice of Privy-seal loans in the days of Elizabeth is upon record. A Privy-seal paper had been sent down to a magistrate in Staffordshire to require an unfortunate man, impoverished with law-suits, to lend a sum of money to the Queen. The magistrate writes back to the Queen's minister to say as thus: "Truly, my lord, a man that wanteth ability to buy a nag to follow his own causes in law to London, pity it were to load *him* with any loan to her Majesty." The compassionate magistrate then goes on to suggest that the imposition of this "loan" should be transferred to another man in the neighbourhood, "an usurer by occupation, without wife or charge, and worth £1000. Truly," adds the magistrate, "it were a *charitable deed* in your Lordship to impose the Privy-seal on *him*."

This incident gives a good notion of the private system of extortion carried on by the Crown without apparent violation of the law.

KING-CRAFT IN THE TUDOR AGE.

The period at which the Tudor family came to the throne, was the flourishing age of king-craft—the art of governing states and gaining political objects rather by artifice and cunning, than by open means or violence.

In its code of morals, the dictates of present expediency took precedence of the principles of truth, justice, and mercy.

Reasons of state were thought a sufficient plea for an act of injustice or cruelty, such as the decapitation of the unfortunate Earl of Warwick, by Henry VII., and the detention of Mary, Queen of Scots, by Elizabeth.

King-craft was devoid of all faith in the ultimate expediency of rectitude in the conduct of public affairs. Its only plea was that its ends were those of the public good, and it *assumed* what the Jesuits are accused of *maintaining*, that "the end justifies the means." But even this plea was not always tenable, for the ends which it aimed at were often those of the personal aggrandizement of the ruler.

In Louis XI. of France, who died just before the accession of the House of Tudor; in Henry VII. of England; in his astute contemporary, Ferdinand of Arragon; in Charles V. of Spain and Austria, contemporary with Henry VIII.; and in Philip II. of Spain, we have eminent examples of this kind of policy.

It took its rise in Italy, where the petty tyrants of principalities and the rulers of republics carried out to the full the maxims of an unscrupulous, crooked, and over-reaching statesmanship; and where it was reduced to a system in a book entitled "The Prince," written by a Florentine statesman of the fifteenth century, named Machiavelli, from whom all these arts of government receive their name of "Machiavellian." Secrecy, dissimulation, indirectness of aim, fair pretexts for foul proceedings, the violation of engagements to suit present purposes, ambiguous language and prevarication, and even, when thought necessary, downright falsehood, an observance, whenever possible, of the forms of law and justice while the spirit of them was disregarded, a steady though covert aiming at arbitrary rule,—such were the features of that detestable method of policy, called king-craft, or state-craft.

It flourished among us during the period of transition from the fall of feudalism to the rise of the middle classes to importance and the establishment of constitutional government, when state-craft ceased to be practicable. It was the error of James I., and in some degree of

Charles I. also, to suppose that the maxims of statecraft were compatible with the altered spirit of their times and the altered relations of the sovereign with his subjects.

CHARACTERS OF TUDOR AND STUART KINGS.

Lord Brougham, comparing Henry VII. with his son and successor, speaks of the "severe character of the former," and "the violent temper of the latter;" of "the avarice and reserve" of Henry VII., and of "the more careless expenditure of money, the more frank indiscreet habits, and more accessible manner of Henry VIII., partaking, in outward show, of generosity, honesty, even kindness, which gave him, especially during the first half of his reign, a popularity which his father never possessed." The father was cold, and devoid of impulse, the son violent and swayed by passion. Both were arbitrary in their aims and unscrupulous in their methods. Both were disciples of king-craft. Both were devoid of all finer and softer feelings, and of the qualities of heart and manner which are associated in our minds with the term "gentleman," in which respect they form a contrast with many of their predecessors, the Plantagenet kings, and with some of their successors, the Stuarts.

Both Henry VII. and Henry VIII. were strangely deficient in the "quality of pity," a defect to be observed in the character of all the Tudor sovereigns. Elizabeth had undoubtedly great talents for command, which had been improved in what has been termed "the school of prince's *adversity*." She was a great, but a selfish sovereign, and while she had a certain love for her people, and aimed much at their good, her affection and her interest in their welfare were primarily dictated by the consideration that they were her *own*.

Lord Brougham speaks of the "dread" by which Elizabeth "kept down the House of Commons while she was in the vigour of her faculties and the height of her pride;" and he notices that the House became more bold in their conduct towards her "when her energy became impaired by the melaucholy that clouded her latter days." He goes on to speak of the feeble mind and the contemptible manners of James I., and observes that

the Parliament showed that they were aware of the change from Elizabeth's character on the morrow of their meeting under the new sovereign. In short, the absolute power which the Tudors exercised, was as much owing to *their own personal qualities*, as to the advantageous circumstances of their position.

James I. was devoid both of moral and of physical courage; vain of his learning, which was indeed considerable for the age, and pedantic in the display of it; vain, too, of what he styled his "kingcraft," though his political conduct was a succession of blunders. He was imbued with exorbitant notions of his prerogative, about which he constantly declaimed, but which he had neither the requisite courage or address to maintain. He was lavish and improvident in the expenditure of money, and prone to bestow his favours upon unworthy persons, who had nothing but a brilliant exterior to recommend them, and whose conduct redounded to his own unpopularity. This, added to drunkenness, in which respect his courtiers followed his example, tended further to disgrace him in the eyes of his subjects. He was, however, good-natured, a lover of peace, and disinclined to the shedding of blood on the scaffold.

James I. was precisely the kind of King to be vanquished in contention with the shrewd and persevering Commons, for his prodigality constantly compelled him to apply to them for money, and thus to give them a manifest advantage over him; and he had neither sufficient caution to avoid provoking their opposition to his pretensions, nor sufficient resolution to make those pretensions good. Hence the immense advance in authority and importance which that assembly made in the course of his reign, and the disputes with it, in which his son, immediately on his accession to the throne, found himself involved.