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The transformation of the Heads of Grievances into the Declaration of Rights 22 January--12 February 1689

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THE TRANSFORMATION OF THE HEADS OF GRIEVANCES INTO THE DECLARATION OF RIGHTS

22 JANUARY - 12 FEBRUARY 1689

A Thesis

Presented to

The Faculty of the Department of History

The College of William and Mary in Virginia

In Partial Fulfillment

Of the Requirements for the Degree of

Master of Arts

by

Catherine Rand Chamberlin

1980
APPROVAL SHEET

This thesis is submitted in partial fulfillment of the requirements for the degree of

Master of Arts

Catherine Rand Chamberlin
Author

Approved, May 1980

Dale E. Hoak
A. Z. Freeman
James C. McCord
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ABSTRACT

The purpose of this study is to examine the process by which the Heads of Grievances was transformed into the Declaration of Rights during the first three weeks of the Convention Parliament of 1689 and to determine, as nearly as possible, who or what combination of factors was responsible for the change.

The problem is addressed from two directions. First, having examined the sources for such a study, the debates in the House of Commons concerning the reforms are analyzed. Secondly, the transformation is viewed historiographically. Several explanations for the surprising abandonment of the package of constitutional reform and new legislation in favor of the merely reiterative Declaration of Rights have been suggested. The "Whig" interpretation, which has been accepted by the majority of historians since Macaulay, proposes that most members of the Convention would have preferred a comprehensive and specific constitutional program, but opted for the modest Declaration out of fear of delaying the accession of William and Mary. It has also been asserted that philosophical differences between the two legislative houses and within the Convention prompted the compromise which was ultimately accepted.

This study concludes that a fourth explanation, suggesting that it was opposition from the Prince of Orange himself, and not the urgency of the situation or the divisions within the legislature, which ultimately caused the transformation to take place, is the correct one. Although it is impossible to deny that lack of time contributed to the curtailing of debate, it is clear that only the adverse opinion of William can explain the revision and reduction of the original document.
THE TRANSFORMATION OF THE HEADS OF
GRIEVANCES INTO THE DECLARATION OF RIGHTS

22 JANUARY - 12 FEBRUARY 1689
INTRODUCTION

The purpose of this thesis is not to question whether, as Laurance Echard asserted in 1715, King James II might have kept the crown upon his head as easily as his hat in a high wind, or even to discuss how William managed to catch the crown as it fell from his father-in-law's head. It is, rather, to examine the alleged return to a political state of nature following what was later termed the king's "abdication".

It is no wonder that the period following the second and final flight of James in December 1688 is frequently viewed as a perfect example of a political society returning to a state of nature\(^1\) in order to re-establish and re-assert the source and base of its government\(^2\). The peers, representing a certain "continuity" of government, were forced to seek a solution to the problem of anarchy deliberately created by James, who had, upon hearing of the landing of William of Orange at Torbay on November 5, countermanded one set of election writs and, before fleeing to France, burned all the new writs and thrown the Great Seal into the river Thames. They decided that, since a legitimate parliament could not be assembled, a national convention should be summoned.

\(^1\)The state of nature, as defined by both Thomas Hobbes and John Locke, is simply the absence of political authority.

The members of the convention which met at Westminster on January 22, 1689, were expected to deal with the fundamental constitutional problems that their predecessors in the Long Parliament in 1640-42 and the convention of 1660 had failed to solve. They were also expected to lay "the foundation of a firm security" for the religion, laws and liberties of Great Britain, which had, it was asserted, been repeatedly challenged by King James II during his four-year reign. "This convention," wrote the wife of Lord Mordaunt to John Locke, "(is) an occasion not only of mending the government but of melting it down and making it all new".¹

Very little serious consideration, however, was given to any problem other than the determination of James’ heir. In fact, apart from the dynastic change, there were only two principles² of any importance introduced on the so-called Declaration of Rights which was presented to the Prince and Princess of Orange along with the crown of England.

This is indeed surprising when one considers that a detailed outline for a package of constitutional reform and new legislation had been drawn up and accepted by the House of Commons nearly two weeks prior to the accession of William and Mary. Why, then, was the section calling for new legislation deleted from the Heads of Grievances? Was it fear of unnecessary delay or the fear of dissention within and between the two parliamentary houses which prompted the mutilation of the proposed declaration? Or was it because during the period following James’ departure and preceding the proclamation of his successor the habit of

²The crown could not remove judges and Protestant dissenters were to enjoy toleration for their religious worship.
rendering obedience to and relying upon William was firmly established and, therefore, his opinion acquired a very solid significance? Although William had been informed as early as May 1688 that the revolution would take place with or without his aid, it is clear that from the time he was asked by the gathering of peers in December to take on the administration of the government and to issue circular letters for parliamentary elections to the January convention, he was considered to be indispens-able to the success of the venture. Did, therefore, William's opinion carry more weight than the two houses combined? Halifax summed up the situation: "He might be what pleased himself...for as nobody knew what to do with him, so nobody knew what to do without him"1.

In the following chapters the transformation of the Heads of Grievances into the Declaration of Rights will be explored from two directions. First, the debates in the House of Commons concerning the proposed reforms will be analyzed and, secondly, the transformation will be viewed historiographically. Thus, an attempt will be made to determine, as nearly as possible, who or what combination of factors was responsible for the change.

CHAPTER I

SOURCES

The first three weeks of the Convention Parliament (22 January - 12 February 1689) wherein it was decided whether the government would be "melted down" or merely mended were truly momentous ones. Any study of the development of the Declaration of Rights must necessarily deal with two kinds of sources. These are: primary sources both manuscript and printed, and secondary sources. Primary sources for the period include contemporary parliamentary journals and diaries, parliamentary debates, official records of the House of Commons and the House of Lords, Calendars of State Papers, the edited letters and papers of members of Parliament, political pamphlets, and contemporary histories. The secondary sources for the Revolution date from the eighteenth century to the present.

An anonymous journal of the proceedings of the Convention Parliament of 1689 was purchased in 1970 by the College of William and Mary from the Parke-Bernet Galleries in New York at an auction of Fine Books and Manuscripts. Such a journal is extremely rare. The journal by an unknown eye-witness of the Convention Parliament (22 January 1688/89

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- February 1689/90) was previously in the collection of the well-known collector and bibliophile, Sir Thomas Phillipps who, according to Phillipps's editor A. N. L. Munby, purchased the manuscript (#10252) from John Denley, a London bookseller, between the years 1833-1840. The diary, as far as is known, has not been made use of in historical research before, except by Leopold von Ranke, who was lent the journal by Phillipps when he was writing *A History of England Principally in the Seventeenth Century*.¹ Neither MacKintosh, Macaulay, Foxcroft nor any recent writer mentions this particular journal and it is not listed in *Bibliography of British History: Stuart Period 1603-1714* edited by Godfrey Davies and Mary Frear Keeler (1970).

"The Convention Parliament of 1689: Journal of the Proceedings" is a 530-page manuscript (7" x 9½") on paper and appears to be a fair-copy. The compiler, who entered the contents in a bound, originally clasped, volume of blank leaves, does not identify himself, but his hand is evidently contemporary.² The pages run consecutively (1-530), but the original pagination has been corrected by a second person, who has carefully gone through the entire manuscript, correcting, adding, deleting, and underscoring. He has also added an index and an appendix to the end of the journal and has attached scores of notes, concerning votes taken, the subjects of debates, and biographical notes of the participants. According to Sir Thomas Phillipps, who, unlike most

¹von Ranke acknowledges the journal on p. 495 (vol. 4) of his history: "The communications on these debates in Grey, as well as in the Phillipps MS., are derived from rather incomplete copies...".

²Dr. C. J. Wright, Research Assistant at the British Library, was consulted on the subject of the watermark and has noted the resemblance of this watermark to the Strasburg Lilly watermark (W. A. Churchill, *Watermarks in Paper*, Amsterdam, 1935) which seems to have been used for well over a century (1624-1792).
collectors, bought manuscripts for his own personal study and who nearly always left some trace of his having worked on them\(^1\), there were fifty-four slips inserted and attached with sealing wax at the time he acquired the journal\(^2\). On these slips of awkwardly cut up paper were hastily written notes, usually concerning one of the MPs mentioned in the diary. Often these notes contained quotations from Burnet, Leep, Browne, or James Ralph whose *History of England during the Reigns of King William, Queen Anne and King George* was not published until 1746. This means that the person who took such care to correct and supplement the manuscript did so sometime after 1746.

The manuscript being unsigned, the identity of the compiler is unknown. Furthermore, the journalist reveals no partisan bias and seems to be interested only in setting down the contents of the parliamentary debates as faithfully as possible. The name of each speaker is listed at the left of the page and his speech is written so as to observe a left-hand margin. There is very little else besides the speeches in the entire diary. Indeed, only very short introductions to each debate (usually one sentence — for instance, "Filling the vacancies of the House [1]") and summations of the Lord's activities ("The Lords agreed to the vote of 'abdicated' and the throne vacant etc." [68]) are included. Moreover, there is very little mentioned of a descriptive nature that

\(^1\)Throughout the manuscript there are penciled signs, [ ], numbers, and an occasional ? which appear to have been jotted down by Phillipps.

\(^2\)Phillipps noted in the frontispiece of the manuscript in pencil those slips which were fixed and those that were loose, presumably at the time he lent the journal to van Ranke. For he also has noted that "I think all those that were loose were taken out and put by before I gave the book to Professor Ranke for fear they would be lost. The Professor separated 2 or 3 that were fixed". On the opposite page he lists those gone, those lost before, those fixed and the pages where they were.
would provide the reader with a picture of the proceedings. In the Journals of the House of Commons we discover that the Sergeant at Arms was several times forced to clear the stairs and passages of strangers and to lock up the back door of the Speaker's Chamber. On February 8 he was ordered to "take care to keep the Bar of the House clear from being stopped up by the Standing of Members there, who ought to sit in their places, and attend the service of the House". Once in a while, the compiler reveals something about the atmosphere of proceedings ("There was a great noise" "Some calling out" "Upon some noise made") and occasionally he describes a general attitude ("Exception was taken at Raleigh's words" "Said some, 'does he mean the King?" "Twas said privately that all this fencing was not to save Sawyer but Finch").

Although the author is an objective witness who reveals little about himself, there are certain generalizations which may be made concerning him. He was almost certainly a member of parliament who was present at all the debates presented in the journal. Two examples which attest to his presence are the note that Sir John Maynard was "not well heard" (39) and the remark that Sir John Louther's comments concerning the proposed motion to give thanks to the clergy on January 30 "gave distaste and was by some hissed at" (46). Furthermore, there are at least two instances when he actually alludes to himself, the first being on page when he explains that "I went out of town some days before the end of the session". The second is at the very end of

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1This order was given on January 22, February 2, 5 and 8.
2The compiler does, very occasionally, offer an opinion, such as "He was mistaken" (164).
3There are other examples.
the journal on page 426/528 when he writes "I was absent the rest of
the session". On both occasions the eighteenth century indexer has
prefixed "The Compiler" to the statement, and in the case of the first
element, it seems that he actually identifies the compiler, for he notes
that "It appears from the Journall that Mr. Anchitell Grey had leave
from the House July 2 to go into the country for a month". Can we there­
fore assume that the original compiler was indeed Anchitell Grey? Since
there is but this one mention of Grey, such a conclusion may be suggested
only tentatively, but there is some internal evidence which might sub­
stantiate such an assertion.

Anchitell Grey was elected to parliament for Derby (1664-1665) but
was not returned at the election of 1685. He did, however, sit in the
Convention of January 1688/89 and in the Parliament of March 1689-1690.
It is known that he took notes of the debates for his own convenience,
which were later (1763) collected and printed in ten volumes as Debates
of the House of Commons from 1667-1694, and that he was present at nearly
all the transactions which he describes. Grey, then, has this much in
common with the anonymous compiler of this Convention Journal. The
diarist, with his lack of bias and interest in detail (such as where
certain members sat in the House and the general atmosphere of the
events), clearly did not have a public audience in mind, and would
appear, rather, to have been a member of parliament, like Grey, who
recorded the debates for his own edification and reference. Furthermore,
there are at least two instances where the compiler asserts that certain

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1Dictionary of National Biography, edited by Leslie Stephen and
2Lois G. Schooerger asserts that the author of her journal (BIHR
November 1976), because he noted where certain members sat in the House,
had a public audience in mind when he wrote. p. 243.
portions of the journal were reported by someone other than himself. Thus Mr. Biscowen's speech on page 260/269 was "taken down to order by Sir William Foster abruptly" and that of Mr. Garroan on page 401/408 "was taken down to order". This compares positively with Grey's habit of noting those sections which were communicated to him by other members.

It is also worthwhile to note that the materials in Volume V of Cobbett's Parliamentary History of England were collected from, among other sources, Grey's Debates of the House of Commons, from 1688-1694, and that those debates which appear in both Cobbett and the manuscript journal are verbally identical. When the diarist breaks in mid-sentence (page 22 during Mr. Finch's speech), so does Cobbett and when Cobbett includes something that is not in the journal (for instance, the remainder of the day's debate on January 28), he explains where he has garnered his information (Lord Somer's Notes). Since Cobbett nowhere mentions a manuscript journal and since his sole source (unless otherwise specified) for the debates is Grey, it can be conjectured that the present journal is in fact a portion of Grey's Debates.

The hypothesis that our journal of the Convention Parliament is one of the original volumes of Grey's collection of parliamentary debates would also explain certain aspects of the eighteenth century edition of the manuscript. Before the original manuscript could be published a great deal of editorial work had to be done. The editor, besides adding an index and an appendix to the journal and inserting topical and explanatory notes to the text, appears to have included a great many references to other volumes in the collection (for instance, January 22, 28, 29, part of February 2.)
"see Vol. III, p. 316\textsuperscript{449/446}). Again, such references seem to indicate that the journal is a part of a larger whole.\textsuperscript{1}

The identity of the author notwithstanding, the manuscript is of great value to the student of the Convention Parliament as the work of a contemporary eye-witness who carefully and faithfully recorded the debates in the House of Commons and in the meetings of the Grand Committees on a daily basis. There is, however, a gap between February 8 and February 18 wherein no debates were recorded. This is difficult to understand since these ten days composed a crucial period in the process which ultimately named the Prince and Princess of Orange as the rightful rulers of Great Britain. Indeed, when the House of Commons met on February 9, 11 and 12, elections were discussed, messages and reports were received from the Lords, amendments to the Declaration of Rights were considered and final agreements between the Upper and Lower Houses were reached. On February 13 the Prince and Princess of Orange were attended by both Houses in the morning and read the Declaration of Rights and afterwards were crowned King and Queen. Parliament met again on the fourteenth and on the fifteenth His Majesty's Answer on Receiving the Declaration was read. Not until then did they adjourn (until February 18)\textsuperscript{2}. It is impossible to know the compiler's whereabouts during this important time and why, if he was absent, he did not have someone record the debates for him as was his habit. Nevertheless, the Journal of the Convention Parliament remains a valuable source for

\textsuperscript{1}The editor has also, it should be noted, crossed out the compiler's final statement on page 426/523 "I was absent the rest of the session" and added "Go back to page 416". On page 421/5/0 (not page 416) he has written "End of Volume. The Compiler was absent the rest of the session". This further suggests the editing of the Journal into volume form.

\textsuperscript{2}See the Journals of the House of Commons, X.
the study of the sessions which it covers.

Naturally, the Journal of the Convention Parliament must be supple-
mented by other collections, such as the abovementioned Grey's Debates
of the House of Commons, 1667-1694 (1763) and Cobbett's Parliamentary
History of England, Vol. V (1809). Also useful are the Journals of the
House of Commons and the Manuscripts of the House of Lords published
by the Historical Manuscripts Commission. While they do not include
the parliamentary debates, both of these volumes provide other infor-
mation in the form of sessional papers, documents, bills, and addresses.
Likewise the Calendar of State Papers, Domestic 1689-1690 is helpful as
an official record of the times. The Historical Manuscripts Commission
"pursues its purpose to make private archives accessible" with "equal
or greater circumspection"¹ than the Public Record Office, reports Geo-
ffrey Elton, but unfortunately most of their publications have little
bearing on the study of the Convention Parliament. The exceptions to
this are the Manuscripts of Pelham R. Papillon and Sir William FitzHerbert
and the Duke of Somerset - Marquis of Ailesbury Papers.

Volume eight of the massive series English Historical Documents
is edited by Andrew Browning and covers the period 1660-1714. Like the
others in the series, it is intended to present a "representative selec-
tion from every sort of historical source"². The Stuart Constitution:
Documents and Commentary, edited by John P. Kenyon, and The Eighteenth
Century Constitution: Documents and Commentary 1688-1815, edited by
E. Neville Williams, are useful for the student of the Glorious Revolution.

¹Geoffrey R. Elton, Modern Historians on British History 1485-1945
²Elton, p. 8.
According to John Carswell in the preface to *The Descent of England*, historians of the Revolution period must depend to a great extent on the evidence of foreign advisors (primarily Barillon, Ronquillo, Hoffmann, Terriesi, d'Adda, Van Critters, and Rizzini), because domestic material is relatively scarce. In fact, he asserts that

5 November must have been the bonfire day for more than one collection of political papers, and the Duke of Ormonde's papers which Clarendon saw the Duchess burning on 26 November must be regarded as suffering a typical fate.¹

Nevertheless, much evidence can be gleaned from those diaries and papers which have survived and have since been edited. Both the *Diary of John Evelyn* (1620-1706), first published in 1818 or 1819, and *A Brief Historical Relation of State Affairs from September 1678-April 1714* by Narcissus Luttrell (1657-1732) contain pertinent information for the historian of the Convention Parliament.² Both works were compiled in manuscript by the authors, who recorded, day by day, contemporary events. Luttrell's chronicle, which is based on newsletters and newspapers of the period and, unlike Evelyn's, includes nothing of a personal nature, remained neglected for years.

¹Probably the first historian to realize the importance of the foreign correspondences and to use them was Macaulay, who had at his disposal the collection of Sir James Mackintosh, author of a history of the revolution in England. This collection, which consists of forty volumes of papers dealing with the period 1688-1702, is now in the British Library.

²Somers Tracts, edited by Walter Scott, 1809-1815, would serve an invaluable purpose if they could be found. Likewise the second Earl of Ailesbury's Memoirs, which provide an interesting view of the outlook of a moderate Jacobite, if available would be helpful. (See Monarchy and Revolution by J. R. Western. London (1972)).
until Macaulay brought attention to it by citing it frequently as a source in his *History of England*. Likewise, the memoirs of Sir John Reresby are of a very considerable value. In spite of its many omissions this narrative paints a true, if rough, picture of the era in which its author lived. "The average Englishman of the later Seventeenth Century", asserts Andrew Browning, "was neither a Pepys nor an Evelyn; but large numbers had much in common with Reresby".¹

The edited papers and letters of Thomas Osborne, Earl of Danby (Andrew Browning, editor)², Sir George Saville, Marquis of Halifax (H. C. Foxcroft, editor) and the Earl of Clarendon (F. J. Routledge, editor) are valuable sources and include intelligent commentary. Another biographical work of note is J. P. Kenyon's *Robert Spencer, Earl of Sunderland*, which is based on the author's extensive use of the Duke of Portland papers.

Of contemporay histories the most well known is Gilbert Burnet's *History of His Own Time*³. Bishop Burnet (1643-1715), the confidant and personal friend of both the Prince and Princess of Orange, provides the reader with a vivid, if not prejudiced, view of the court of Charles II and the Revolution. Indeed, his history, published post-


² Browning's biography of Danby is cast in the old-fashioned life-and-letters mold. In this case, the technique is fully justified, and some of the most interesting material is to be found in the volumes of *Letters* and *Appendixes*." (*Recent writings on William III* by Stephen Baxter. *Journal of Modern History*, vol. xxxviii (1966) pp. 256-66). For instance, the Appendixes (vol. 3) includes a summary list of party organization (extreme partisans) in 1689.

humously, has been the subject of violent attacks since its debut in 1723. Called innaccurate and biased, it is, nevertheless, universally accepted as an invaluable work of reference, because Burnet knew personally the people concerned. It contains, moreover, illustrative notes by "three persons of high mark", namely the Earls of Dartmouth and Hardwicke and Speaker Onslow, not to mention, Jonathan Swift.

The pamphlets of the seventeenth century are a "mass of historical evidence of a very variable and uncertain value". Less trustworthy than materials such as papers of state and official correspondence, pamphlets are still an interesting and insightful record of opinion. Robert Ferguson (d. 1714), a Scot who first came into prominence as a religious controversialist and gained notoriety as one of the alleged chief contrivers of the Rye House Plot and as one of Monmouth's rebels, wrote "A Brief Justification...with a modest disquisition of what may Become the Wisdom and Justice of the Ensuing CONVENTION in their disposal of the Crown" in order to vindicate the Convention and its results. Likewise Lord Somers' "Vindication of the Proceedings of the late Parliament in England" deals with the same problems (i.e. the defense of the methods utilized to bring about "our Relief and Redemption"), as does his "The judgment of Whole Kingdoms and Nations Concerning the Rights, Power and Prerogative of

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1The first volume was published in 1723 and the second in 1734 (DNB, VII, 403).
2Burnet, I, 2.
4Several relevant pamphlets are included in the Rare Book Collection of the College of William and Mary. Any pamphlets discussed in this paper are in this collection.

Hugh Speke (1656-1724), a political agitator, Whig propagandist and allegedly an agent for William III in 1688, wrote pamphlets of a different nature. His efforts were directed towards motivating violent responses. In his 1709 "Memoirs of the Most Remarkable Passage of Transactions of the Revolution" he claimed the responsibility for having spread the rumors which caused the panic known as the "Irish Night" and for having written the infamous "Third Declaration". This pamphlet "By His Highness William Henry, Prince of Orange, a Third Declaration" was penned in 1688 and purported to be the Prince's own announcement of the reasons why he initially came over to England. The Prince, of course, disclaimed all responsibility and Ferguson, among others, was suspected of having composed it. This sort of propaganda, though it contains no factual evidence, does shed some light on the general atmosphere and tenor of the times.

Eighteenth century historians appear to have made great use of pamphlets. Unfortunately they did not always supplement their accounts with the less accessible but more trustworthy materials such as state papers and official correspondence. There are, however, a few exceptions. Even a writer such as James Ralph (1705-1762), who, finding the

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1Atkyns later replaced the Marquis of Halifax as Speaker of the House of Lords in October 1689. (DNB, II).
period about which he was writing "so ill understood by some, and so much misrepresented by others"\(^1\), took from Kennett, Echard, Oldmixon, and Burnet what information supported his thesis and rejected the rest in order to set the record straight on the evils of parties, does appear to have had in his possession Somers' Collection of Tracts which, he asserts, none of the other English writers or compilers had any acquaintance with. His *History of England during the Reigns of King William, Queen Anne and King George* was praised by Charles James Fox and Henry Hallam\(^2\) and is generally known for having impartially condemned both James II and William III.

An even better example than Ralph is Sir James Dalrymple (1726-1810) who, following the advice of his friend Charles York, the Lord High Chancellor of England, undertook to write *Memoirs of Great Britain and Ireland* without trusting too much to printed books for materials. He procured original papers in England, Scotland and France, "far superior", he boasted in the preface to his work, "to what any single person has hitherto been able to obtain". These papers included family memoirs, Barillon's dispatches, Privy Council reports, and some accounts of state trials. He also drew significantly from Burnet's *History* and the Hardwicke papers. Of great interest to the modern student is the Appendix to his three-volume opus which contains letters carried by Monsieur Dyckvelt, Count Zulestein and other persons to the Prince of Orange from various people including the Lords

\(^2\)Both Fox and Hallam wrote histories: *History of James II* (from the Whig point of view) and *History of England from the Accession of Henry VIII to the Death of George II*, respectively.
Halifax, Sunderland, Clarendon, Rochester, and Danby. These letters treat "the intrigues" for bringing about the revolution. Also included are letters from Barillon to his court and other letters relating to the revolution.

Since the eighteenth century the only historian who has attempted to analyze in detail the process by which the Declaration of Rights attained its final form is T. B. Macaulay. The effects of his interpretation have been felt for over a century and, according to Leopold von Ranke, Macaulay's explanation decided the victory of the Whig view. There are, however, several views concerning the transformation of this document and, indeed, historians have been unable to agree on any one interpretation. In the following chapters the varying views of the curious transformation will be discussed.
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CHAPTER II
THE REVOLUTION OF 1688

Although Bishop Burnet describes the fall of James II as "one of the strangest catastrophes that is in any history"\(^1\), it is not difficult to perceive the universal discontent created during the King's reign which culminated in his "abdication" and flight to France. Welcomed whole-heartedly to the throne in 1685, James had, in the three following years, managed to alienate his entire kingdom by inaugurating a new "Popish Plot" against Protestantism. James's object was to Catholicize the government, the army, the universities, and the Privy Council itself by means of his dispensing power and through parliamentary repeal of the Test Act and the penal laws. He succeeded insofar as he was able to open a Roman Catholic chapel at Whitehall and settle the Benedictine Order at St. James's. More importantly, in 1687 James's First Declaration of Indulgence suspended all penal laws against Dissenters and Roman Catholics alike, and allowed freedom of public worship to both. The calling of a free and lawful parliament might have remedied the situation, but such a parliament, "unless the whole spirit of the administration were changed", would not have been possible, for it was the administration's intent to return, by means of regulated corporations and of popish returning

\(^1\)Burnet, p. 617
officers, a House of Commons "in name alone".  

What made the actions of the King all the more frightening to his countrymen was that "the struggle in England between Protestantism and the Government" was clearly only "one aspect of the greater conflict which was raging on the Continent". Indeed, there was much in the European situation to justify the fears of the English statesmen and to foster insecurity in the hearts of the English people. The violent persecution of the Huguenots by Louis XIV did nothing to enamour James's subjects to him and the Revocation of the Edict of Nantes only served to discredit him and his policies further, for no Englishman could henceforth believe in his advocacy of toleration and of the rights of the Church. Moreover, it was feared that the techniques of repression used with such success in France might be used in Britain by James, who was already "centralizing administration, enlarging the army with Catholics, using patronage to encourage conversions and attempting to give religious orders privileged positions in education". Furthermore, James himself had admitted more than once that he could "think of nothing but the propagation of the Catholic religion", which he considered to be "the true service of God". He had also asserted that he "would be willing to sacrifice everything, regardless of any mere temporal consideration" in the pursuit of his goal.

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3 Macaulay, II, 424.  
To make matters even more offensive, the abuses which he perpetrated in the name of his religion were to be defended by an army of Irish papists.\(^1\) In Ireland James had commenced upon his program of "infiltration" by recalling the Duke of Ormonde, Charles II's appointee, and naming the Catholic Richard Talbot, Duke of Tyrconnell, as lord lieutenant in 1687. This, not surprisingly, caused great alarm among the resident Protestants, who, aware that Tyrconnell was opposed to the maintenance of the Cromwellian land-settlement, feared that he would completely undo it. On his arrival in Ireland, the new lord lieutenant indicated that he intended to do just that and began forthwith to replace Protestants by Catholics in positions of power and influence throughout the country. Soon papists composed almost the entire Irish army.

Panic is not too strong a word for what seized the Protestants in Ireland as they saw the Catholics gaining in strength and authority. Reports spread throughout the island warning that a general massacre of all Protestants was planned to take place in November (1688). Regrouping for their common defense, some Protestants came together in Ulster, while others, despairing altogether of defense, fled to England, bringing with them stories and rumors of Catholic atrocities. Meanwhile Tyrconnell sent troops into the north to reduce the Protestant strongholds of Londonderry and Enniskilling, whose inhabitants, refusing to submit to Tyrconnell, were bravely determined to hold out until

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\(^1\)Christopher Hill, Century of Revolution 1603-1714 (London: Thomas Nelson, ltd., 1961), p. 73. It is interesting to note that in the 1630's Wentworth, the Lord Lieutenant of Ireland, was believed to be building up an army of papists. The "gravest charge against Strafford in his impeachment was probably the report of his words in the Privy Council: 'You have an army in Ireland which you may employ here to reduce this kingdom'. Strafford argued that 'this kingdom' meant Scotland, not England. But that was little better".
supplies and aid were sent from England. Such aid, as it turned out, was not forthcoming, and they would have to wait for six months for relief.

In England rumors of the happenings in Ireland caught fire, exciting the imaginations of the already disturbed populace. Complaints by Protestants in Ireland of Tyrconnell's proceedings, such as the one recorded by Clarendon, were characteristic of the general mood:

He has conspired with Roman Catholics, particularly with Chancellor Fitton, to bring in the public exercise of the superstitious and idolatrous Mass, both in churches newly erected by Roman Catholics and in churches consecrated by Protestants. Arming of the Irish and degenerate English: the standing army is now composed of Irish Roman Catholics. The English have been forced to fly for safety to England, Wales, Scotland, Holland and the Isle of Man. Tyrconnell threatens to reduce Dublin to ashes.¹

Therefore, when James, acting upon the repeated advice of Louis XIV's emissary, Barillon², sent for Tyrconnell's troops, the reaction was explosive. The news that Irish troops had landed in England was met with universal horror:

Not even the arrival of a brigade of Louis's musketeers would have excited such resentment and shame as our ancestors felt when they saw armed columns of papists, just arrived from Dublin, moving in military pomp along the high roads.³

James was, it appears, aware of the effect an army of Irishmen would have on his subjects and he feared its repercussions. Therefore, instead of bringing over enough soldiers to subdue an entire city, he

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³Macaulay, II, 392.
brought just enough to make a show of strength. This, however, turned out to be "more than enough to excite the alarm and rage of the whole kingdom"\(^1\).

The Catholic Irish, "sunk in idolatry and superstition", were judged inferior in every sense to their Protestant counterparts in England, Scotland and Wales and were contemptuously viewed as foreigners. Moreover, of all foreigners "they were the most hated and despised"\(^2\). Misunderstood perhaps, they were, nevertheless, generally feared by the English, who, like the American settlers in the Indian-inhabited western frontier, associated them with massacre, bloodshed and innate savagery. This attitude on the part of the English would effect, to a significant extent, the proceedings of the Convention Parliament. Likewise William's assessment of the situation in Ireland and his manipulation of it to serve his own purpose would have far-reaching consequences for him and for his country's future.

It is a moot point whether James, if he had not blundered with his Irish army, might have gone on indefinitely with his program of penetration, but surely, had he left the Irish troops in Ireland and appealed instead to the patriotic spirit of his English subjects who were still devoted, if not to him, to the principle of hereditary monarchy, he could have rallied his countrymen against the invasion of the Prince of Orange, who had, at first, the support of only a small group of men. As it was, James made it very easy for the English to "throw up their caps"\(^3\) for the invader.

\(^1\) Macaulay, II, 392.
\(^2\) Macaulay, II, 393.
Taking into consideration their fears and prejudices, it would seem that the people of England had been extremely patient with James II. They could afford to be patient as long as the heir apparent was his Protestant daughter Mary, for it was hoped that once he died\(^1\) she would, upon ascending the throne, endeavor to repair whatever damage the King had done. In December of 1687, however, when the official announcement of the Queen's pregnant condition was made, the situation changed and the waiting game could, by necessity, no longer be played. When Lord Shrewsbury wrote to the Prince of Orange on May 14, 1688 asserting that

\[
\text{We live here, Sir, in a country where one must be of a very temperate constitution, not to meet with vexations that will more than try one's patience,}^2
\]

he was not exaggerating. Indeed, he was undoubtedly understating the situation, for on his visit to the Hague in May, Admiral Russell told the Prince that the English were ready to rebel, with or without his support. In June William was informed of who his "principal friends" were and, following the acquittal of the Seven Bishops and the alleged birth of the Prince of Wales, whose cradle "was surrounded by Jesuits"\(^3\), the "Immortal Seven"\(^4\) sent the invitation for the Prince of Orange to come over. William, then, who had, since the summer of 1687, been

\(^1\)The King was in visibly poor health and was not expected to live long. 
\(^3\)Maccabie, II, 364. 
\(^4\)Lord Shrewsbury, Lord Devonshire, Lord Darby, Lord Lumley, the Bishop of London, Mr. Russell, Mr. Sidney.
"bombarded with requests" for his intervention, was forced to partici­
pate by the immediate circumstances, for it was, as William so succinct­
ly put it, "Aut nunc, aut nunquam". The time was right, indeed, and
John Evelyn, reflecting upon the universal discontent of his country­
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seemed "to long for and desire the landing of that Prince, whom they
looked on as their deliverer from popish Tyrannie, praying incessantly
for an easterly wind".

William's decision to intervene was a great gamble, a venture which
might have been thwarted with relative ease had not his appraisal of
the state of affairs been more shrewd and his will more indomitable than
that of James. Moreover, the Prince was every bit as steadfast in his
faith as the King. Indeed, it was for the sake of his religion that he
undertook the invasion, for acquiring the crown of England would also
entail the attaining of great power and the possibility of bringing
England into an alliance against Louis XIV. By all accounts the Prince
or Orange had no craving for the "external glories of monarchy", but
in order to ensure the protection of his faith and his native land, the
United Provinces, he needed the power that he would wield as King Regnant.

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2The Diary of John Evelyn, ed. E. S. de Beer (Oxford: The Claren­
don Press, 1955) IV, 600.
3James continued to waver throughout the crisis, and, when called
upon to make a decision, he invariably made the wrong one. In October
he tried to make concessions - he dissolved the Ecclesiastical Commission
and he restored the old franchises to the municipal corporations - but so
ill-timed were these concessions (they were obviously the result of
William's activities), that they merely showed how very weak he really
was. When the time came to take action, the King "seemed dazed" and he
"tarried" in London when he should have been appealing to the nation­
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success of the invasion". Baxter, p. 222.
4Baxter, p. 234.
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4Baxter, p. 234.
A regency would not do, therefore, nor would the position of King Con-
sort. In 1686 Burnet discovered that Mary desired her husband to rule
as King Regnant\(^1\) - "the task now was to lead the English into agreeing
with her wishes"\(^2\).

After the King had fled to France, there was no legal government,
and yet the "most perfect order prevailed throughout the kingdom"\(^3\).
Clearly this strange state of affairs was in itself highly precarious,
and but for the Prince who was at the moment master of the situation,
chaos might very likely have ensued. The elevation of William to the
regency would probably have pleased the mass of Englishmen, but the
determination of the Prince was not to be shaken\(^4\), and at this point,
because the success of the revolution seemed to hinge on the presence
of William, no one was in a position to argue with him.

The Prince's best chance, therefore, was to move quickly, to act
while the blow of James's flight still had the effect of freeing "those
consciences that were not fully convinced at the King's former exorbi-
tancies" and while William continued to be viewed as, "next to the di-
vine providence"\(^5\), the man who had "the greatest share in that mighty
change which put a period to King James's reign"\(^6\).

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\(^1\)Burnet, p. 131; "Wives be obedient to your husbands in all things".
\(^2\)Baxter, p. 234.
\(^3\)The Life and Letters of Sir George Saville, Bart., First Marquis
1898), p. 51.
\(^4\)As Saint-Beuve defined it: "La toute puissance de l'homme dont
le caractère est avant tout une volonté invincible". Foxcroft, p. 51.
\(^5\)Laurance Echard, The History of the Revolution and the Establish-
ment of England in the Year 1688 (Dublin, 1725), p. 188.
\(^6\)Echard, p. 105.
CHAPTER III
THE CONVENTION

From the beginning William made it clear that he desired the calling of a free parliament, for any measures taken by such a body would have a lasting authority. Unlike Henry VII, he had no wish to wear the crown of a conqueror. In his November 10 declaration James accused the Prince of plotting to usurp his crown and authority and of ingratiating himself with the people by calling a free parliament which he knew was an impossibility when an army of foreigners was in the kingdom. Later after he was brought back to London following his initial attempt to escape, James again asserted that the Prince of Orange would

find himself very much embarrassed what form of government to establish. The meeting of a parliament cannot be authorized without writs under the great seal (and) the great seal is missing...

However, by running away, James practically forced the Tories and the Whigs to fall in with William and set up a new government. At a meeting of peers at the Guildhall it was decided "to take upon them the government for the preservation of the kingdom and this Great City". This

1A free parliament, even if it decided in favor of the legitimacy of the Prince of Wales, could be expected to declare for a French war and to provide for the education of the baby as a Protestant. Baxter, p. 234.

assumption of power duly took place, for, as Clarendon put it, "we had otherwise been a state of banditti". It was agreed that the Prince of Orange should be asked to secure the meeting of a free parliament:

...they rested secure upon the King's issuing out his proclamation and writs for a free parliament; but having now, by pernicious counsels, withdrawn himself, they could not be silent under these calamities, wherein those counsels had so miserably involved these realms: Wherefore they resolved to apply themselves to the Prince of Orange who had undertaken to procure a free parliament to rescue them from the imminent dangers of slavery and popery.

After James left England for a second and final time, a gathering of peers, men who had sat in the House of Commons in Charles II's reign and a deputation from the City, invited William to take charge of the civil administration and summon a convention, which was as close to a parliament as they could legally come.

The Prince immediately summoned the Convention to meet, ordered all "placemen" to resume their functions, corrected disorders in the revenue, restrained all abuses of the press upon political subjects, ordered Barillon to leave the kingdom, and removed the English guards and the rest of the King's troops from London. "All his orders were

1Clarendon Correspondence, II, 224; Western, p. 292.
2Echard, p. 190.
3This gathering was almost solidly pro-Orange and some of William's most prominent followers (Henry Sidney, Sir Robert Sawyer and Sir Rowland Ginn) were present. James' only parliament might have been considered "the logical residue of authority", but once again William displayed his shrewdness and his political acumen by recalling the earlier assembly. John Oldnixon, A History of England During the Reign of the Royal House of Stuart (London, 1730) II, 765.
obeyed", noted Sir James Dalrymple, "as if he had been King of England".  

During all this time the Prince of Orange, who "had more interest than any in what was to follow", appeared to be virtually the only man in Great Britain "unconcerned and unengaged amid this universal ferment". Indeed, his behavior was mysterious and his designs concerning the future inscrutable. William's enigmatic manner was variously interpreted at the time. "He heard all that was said to him," wrote Burnet, "but seldom made any answers. He did not affect to be affable, or popular, nor would he take pains to gain any one person over to his party". According to Burnet, the Prince assumed this attitude because, having brought together a free representative body, he felt they should decide what was best for the kingdom. "Those who did not know him well" considered this as an affectation and as "a disguised threatening", as well they might have, considering the strange course of events. On the other hand, Dalrymple suggests that perhaps the Prince was curious to see the "character and action of the English in their native colours," knowing that an assembly of the Commons, 

most of whose members had twice voted to exclude James from the throne before he enjoyed it, an assembly of peers, which had even refused to read the last paper of apology which he had left behind him, an army which had abandoned him whilst he commanded it, a fleet which had followed the example of the army, a church which he had persecuted, and a people who had taken arms universally against him, would never think themselves safe without combining their interests.

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1Dalrymple, p. 254; Reresby, p. 306.
2Reresby, p. 306; Dalrymple, p. 257.
3Burnet, p. 372.
4Dalrymple, p. 158.
Clearly there was a method in his reservedness. Whether it was, as he later confided to Halifax, Shrewesbury and Danby, because he did not want, in any way, to interfere with the freedom exercised by the parliamentary representatives or not, his refusing to give out his own thoughts had a great effect. Similarly his disregard of the dangerous state of affairs in Ireland worked, in the long run, to his benefit.

Following James's second flight William was asked by the Lords spiritual and temporal to take into his particular care "the present condition of Ireland and (to) endeavor by the most speedy and effectual means to prevent the dangers threatening the kingdom". Evidently consideration of this problem was thought to be of cardinal importance to the peace of the nation. The Prince of Orange, by ignoring Ireland, caused a bad situation to become worse, thereby increasing the wild rumors and general uneasiness which surrounded the subject and intensifying the fear of its outcome. This situation emphasized the necessity for a speedy conclusion to the revolution and the settlement of the government, which, it might be suggested, is exactly what the Prince would have desired.

At the time the Prince was blamed for not perceiving thoroughly enough the dangers of the consequences of the revolt in Ireland, and his slowness in acting was condemned by many. According to the Earl of Clarendon, the Prince would hardly listen to reports from Ireland and would never even see those who brought them. He considered no schemes for relieving the Protestants there and he sent no troops to assist them. The Prince's neglect of Ireland was accounted for in numerous ways. Some tried to explain William's reluctance to act by

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1 Echard, p. 208.
suggesting that the truth of the matter was that he knew not whom to trust\(^1\). Others contended that a more likely reason was that the Prince took the assurances of Tyrconnell\(^2\) too seriously and that he believed that the "provinces" of England would easily follow the fate of the kingdom to which they belonged. Furthermore, an unsuccessful attempt to subdue the Irish Jacobites might have brought disgrace upon his new administration.\(^3\) There is, no doubt, some truth in all these explanations, but perhaps the most reasonable of all is the political interpretation.

Between the Declarations published at the beginning of the expedition and his message to the Convention when it met on January 22, William did not make a single personal public declaration of policy\(^4\). Therefore, when the Prince, in his address in both Houses, stressed the "dangerous condition of the Protestant interest in Ireland" which required "a large and speedy succour" and warned that "next to the Danger of unseasonable Divisions amongst Yourselves, nothing can be so fatal as too great delay in your consultations", he was admitting that he understood the dangers inherent in the Irish situation and that it was not up to him, the provisional leader of a provisional government, to settle affairs. "It now lieth upon you," the Prince asserted, "to lay the foundation of a firm security for your religion, your laws and your liberties"\(^5\).

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\(^{1}\)Burnet, p. 349.
\(^{2}\)"During this period Tyrconnell amused the Prince with promises, but still avoided to fulfill them". Dalrymple, p. 295.
\(^{3}\)Dalrymple, p. 295.
\(^{5}\)Echard, p. 224.
In other words, he had done all he intended until the Convention made his position permanent.

According to J. H. Plumb, the House of Commons which met on January 22, 1689, was not quite as Whiggish as is usually assumed. Indeed, nearly two hundred members of the parliament which met in 1685 were sitting in the Convention and they numbered slightly more than those who sat in the Exclusion parliaments. Moreover, 183 new men, who had never before sat in a parliament, were elected. These figures suggest to Plumb that from the beginning there was a possibility of a "real and solid opposition to Whig principles". He further asserts that the elections were not concerned with political matters but rather dealt with religious questions and the problem of the settlement. The actual Convention debates tend to support this contention, for a careful examination of them makes it clear that the Convention Parliament actually spent surprisingly little time discussing far-reaching proposals for altering the essential form of government. In other words, constitutional considerations were hardly given top priority.

Many members of parliament, anxious about the disorders in Ireland which threatened to disrupt England as well, were deeply concerned that the debates should not be drawn out at length and that, having determined that the throne was empty, the crown should be settled on some worthy person as soon as possible. The division, therefore, between Tories and Whigs was caused by a disagreement about who should rule England in what capacity, and the best way to effect "this salutary change". Any limitations to secure the country against misgovernment

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would be imposed on the monarch after he/she was so named.

Some representatives in the Commons, however, were of the opinion that total neglect of matters of reform before settling the crown was foolish to the extreme. Consequently, some effort was made in that direction, but the element of time, the impending disaster in Ireland and the aloofness of the Prince of Orange combined to thwart attempts to go further than simply enumerating James's malpractices.

After convening on January 22, the Commons, having duly thanked the Prince of Orange, promptly adjourned until the 28th in order to allow all members to arrive. When they met again, they united insofar as realizing what the danger of James's return would entail and agreed that, the throne being vacant, the problem at hand was how to fill it. "We have found the Crown vacant, and are to supply the defect. We found it so, we have not made it so", argued the Whig lawyer Sir George Treby. Unity was maintained, however, only as long as the problem of replacing James was avoided.

The following day, having determined that it was inconsistent with the safety and welfare of a Protestant kingdom to be governed by a papist, Mr. Wharton re-introduced the question of filling the throne, "a matter of the greatest weight (which) deserves the greatest consideration", and moved to name William and Mary king and queen. At last,

1Anchitell Grey, Debates in the House of Commons from 1667-1694 (London, 1763) IX, 13; Journal of the Proceedings of the Convention Parliament of 1689, p. 12. Thus it was resolved: "That King James the Second, having endeavoured to subvert the Constitution of the Kingdom, by breaking the Original Contract between the King and People, and by the advice of Jesuits, and other wicked persons, having violated the fundamental laws, and having withdrawn himself out of his kingdom, has abdicated the Government, and that the throne is thereby vacant".

2Grey, IX, 29; Journal, p. 28.
however, concern was expressed by Lord Anthony Falkland that just as
the Prince of Orange had secured them from popery, they must secure
themselves from arbitrary government:

Before the Question be put, who shall be set upon
the throne, I would consider what powers we ought
to give the Crown, to satisfy them that sent us
hither.\(^1\)

He was seconded in this motion by Sir William Williams who argued that
the time to consider filling the throne was after preserving the laws
of England for the future. Specific grievances were aired by Falkland
himself, Sir Richard Temple and several other members. These proposals
included reforming the dispensing laws, the judiciary, the militia,
stemming encroachments upon parliament, and amending the Coronation Oath.

Although many members were quick to support Falkland's sugges-
tion and it was resolved to proceed to "secure our Religion, Laws and
Liberties" before filling the throne, this line of discussion served to
alarm others who feared that "if we look so much one way on Arbitrary
Government, we may sit five years and never come to an end"\(^2\). The whole
idea of reforming the constitution was, it might have seemed, too time-
consuming. Falkland could warn that "we must not only change hands, but
things" and William Sacheverell might exclaim that "all the world will
laugh at us, if we make a half settlement", but the spectre of Ireland
and a possible counter-coup on the part of the Jacobites tended to over-
shadow the desirability of any reforms. Henry Pollexfen even prophesied

\(^1\)Grey, IX, 29; Journal, p. 28. "We have had a Prince that did dis-
pense with our Laws; and I hope we shall never leave that doubtful.
The King set up an Ecclesiastical Court, as he was Supreme Head of the
Church, and acted against Law, and made himself Head of the Charters.
Therefore, before you fill the throne, I would have you resolve what
Power you will give the King, and what not".

\(^2\)Grey, IX, 32; Journal, p. 31.
that Falkland's "dreadful" proposition would "restore King James again", comparing the situation to the Exclusion Crisis wherein the Bill of Exclusion "was talked of so long, that both parties suffered". 

Losing time was inevitably linked with the dangers brewing in Ireland and periodic reminders that the last rebellion in Ireland had resulted in the massacre of 200,000 Protestants and "that all that has been done in Ireland, would have been done in England" served as strong incentives to the more loquacious MPs. While these arguments had an unquestionable effect, they nevertheless did not convince those members who asked, like Edward Seymour, "Will you establish the crown and not secure yourselves?". Constitutional reform, they insisted, would provide greater security than a strong army. In answer to the appeals to "place the government in some person, and then provide for the rest", Sir Christopher Musgrave pithily remarked that "You must have wheels, before you can put the cart upon them", and it was forthwith decided to appoint a committee to bring in general Heads of "such things as are absolutely necessary for securing the Laws and Liberties of the Nation". Thus the notion of a comprehensive plan to reform the government was abandoned and in its place a list of general demands was to be drawn up and presented to the prospective monarch. Sir George Treby was thereby appointed to head a committee which would undertake to prepare the list. On February 2 the end-product of the Committee's deliberation was presented by Treby. This document contained 23 articles to which

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1Grey, IX, 32-35; Journal, p. 31.
3Grey, IX, 36; Journal, p. 35.
4See Journals of the House of Commons, X.
were added another five.

The Heads of Grievances, however, were strikingly different from both the constitutional renovation suggested by Falkland and his supporters four days before and the final version of the Declaration of Rights. This report recommended, first, that those principles of the Constitution which had been violated by James II should be asserted and that, secondly, many new laws should be enacted for the purpose of curbing the prerogative and clearing up the imperfections of the judiciary. It was proposed, among other things, that the military forces should be remodeled, that the dispensing and suspending powers of the crown ought to be restricted, that levying money without the consent of parliament was illegal, that parliaments ought to sit frequently but their duration should be limited, that toleration should be granted to Protestant Dissenters, that the crime of treason should be precisely defined, that judges' commissions ought to be made Quamdiu se bene ges-sarint, that the Commission for erecting the late Court of Commissions for Ecclesiastical Causes and other commissions and courts of similar nature should be illegal.¹

This outline of constitutional reforms was approved by the House of Commons on February 2. However, although it was agreed that the suggestions of the committee were excellent, it was also acknowledged that it was virtually impossible to deal properly with "matters so numerous, so various, and so important"² in the small amount of time left before it was reckoned necessary to fill the throne. Having suggested

¹Commons Journal, X, 20.
²Macaulay, II, 602.
a few minor revisions, the House launched into a lengthy debate concern­
ing the Lords' amendment to the vote of abdication. Not until two days
later, when Colonel John Birch demanded that further action be taken
immediately, was the discussion renewed. "We have been scrambling a long
time for our religion and properties," he argued, "and shall these things
lie there, and no more?"\(^1\). His suggestion that they should be sent to
the Lords "immediately" prompted a debate on the exact nature of the
Heads of Grievances and, in particular, on the distinction between "those
as new laws and those as anciently have been"\(^2\). As Sir Thomas Lee re­
marked, "some of the Heads are not to be remedied but by new laws...but
for those things wherein the ancient rights are infringed those require
no new laws"\(^3\). He also stressed that this must be done before sending
the petition to the Lords, for it did not seem proper to send a measure
embodying proposals they had claimed as existing rights to the Upper
House in the same manner as a bill for new legislation. Major Wildman
observed that either body of parliament could re-assert ancient rights
without the concurrence of its legislative partner and, indeed, as Sir
William Capell declared,

\[
\text{'Tis our right to assert our Freedom. 'Tis likely whoever you shall enthrone will thank you for giving light into the miscarriages of the last Government and we only assert our rights and liberties pursuant to the Prince's Declaration.}^4\]

On the other hand, it was questioned whether it was not immoderate to
seek the Lords' agreement to the Heads of Grievances when its confused
collection of old liberties and new laws might tend to put in doubt the

\(^1\)Grey, IX, 51; Journal, p. 50.
\(^2\)Grey, IX, 50; Journal, p. 50.
\(^3\)Grey, IX, 52; Journal, p. 51.
\(^4\)Grey, IX, 52; Journal, p. 51.
validity of those rights which the Whigs had, for ten years, been claim-
ing as legally theirs. Therefore, the Whigs felt that it should be care-
fully specified which provisions in the Heads of Grievances required
new legislation and which re-affirmed traditional liberties. As a result,
the Commons sent the Heads of Grievances back to the Treby committee
with instructions "to distinguish such of the general heads, as are in-
troductory of new laws, from those that are declaratory of ancient rights".\(^1\)

On February 7, now that the Lords had agreed to the vote of "abdi-
cation" and the "throne vacant", the Earl of Wiltshire, seconded by
Major Wildman, moved to proceed to fill the throne, forgetting, it would
seem, in their rush to "prevent anarchy" that the committee on the Heads
of Grievances had not yet returned. They were soon reminded, however,
by Mr. Palmes, Mr. Boscawen and Mr. Hamden, who entreated the House to
"do not anything in haste" and to

\[\text{let the committee consider well what must be for the benefit of all posterity...In so great a business, pray let us do orderly things}.\]

Mr. Wharton apologized for "so long a debate" but insisted that the com-
mittee must be called down and that none of the Heads be lost.

Returning to the House in the afternoon, Sir George Treby reported
that the committee had left the contents of the Heads of Grievances
basically intact, merely having deleted one clause and adding another\(^3\).
Following its instructions the committee had concentrated on reorganiz-
ing the document, so that twelve provisions asserting "undoubted rights

\(^1\text{Commons Journal, X, 19; Grey, p. 51.}\)
\(^2\text{Grey, IX, 71; Journal, p. 70.}\)
\(^3\text{The prohibition against royal pardons for parliamentary impeach-
ments was deleted, while a clause upholding free speech in Parliament was added. Commons Journal, X, 22.}\)
and privileges" were clearly distinguished from twenty others which suggested "for remedy of several defects and inconveniences...new laws, made in such a manner, and with such limitations, as by the wisdom and justice of Parliament, shall be considered and ordained in the particulars..."). These two sections were, however, still joined together in one document, to which the Commons added one other provision which prohibited a Roman Catholic from wearing the Crown of England.

On the following day a committee was appointed to draw up amendments to the vote of the Lords (February 6) which had been sent down to the Commons for concurrence. Besides the amendments concerning the succession to the Crown and the Oaths of Allegiance and Supremacy, it was to consider how the Heads of Grievances might be incorporated into the Peers' resolution naming William and Mary king and queen. Once again Sir Thomas Lee stressed the importance of the report from the Treby committee which proposed "a method of Declaration of the Rights of the subject to go along with the Declaration of filling the throne". He also reminded the House that it was "absolutely necessary, when you agree with the Lords, to explain yourselves in the Limitations".

Mr. Hampden agreed, asserting that "it may be soon done. But do not pass it first, and explain it after".

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1 Grey, IX, 73; Commons Journal, X, 22.
2 Resolved, that Provision be made for the Settlement of the Crown, that no Papist may succeed or be admitted thereto; nor any person that hath made or shall make profession of being a Papist. Grey, p. 73; Commons Journal, X, 22.
3 Commons Journal, X, 22.
4 Grey, IX, 74; Journal, p. 73.
5 Grey, IX, 75; Journal, p. 74.
However, the new committee, under the chairmanship of John Somers, came to a different conclusion. It suggested that the Heads of Grievances be attached to the Lords' declaration minus the entire section calling for new legislation, retaining only that part of the document dealing with already existing rights. This proposal received some criticism and it was suggested by Major Wildman that the Common's declaration be carried to the Prince directly, avoiding thereby the loss of time involved in the Lords' examination of the Heads "paragraph by paragraph":

Consider:...if there be such a necessity to send them to the Lords...and perhaps they may say that they have Rights of their own Peerage that are not provided for, in what manner can we concur with the Lords in declaring the Succession? Whether is it not expedient, that this House carry to the Prince our fundamental Rights - And the Lords no way consent - and we never part with one punctum of them - whether necessary at this time to wave the Lords, and send them to the Prince?

Not surprisingly, this manner of asserting their rights was found to be unsatisfactory. The objection "that time will be lost in sending them to the Lords" was likewise condemned by such as Mr. Hampden, who, entreating the House to do things in the "best" manner, argued that

as you desire the reputation of a grave and wise Council, that represent the Kingdom, let the committee connect the Heads of Articles, and represent them all together,

for, he concluded, there "is no remedy but a full declaration of our grievances in Parliament".

In the end, however, the sound of the ticking clock drowned out such pleas for calm deliberation. Clearly Giles Eyre was more representative of the House when he declared that "I am for asserting our

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1Grey, IX, 79; Journal, p. 78.
2Grey, IX, 80; Journal, p. 79.
Liberties, but unnecessary delay will wound the Nation we came hither to heal\(^1\).

The Commons voted to accept the Somers committee's recommendation and the once ambitious Heads of Grievances was thus reduced to what it is now known as, a mere "Declaration of Rights". This document, which declared, according to Sir George Treby, "that Magna Charta is Magna Charta"\(^2\), was presented to William and Mary when they were crowned on February 13.

\(^1\)Grey, IX, 81; Journal, p. 80.
\(^2\)Grey, IX, 83; Journal, p. 82.

Not a single flower of the crown was touched. Not a single new right was given to the people. The whole English law...was, in the judgment of all the greatest lawyers...almost exactly the same after the Revolution as before it. Some controverted points had been decided according to the sense of the best jurists, and there had been a slight deviation from the ordinary course of succession. This was all; and this, he concludes, "was enough".1

This "new-old form of government"2, however, did not so satisfy other historians, contemporary and otherwise, who have questioned whether all was achieved in the revolution of 1689 that was to be expected of men "pretending to liberate their country and establish freedom"3. What, indeed, had become of the ambitious plans to "melt down" the government, to accomplish what previous parliaments had failed to do? In short, why had the framework of conditions for "the better securing our religion, laws and liberties" which were to be imposed on the new

1Macaulay, II, 1308.
2Trevelyan, p. 10.
monarch(s)\(^1\) been transformed into a declaration "limited to practical and empirical questions"\(^2\)?

Unfortunately, although this quite obvious change has often been noted, there have been relatively few explanations given for it. One reason for this silence would appear to be the positive way in which the revolution has been viewed. In other words, historians who have been fond of noting that "it is because we had a preserving revolution in the seventeenth century that we have not had a destroying revolution in the nineteenth"\(^3\) have felt no great motivation to question the limitations of something that turned out so well. On the other hand, attention has more recently been focussed on the Puritan Revolution of the mid-century, and the Glorious Revolution, as a result, has been dismissed by some as an anti-climax, a "tailpiece to the Interregnum, confirming the earlier victory of parliament over the crown"\(^4\). Either way, whether the Revolution is glorified or underestimated, the question of its settlement has been somewhat ignored.

Still, the most widely accepted explanation for the curious transformation of the Heads of Grievances is the "whig" interpretation, which argues that time, not internal dissention, was the greatest enemy of

\(^1\)Sir John Reresby interpreted the Common's decision to compile Heads of Grievances as signifying "that before any person was named to fill the throne, they would frame conditions upon which only he should be accepted King", [Memoirs of Sir John Reresby, ed. Andrew Browning (Glasgow, 1936), p. 546] and as late as February 6, 1689 John Evelyn referred to the Heads of Grievances as "those conditions", upon which the newly chosen monarchs were to be crowned. (The Diary of John Evelyn, IV, 622).

\(^2\)Ashley, p. 184.

\(^3\)Macaulay, II, 1310.

the Convention Parliament. Forced by circumstances (languishing trade, impending foreign war and an explosive Irish colony), the members of the Convention compromised and modified the Declaration in order to fill the throne as quickly as possible. In other words, to leave the throne vacant in such a crisis, while wasting time "in debating whether Parliaments should be prorogued by the sovereign or themselves" when the "very existence of Parliaments was in jeopardy" was "insanity". Therefore, although most members were positively inclined toward reforming the system, Whigs and Tories agreed to John Somers' proposed middle course which would postpone all reforms until "the ancient constitution of the kingdom" was restored and the throne filled.

The Whig interpretation of the events of 1689 clearly contains a great deal of truth. Because of the crisis of national and international affairs, time was, indeed, of the essence. Furthermore, since the Convention was technically not a legal assembly, all acts of its members would be viewed as treasonous if James were to return. The elevation of William and/or Mary to the throne would ensure the safety of the members who had passed those "treasonous" acts, "since under the well-known statute of Henry VII obedience to a King de facto cannot be punished as rebellion".

However, the Whig interpretation does involve the stating of some rather broad generalities which tend to cloak the reality of the sit-

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1 Macaulay, II, 1298.
2 This is, from the Whig viewpoint, the extra-legal, "revolutionary" basis of the events of 1689.
3 Foxcroft, p. 51. "Such a distinction appears to modern eyes purely technical; but those who had seen the statute pleaded by Sir Henry Vane and Henry Martin - and pleaded in vain, because the Government which they had obeyed was not a legal one - had reason to consider the point one of practical importance".
uation in an exaggerated appearance of glory.

For T. B. Macaulay, Henry Hallam and, most recently, G. M. Trevelyan, the Puritan Revolution of the mid-seventeenth century was a mere prelude, which was diverted from its initial course. The disillusionment which resulted from that early failure "helped to make men wise", and, through compromise, agreement, and toleration, the Whigs and Tories of the "Glorious" Revolution were able to "garner the harvest"\(^1\) of the soil which the Roundheads and the Cavaliers had broken up. Their allusions to a "still, small voice of prudence and wisdom" prevailing through the din, however, appear to be contradicted by the contents of the debates, i.e. the constant admonitions of certain members to hurry. By their own admission, the "din" all too frequently seems to have prevailed over the too small voice of prudence and wisdom. Furthermore, the pressures of time can only serve as an explanation up to a point, for one may ask why over half of the provisions of the Head of Grievances were eliminated on February 7 and 8 and the entire purpose of the Heads was changed from a required condition for the granting of the crown to a mere preamble to the accession of the new king and queen when a coherently drafted package of constitutional reform had already been approved by the House of Commons as early as February 2.

It would seem, moreover, that these Whig historians have assumed a greater degree of consensus within the Convention pertaining to the desirability of constitutional revision than the facts would suggest. Although it is true that there were very few explicit attacks made against the reform proposals, there was an implicit division of opinion

\(^1\)Trevelyan, p. 9.
which went deeper than disagreement on the question of timing.

Trevelyan asserts that because the country was in such great danger, "the national crisis loomed larger in men's minds" than the "usual Whig and Tory nonsense". Furthermore, because the Tories and the Whigs had been working together against James, patriotism, rather than party spirit, was evident. Put another way, fear and anxiety concerning their rebellious situation held them together and forced them to cooperate. It is a moot point, though, whether men like Henry Pollexfen, who noted that "I am as much for amendment of the government as any man, and for representing the exorbitancies of it", really meant it or whether they thought that such amendments should be postponed, not only until after a new monarch sat on the throne, but indefinitely. This suggestion does not seem so implausible when one considers how few of those provisions of the Heads of Grievances requiring statutory implementation were actually enacted. The lack of consensus in the

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1 Trevelyan, p. 134.
2 Grey, IX, 33.
3 Nine provisions of the Heads of Grievances were incorporated into the Bill of Rights. They were the abolition of the suspending and dispensing powers, the abolition of the prerogative courts, the reaffirmation of the illegality of extra-parliamentary taxation, the reaffirmation of the right to petition, the abolition of the peace-time standing army without parliamentary approval, the affirmation of the right of Protestants to bear arms, a modification of the prohibition of any member of the royal family marrying a Catholic, the abolition of grants and fines and forfeitures prior to conviction, and the exclusion of Roman Catholics from the English throne.

The only affirmative actions taken on implementing the various articles of the Heads of Grievances within five years of the Revolution were the abolition of the hearth tax (1689), the Toleration Act (1689), the drafting of a coronation oath containing a pledge to uphold 'the Protestant reform religion by law', the reversal of quo warranto proceedings against London (1690), and the Malicious Information Act (1692). Short Parliaments were not achieved until 1694, treason trial reform until 1696, and the independence of judges until 1701.

Eight provisions of the Heads of Grievances (those condemning
parliaments of the 1690s implies that perhaps there was a greater
disagreement within the Convention concerning constitutional reform
than the Whig historian has been willing to admit.

Other historians have argued, however, that divisions within the
House of Commons caused the transformation of the Heads of Grievances
into the Declaration of Rights. For instance, Sir James Dalrymple,
writing in the late-eighteenth century, asserted that "the revolution
having been brought about by a coalition of Whigs and Tories, the
former were obliged to make concessions to the latter"¹. Of the modern
historians, Christopher Hill repeats this view, contending that the
"Whigs and Tories disagreed sharply", but motivated by memories of what
the divisiveness of the 1640s had wrought, their "differences were
patched up, and the Declaration of Rights...simply stated both posi­
tions and left it to the individual to resolve the contradictions as
they pleased"².

Unfortunately for these theorists, the divisions in the Convention
do not quite separate according to strict party lines. Indeed, it was

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early prerogations of Parliament, regulating Chancery, dealing with
the appointment and duties of sheriffs, attacking the buying and selling
of judicial offices, reforming the method by which juries were
selected, advocating the comprehension of Protestant dissenters with­
in the Church of England, establishing the right to traverse returns
of habeas corpus and mandamus, and reforming the collection of the
excise) received no favorable Parliamentary action during William
III's reign.

Bills passed, such as the Malicious Informations Bill (1692), the
Triennial Bill (1694), and the Trials for Treason Bill (1696) had all
been defeated in previous attempts in these parliaments.

See Commons Journals, X, 590; XI, 42, 377, 391, 582, 702; XII,
103, 184, 205, 351. Lords Journals, XIV, 448, 529, 643; XV, 117, 234;
XVI, 225.

¹Dalrymple, II, 289.
²Hill, p. 277.
Whig leaders such as Maynard, Pollexfen and Somers\(^1\), who led the opposition to constitutional reform, while, on the other hand, such prominent Tories as Sir Edward Seymour, Sir Christopher Musgrave and Sir Thomas Clarges rallied behind Whigs like Falkland and Sacheverell in favoring a reform settlement. Clearly, then, this theory that constitutional reform was advocated by Whigs and opposed by Tories is difficult to defend.

Likewise the explanation that the reform movement was thwarted by dissention between the Lords and Commons is hard to support. David Ogg asserts that the conferences between the two Houses (29 January - 12 February) "revealed fundamental differences of opinion in regard to what the revolution really implied"\(^2\) and Leopold von Ranke contends that fear of severe opposition from the Lords induced the House of Commons "to consider an alteration of the proposals made"\(^3\). It is true that some anxiety concerning concurrence with the Lords was voiced, but such discouraging words always came from men such as Somers, Pollexfen and Maynard who opposed constitutional amendments in the first place. Indeed, it is difficult to condemn the Lords for hostility to constitutional reform when in some cases they actually proved, in the following decade, to be more amenable to certain reform proposals than the Commons\(^4\).

\(^1\)See Thomas Osborne, Earl of Danby, ed. Andrew Browning (Glasgow: Jackson, Son & Co., 1951), III, 164-72 for lists of party affiliates.
\(^3\)von Ranke, IV, 514.
\(^4\)In 1693, for instance, a Triennial Bill passed by the Lords was defeated in the Commons. Lords Journals, X, 327; Commons Journals, XI, 40.
Another thesis suggests that the strongest and most potent opposition to radical constitutional reform came from the Prince of Orange himself. Ultimately, this theory, although there is scanty written evidence for it, is the most logical, for who but the Prince, in whose hands the fate of Great Britain appeared to lie, would have held so much power as to be able to alter the course of the revolution settlement so significantly?

As the grandson of Charles I, William was the only Protestant male heir to the English throne, and in 1677 he consolidated his position by marrying "the only person whose claims seriously rivaled his own"¹, his cousin Mary. He had, therefore, held a prominent position in English politics for almost twenty years. His decision to interfere in 1688 was not a sudden one. On the contrary, he had been making plans very probably for many years².

When the time came to make a move, William had done so carefully, constructing a

machine...so exquisitely contriv'd (with) parts so duly adjusted, that when it was set together and put in motion, it went on with little outward assistance, in such order and regularity that many of those who were carry'd by it, knew not that they were leaving their old government 'till they were quietly lodged under a new one; so that the workmanship, tho' effected by visible means, seem'd more divine than human.³

¹Pinkham, p. 3.
²Writing his memoirs after his fall, James II accused William of plotting against him since the death of Charles II [J. S. Clarke, The Life of James II (London, 1816), I]. Although James is not, perhaps, the best of judges, there is no doubt some truth in his statement.
³Echard, p. 232.
He had done so, moreover, without accumulating any political debts.

From the beginning, William made it clear that he would be no Duke of Venice, no prince consort to Mary and that he would leave the country if they tried to make him regent. He emphasized that he had not come over to establish a commonwealth and that he would not stay in England if King James returned. He had taken a great risk in endeavoring to restore and maintain the true laws, liberties and religion of Great Britain, and he desired, not unreasonably, that things should be done his way:

I hope God will put it in your hearts at this time to redeem yourselves, your religion, and your country from those miseries which in all human appearance can be done only by giving mee your present assistance who am labouring for your deliverance.

It does not take too much imagination to guess what William's reaction to the package of reforms approved by the Commons on February 2 would have been, especially since we know that he met privately with Halifax, Shrewsbury and Danby on February 3 and that he repeated his refusal to accept either the office of prince consort or of regent. He might easily have also suggested that he was averse to limitations on the monarchy, for a limited monarchy would do him as little good as the regency.

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1 Pinkham, p. 147.
2 John Carswell states that between the 3 and 4 February Somers' committee had been "told quietly to modify the elaborate constitutional document which they had at first contemplated". He does not site a source for this statement. p. 226
3 During the Exclusion Crisis William preferred exclusion to the alternate of limitations, "because the latter would weaken the monarchy to the point where an effective foreign policy might become impossible". J. R. Jones, Country and Court: England 1658-1714 (Cambridge: Harvard University Press, 1978), p. 245.
The mid-eighteenth century historian James Ralph clearly asserts exactly this when he states that the Prince actually informed certain members of the Convention that "if the House insisted so much on limitations, that he would return again and leave them in the lurch to the menace of King James". Likewise Laurence Echard, writing over one hundred years before Ralph, maintains that while the Commons were busily employed in drawing up a solemn Declaration of Rights...we are told by a private Hand, that the management of the Prince had such an effect upon the (Parliamentary) leaders, as to cause them to hasten and shorten that famous declaration.

Unfortunately neither Ralph or Echard reveal their sources, and since Echard, at least, was openly pro-James, it is probably wisest not to put too much emphasis on their contentions. Nevertheless, these descriptions do seem to be consistent with William's behavior in the earlier stages of his participation in the revolution. Even if he did not actually do or say anything directly to influence the course of the development of the Declaration of Rights, his actions must have had their indirect effect.

On February 4 William is reported to have said to Halifax that he "fancied hee was like a King in a play". If so, there was no other author of that play than the Prince himself. With respect to dialogue, his part was small but all-important. William said little, but whatever he said was pointed and full of meaning. When he spoke to the

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1Ralph, p. 52.
2Echard, p. 261.
3Spencer House Journals, Foxcroft, p. 204.
the Convention on January 22, warning that "next to the Danger of unseasonable Divisions amongst yourselves, nothing can be so fatal as too great delay in your consultations"¹, he was not making idle oratory. Likewise when he advised that he would not stay in England to be made a regent, he was, while making a specific point, also alluding to limitations in general. Quite obviously, William was opposed to any sort of a reduced monarchy, and whether he said so or not, his refusal to accept anything less than the full power of the King made that clear.

The members of the Convention were placed in a troublesome position, for to prescribe strict limitations on the crown would be sure to offend their acknowledged savior, William. The necessity to placate the Prince, therefore, caused the members of the Convention to assert their rights in generalities. Thus, the dispensing power, for instance, was declared to be illegal only "as it hath been assumed and exercised of late", because, as was declared, they held "their entire confidence in the Prince of Orange".

¹See above Chapter 3, 31.
CHAPTER V
CONCLUSION

William's part in the revolution had been unarguably crucial to the success of the entire venture, and the risks he took were unquestionably great. When it came time, however, to pay the piper, the price for the Prince's services proved dearer than had previously been estimated. "It was," however, as Macaulay asserts, "Impossible to make an arrangement that would please everybody, and difficult to make an arrangement that would please anybody". But an "arrangement" had to be made in order to raise the country out of the state of nature into which it had fallen.

From the time William had set sail from Holland there had been little doubt that, barring total military failure, he would rule Great Britain in some capacity or other; the question being whether it would be as regent or as king. A considerable contingent in the convention, including a majority in the House of Lords, preferred a regency, while another group, led by Lord Danby, favored the elevation of Mary alone to the throne. A small number of members even desired the return of James II, on conditions. This division of opinion manifested itself, to a great extent, in the question of the king's "demise", which sep-

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1Macaulay, II, 1323.
arated the Houses seemingly irreconcilably.

Most authors credit William with breaking the deadlock between the two Houses concerning the "abdication" of James and the vacancy of the throne, by flatly asserting that discussions of a regency were irrelevant to the present crisis. However, few historians go so far as to suggest that the Prince might just have bluntly have stated his opinion on the constitutional reform issue, thereby hastening its settlement. Perhaps this is because to do so might imply a negative view of William's character which, in turn, might tarnish the image of the revolution itself. Indeed, there seems to be no middle ground between the view which ties the glory of the revolution inextricably with the glory of the Prince of Orange and the view which compares William to

Tarquin, a savage, proud, ambitious prince,
Prompt to expel yet thoughtless to defense,
The envied scepter did from Tullius snatch,
The Romish king, and father by the match.¹

Neither view actually gives to William the credit he is due. William was not an ambitious tyrant set on conquest nor was he a messianic savior sent to free the English from slavery. He was, rather, a canny strategist, a shrewd politician who used the revolutionary situation of 1688-89 to the advantage of all, save James II. By all accounts, he was well aware of the anti-Catholic feelings of the people, the fear of the Irish and of losing valuable time in unnecessary debate, the division between and within the Houses of the convention

and, in fact, of all the contributing factors which effected his own future and the future of the government. His reticence was by no means an indication of either ignorance or disinterest. If anything, it emphasized his unique position as the silent partner, the man who stood between Jacobite restoration and civil war. His importance was certainly never doubted. The question was where or if he would draw a line between restoration and change, between restoring the religion, laws and liberties of the English people and removing the rights of the crown. It does not seem presumptuous, therefore, to venture the theory that the convention members, restricted by the deficiency of time, based their decision to compromise on the hostility of the Prince to limitations.

Stuart Prall contends that since the convention was technically illegal, "it was wise to fill the throne and then let a legal parliament make the desired reforms in the system". Without the benefit of historical hindsight, however, the members of the convention could not have been so sure of the wisdom of their decision, which was based to a large degree on trust and not on calculation. Evidently there was some doubt as to the possibility of the Prince's cooperation as early in the convention as January 29. "making laws to bind the Prince," declared Henry Pollexfen, "will tend to confusion...Perhaps (once he is made king) he will not pass these laws". Clearly, the convention was confronted with a very ticklish dilemma, for it was forced to compromise because of the Prince and forced also to trust him to accept the com-

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2Grey, IX, 34; Journal, p. 33.
promise.

By restating only those principles which had previously been held to be fundamental to good government under a mixed monarchy and refraining from asserting any new rights in the declaration, the convention placed its trust in William. The Prince was placated and at the same time some provision for English liberties was retained.

On February 15 His Majesty King William II gave his answer upon receiving the Declaration of Rights. "This is certainly," he proclaimed, "the greatest proof of the trust you have in us". By uttering these particular words, William was acknowledging the compromise solution which the convention had settled upon and asserting his approval.

Although the statutes ultimately passed in 1689 represented "a lowest common denominator type of settlement", one which would fully satisfy very few but which would antagonize hardly anyone, it is important to note that what advances were accomplished towards the legislative supremacy of Parliament were in part due to the insistence of William that he should not gain the crown by conquest but rather with parliamentary consent.

As long as he ruled, however, William desired to wield as many prerogative powers as any of his predecessors on the English throne. His behavior during the Exclusion crisis and his antagonism towards

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1 Commons Journals, X, 29.
3 Baxter, p. 235.
4 See above Chapter 4, p. 50, note.
a regency clearly reveal his sentiments regarding the principles of hereditary English monarchy. Furthermore, his unwillingness to implement the reforms contemplated by the convention once he was king also suggests his antipathy to change. Only a few months after his coronation, William considered vetoing a bill designed to give statutory confirmation to the Declaration of Rights. According to Halifax, William "had no mind to confirm them (the thirteen articles of the Declaration of Rights), but the conditions of his affairs overruled his inclination to it". Later in his reign William opposed several reform efforts, actually vetoing two bills which sought to implement reforms deleted from the Declaration of Rights. This behavior indicates what his actions probably would have been had the convention attempted to impose limitations on the powers he would receive along with the crown.

It is also more than likely that William would have been able to influence the formulation of the constitutional settlement. He certainly had no problem seeing to it that he was crowned in his own right, frustrating the efforts of Danby to name Mary as sole monarch and the plans of those who favored a regency. If he was powerful enough to dictate the terms of the succession, he was powerful enough to effect the re-designing of an unacceptable constitutional settlement.

William, however, was far too politic a diplomat to announce outright his feelings concerning the Heads of Grievances. To have done so would have offended many, especially those who, like the wife of Mordaunt, believed that the revolution was truly an occasion to melt

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1 Foxcroft, Spencer House Journals, II, 203.
down and rebuild the existing system. There were less obvious (and more devious) means to gain the desired end. It is hardly surprising, therefore, that William made no public pronouncement denouncing the Heads of Grievances.

Such a statement would certainly give more credibility to the twentieth century historian attempting to prove William's implication in the mysterious transformation of the Declaration of Rights, but, given the attitude and behavior of the Prince before and after the revolution, the lack of such documentation should not preclude some tentative conclusions.

It is almost impossible to deny that the apparent lack of time caused the convention to curtail debate in order to fill the throne and restore authority to the government. This meant that a detailed constitutional reform had to be postponed and the general Heads of Grievances substituted. Only the adverse opinion of the Prince of Orange can explain the revision and reduction of that document. In order to reconcile William to the settlement, the convention removed all those clauses which dealt with new limitations to the monarch's prerogative powers. Only when the Declaration of Rights was presented to him as a statement containing nothing but known laws and when he was convinced that it was by no means a condition to his acquiring the crown did William agree to cooperate.
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