

“Make heirs for monarchs, and for God decree”:
Views of Legitimacy, Succession, and the English Monarchy, 1670-1688¹

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¹ John Dryden, “Absalom and Achitophel,” Poetry Foundation, accessed February 2, 2022.
<https://www.poetryfoundation.org/poems/44172/absalom-and-achitophel>

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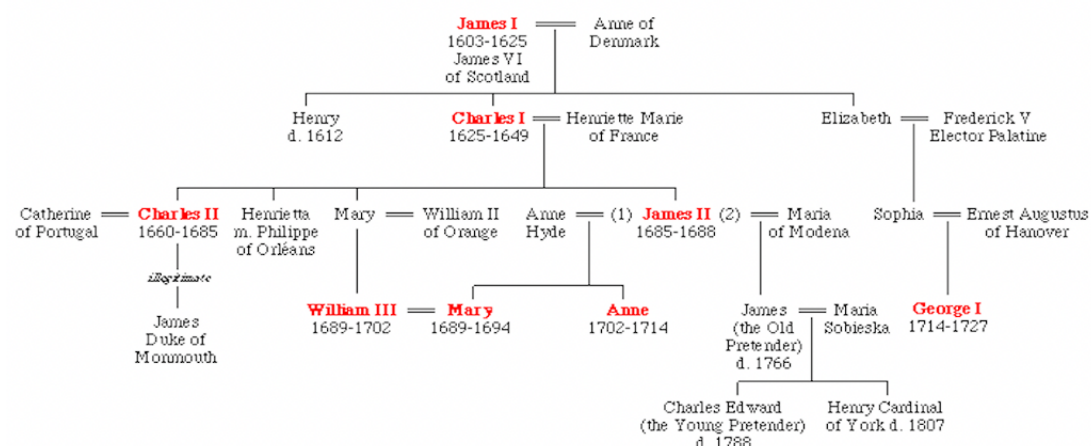
Dedication

This thesis is dedicated to Kathy Flores. You didn't see this page, but you saw that it could be.

For that reason, I owe you the most enormous debt, which you would be gracious enough to

insist has been paid in full. I'll do my best to pay it forward. Love and miss you always.

The House of Stuart Family Tree, Nomenclature, and Spelling



It was traditional during this period in history to name babies after people in the family line or the name of current or past monarchs, two trends that intersected for the royal family. As a result, the majority of the figures in this thesis are named James, Charles, Mary, or Anne.² I refer to James Crofts, the Duke of Monmouth, as James until he was created Duke of Monmouth in 1663. After this point, I refer to him as Monmouth. I generally describe King Charles II as such or King Charles/Charles. I refer to James, the Duke of York, as York from 1660-1684; after he succeeds to the throne, he is referenced to as King James II or James. I call King James II's wife Mary of Modena. King James II's daughter and William's wife is called Mary. I have generally preserved spelling, grammar, and abbreviations from the original sources and included an authorial note in brackets if the conventional source is unclear or might cause confusion. Monmoth and Yorke are common spellings. Frequent abbreviations include "d of" for Duke and "Matye" for majesty.

² The order of kings in the House of Stuart goes James I, Charles I, Charles II, James II. To make things more complicated, Monmouth was named James, and he named his first son Charles (and his second son James). King James II named his first son James (and broke the pattern of alternating, which provides the most superstitious theory for why he lost the throne). That son James named his own son Charles. After William, Mary, and Anne, the House of Hanover took the British throne and there were four King Georges in succession.

Introduction

The Easter service in 1673 at Whitehall, the English Royal Chapel, was a crowded affair, as Easter was one of only a few occasions when everyone in the royal court received communion. Thus, it quickly became clear to a large portion of the class of political elites that James, the Duke of York and heir to the thrones of England, Scotland, and Ireland, had left following the main service, refusing to take communion in the Anglican Church. This event followed immediately in the footsteps of the Test Act of 1673, the parliamentary statute passed mere weeks earlier, which required all persons who held office under the crown to take Anglican communion once a year.

It had been suspected that York was a Catholic, something whispered in back rooms and in the privacy of homes.¹ It would later be revealed by contemporaries that York had been in the process of converting to Catholicism for almost twenty years by the time he refused communion under the auspices of the Anglican Church on Easter Day 1673. However, York's public confirmation of his Catholicism was a shock to the majority of the court and had major implications for the future of the crown.² York's brother, the King of England, Charles II, had several illegitimate children with mistresses but no legitimate heirs by his wife, Catherine of Braganza, who was widely believed to be infertile; this meant York was next-in-line to the throne. But how could an overt Catholic succeed if it also meant becoming head of the Anglican Church, as the English crown entailed? The contemporary diarist John Evelyn, after witnessing

¹ The Duke of York's first wife, Anne Hyde, wrote of her conversion in the 1650s which helped spur on her husband, saying he was drawn to Catholicism partly because of "his dogmatic attitude to power and authority [that] gave him an instinctive preference for the uncompromising attitudes of the Catholic Church" (Keay, 135-6).

² Anna Keay, *The Last Royal Rebel* (New York: Bloomsbury, 2016), 135. Keay also notes the fact that James "was not content with the sort of covert, crypto-Catholicism which might have escaped scrutiny only added to the alarm with which those around him felt. As next in the line of succession, he was, after all, poised to become the head of the Anglican Church" (135).

the events, wrote that “what the consequences of this will be, God only knows and wise men dread.”³

Sustained dislike of York and Catholics as a whole during the 1670s – and the fallout of a political conspiracy in 1678 known as the Popish Plot – contributed to growing sentiments to alter the line of succession to bar York from the throne. This was quite a monumental proposition, considering that England’s monarchy was hereditary and followed the normal laws of primogeniture. Kings ruled by divine right, meaning they derived their authority directly from the will of God and not from the consent of the people. As King James I described in 1610, “the State of Monarchie is the supremist thing upon earth: For Kings are not onely God’s Lieutenants upon earth, and sit upon God’s throne, but even by God himselfe they are called Gods.”⁴ Attempting to alter the line of succession could be seen as contradicting the will of God.

Following the revelations of the Popish Plot, an alleged Catholic plan to murder King Charles II, parliament put considerable pressure on the crown to alter the line of succession. Charles, however, was determined to preserve the hereditary principle of the monarchy. In November 1678, in an attempt to quell parliamentary demands, he pledged to aid legal measures to protect Protestantism, as long as the line of succession was left unaltered. However, the meaning of his pledge – as it passed from parliament to newspapers and spread by word of mouth – was changed; the rumor spread that Charles’s eldest son, James, the Duke of Monmouth, was to succeed his father. Although Monmouth was illegitimate, the rumor of the change to the line of succession led to widespread celebrations. A myth emerged at this time which asserted that Charles and Lucy Walter (Monmouth’s mother) had in fact been married and

³ Keay, *The Last Royal Rebel*, 135

⁴ James Stuart, “A Speech to the Lords and Commons of the Parliament at White-Hall,” in *The Wvorkes of the Most High and Mightie Prince James*, ed. James Montague (London: Printed by Robert Barker and John Bill, 1616), 529. <https://quod.lib.umich.edu/e/eebo2/A04224.0001.001?rgn=main;view=fulltext>

Monmouth was therefore legitimate and would displace his uncle York in the line of succession. The black box myth derived its name from the idea that the marriage certificate was supposedly in a “black box” once in the possession of the late Bishop of Durham, who had heard Lucy Walter’s dying confession, but which had since gone missing.

Parliamentary efforts to exclude York from the succession eventually failed. However, the attempts, during what came to be known as the Exclusion Crisis, did generate a large number of political pamphlets, broadside ballads (drinking songs), newspaper reports, and spoken words by English subjects, drawing attention to topics of legitimacy and succession both for the English political elite and general public. Upon Charles’s death in 1685, York succeeded to the throne as King James II, although not without pushback. Monmouth launched a rebellion against his newly crowned uncle, gathering support from the general English public. However, it was ultimately unsuccessful and Monmouth was executed for treason in 1685. Although the newly crowned King James initially promised to promote a broad policy of religious toleration, his actions in the first years of his reign led many to believe he was aiming to bring greater Catholic influence and power into the government to the detriment of Protestants. In 1688, James’s newborn son would come to be the subject of another scandal, this one known as the warming pan myth, which alleged that James and his wife Mary of Modena had faked a pregnancy and conspired to have a baby snuck into their chambers in a warming pan (which usually contained hot coals). This was allegedly done in the name of continuing another Catholic dynasty in England⁵, instead of the

⁵ In 1533, King Henry VIII split from the Catholic Church in order to divorce his first wife, Catherine of Aragon, and marry Anne Boleyn. His son, Edward, succeeded to the throne as a Protestant. However, Edward’s half-sister Mary, who came to the throne after his early death in 1553, was a staunch Catholic and attempted a “counter-Reformation” to restore Catholicism in England. She is often remembered by the name “Bloody Mary” for the burning of hundreds of Protestants at the stake during her reign. Other acts and events of her reign – such as currency reform, international trade, the loss of the last English foothold in France, Calais, were overshadowed by the so-called “Marian Persecutions”, fears of which the general public drew on against royal Catholics like the Duke of York and Mary of Modena. For a primary

throne passing to James's eldest daughter Mary and Dutch son-in-law William III of Orange, crucially both Protestants.

This series of events brings up several questions. Why was Monmouth viewed as a candidate for the succession, given that his illegitimacy should have immediately disqualified him? Why was he not only acknowledged as a candidate among the public but celebrated as such? Why was there such backlash against York as a Catholic successor? What do Monmouth and York's stories reveal about views of the English political elite and the general public regarding legitimacy and kingship? What role did the black box and warming pan myths play in revealing these sentiments? What do the stories of these men tell us about legitimacy and succession when considered in conversation with each other? How do they speak to wider shifts on views of hereditary monarchy and elective kingship? How do these observations play a role in shaping English political events and beliefs leading up to the Glorious Revolution of 1688-9?⁶

The circumstances of the Popish Plot, Exclusion Crisis, and black box and warming pan myths during this period, in the wider context of the lives of York and Monmouth, helped create fertile ground for producing records of public opinion on topics of legitimacy and succession. In

account of Protestant history and martyrology in the 1500s, see John Foxe's *The Actes and Monuments* (also known as Foxe's *Book of Martyrs*). For secondary sources on the period, see Peter Marshall, *Reformation England, 1480-1642*, Peter Ackroyd, *Tudors: The History of England from Henry VIII to Elizabeth I*, Eamon Duffy, *Fires of Faith: Catholic England under Mary Tudor*, Jennifer Loach, "Mary Tudor and the Re-Catholicisation of England" in *History Today*, R.M. Warnicke, *The Rise and Fall of Anne Boleyn: Family Politics at the Court of Henry VIII*, Eamon Duffy, *The Stripping of the Altars: Traditional Religion in England, c. 1400-c.1580*.

⁶ The "Glorious Revolution" is the conventional title for the events of 1688-9 that resulted in the overthrow of James II's government and the installation of William and Mary's. However, as Tim Harris points out in his book *Revolution: The Great Crisis of the British Monarchy, 1685-1720*, it is wise to "recognize that those contemporaries who coined the term deliberately sought to incorporate a value judgement in the label they affixed to events of which they approved. We can recognize the revolutionary significance of what transpired without necessarily endorsing that value judgement. Glorious for some, not-so-glorious for others" (517). For more information, see J.R. Jones, *The Revolution of 1688 in England*, Angus McInnes, "When was the English Revolution" in *History*, Lois Schwoerer, *The Revolution of 1688-1689: Changing Perspectives*, Tim Harris, *Politics under the Later Stuarts: Party Conflict in a Divided Society, 1660-1715*.

this thesis, I will use those records to argue that the traditional, elite definition of legitimacy – as a legal concept defined by Christian marriage law – was beginning to give way in favor of other criteria that defined an heir's suitability to the throne and considering ideas of elective kingship. This movement, which crucially rose from both classes of political elites and the general public influencing each other, helps explain the wider transition of the period away from a system of divine right monarchy.

Existing Scholarship

This thesis focuses on legitimacy, the roots of which – as the concept applies to succession and inheritance – are complicated. Historian Sara McDougall provides an overview of this history in her book, *Royal Bastards*, seeking to establish a history of royal illegitimate children and the relevance (or irrelevance) of canon and secular law in the eleventh and twelfth centuries. She argues that the stigmatization of having illegitimate (also known by the label of bastard) children was not a concept that stemmed solely from the Medieval period in Europe (roughly 500 CE through the 14th century); Christian marriage laws across Europe had significant ambiguity and thus, the definition of legitimacy did not revolve around marriage before birth.⁷ One example she gives is that of Tancred of Lecce, born between 1134 and 1138 in Lecce, Italy, the illegitimate son of Duke Roger of Sicily and an unknown noblewoman. Duke Roger was the grandson of King Roger II of Sicily; Tancred attempted a (unsuccessful) coup against his uncle William when Roger II died and was banished by William II when he succeeded to the throne. However, upon William's death, Tancred's supporters rallied around him, rejecting William's (legitimate) aunt as successor to the throne, and naming Tancred King

⁷ Sara McDougall, *Royal Bastards: The Birth of Illegitimacy, 800-1230* (Oxford: Oxford University Press, 2017), 9.

of Sicily in 1190.⁸ McDougall argues that criticism of Tancred came not because of his illegitimacy, but because he had usurped the throne from another named successor.⁹ Pope Clement III and his successor, Celestine III, apparently made no objection to Tancred's accession; in fact, Celestine III publicly recognized Tancred as ruler of Sicily in 1191 or 1192, pointing to more nuance and pragmatism for political circumstances from an ecclesiastical perspective, instead of a rejection of Tancred purely on the grounds of illegitimacy.¹⁰ McDougall argues that it is important to recognize how often stories "of exclusion and dispossession do not fit into what we find in analysis of laws and practices",¹¹ setting the stage for the fact that illegitimacy, while an obstacle to inheritance and rule, was not an insurmountable barrier to either. This is important to set a historical precedent for a time in which legitimacy was not defined by the Christian ritual of marriage and it did not determine laws of inheritance or succession.

Moving towards the 17th century specifically, many of the historians in the earliest wave of scholarship about Monmouth from the 20th century derided him as "handsome, weak, and empty-headed."¹² He was portrayed as spoiled, shallow, and foolish and a puppet for other political figures.¹³ Robin Clifton's book, *The Last Popular Rebellion*, published in 1984, began to work against the grain of this earlier judgement. Clifton argues that while the then-

⁸ McDougall, *Royal Bastards: The Birth of Illegitimacy, 800-1230*, 209. A fascinating aspect of this narrative is the parallel to Monmouth's story. Monmouth, an illegitimate son, was brought to court by the King, only to attempt to rebel against his uncle, the newly crowned King. However, Monmouth's aspirations for the throne were suspect; he may not have wanted the throne himself, whereas Tancred clearly did. The parallel ends where Tancred succeeded and Monmouth failed, but it's a fascinating look into stories separated by almost 500 years, yet similar in many ways. For more information on criticism of Tancred, see Ivo Wolsing, "'Look, there comes the half-man!' Delegitimizing Tancred of Lecce in Peter Eboli's *Liber ad honorem Augusti*" in *Journal of the Medieval Mediterranean*.

⁹ McDougall, *Royal Bastards: The Birth of Illegitimacy, 800-1230*, 211.

¹⁰ *Ibid.*, 212.

¹¹ *Ibid.*, 279.

¹² Robin Clifton, *The Last Popular Rebellion* (New York: St. Martin's Press, 1984), 76.

¹³ *Ibid.*, 76.

conventional opinion was not completely incorrect, this characterization tended to be a judgement “rather than [an] explanation... under-estim[ing] some of his talents” and that it failed “to explain his character.”¹⁴ Clifton’s book was incredibly influential because it attempted to understand and rationalize Monmouth’s decisions on their own terms. Clifton also worked to contextualize his rebellion, analyzing the motivations and social composition of rebels and the region where the rebellion took place. He focuses on the idea of differing views of kingship that the lower classes may have held that diverged from those of the elite, that there existed “a more conditional or even contractual view of the monarchy... here emphasis fell because of his broader attributes.”¹⁵ It is important that Clifton points to the idea of an alternative to hereditary monarchy and succession, mentioning Monmouth’s “broader attributes” that made him an attractive candidate. This scholarship is important to begin analyzing these broader attributes involved in English subjects’ rejection of divine monarchy in favor of a more contractual view.

However, the idea on an intellectual divide between classes of the English public spurring on diverging views – and the very idea of a divide itself – is less convincing and somewhat contradictory. Clifton believes that many chose to support Monmouth because they could not understand the elite definition of legitimacy (which invoked primogeniture and marriage rituals), arguing that the “lower classes” “were not educated to discriminate in such a debate [over legitimacy].”¹⁶ The term “educated” is somewhat vague to begin with, lacking specificity concerning what education the so-called “lower classes” lacked. If by education Clifton means literacy, rates were much higher than is generally believed; the adult male literacy rate in London at the time may have been as high as 70%.¹⁷ Regardless, the claim that the public could not

¹⁴ Clifton, *The Last Popular Rebellion*, 76.

¹⁵ *Ibid.*, 287.

¹⁶ *Ibid.*, 271.

¹⁷ Tim Harris, *London Crowds* (Cambridge and New York: University of Cambridge, 1987), 98.

discriminate in the debate does not allow for the possibility that the public simply viewed illegitimacy differently, instead of Clifton's idea that they did not understand or were not educated in concepts of hereditary monarchy and a strict legal legitimacy, nor does it concede that ideas of broader attributes that qualified Monmouth may have also been held by members of the political elite.

Tim Harris's book *London Crowds* focused on an investigation into public opinion in London – the “attitudes and concerns of those below the level of the elite”¹⁸ and its significance. In particular, Harris's investigation into the idea that the influence of whig and tory party crowds indicated not that London crowd culture as a whole changed simultaneously, but that there were separate aspects of political culture present concurrently in conversation with each other. My intervention will focus on the ways in which this talk from the general public interacted and influenced that of the elites and vice versa, focusing more specifically on ideas of legitimacy, succession, and elective kingship from the stories of Monmouth and York.

Wolfram Schmidgen's article, “The Last Royal Bastard and the Multitude” examines Monmouth's legitimacy through the lens of Monmouth's relationship to the public and addresses the idea of a more contractual monarchy for the general public. He focuses on the ambiguity of Monmouth's corporeal body as an illegitimate son, arguing that it gave him greater weight and authority with the people because his body “was deployed as a form of political thought that promoted... [a concept] in which sovereignty and privilege were shared between king and multitude, the noble and the base.”¹⁹ In other words, Monmouth's lineage – one royal and one “base” parent – made him a more attractive candidate for the throne to the general public. There

¹⁸ Harris, *London Crowds*, 5.

¹⁹ Wolfram Schmidgen, “The Last Royal Bastard and the Multitude,” *Journal of British Studies* 47, no. 1, (2008): 55.

is much to be said for this view; Schmidgen draws on notions about the theme of indeterminacy as a whole in the age and how it contributed to a discourse specifically about Monmouth which “nourished a useful indeterminacy that could gather people and king around Monmouth’s alluring blend of the base and the noble.”²⁰ This speaks to the ways the legal definition of legitimacy was being challenged in favor of attributes like Monmouth’s illegitimacy. However, Schmidgen fails to consider other reasons why Monmouth was attractive to the multitude; he mentions that Monmouth’s virtue required “persistent demonstration... continued toil and effort that brought the crowds to their knees”²¹ which speaks to other phenomena like his image, religion, and military victories that made him attractive to the “multitude”, as opposed to just his illegitimacy. Like Clifton, this work again focuses on just the general public, whereas I will take the beliefs of political elites into consideration as well.

The most recent scholarship on Monmouth has been Anna Keay’s biography, *The Last Royal Rebel*. This history was influential for establishing both a broad timeline of Monmouth’s life, especially accounts of his early life, and for her writing on Monmouth and Charles’s father-son relationship. Keay described it as follows, claiming that Monmouth “loved and respected Charles, addressing him always with deferential formality and never disobeying an instruction”²² and that “what Charles felt for Monmouth was not the... enduring fondness and affection of a sibling, but the boundless and unbreakable love of a parent for a child.”²³ These descriptions were helpful in understanding the psychology of these figures; however, they tend towards absolutes and decisive characterizations that often feel too reverential. This thesis seeks to find

²⁰ Schmidgen, “The Last Royal Bastard and the Multitude,” 71.

²¹ Ibid., 65.

²² Keay, *The Last Royal Rebel*, 149.

²³ Ibid., 150.

balance for depicting these figures between the often disparaging first wave of scholarship and the opposite pole of Keay's characterizations.

Moving forward in chronology, Tim Harris's book, *Revolution: The Great Crisis of the British Monarchy, 1685-1720*, describes a broad overview of the Glorious Revolution, incorporating an analysis of the three kingdoms – Britain, Ireland, and Scotland – involved in the revolution, as well a discussion about the degree to which the events of 1688-9 were actually revolutionary. However, this thesis focuses more specifically on Harris's claim that "domestic political turmoil that was responsible for bringing down James's reign"²⁴ and "the need to set politics in a broader social context... [and pay] attention to the importance of public opinion... below the level of the traditional ruling classes"²⁵, examining the warming pan myth as a way in which the domestic turmoil manifested. As with the intervention in *London Crowds*, this thesis looks at opinions of the general public and the elite in conversation with each other.

Mary Ann Connell analyzed the warming pan myth's origins and how it specifically manifested as an anti-Catholic idea. She argues that because Catholics were so emphatic in proclaiming that Mary's pregnancy was a miracle and predictions that the child would be a boy, Protestants (both whigs and tories) became convinced that the Catholics would "use any means to implement these forecasts."²⁶ John McTague has discussed the combination of politics and religion with regards to rumors about James II's son, arguing that "the prince's alleged illegitimacy... opened a space for certain kinds of political and religious argument"²⁷ and that the connection between "the use of obscurity and a (perceived) lack of evidence as the starting-point

²⁴ Tim Harris, *Revolution: The Great Crisis of the British Monarchy* (London: Penguin Books, 2006), 14.

²⁵ Harris, *Revolution: The Great Crisis of the British Monarchy*, 14.

²⁶ Mary Ann Connell, "The Case of the Suppositious Prince," *Studies in English* 11 (1971): 55.

²⁷ John McTague, "Anti-Catholicism, Incurability, and Credulity in the Warming-Pan Scandal of 1688-9." *Journal for Eighteenth-Century Studies* 36 (2013): 4.

for a kind of propaganda that relies on faith, on the suspension of disbelief.”²⁸ Again, the ideas of obscurity and indeterminacy that McTague brings up are important and speak to the fact that many allegiances are brought into play when talking about legitimacy, political and religious factors being at the tip of the iceberg. McTague also places his own work in the context of other scholars, refuting Steve Pincus’s assumption that the birth of James II’s son – and the controversy surrounding it – had nothing to do with the history of the Glorious Revolution, saying “whilst I can concede that the birth may not have been essential to the revolution, I will not concede that it did not shape it. It had an effect.”²⁹ McTague’s point has merit; this argument could be used for York and Monmouth’s stories to understand how they shaped each other and events that would come after.

It is clear from the above section that the political and military histories of both men have been reasonably well researched and analyzed but that gaps remain in the existing historiography.³⁰ Firstly, historians who have written on the stories of these men and the political crises of the 1670s and 80s have mentioned ideas of “broader attributes” that began to be considered as criteria for an heir to the throne. However, as is the case for Clifton and Schmidgen, these inquiries were focused on purely the general public and grounded in ideas about an educational divide between this class and that of the political elite. My approach to examine both the opinions of the general public and political elite to reveal the ways in which the consideration of these broader attributes was not determined by education but instead by other factors like religious and political affiliation. Moreover, this approach will challenge the idea of

²⁸ McTague, “Anti-Catholicism, Incurability, and Credulity in the Warming-Pan Scandal of 1688-9,” 4.

²⁹ *Ibid.*, 4.

³⁰ This scholarship includes W.A. Speck, *James II*, John Miller, *James II*, Ronald Hutton, *Charles the Second: King of England, Scotland, and Ireland*, Derrick Porritt, *Duke of Monmouth*, Elizabeth D’Oyley, *James, Duke of Monmouth*, Bryan Bevan, *James, Duke of Monmouth*.

this divide between classes. The second gap in the historiography is that in talking about the political crises and debates over legitimacy, historians have generally told the stories of these men largely separate from one another. Separating these stories into different books misses an opportunity to connect threads and make conclusions about beliefs in a “legitimate successor” that would not be possible – or at the very least, would be far stronger – than an individual study. Bridging the gap between both the beliefs of different classes and the histories, reactions, and myths about the men (and the figures in their respective orbits) provide a perfect opportunity to look at both men and issues of legitimacy in tandem, linking eighteen years of history together.

Sources

To examine the many potential components of legitimacy, both legal and otherwise, and to answer the broader question of what these different interpretations mean, I will be examining a variety of sources. Firstly, newsletters and newspapers represent a large part of my primary source base. Newsletters are, at their core, partisan sources, especially those sponsored by the government, but provide a reasonably accurate account of current events and often noted the sentiments and actions of the broader public through notations on bonfires or celebrations. One particularly valuable source is the Newdigate family collection of British newsletters, available online. Three generations of the Newdigate family from 1674 to 1715 amassed nearly 4,000 newsletters from people who recorded events from various newspapers from the period and sent them to the Newdigates. *The London Gazette* – the official government newspaper – has archives also available online which were useful for finding instances of events not reported in Newdigate and to cross-reference dates and speeches given in parliament.

I will be using the diaries of men privy to court events – members of parliament or men employed by the government – to help gather reactions to court events – both those in the royal

circle and a wider reaction from the general public. These diaries were the first primary sources to treat with the lives of Monmouth, Charles II, York, and others. Samuel Pepys, a clerk to the Teller of the Receipt in the Exchequer, lived in lodgings near the palace of Westminster when he began to keep a diary in 1660. The nine years of his life that he recorded are a valuable insight into events surrounding Monmouth's early years at court. Another diarist is John Evelyn, whose memoir spans from 1640 to 1706. His many volumes provide insight into so many different aspects of English life, although my interest lies primarily with Evelyn's depiction of Monmouth's image and popularity with the people and events after his death. Evelyn recorded one specific event when a French nobleman watching a play in September 1685 saw the ghost of the Duke of Monmouth, yelling "Voila Messieurs comme il entre sans tete! [Here, look how he enters without a head]."³¹ Another diary exists from Narcissus Luttrell, a historian and bibliographer who penned *A Brief Historical Relation of State Affairs*, which spanned from September 1678 to April 1714. Finally, John Reresby, an English politician and diarist, kept a diary that was published with the title *The Memoirs of the Honourable Sir John Reresby*, which dates from 1658 to 1689. He was not based at court but had access to events there and in parliament as an MP. All these diary sources are now widely available online; I also accessed copies through the Brown University Library.

I also draw on political pamphlets. These were generally penned by politicians or wealthy gentlemen and distributed to the public. Thus, their perspective is quite specific, but their impact was often quite impressive, with a wide distribution. Many pamphlets were produced during the Exclusion Crisis which warned about the dangers of a Catholic successor. Several of these

³¹ John Evelyn, *The Diary of John Evelyn Volume 4, Kalendarium, 1673-1689: Now First Printed in Full from the Manuscripts Belonging to John Evelyn*, ed. Esmond Samuel De Beer (Oxford: Clarendon Press, 2003), 470. September 16, 1685.
<https://ebookcentral.proquest.com/lib/brown/reader.action?docID=3055135#>

addressed the issue of whether Monmouth might be a suitable alternative. Some addressed the issue of the black box myth, the most well-known being “A letter to a person of honour concerning the black box”, written by independent minister Robert Ferguson, who came to support Monmouth’s claim to the throne. Others, like the anonymous published letter – *The Interest of the Three Kingdoms*³² – and pamphlet by Bishop Edward Wettenhall – *The Case of the Irish Protestants* – are also utilized.

A large cache of primary source information, used extensively in this thesis, is the collection of broadside ballads available on the English Broadside Ballad Archive (EBBA). Broadside ballads were composed to existing popular tunes and distributed for a penny or so each. As the most common form of printed material, they were meant for wide distribution and cover a variety of topics: current events, advertisements, entertainment, and propaganda. Because they were meant for public distribution and served as effective propaganda – designed to persuade and influence opinion – they are a great resource for understanding how the public received and thought about the black box and warming pan myths – especially since there were ballads composed about these myths specifically.³³

Other sources used to assess public reaction include prosecutions for seditious speech. Outbursts of speech may have been designed to persuade companions, provoke arguments, or a number of other motivations; regardless of the underlying incentive, these instances generally serve as a better measure of unfiltered political thought, coming the closest to recreating the sentiments of actual people as opposed to secondhand reports in which an intermediary filtered content. there are numerous instances of members of the political elite and general public

³² Full title: The Interest of the Three Kingdoms with Respect to the Business of the Black Box and all the other Pretentions of his Grace the Duke of Monmouth, Discuss’d and asserted; In a Letter to a Friend.

³³ Harvard Library, “English Broadside: The Bute, Huth, and Percy Collections.” Accessed September 1, 2021. <https://library.harvard.edu/collections/english-broadside-bute-huth-and-percy-collections>

reflecting on Monmouth, York, or the circumstances surrounding them. They are often more reliable and quantifiable than ballads because they involved creating records of witnesses and trial processes. Another source of public opinion was the records of last words of rebels executed in 1685 (almost all following the rebellion, although there was one political and religious dissenter executed before Charles's death). These records – letters and speeches – give insight into the religious motivations of rebels and ideas of holistic legitimacy and elective kingship that were growing in strength. The correspondence between James's daughters, Mary and Anne, is not strictly seditious but is used to investigate reactions – what was reported to them as well as their own thoughts – regarding the Warming Pan myth.

Finally, there are sermons given by preachers in the aftermath of Monmouth's rebellion which help contextualize the anti-Monmouth argument: the political and religious justifications made against his rebellion. These sermons are discussed in chapter three specifically in the context of a poem called *Absalom and Achitophel*; as one of the most famous political English satires, the poem drew parallels to Charles, Monmouth, York, and others to comment on ideas of divine monarchy, succession, and legitimacy.

Conceptual Approach

One figure who connects the stories of both Monmouth and York is John Churchill. Born in 1650, his father was Winston Churchill, who took the side of the Royalists in the English Civil Wars (1642-1651), fighting (unsuccessfully) to keep King Charles I on the throne.³⁴ John followed in his father's footsteps of royal service as a page and a court liaison to the Duke of

³⁴ Harris, *Revolution: The Great Crisis of the British Monarchy*, 25. For more on the English Civil Wars, see Michael Braddick, *God's Fury, England's Fire: A New History of the English Civil Wars*, Conrad Russell, *The Causes of the English Civil War*, Brian Manning, *The English People and the English Revolution*, Clive Holmes, *Why Was Charles I Executed*, Jonathan Fitzgibbons, "Hereditary Succession and the Cromwellian Protectorate: The Offer of the Crown Reconsidered" in *English Historical Review*.

York. John Churchill's service to York helped him ascend both the social and military ranks quickly, accumulating both titles and victories. Once York succeeded to the throne, Churchill led the royal infantry against the Monmouth Rebellion. However, he would eventually defect from James and support William of Orange in his invasion of England. Newly crowned King William III and Queen Mary II rewarded Churchill by creating him the Duke of Marlborough which would be passed down through generations to the 7th Duke of Marlborough.³⁵ He became grandfather of a boy born in 1874, named Winston Leonard Spencer-Churchill (the eventual Prime Minister of England).³⁶ This gave Winston Churchill a direct connection to 17th century English history and many of the figures I will discuss in my thesis.

For a thesis centered in the 17th century, the famed Prime Minister of the United Kingdom during World War II seems like a character exceedingly far from the narrative or methodology (almost two hundred and fifty years removed). However, I believe that the 20th century Winston Churchill is tethered to the Dukes of Monmouth and York, as well as 17th century England, by more than a blood line. One of Winston Churchill's famous quotes is a remark he made to a friend, Violet Asquith, at a party, saying "we are all worms, but I do believe that I am a glow-worm."³⁷ From very early on in his life, Churchill felt that he was destined for

³⁵ His descendant, Prime Minister Winston Churchill, wrote a four-volume biographical work of his ancestor, the 1st Duke of Marlborough, in the 1930s. This was largely an attempt to defend his ancestor's reputation. After John Churchill's defection from the army, contemporaries and historians were quite critical, attributing his motives to personal gain. The 20th century Winston Churchill would argue that his ancestor was motivated by patriotism, religion, and morality. Upon his defection, the 1st Duke of Marlborough left a note for James II saying, "I hope the great advantage I enjoy under Your Majesty, which I own I would never expect in any other change of government, may reasonably convince Your Majesty and the world that I am actuated by a higher principle" (Richard Burton, *The History of the House of Orange* (W. Smith and Company: Westminster, 1814), 79). The truth likely lies in the middle of these two poles of opinion.

³⁶ The hyphenation of Spencer signified a bond (through a previous marriage) to the Spencer family, who held the Earldom of Sunderland. This is the same Spencer family as the late Diana Spencer, the first wife of Charles, the Prince of Wales, making Winston Churchill and Diana Spencer related.

³⁷ Andrew Roberts, *Churchill: Walking with Destiny* (Viking, Penguin Random House, 2018), 109.

greatness. He even remarked to a school friend – at the age of seventeen – that he felt he was sure he “shall save London and England from the future... it will fall to me to save the capital and save the empire.”³⁸ It seems too good to be true, reminiscent of an anecdote added after his storied career or posthumously; however, Winston’s attitude was both well-documented and constant from his early school days.

The term glow-worm seems an apt way to describe how much of history is structured as it is written and taught. We are drawn to the big figures and events of the past – the metaphorical glow-worms that shine bright when looking at what author Margaret Atwood calls, the “great darkness”³⁹ of history – because these people made waves or participated in events that stood out as watershed moments which generated documentation and lasting talk. In other words, they stand out in the record by virtue of their existence. The Duke of Monmouth and the Duke of York represent two of these well-known figures (albeit to a lesser extent than the hundreds of volumes produced on Churchill). Both grew up in the royal court, spent much of their careers in the military, and benefited from all the documentation and security in the historical record as a result. Although it can most certainly be said that neither figure was quite as assured as Churchill of his own personal triumph and glory, the Duke of York and Duke of Monmouth were certainly magnetic, glow-worm-like figures, involved in many significant events in the late 17th century. But here lies the problem that confronts us when looking at the archive: what lies underneath the glow-worms of history? Beyond these people who lived unique and extraordinary lives, where is the record of those who lived the ordinary ones?

In his book *The Cheese and the Worms*, historian Carlo Ginzburg used trial records to uncover the life story and beliefs of a regular miller named Menocchio. He posited that the

³⁸ Roberts, *Churchill: Walking With Destiny*, 23.

³⁹ Margaret Atwood, *The Handmaid’s Tale* (New York: Houghton Mifflin, 1986), 215.

popular culture of the masses – the culture in which Menocchio lived – was repressed by the dominant culture; therefore, popular culture had to be discovered in fortunate circumstances when the historical record could be used to unearth it. For Ginzburg, this repression was largely based on literacy, or the lack thereof, which created a divide between the culture of the elite or dominant culture and the mostly illiterate masses, which was based on oral traditions and left unrecorded.⁴⁰ Only in cases such as Menocchio's, where a primarily oral culture was recorded, was this possible. Ginzburg's conclusion about this divide is important to consider because it offers a potential solution to the glow-worms of the archive. The rumors created about the Dukes of Monmouth and York – and the people in their orbit – are opportunities to identify the popular class's beliefs and how they inform our knowledge of the people who lived through this period in history, those who lived and died with a culture and beliefs of their own that lie beneath the historical record.

A related concept to Ginzburg's ideas about popular culture is that of subaltern history. This was a term first coined by scholars of India in the 1980s and 1990s to describe the variety of approaches to the postcolonial era in South Asia. Subaltern theorists believed that after colonialism had ended in the former colonies of Britain, France, the United States, and other countries, these imperial powers continued to exert so much dominance over cultural and economic affairs that the independence of the newly freed countries was merely an illusion and covered the reality of the indirect rule of these imperial powers.⁴¹ While usually applied to the Middle East and South Asia, the approach and practices of subaltern history grew to be used with

⁴⁰ Carlo Ginzburg, *The Cheese and the Worms* (Baltimore: Johns Hopkins University Press, 1980), xv. This is not unlike Clifton's ideas of the divide between elite and popular culture, discussed previously in the literature review. See also *Popular Culture in Early Modern Europe* by Peter Burke.

⁴¹ Richard T. Vann, "Historiography" in *Britannica Academic* (1998), accessed January 21, 2022. <https://academic-eb-com.revproxy.brown.edu/levels/collegiate/article/historiography/108622>

any subordinated population.⁴² The term has grown and expanded to describe a technique or an approach to study and uncover the histories of groups within the colonial and nationalist archives (and history more generally) that went largely undocumented. In the words of an Emory University article on postcolonial studies, the aim is to “recover, examine, and privilege the agency of the underclass within the networks of capitalism, colonialism, and nationalism.”⁴³ This often involves “emphasizing their contributions to activities usually associated with elites,”⁴⁴ as the Encyclopedia Britannica suggests. There is a parallel here to Ginzburg’s idea of using the dominant culture to expose the popular one. However, subaltern history places less emphasis on difficult-to-define “elite and popular” classes and instead focuses on how allegiances were divided by phenomena like economic and political affiliations. This helps address a problem from Ginzburg’s work, the characterization of a divide between elite and popular culture, which presents a binary between the two that is difficult to define in 17th century England and which I will call into question over the course of this thesis. It is important to acknowledge that it is often the British implicated in practices of colonization and oppression in later centuries and this sparked the very discipline of subaltern studies.

Ultimately, this is not a work of studying only elite or popular culture or attempting to separate the two, nor is it a subaltern one. I merely wish to acknowledge the ways in which this thesis has drawn on and been influenced by the methodologies that preceded it, incorporating ideas from subaltern historiography and Ginzburg’s popular culture in conjunction with existing historical practices, scholarship, and sources to shed light on what Ginzburg described as “an

⁴² It has been especially influential in rewriting histories of gender and race.

⁴³ *Postcolonial Studies at Emory*, Bailey Betik. “Subaltern Studies,” accessed January 15, 2022. <https://scholarblogs.emory.edu/postcolonialstudies/2020/02/17/subaltern-studies/>

⁴⁴ *Britannica Academic*, s.v. “Historiography,” accessed January 21, 2022. <https://academic-eb-com.revproxy.brown.edu/levels/collegiate/article/historiography/108622>

obscure shadowy world”⁴⁵ and uncover the thoughts of the English general public in conjunction with that of political elites in regard to legitimacy, succession, and elective kingship. In his Brown University senior thesis from 2020, Charles Steinman wrote on the process of reconstructing the histories of people on the margins. He wrote that recognizing “whatever history I produce... will ultimately be my own imposition, and will be replete with my own interpretation and tentative speculation” but ultimately guided by a “moral obligation to the people of the past.”⁴⁶

Organization

In the first chapter, I explore the ways in which Monmouth was considered a potential successor to Charles. I argue that these considerations reveal how the concept of legal legitimacy – traditionally believed and propagated by the class of political elites – was coming into contention with other ideas of what qualified Monmouth for the throne. These notions in conversation with each other reveal how an idea of elective kingship was beginning to permeate through the class of political elites and the general public.

This thesis turns to York in the second chapter, focusing on the case made against his succession. I explore York’s upbringing as it relates to his religion, military career, and marriage, throughout political upheavals of the 1670s. I argue that English subjects of all classes drew on anti-Catholic prejudices to spread fear and discontent about York’s succession and continued to push back on the concept of legal legitimacy to instead consider what disqualified York from the throne, further challenging hereditary monarchy in favor of an elective kingship.

⁴⁵ Ginzburg, *The Cheese and the Worms*, xxvi. See also Tim Harris, *The Politics of the Excluded, c. 1500-1850*.

⁴⁶ Charles Steinman, “‘The bond of said child’s blood through her, his slave’: The Social Worlds of Slavery in Late Medieval Marseille,” (Undergraduate thesis, Brown University, 2020), 6.
<https://doi.org/10.26300/ehfy-bk48>

The final chapter of this thesis reckons with the seeming contradiction of the rise of elective kingship and York's plummeting popularity with his accession to the throne, arguing that analyzing the legacy of Monmouth's rebellion and propaganda from the whigs and tories – the two political parties of the time – helps resolve this tension. However, James's policies in the first years of his reign eroded much of the trust and popularity from the beginning of his rule. Finally, I will argue that the warming pan myth demonstrates how notions of elective kingship coincided with political events to provide the correct circumstances for William of Orange's invasion of England.

In analyzing these three facets of York and Monmouth's stories, this thesis reveals how political thought of the period about legitimacy, succession, and kingship was not a movement dictated by a small group of political elites but instead a growing mass of subjects from all classes. It is especially significant to consider how this evolving political thought came on the eve of and influenced the Glorious Revolution, which would mark an end to divine right monarchy in England.

Chapter One: Monmouth, a King Made

“My rebel ever proves my people’s saint;
Would *they* impose an heir upon the throne?”¹
-- John Dryden, *Absalom and Achitophel*

This chapter will explore the Duke of Monmouth’s years at court and how treatment by his father, King Charles II, as well as his own conduct and the political events of the 1670s influenced perceptions of his potential to succeed to the throne. Through an examination of courtiers’ diaries, newspapers, broadsides, and instances of seditious words, I will argue that the traditional concept of legal legitimacy, upheld by the social elite, was being challenged by other ideas of what qualified an heir for the throne. The black box myth serves as a bridge to understanding how Monmouth’s qualities and conduct – his Protestantism, courage, and military heroics – were upheld by a growing portion of the political elite and general public as proof he could succeed. This demonstrates how the idea of an elective kingship was taking hold in the political consciousness of England as a whole.

Monmouth’s Upbringing, 1649 – 1670

Monmouth’s birth came from a meeting that we know very little about. In fact, any interaction between the man and the woman in question – lost almost entirely to posterity – would not be significant at all if we were not aware of who the people were and all that would be born of this meeting. The man was eighteen-year-old Charles, then Prince of Wales. In the summer of 1648, he was in Amsterdam waiting on the transfer of ships and goods to mount an invasion of England and help his father recapture his throne following the royalists’ defeat in the first English Civil War.² The woman in question was Lucy Walter, a Welshwoman of the same

¹ John Dryden, “Absalom and Achitophel,” Poetry Foundation, accessed February 2, 2022.
<https://www.poetryfoundation.org/poems/44172/absalom-and-achitophel>

² Keay, *The Last Royal Rebel*, 16.

age. Her upbringing and life are largely unknown. However, almost all accounts of Lucy mentioned her beauty; even some of her staunchest critics admitted she was “beautifull [and] bold.”³ At a gathering sometime within the time that Charles stayed in Amsterdam, most likely at one of the official dinners held at the palace of The Hague, he met Lucy. While no record of their time together survived, by the time Charles sailed away from Amsterdam one week later, Lucy was pregnant with his child.⁴ She named the boy James. This obscure origin story – as well as the undocumented and unknown interactions between James’s parents – would be of great consequence later in his life.

In April 1658, a man by the name of Thomas Ross kidnapped James from his home in Brussels. This was Charles’s third attempt (by proxy) to separate James from his mother, Lucy Walter, who had caused Charles increasing trouble throughout the late 1640s and early 1650s. Charles’s father – King Charles I – had been executed in January 1649 and monarchy had been abolished in England. Thus, Charles desperately needed support from European allies to restore the monarchy and regain the throne. However, Lucy’s lifestyle and extravagant taste led her to live beyond her means and rely on the support of men who took pity on her or with whom she was involved as an escort. Lucy’s retinue (containing the would-be King of England’s illegitimate child) and reputation often created gossip and opportunities to cause a scene and embarrass Charles and his potential allies.⁵ By June 1650, Charles had already sent men on two

³ Evelyn, *The Diary of John Evelyn Volume 4*, 562.

⁴ Because of Lucy’s reputation as an escort following the birth of James, some contemporaries suggested that the baby was not Charles’s at all. While these accounts were lacking in proof (for one, James looked remarkably like Charles), 2012 DNA testing definitively, although retroactively, proved that Charles was James’s father.

⁵ One of Charles’s agents, a man named Daniel O’Neill, wrote reports to Charles detailing some of the scandals Lucy had been involved with. In one instance, a rumor spread that Lucy was planning to murder her maid with a poisoned needle to prevent the maid from spreading the news that Lucy had chosen to have two abortions. The validity of these claims is, at best, extremely suspect.

different attempts to capture his son, in the hope that removing James from Lucy's custody would distance him from any scandals she was liable to create. Unfortunately for Charles, his men underestimated Lucy's ability to raise the alarm after her son went missing and both attempts were thwarted by how fast news traveled over the missing boy. This underestimation was not an error made by just Charles's men. In 1656, Lucy and James traveled to London to recover certain property assets after the death of Lucy's mother. For Lucy, the draw of the money and assets was more than worth the risk of entering England (albeit disguised) – currently under the rule of Lord Protector Oliver Cromwell – as the exiled King's former lover with his illegitimate son. Quickly deducing their true identities, Cromwell's men arrested Lucy and her companions soon after their arrival. However, they soon realized that the trouble and scandal Lucy could create for an unstable country who had just executed Charles I was not worth the potential benefit of embarrassing exiled King Charles II and they let Lucy's party go.⁶ In one pro-republic government newspaper, *Mercurius Politicus*, the report of the arrest was made along with a derisive comment to Charles's supporters that “those that hanker after him may see they are furnished already with an Heir apparent.”⁷

In 1658, Charles's third kidnapping attempt was successful. Lucy died in Paris nine months later due to an unknown illness and without having ever reclaimed her son.⁸ James had endured a volatile (and somewhat neglectful) upbringing and as a consequence, he was – at age

⁶ Keay, *The Last Royal Rebel*, 28.

⁷ Anthony Wood, *The Life and Times of Anthony Wood, antiquary, of Oxford, 1632-1695, described by Himself*, ed. Andrew Clark (Oxford: Clarendon Press, 1891), 208.
https://books.google.sn/books?id=1WgJAAAAIAAJ&printsec=frontcover&hl=fr&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

⁸ Some would claim this was due to venereal disease, which – like other rumors about Lucy's abortions or the attempted murder of her maid – may or may not have been true, but the mere suggestion was enough to tarnish her name further.

nine – illiterate and could not even count to twenty.⁹ Now that Charles had gained custody of James, he saw fit to have his son brought up in a manner appropriate for an illegitimate, royal child. Charles chose to place him under the custody of his friend, Lord William Crofts, in Colombes, France. James took the surname Crofts and was given the education expected of a gentleman: languages, penmanship, and manners, along with general skills like hunting, riding, and dancing. Thomas Ross, one of James’s tutors, wrote to Charles, full of praise for the king’s son and his “great desire to learn.”¹⁰ In November 1659, Charles came to stay with his mother, Henrietta Maria (widow of King Charles I) who lived close to Colombes. For the next fortnight, Charles and his retinue stayed with William Crofts; Charles became acquainted with his son and the two spent their first meaningful time together. Perhaps unsurprisingly, for a child reportedly “sunny and sincere... [with] good looks... [and] almost irresistible,”¹¹ Charles gained a fondness for his son.



Figure 1: Portrait of James, age 9, by Samuel Cooper¹²

⁹ “Calendar of State Papers, 1657-8, Preserved in Her Majesty’s Public Record Office,” *The Athenaeum*, (London: J. Frances, 1885), 342.

¹⁰ *Calendar of State Papers, 1657-8*, 342.

¹¹ Keay, *The Last Royal Rebel*, 39.

¹² Samuel Cooper, *James Scott, Duke of Monmouth and Buccleuch (1649-1685)*, painting, Royal Collection Trust, 1664-65. <https://www.rct.uk/collection/420645/james-scott-duke-of-monmouth-and-buccleuch-1649-1685>

The English Republic slowly fell apart after Oliver Cromwell's death in September 1658 and Charles was welcomed back to England on his thirtieth birthday, May 29, 1660, marking the restoration of the monarchy.¹³ Although James initially stayed in Colombes while his father returned to England, Charles soon received a letter from the Scottish Countess of Wemyss, Margaret Leslie, who proposed a marriage between her youngest daughter, Anna (Countess of Buccleuch in her own right and heir to a massive inheritance) and James.¹⁴ Charles accepted, ensuring a match for James beyond the wildest dreams of any other royal illegitimate child and establishing another connection in Scotland to a rich and powerful family, while the Countess of Wemyss kept the inheritance within her family's control. James was called to London in the summer of 1662.¹⁵

While Charles's effort in James's upbringing had certainly initially been "a matter of self-interest"¹⁶, the boy quickly came to occupy a favored place in Charles's heart and was treated not just as such, but even as if he was a legitimate child. James made his public debut at Hampton Court and Charles did nothing to deny rumors about his true parentage.¹⁷ The fact that Charles chose to acknowledge the boy to this extent was unusual, as kings were under no pressure to do so. Others of Charles's illegitimate children were eventually acknowledged – given the surname Fitzroy or FitzCharles (meaning son of the king or son of Charles), perhaps along with a pension and respectable marriage – but none were brought to court and given the distinction that his first son was.¹⁸

¹³ Keay, *The Last Royal Rebel*, 43.

¹⁴ *Ibid.*, 45-6.

¹⁵ *Ibid.*, 47.

¹⁶ *Ibid.*, 36.

¹⁷ *Ibid.*, 49.

¹⁸ Antonia Fraser, *King Charles II* (Great Britain: Weidenfeld & Nicholson, 1979), 197.

While the custom for illegitimate children was to refer to them as a “natural son” (or daughter), Charles often styled Monmouth in documents simply his “beloved son,” with no reference to illegitimacy.¹⁹ When James was thirteen, Charles granted him the titles of Duke of Monmouth and Earl of Doncaster, both great honors, especially considering there were only seven English dukes at the time and only two of whom were members of the royal family.²⁰ Adding to this accumulation of titles, Monmouth was married at Whitehall in April 1663, becoming the Duke of Buccleuch, Earl of Dalkeith, and Lord of Whitchester and Eskdale (in the Scottish Peerage). At the wedding, Samuel Pepys observed that Monmouth’s “coat at the tail of his coach” bore “the arms of England, Scotland, and France” and sardonically remarked “what it is that speaks his being a bastard I know not”.²¹ When Monmouth was invested with the Order of the Garter soon after his wedding, he danced with Queen Catherine of Braganza with his hat in hand, following the custom of the time to remove your hat when in the presence of superiors. According to Pepys, Charles “came in and kissed him, and made him put on his hat, which every body took notice of.”²² As Keay describes, “nobody could miss this implication of equal status.”²³

When the court was mourning the Duchess of Savoy (Charles’s great-aunt), Pepys noted that “the King only, the Duke of York, and Prince Rupert, and the Duke of Monmouth, do now wear deep mourning.”²⁴ Once again, Monmouth was treated like the rest of the legitimate royal family. Institutions in England were quick to catch on to ideas of Charles’s favoritism and

¹⁹ Clifton, *The Last Popular Rebellion*, 89.

²⁰ Keay, *The Last Royal Rebel*, 149.

²¹ Samuel Pepys, *The Diary of Samuel Pepys*, Edited by Henry B. Wheatley (2003), April 20, 1663. <https://www.gutenberg.org/files/4200/4200-h/4200-h.htm> [This online version has no page numbers. I instead refer to the date of the diary entry, which should correspond in other versions of his text.]

²² *The Diary of Samuel Pepys*, April 27, 1663.

²³ Clifton, *The Last Popular Rebellion*, 86.

²⁴ *The Diary of Samuel Pepys*, January 20, 1664.

showered Monmouth with favors accordingly. In April 1663, Pepys reported that “the University of Cambridge did treat him [Monmouth]... with all the honour possible, with a comedy at Trinity College, and banquet; and made him Master of Arts there. All which, they say, the King took very well.”²⁵ Keay posits that this treatment may have partially originated from the circumstances of James’s early life; whereas all of Charles’s other offspring had mothers who were able to educate and provide financial security for their illegitimate children, “Monmouth had lost his when he had been kidnapped... the king had been both mother and father to him. Charles felt himself responsible for Monmouth in a way he never did for his other children.”²⁶

Charles’s treatment of his son lent credence to growing rumors that Monmouth would be brought into the line of succession, meaning he would displace his uncle, the Duke of York. Pepys wrote in December 1662 that there was “some doubt, if the King should have no child by the Queen... whether he [Monmouth] would not be acknowledged for a lawful son.”²⁷ Charles even set in motion a certain “legalization” of his son with the intent of – as Keay describes – “lifting any formal bars on inheritance and office holding that might hamper [Monmouth’s] progress in life.”²⁸ Although this had nothing to do with the succession specifically – and was intended by Charles only to make it easier for his son to take high office and have a solid pension – this spurred talk at court for years. Pepys remarked in February 1663 that “the King doat [dote] infinitely upon the Duke of Monmouth, apparently as one that he intends to have succeed him”²⁹

²⁵ *The Diary of Samuel Pepys*, April 8, 1663.

²⁶ Anna Keay, *The Last Royal Rebel*, 149-50. Poet John Dryden, who wrote *Absalom and Achitophel*, posited his own theory in the poem, saying “With secret joy, indulgent David view’d/ His youthful image in his son renew’d.” Again, this theory was plausible, as Monmouth and Charles looked alike and as a result of Monmouth’s time spent with his father, mirrored some of his habits and mannerisms.

²⁷ *The Diary of Samuel Pepys*, December 31, 1662.

²⁸ Anna Keay, *The Last Royal Rebel*, 59.

²⁹ *The Diary of Samuel Pepys*, February 8, 1663.

and in September 1667 that “the King do resolve to declare the Duke of Monmouth legitimate and that we shall soon see it.”³⁰

However, while Charles often eschewed the normal protocols regarding illegitimate children, his actions were never meant to do more than clear the path for Monmouth to live a successful life. Anyone close to Charles was aware that, although he favored and loved Monmouth, he never seriously considered legitimizing his son.³¹ Charles had watched his father lose his throne and then his life less than two decades earlier – he was unwilling to destabilize the line of succession when the ghost of the English Civil War was still very much present.³² The status-quo should not be underestimated as an attractive quality in this political climate. The English politician and diarist Sir John Reresby noted that Monmouth “had the fairest claime to the Crown, either by the King’s declareing that he was marryed to his mother, or by his being made legitimate by Act of Parleмент.”³³ However, Pepys remarked that “surely the Commons of

³⁰ *The Diary of Samuel Pepys*, September 11, 1667

³¹ A century and a half earlier, King Henry VIII – facing a problem with no clear male successor – seriously considered having his only acknowledged illegitimate child, Henry Fitzroy, become part of the succession. The future Queens Mary and Elizabeth were declared illegitimate and Henry was granted the power to choose his own successor – which could have been Henry Fitzroy, had he not died of consumption. While these plans never came to fruition, there is much more evidence of Henry VIII attempting to make Fitzroy legitimate than Charles II and Monmouth, for which there remains no evidence. Anna Keay mentions that Charles’s legitimation of Monmouth “was not without precedent... [Henry VIII] would go on to issue a series of Acts of Succession between 1533 and 1543 that declared [his children] legitimate or not in various combinations, so confirming the principle that with parliamentary assent the monarch could determine the legitimacy of his children more or less at will. What was to prevent Charles II from doing the same now?” (101). For more information, see G.W. Bernard, “The Fall of Anne Boleyn” in *The English Historical Review*, G. Walker, “Rethinking the Fall of Anne Boleyn” in *The Historical Journal*, S. Bridgen, “Popular Disturbance and the Fall of Thomas Cromwell and the Reformers, 1539-1540” in *The Historical Journal*, G. Bernard, *Anne Boleyn: Fatal Attractions*, G.W. Bernard, “Elton’s Cromwell” in *History*.

³² Keay, *The Last Royal Rebel*, 59.

³³ John Reresby, *Memoirs of Sir John Reresby*, ed. Andrew Browning (Glasgow: Jackson, 1936), 181-2. June 23, 1679. [I refer to the page of this edition of Reresby’s diary, as well as the date, if available.]

England will never do it.”³⁴ These statements point to a clear process of legitimation that Monmouth would have to go through, which there is no record Charles ever embarked on.

Despite his father’s acknowledgement and love, Monmouth was only treated as – and not put through a legal process to become – a legitimate son. However, to many contemporaries it seemed enough that Monmouth was treated as a successor; even if the legitimation process was not embarked upon, it left the possibility for the future. Even diarists like Pepys and Reresby who had close access to Charles believed that there might have been a possibility of Monmouth’s legitimization. The general public, much further away (physically and in terms of their understanding of Charles’s psyche and motivations) may have had a similar interpretation as the diarists. While they may not have been aware exactly of Monmouth’s origins, his father’s favor – heard through rumor – presented a potential point for the general public to interpret this behavior as proof Monmouth was either legally legitimate or potentially the successor regardless of his birth.

Monmouth’s Success and Political Scandals, 1670-1684

Monmouth’s Growing Popularity, The Popish Plot, and the Exclusion Crisis

Talk about Monmouth’s general popularity increased greatly as he came of age, both as a result of his military achievements abroad and domestic appointments. His growing status with the public took on special significance during government scandals in the late 1670s and influenced the ways in which he was perceived as a potential successor. While Monmouth had not earned his dukedom and earldom on merit when he was granted them at age thirteen, he certainly achieved much in the following years to earn the respect and popularity that the titles could help bring. Pepys noted in July 1665 that Monmouth “is the most skittish leaping gallant

³⁴ *The Diary of Samuel Pepys*, May 15, 1663.

that ever I saw, always in action, vaulting or leaping, or clambering.”³⁵ Monmouth took this energy and devoted it to military campaigns; in 1672, he commanded an English legion alongside the French army – whom they were allied with – against the Dutch, in what would be known as the Third Dutch War.³⁶ Keay argues that this command – in particular, his recognition that his men were untrained and unskilled in comparison to the French army – led him to take the appointment seriously and act accordingly. Where he was once unwilling to write lengthy correspondence to others, keep his financial affairs in order, or take much responsibility for his affairs at all, he now better understood how he would have to conduct himself in order to manage his own affairs – including his wife’s luxurious lifestyle in England³⁷ – while reshaping the British army, and crucially, advocate to administrators for military aid.³⁸ Monmouth returned home in 1672 for the birth of his first child (and Charles’s first grandchild). The king served as both namesake and godfather for the new boy.³⁹

When Monmouth returned to France for the start of a new season of the campaign, he was elevated to the rank of lieutenant general, second only to a number of marshals.⁴⁰ The campaign of the season centered around the siege of Maastricht, a massive fortress that was a main strategic point for the Dutch. Monmouth arrived at the siege and as a result of his new rank, was put under command of nine battalions, around 8,000 men total.⁴¹ Monmouth’s actions during this siege were commended, including one instance in which he led his men directly into a Dutch barricade to gain territory of a crucial bastion; the Dutch commander saluted Monmouth

³⁵ *The Diary of Samuel Pepys*, July 26, 1665.

³⁶ Keay, *The Last Royal Rebel*, 114.

³⁷ Both Monmouth and his wife Anna could be reckless with their fortune, spending enormous sums of money, and often relied allowances from Charles to keep up their lifestyle.

³⁸ Keay, *The Last Royal Rebel*, 118.

³⁹ *Ibid.*, 121. This campaign would last until 1674, with stoppages and restarts as the seasons permitted.

⁴⁰ *Ibid.*, 122.

⁴¹ *Ibid.*, 125.

during the surrender of Maastricht in acknowledgement of the part the English commander had played in the French victory. A ballad “England’s Lamentation for the Duke of Monmouth’s Departure” written later in 1679 recalled these events, saying “France lov’d that Valour once which Maestricht won...Whilst the amazed French stood idly by,/ Deserving not to share the Victory.”⁴² There was an element of hyperbole here in claiming that the French could claim no part of the victory in the Maestricht (it was a campaign primarily of the French against the Dutch, after all), but it speaks to the lasting memory of Monmouth’s actions in this battle.

Monmouth even earned the commendation of French King Louis XIV, who wrote that while he approved of Monmouth’s modesty in not boasting about his military accomplishments, “we know what it is that you have done”⁴³ and, to Charles personally, “I tell you nothing that the praise of the whole army does not confirm.”⁴⁴ Charles was elated; Monmouth was honored upon his return, entering his father’s apartments to applause and later, riding out with Charles and York to inspect the troops. Monmouth reciprocated the celebrations by hosting a spectacular party in his father’s honor.⁴⁵ Newspapers and ballads reported widely on his victory, encouraged by Charles, and Monmouth’s popularity soared.

Upon returning home, Monmouth kept up interest in the lives of the soldiers he was in charge of. He appointed men to positions of command where he was able and even sent letters to those who had not been appointed with messages of encouragement.⁴⁶ He replaced a colonel whose illnesses had caused poor discipline and intervened on behalf of men who were cheated of

⁴² “England’s Lamentation for the Duke of Monmouth’s departure,” (London, 1679).
<https://hdl.huntington.org/digital/collection/p15150coll3/id/5381>

⁴³ Keay, *The Last Royal Rebel*, 159.

⁴⁴ *Ibid.*, 130. Translated from the original French by Anna Keay.

⁴⁵ *Ibid.*, 130-1.

⁴⁶ Clifton, *The Last Popular Rebellion*, 94.

their pay by a captain.⁴⁷ In April 1674, Charles appointed Monmouth Master of the Horse (replacing the Duke of Buckingham), one of three most senior court offices, with total oversight of the royal stables and responsibility for a standing staff of over 160.⁴⁸ While the appointment to Master of the Horse seems to be a gesture somewhat guided by nepotism (albeit a kind one), Monmouth was, in fact, a logical choice for the post. He had always taken great interest in his stables; while abroad in Paris, he doubled his staff and upped their salaries considerably to keep them up to standard. He also dressed them all in yellow livery which added to his visibility in England as his coach moved through London and the surrounding areas. As a result of his appointment to Master of the Horse, he devoted free time to equestrian pursuits and was often found hunting or at the horse races.

He and his wife Anna also led a robust social life, entertaining and traveling frequently.⁴⁹ In addition to replacing the Duke of Buckingham as Master of the Horse, Monmouth also replaced him as Chancellor of Cambridge University (again, as a result of Charles's intervention).⁵⁰ Around this time, Monmouth sat for a portrait done by painter Peter Lely that hung in Regent House, a building at Cambridge. As Keay describes, it was "a dazzling image... tall and graceful as the premier courtier and aristocrat who would enhance the university's own

⁴⁷ Clifton, *The Last Popular Rebellion*, 94.

⁴⁸ This position was given to Monmouth soon after his son, Charles, died at age eighteen months. His father, looking for something that would help keep Monmouth from his grief, fired the Duke of Buckingham from the post and appointed his son.

⁴⁹ Keay, *The Last Royal Rebel*, 158.

⁵⁰ *Ibid.*, 159. Charles wrote to Cambridge University to say that the Duke of Buckingham was no longer to be chancellor and that they should consider choosing "our dearly beloved son James Duke of Monmouth" (158). Monmouth was elected unanimously. This is perhaps a better example of outright nepotism (in comparison to Monmouth's appointment as Master of the Horse). However, Monmouth took the post seriously and the university officials were charmed after an introduction at Hampton Court where he treated them with "warmth and sincerity" (159).

splendour.”⁵¹ He was masculine, athletic, and above all, wore the mantle of royalty well, posing comfortably in all his finery.



*Figure 2: Portrait of Monmouth in 1674 by Peter Lely*⁵²

Peter Lely made a significant amount of money creating copies of the portrait, which speaks to the demand for Monmouth’s image; he was a war hero and the king’s favorite son.⁵³ During the early 1670s, Monmouth had grown his popularity and base of support among elites, in the military, and in the English public as a whole. This was a critical gain which would come just as his uncle York would lose much of his own support in the coming years.

⁵¹ Keay, *The Last Royal Rebel*, 159.

⁵² Peter Lely, *James Scott (1649-1685), Duke of Monmouth, in Garter Robes*, painting, Art UK, 1674, <https://artuk.org/discover/artworks/james-scott-16491685-duke-of-monmouth-in-garter-rob-101463>

⁵³ Keay, *The Last Royal Rebel*, 159.

As discussed in the introduction, York publicly converted to Catholicism in 1673, sparking widespread fear of renewed Catholic rule. This provided fertile ground for the spread of fears about the prospect of a Catholic successor and the threat of popery, which coalesced in the forms of the Popish Plot and Exclusion Crisis, two scandals which would dominate English politics in the last years of the 1670s. In August 1678, the so-called “Popish Plot” was discovered, a supposed plot fabricated by two fanatic anti-Catholic men, Israel Tonge and Titus Oates who – attempting to play into fears about Catholicism – swore that Jesuits were planning to assassinate Charles II in order to facilitate the accession of York to the throne.⁵⁴ Although the plot initially remained confidential and Oates’s testimony was later proven to be false, the magistrate he swore to – Sir Edmund Berry Godfrey – was found murdered in October 1678, allegedly by Catholics, seemingly confirming the plot’s truth.⁵⁵ Any semblance of secrecy was lost and anti-Catholic sentiment swept over the nation. As the story was told and retold and spread amongst the general public, it underwent a shift. York was made the architect and villain and it was claimed that Charles and his son Monmouth were the supposed victims, implying that York saw Monmouth as one of two major threats to his succession.⁵⁶

Charles, unwilling to disrupt the line of succession and create further upheaval, made a speech to parliament a month after Godfrey’s death pledging support for reasonable measures to protect the “firm security of the Protestant Religion” but only if “they tend not to impeach the Right of Succession, nor the descent of the crown in the true line.”⁵⁷ The speech was recorded as

⁵⁴ Keay, *The Last Royal Rebel*, 190.

⁵⁵ Alan Marshall, *The Strange Death of Edmund Godfrey: Plots and Politics in Restoration London* (Gloucestershire: Sutton Publishing, 1999).

⁵⁶ Victor Stater, *Hoax: The Popish Plot that Never Was* (New Haven: Yale University Press, 2022). Forthcoming on June 28, 2022.

⁵⁷ William Cobbett, *Cobbett’s Parliamentary History of England, Volume IV* (London: Printed by T.C. Hansard, 1808), 1035. Accessed April 1, 2022.

part of parliamentary procedure and published in *The London Gazette*, the official government newspaper, with similar wording.⁵⁸ However, in-between the speech between political elites and its distribution to the general public, the words were once again distorted. The night in London following Charles's address, the people were celebrating reports that the king had declared that there would be a Protestant successor. More importantly, the claim was made "that the Duke of Monmouth was to succeed the king."⁵⁹

The fervor of talk about legitimacy and the succession reached a fever pitch by the end of 1678 and continued into the following year. Charles, attempting to put an end to the discussion, chose to prorogue parliament and it was dissolved in January 1679. The Duke of York went into exile in March of that year, attempting to avoid attention to his person or status as parliament reconvened.⁶⁰ Certain MPs were not willing to drop the subject so easily. Anthony Cooper, 1st Earl of Shaftesbury, was a member of the House of Lords and had even served in Charles II's cabinet council and as Lord Chancellor from 1672 to 1673.⁶¹ However, he became increasingly disillusioned with the idea of York succeeding to the throne. On May 15, 1679, undeterred by York's absence and taking advantage of the political crisis, Shaftesbury led members in the commons to propose an Exclusion Bill, which entailed that York be excluded from the line of succession, as if he were deceased, and that York's eldest daughter Mary, a Protestant, succeed to the throne. Charles was becoming increasingly desperate to preserve his will in the so-called

https://books.google.com/books?id=Y5Q9AAAACAAJ&printsec=frontcover&source=gbs_ge_summary_r&cad=0#v=onepage&q&f=false

⁵⁸ Excerpts of the speech published in *The London Gazette* and varied slightly from Reresby and Parliament records. According to *The London Gazette*, "I am as Ready to Joyne with you In all the ways & meanes that may Establish as firme A security of the protestant Religion as your owne heart Can wish & this not only during my time (of which I am sure you have No feare) but In all future ages... so as they tend not to Impeach the Right of succession nor the descent of the Crown in the Right Line."

⁵⁹ Keay, *The Last Royal Rebel*, 195. Source can also be found in Harris, *London Crowds*, 159.

⁶⁰ *Ibid.*, 209.

⁶¹ *Ibid.*, 132.

Exclusion Crisis and – to avoid a vote on the Exclusion Bill – prorogued parliament in late May and dissolved it in July 1679.⁶² Although the bill failed, it demonstrated to what degree the political elites were beginning to consider ideas of an elective monarchy. This was one of the tamest possible versions, skipping only one member of the line of succession and not including “outsiders” like Monmouth, but it was the first step in introducing the concept of a qualities-based elective kingship during this decade.

While his father was attempting to assert control over parliamentary proceedings in early 1679, Monmouth was sent to Scotland to deal with an uprising of Presbyterian Covenanters led by Robert Hamilton, who had taken advantage of the murder of the Archbishop James Sharp (head of the established church in Scotland) to condemn episcopacy and royal supremacy in the Scottish church. Monmouth quickly took control and dispatched the so-called Covenanters’ Rebellion.⁶³ Reresby noted that news came to court that “the rebels were defeated in Scotland by the Duke of Monmoth, and that they made a very poor defence.”⁶⁴ It was almost completely one-sided: the rebel side had over 600 casualties and 1,200 men were captured, whereas there were only four royal casualties.⁶⁵ Monmouth even intervened to stop his soldiers from killing the rest of the defeated rebels, that “he could not kill men in cold blood... that was only for butchers.”⁶⁶ When this news reached England, York (not yet in exile) dismissed this behavior as a bid for personal popularity; perhaps as a sign of Charles’s growing frustration with the problems his brother was causing in parliament, he retorted that, as Keay describes, “if York had been present

⁶² Keay, *The Last Royal Rebel*, 202. Charles’s relationship to parliament was often strained. He remarked to the son of a counselor who was disappointed at not being included in his government that “Doth he imagine I left him out because I did not love him? He was to be left out because I do love him... God’s fish! They have put a set of men about me, but they shall know nothing” (202).

⁶³ *Ibid.*, 205.

⁶⁴ *Memoirs of Sir John Reresby*, 184. June 23, 1679.

⁶⁵ Keay, *The Last Royal Rebel*, 207.

⁶⁶ *Ibid.*, 207.

there would not have been any prisoners to worry about.”⁶⁷ The ballad “England’s Lamentation for the Duke of Monmouth” noted Monmouth’s role in putting down the rebellion, that he “whom the Scots next to their God and Thee/ Fear’d, and Ador’d, like a new Deity.”⁶⁸ This points to Monmouth’s military prowess, “whose very Sight shot Death among them all,/ More seem’d with Fear than by the Sword to fall,”⁶⁹ but also how he was “Ador’d”, perhaps for his refusal to kill rebels after they had surrendered.

In the summer of 1679, following Monmouth’s victory in Scotland, Charles II was seized by a week-long severe fever and fits. Charles was generally healthy but had experienced brief illnesses over the course of his reign; this decline was especially concerning both for its rapidity and for the anxieties over the line of succession. Charles’s earlier move to dissolve parliament to avoid a vote on the Exclusion Crisis left the situation ambiguous and unresolved. Those convinced of Charles’s imminent death included York, who came back from his exile abroad. But Charles II recovered even more quickly than he’d fallen ill and, as Keay describes, “received his brother with affection.”⁷⁰ Keay believes that Charles II’s illness helped him recognize his own mortality, redoubling his commitment to his family and preserving the line of succession to his brother, which is certainly a plausible theory. Although Charles had recommitted to this line of thinking, keeping York in London left him as a very visible target for the opposition; the general election was only weeks away. York agreed to leave but demanded that Monmouth be exiled as well; relations with his nephew had rapidly degraded as Monmouth’s career skyrocketed and York’s popularity fell. In one specific incident from early 1678 that speaks to the anxiety and derision building between the two, York insisted on Monmouth being referenced

⁶⁷ Keay, *The Last Royal Rebel*, 207.

⁶⁸ “England’s Lamentation for the Duke of Monmouth’s departure” (London, 1679).

⁶⁹ Ibid.

⁷⁰ Keay, *The Last Royal Rebel*, 240.

to (in a legal document) as “natural” – in other words, formally specifying his illegitimacy – whereas Monmouth asked for that word to be erased, used to Charles’s preferred style as “our most entirely beloved sone.”⁷¹ Charles managed to defuse the situation, but tensions were not helped by the military and government influence Monmouth was exerting, just as York was removed from his positions and forced abroad. However, Monmouth was becoming a larger problem because “the popular disorder which Monmouth’s supporters were whipping up was unacceptably dangerous”, and therefore Charles II – fortified by his commitment to his brother’s accession – made the decision to banish Monmouth also.⁷²

Monmouth was stripped of his military titles and departed England in September 1679. He quickly took up a military post with Dutch stadtholder William of Orange (York’s son-in-law via his daughter’s marriage to William) fighting against the French. Domestically, people continued to express support for Monmouth, recorded through broadsides and spoken words. A “Ballad to the praise of James, Duke of Monmouth” claimed that “great Places at Court/ Turn’d him out for their Sport... fearing he might at last claim a Right/ Became a great Beam in their Eyes.”⁷³ A broadside titled “The Merciful Father, or, The Penitent Son” said “those that are true Loyal hearted/ and love all the Old Royal Race/ Lament the sad cause why he parted/ and now do rejoice at his face.”⁷⁴ The “great Places at Court” alluded to could be York and his related faction at court, whose jealousy and belief in Monmouth as a threat to his succession only grew as Monmouth aged. Amongst political elites, The Earl of Huntingdon offered “to drink the Duke

⁷¹ Keay, *The Last Royal Rebel*, 182.

⁷² *Ibid.*, 221.

⁷³ “A New Ballad to the Praise of James, Duke of Monmouth,” (London: Printed by J. Grantham, 1682). <http://ebba.english.ucsb.edu/ballad/32337/image>

⁷⁴ “The Merciful Father,” (London: Printed for P. Brooksby, 1684). <http://ebba.english.ucsb.edu/ballad/20833/image>

[of Monmouth]’s health in public”⁷⁵ even after news of his exile was published and an unnamed “wealthy Dissenter” in Wiltshire declared “all hope lay in the Duke of Monmouth.”⁷⁶

Monmouth returned from exile in November 1679; he was without invitation from his father, instead rushing back to defend himself from accusations of a scheme called the Meal Tub Plot, which alleged he was involved in manufacturing scandals against Catholics.⁷⁷ Once word got out that Monmouth had returned, a newsletter reported that “many people... Immediately made bonfires & Ringing of Bells & company.”⁷⁸ The crowds became rowdy and violent, some not allowing coaches and individuals “to pass till they had Cried God save the King & the Duke of Munmoth.”⁷⁹ An eyewitness said, “it is very difficult to expresse fully ye prodigious acclimations of ye people.”⁸⁰

The Black Box Myth: Legal Legitimacy

Another dimension of Monmouth’s popularity – and an argument for his possible succession to the throne – took shape in the form of the black box myth. Although there had occasionally been rumors that Charles and Lucy Walter had been more involved than the verified history demonstrated, one specific story surfaced in early 1680. According to one newspaper, Dr. Cosin, the late bishop of Durham who had heard Lucy’s last confession, had possessed “a Contract of Marriage between his Matye [Majesty] & the d[uke] of Monmoths mother.”⁸¹ This contract, supposedly kept in a literal black box, would mean Monmouth was legitimate and make

⁷⁵ Clifton, *The Last Popular Rebellion*, 120.

⁷⁶ Ibid., 72.

⁷⁷ Harris, *London Crowds*, 148. Pamphlets with anti-Catholic material were allegedly found in a meal tub, which is how the plot was named

⁷⁸ Newdigate Newsletters, Edited by Philip Hines, Jr. (1994), 745. November 29, 1679. [I put the page number of the version I accessed which transcribed the newsletters. I also include the date if possible].

⁷⁹ Newdigate Newsletters, 745. November 29, 1679.

⁸⁰ Keay, *The Last Royal Rebel*, 235.

⁸¹ Newdigate Newsletters, 805. April 27, 1680.

him heir apparent. Because Cosin had passed away, there was no way to verify the scandal, which spread via word of mouth of printed media. A newsletter noted “there hath been lately Published A base, Pernitious, & scandalous Libel Entitled an Answer to the Kings declarations in the vindication of the d of Monmoths mother.”⁸² This report was referring to *A Letter to a Person of Honour, concerning the Black Box*, a pamphlet authored in 1680 by Robert Ferguson, a writer and chaplain to the Earl of Shaftesbury. Ferguson criticized parliament for focusing on the presence of the black box and the supposed “contract referring to the Kings Marriage” instead of “Whether the King was really Married unto Madam Walters.”⁸³ In other words, he was attempting to draw focus away from the literal black box, which was a smart move, given that this was a myth and there was ultimately no box nor contract. Instead, he focused on how Charles could choose to end the matter, how “nothing but his bare Word was needful to the settling his Dominions on his Son... [and] would insinuate him to be only his Natural Son.”⁸⁴ Ferguson’s argument points to the process of legitimation mentioned previously in the context of when Monmouth was a young boy; this would solidify Monmouth’s claim to the throne.

The rumors grew so fierce that a parliamentary inquiry was conducted. On May 4th, Dr. Oates, one informer of the Popish Plot, was called to give testimony and claimed that the marriage certificate was had been left with Sir Gilbert Gerard, an MP, supporter of the exclusion, and conveniently, Cosin’s son-in-law.⁸⁵ Although a newspaper reported that “several were Examined About the blacke box & his Matye finding it would be A worke of muc time, Trouble, & difficulty to Examine... [and] A feigned story,”⁸⁶ efforts continued to tamp down on

⁸² Newdigate Newsletters, 833. June 29, 1680.

⁸³ Robert Ferguson, *A Letter to a Person of Honour concerning the Black Box*, (London, 1680), 2. <https://quod.lib.umich.edu/e/eebo/A41181.0001.001?rgn=main;view=fulltext>

⁸⁴ Ferguson, *A Letter to a Person of Honour concerning the Black Box*, 4.

⁸⁵ Keay, *The Last Royal Rebel*, 191.

⁸⁶ Newdigate Newsletters, 811. May 13, 1680

discussion of it. On May 27th, 1680, the newspapers reported there were “A considerable number of Libels about the black box In which are Expressions of A very High Consequence in Relation to the succession of the Crown” and in an attempt to combat it, “A proclamation will Come forth promising 1000 L to him that shall discover the Author thereof.”⁸⁷ A man in a tavern on the Strand was recorded telling patrons the story of the black box and concluding that Lucy died of grief after Charles left her, “which would not have happened had she not been married to him.”⁸⁸ Another London man, a bookseller, was being questioned about a pamphlet he possessed that asserted Monmouth’s legitimacy and said that ‘Dr. Cosin’s Black Box would prove the claim.’⁸⁹ In a final attempt to put the matter to rest, Charles gave a speech on June 8th, 1680, declaring that he “was never Married or Contracted to any one but the Queen [Catherine of Braganza].”⁹⁰

The black box myth reveals the ways in which elite supporters of Monmouth were attempting to assert his legal legitimacy; while it certainly generated talk from the general public about Monmouth’s potential to succeed, the black box ultimately served as a reinforcement of traditional, legal legitimacy in which Monmouth’s parents needed to be married in order for him to succeed to the throne. However, there was no way to control the ways in which the larger idea of Monmouth’s legitimacy and qualities could be turned into something new.

Legal Legitimacy Challenged

Other pamphlets and talk generated around the same time as (or because of) the black box myth revealed a different sense of what qualified Monmouth for the throne. In the autumn of 1682, a woman met Monmouth when he was on a progress towards north-west England and fell to kiss his knee, crying “God in heaven bless you! You’re so like your father, I’m sure you’re no

⁸⁷ Newdigate Newsletters, 815. May 27, 1680.

⁸⁸ Clifton, *The Last Popular Rebellion*, 123.

⁸⁹ *Ibid.*, 123.

⁹⁰ Newdigate Newsletters, 820. June 3, 1680.

bastard!”⁹¹ For this woman, Monmouth’s mere resemblance to his father was enough to convince her of his legitimacy. While this did point to a certain concept of legal legitimacy among the general public – the concept of a bastard was still apparent to her – it was clearly more fluid than needing a marriage contract or even a proclamation from Charles like Robert Ferguson had spoken about. Monmouth’s body, his appearance, was enough to verify his legitimacy for this woman.

Others attempted to redefine legitimacy and succession further. A pamphlet entitled *An Appeal from the Country to the City* was published in 1679. Its author was Charles Blount, a prolific pamphlet and broadside writer. However, it was published anonymously and often attributed to Robert Ferguson, suggesting that many people were not aware of its origins, adding to the murky, undocumented nature of 17th-century publishing. Rumors and ideas were hard to attribute to concrete sources, but they could spread like wildfire. This pamphlet, much like other writings of the year, discussed at great length the crisis of succession and religion caused by York’s public conversion to Catholicism. Blount championed Monmouth as an heir to the throne as “no person fitter... for quality, courage and conduct.”⁹² However, Blount went onto acknowledge Monmouth’s illegitimacy, saying he would make a great King because “his Life and Fortune depends upon the same bottom with yours” and quoted an old motto as “He who hath the worst Title, ever makes the best King.”⁹³ Crucially, this pamphlet demonstrated an instance of championing Monmouth for the succession on the basis of his popularity and virtues while acknowledging the fact that he was legally illegitimate.

⁹¹ Schmidgen, “The Last Royal Bastard and the Multitude,” 56.

⁹² Charles Blount, *Appeal from the City to the Country, For the Preservation of His Majesties Person, Liberty, Property, and the Protestant Religion* (London, 1679), 25.

⁹³ Blount, *Appeal from the City to the Country, For the Preservation of His Majesties Person, Liberty, Property, and the Protestant Religion*, 25.

Around the same time, in the summer of 1680, a whig lawyer named William Lawrence published the first of two parts of his book; the first was titled *Marriage by the Moral Law of God vindicated* and the second *The Right of Primogeniture in Succession to the Kingdoms of England, Scotland, and Ireland*, which was published in 1681.⁹⁴ Lawrence, like Ferguson, insisted that the marriage was not dependent on the specific contract but he took his argument further. In these lengthy works, touching on many subjects from the divine, nature, and reason, he argued that marital laws and rituals were unfairly and ultimately controlled by the clergy. He rejected his clerical control, arguing that a marriage was valid as soon as sexual intercourse had taken place. This was a rejection of, as historian Mark Goldie describes, how “popish churchmen had taken marriage under their wing, just as they had usurped authority over other spheres of life.... a recognition of its [marriage’s] real nature: [was] a union grounded in coitus.”⁹⁵ William Lawrence was likely the most controversial of all others who wrote on marriage at the time, as he was calling for a complete separation of marriage from religion; this would understandably be met by pushback from the church. His writing is important to provide an example of yet another interpretation of what traits could provide someone a claim to the throne at a time when the idea of legal legitimacy was coming under scrutiny.

Although Monmouth spent a good portion of the early 1680s in exile and estranged from his father, he did return intermittently and made a series of royal progresses in 1680 and 1682 in England.⁹⁶ During one, passing through Crewkerne in Somerset in the summer of 1680, a woman

⁹⁴ John Ferris, “William Lawrence (1613-1682),” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), <https://doi.org/10.1093/ref:odnb/16190>

⁹⁵ Mark Goldie, “Contextualizing Dryden’s Absalom: William Lawrence, the laws of marriage, and the case for King Monmouth” in *Religion, Literature, and Politics in Post-Reformation England, 1540-1688*, ed. D. Hamilton and R. Strier (Cambridge: Cambridge University Press, 1996), 214.

⁹⁶ Monmouth’s activities in the early 1680s are complicated; his relationship with his father went through phases of favor and exile. Keay’s biography provides an excellent source on Monmouth’s travel and undertakings during this period.

named Elizabeth Parcet with scrofula (a form of tuberculosis leading to enlargement of the lymph nodes on the face and neck⁹⁷) reached out to Monmouth and touched him. Scrofula was a disease it was believed that the royal touch could cure; crucially, only the sovereign was supposed to hold this power.⁹⁸ However, Monmouth's reported words of "God Bless you" and Parcet's supposed recovery within weeks helped reinforce sentiment that Monmouth did indeed hold the royal power – and therefore held a claim to the throne. This instance, as well as pamphlets like Ferguson's, created a strong base for the general public to draw on. Crowds followed him throughout these progresses, serving as witnesses to these events and helping to spread his popularity, often with chants of "God bless the Protestant duke" or similar sentiments. These progresses gave people an opportunity to speak their minds directly to Monmouth. One poem describing one such example, where Monmouth visited Port Meadow, near Oxford, stated a hope "in a fortnight to see him K[ing] Jemy ye Second."⁹⁹ Other sources show that people shouted that "they hoped to see the crown shortly on his head."¹⁰⁰ In January 1680, a theatre became rowdy after the audience cried "God bless his Highness, the Duke of Monmouth. We will be for him against the whole world."¹⁰¹ Tim Harris asserts that from 1681 onwards, "Monmouth seemed to be able to attract large crowds of cheering supporters whenever he made a public appearance in the capital" and that "it was virtually the case that Monmouth could not

⁹⁷ R. Khan, S.H. Harris, A.K. Verma, and A. Syed, "Cervical lymphadenopathy: scrofula revisited", *Journal of Laryngology & Otology* 123, no. 7 (2009), 764. <https://doi.org/10.1017/S0022215108003745>

⁹⁸ Clifton, *The Last Popular Rebellion*, 127. The tradition of the royal touch dated back centuries to Saint Edward the Confessor, who reigned 1042 to 1066 (although the French disputed this, saying that Philip I (r. 1059-1108) was the first to display the power. King Henry VII (r. 1485-1509), the first Tudor monarch on the throne, worked to establish and systematize the procedure of the royal touch, in an attempt to legitimize his reign after he had usurped the throne by defeating Richard III in battle.

⁹⁹ Keay, *The Last Royal Rebel*, 250.

¹⁰⁰ Ibid., 250.

¹⁰¹ Clifton, *The Last Popular Rebellion*, 123.

leave his residence in the Strand without attracting a crowd to cheer him on his way.”¹⁰² In April 1685, a man declared that “the Duke of Monmouth was righteous King” and was convicted by the government for treason.¹⁰³ Others asserted that the “Duke would make a very good King”¹⁰⁴ or the “d[uke] of Monmoth was Immediate successor to the Crown & not the d[uke] of York.”¹⁰⁵ In Taunton, one man was recorded saying that Monmouth had only been declared a traitor “because he was a Protestant Prince” while another sang a song about Monmouth and declared “they would fight for him.”¹⁰⁶ Others in London in 1684 noted that “Monmouth was the person they must expect deliverance from.”¹⁰⁷

This base of support extended to political elites as well. An MP for Taunton and a leading whig named John Trenchard got into trouble when witnesses said he had an “ironic habit of joking that the Trenchard family had as good a claim to the throne as York.”¹⁰⁸ Another man named George Speke, MP for Somerset, called “the King and York Papists, and Monmouth right heir to the throne.”¹⁰⁹ Speke was a well-known critic of the government, believing that “the nation was governed by the King’s mistresses and that the Anglican bishops were all Popishly affected.”¹¹⁰ He was eventually implicated in Monmouth’s rebellion.

A growing sentiment expressed that Monmouth’s legal illegitimacy was not a barrier to his succession in the eyes of the public. In his pamphlet, Ferguson asserted that illegitimacy was

¹⁰² Harris, *Revolution: The Great Crisis of the British Monarchy*, 159.

¹⁰³ Ibid., 64.

¹⁰⁴ Clifton, *The Last Popular Rebellion*, 72.

¹⁰⁵ Newdigate Newsletters, 1681 [1681 refers to the page number, not date.] October 16, 1684.

¹⁰⁶ Clifton, *The Last Popular Rebellion*, 71.

¹⁰⁷ Ibid., 72.

¹⁰⁸ Clifton, *The Last Popular Rebellion*, 72.

¹⁰⁹ Ibid., 59.

¹¹⁰ Irene Cassidy, “George Speke (1623-1689)”, in the *History of Parliament* (Institute of Historical Research), <https://www.historyofparliamentonline.org/volume/1660-1690/member/speke-george-1623-89>. For more information on the Speke family, see the Oxford Dictionary of National Biography article on Mary Speke: Melinda Zook, “Mark Speke (1641-1697)”, in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), <https://doi.org/10.1093/ref:odnb/67750>

not necessarily a block to succession, noting that “nor hath Bastardy itself been an Obstruction to the conferring of the Crown upon a person, provided all things else have corresponded to the desires and Humors of the People.”¹¹¹ Blount referred to the historical example of Alexander the Great’s death, after which “no other expedient could be found out to pacifie the uproar of the Multitude, but the choosing of King Philip’s illegitimate Son Aridaeus.”¹¹² Crucially, there was a mix of opinions as to why they thought Monmouth could succeed. Some clearly believed in his legal legitimacy – and the black box certainly had much to do with this notion – and that York was overtaking his nephew in the line of succession. However, Monmouth’s popularity reveals how many people championed him as the successor to secure a Protestant future for the country, regardless of his status of legal legitimacy. In other words, a growing portion of English subjects as a whole began to express that the succession revolved around finding the best candidate, instead of accepting the legally legitimate one.

The Rebellion and its Aftermath, 1685 - 1688

King Charles II experienced another episode of illness in early 1685, and after a quick decline over the course of a week, died on February 6th.¹¹³ At the time, Monmouth was abroad, amidst a continuing estrangement and exile from his father and from England. Along with the notice of his death, news reached Monmouth that Charles had converted to Catholicism on his deathbed, overseen by York. This was suspicious, as Charles “had known all his life that the survival of the English monarchy depended on his protection of Protestantism.”¹¹⁴ Although

¹¹¹ Ferguson, *A Letter to a Person of Honour concerning the Black Box*, 3.

¹¹² Blount, *Appeal from the City to the Country, For the Preservation of His Majesties Person, Liberty, Property, and the Protestant Religion*, 26.

¹¹³ Keay, *The Last Royal Rebel*, 328.

¹¹⁴ *Ibid.*, 242. John Evelyn noted that York remained by Charles’s bedside until the very end and that “the Bishops and Lords.... [were] ordered to withdraw the night before. Huddleston, the priest, had presumed to administer the Popish offices” (February 4, 1685).

Monmouth and his father suffered strain to their relationship before Charles's death, Monmouth was both inconsolable upon learning about his father's death and doubtful of his sudden, uncharacteristic conversion.¹¹⁵ However, Monmouth was abroad and had no ability to immediately return and claim the throne without raising an army and rebelling. Additionally, York had the powers of tradition and legal legitimacy on his side and thus, the accession was relatively smooth; York was crowned King James II of England and James VII of Scotland and Ireland on April 23rd, 1685.¹¹⁶

There was still clear discontent on behalf of Protestants and seditious talk against the new king circulated. A man named John Payne from London was charged with saying – the day after Charles's death – that “the Duke of Monmouth shall be King for all this.”¹¹⁷ A shoemaker's wife from Chichester named Anne Warnett claimed in February 1685 that “the Duke of Monmouth was proclaimed King in Scotland.” Another subject in February said “Wee have a King but he is uncrown'd, for the Crowne belongs to the Duke of Monmouth.” One popular belief was that between the death of the old monarch and the crowning of the new one, the country was in a state of interregnum.¹¹⁸ This was not strictly true,¹¹⁹ but it is important to consider that the very process of the old monarch's death and the new one's accession left an uncertain space in which there could be multiple interpretations of the laws. Regardless, this subject clearly believed that Monmouth was supposed to accede instead of York. Others made treasonous statements like “the Duke of Monmouth was righteous King.”¹²⁰ A woman named Deborah Hawkins from London

¹¹⁵ Keay, *The Last Royal Rebel*, 329-30.

¹¹⁶ John Miller, *James II* (New Haven and London: Yale University Press, 1978), 119.

¹¹⁷ Harris, *Revolution: The Great Crisis of the British Monarchy*, 63.

¹¹⁸ John Walter, “The ‘Recusancy Revolt’ of 1603 Revisited, Popular Politics, and Civic Catholicism in Early Modern Ireland,” *The Historical Journal* 65, no. 2 (2022), 4.

¹¹⁹ The phrase “the king [or queen] is dead, long live the king” is proof of this.

¹²⁰ Harris, *Revolution: The Great Crisis of the British Monarchy*, 64.

went so far as to say that there was “noe King but an Elective King, and if there were Warss... [I would] put on breeches... to fight for the Duke of Monmouth.”¹²¹ Hawkins criticized James by asserting that the only legitimate kings were elective kings, invoking ideas of elective kingship.

Monmouth decided to raise a rebellion against King James in June 1685, accusing his uncle of poisoning his father to gain the throne. John Evelyn first noted on June 14th, 1685, that Monmouth had landed “at Lyme, in Dorsetshire... with but 150 men; but the whole kingdom was alarmed, fearing that the disaffected would join them, many of the trained bands flocking to him.”¹²² The fears about flocks of people coming to Monmouth’s side were not misplaced, either. By June 19th, Monmouth’s forces had swelled to “4,000 foot and four troops of horse.”¹²³ Evelyn would later claim that Monmouth’s forces were as high as “an army of 12,000 men and near 1,500 hors”, although most modern assessments believe that claim was highly exaggerated and a real estimate settling between three and four thousand men.¹²⁴ However, there was a significant fear of an uprising in London in support of Monmouth. Reresby noted that “should the Duke of Monmoth give a blow to the Kings forces, [a lieutenant] much feared ther might be a riseing in London by the factious party.”¹²⁵ News of the rebellion even spread abroad to English colonies, including the American colonies and the West Indies, where colonists purportedly “drank the Duke’s health, acclaimed him as rightful King, [and] hoped he would come to reign.”¹²⁶

Monmouth’s reputation helped him enlist members into his army; as a war hero for the French and against the Scottish, the late King Charles’s favorite son, and a dashing 35-year-old

¹²¹ Harris, *Revolution: The Great Crisis of the British Monarchy*, 64.

¹²² *John Evelyn’s Diary*, June 14 and 17, 1685.

¹²³ *John Evelyn’s Diary*, June 23, 1685.

¹²⁴ Harris, *Revolution: The Great Crisis of the British Monarchy*, 79.

¹²⁵ *Memoirs of Sir John Reresby*, 381. June 24, 1685.

¹²⁶ Clifton, *The Last Popular Rebellion*, 129.

noble, it was not incredibly difficult to recruit men. Clifton describes how Monmouth's "casually informal manner of many 'soldiers' generals' who have commanded great loyalty from their troops" as well as the hope of glory and respect may have been "irresistible to restless twenty-year-olds watching the rebels march into town."¹²⁷ The base of support was there, as Clifton describes, "religious and political issues made most of the commoners sympathetic to the Duke's cause."¹²⁸ For others, Monmouth's recruitment provided economic opportunity to poor artisans who were competing for limited work in the 1680s. However, farmers concerned with summer harvests were generally occupied and unable to join the ranks, leaving artisans overrepresented in Monmouth's ranks, whereas farmers and laborers were underrepresented. Thus, economic and social factors determined the actual make-up of the army, although the general sympathy for Monmouth's cause – or at least dislike for the new King James II and anti-Popish sentiment – was likely far higher.

Soon after coalescing his forces, Monmouth declared himself king and marched towards the capital to confront the Royal Army.¹²⁹ However, Monmouth overestimated both the loyalty of those still in the royal army – which James had raised to defend the country and put down the rebellion – who ultimately refused to join him, as well as the abilities of the untrained "rebel" army. Monmouth's men attempted to catch the royal army off-guard in a surprise attack at the battle of Sedgemoor. Although his army, and Monmouth himself, would later be commended by

¹²⁷ Clifton, *The Last Popular Rebellion*, 286.

¹²⁸ *Ibid.*, 285

¹²⁹ Keay, *The Last Royal Rebel*, 349. The extent to which Monmouth actually wanted to be king himself is suspect. There is little evidence to suggest Monmouth had political aspirations of this sort. In certain instances during the 1670s, he even outright denied any aspirations for the crown, saying he would never consider it. Keay argues that Monmouth was convinced to declare himself king because – according to widely held beliefs about rebellion and English law – this would protect his followers from being executed for treason if his rebellion failed. Unfortunately, James II did not uphold this practice and did execute many rebels, which will be explored in greater detail later in this thesis.

both elites and the general public for their bravery, the battle was a slaughter for Monmouth's troops; he was soon captured to be taken back to London and the rebellion fell apart. After an audience with his uncle in which he begged for mercy, Monmouth was executed on July 15, 1685.¹³⁰

Monmouth's legacy lived on in several ways, both those who made tributes in memorial and those that denied the news of his death and promoted ideas of his return. First, there was a strong sense among Monmouth's supporters and those who opposed him that Monmouth's conduct throughout the rebellion had been admirable. Reresby noted that Monmouth "from the beginning of this, his desperate attempt, had showed the conduct of a great captain, insoemuch as the King said himself he had not made one false step."¹³¹ Right before Monmouth's execution, a man from Yorkshire noted that it was "a pittie that the Duke should loose his right."¹³² Evelyn, who was a consistent critic of Monmouth in his personal diary, admitted that he was the "darling of his father and the ladies, being extremely handsome and adroit, an excellent soldier and dancer, a favorite of the people, of an easy nature."¹³³ In Bermuda, after hearing of Monmouth's defeat, the captain of a ship raised the colors of his flag reversed to signify mourning in front of the Governor's home.¹³⁴

A dissenter named Richard Rumbold was put to death for treason on June 26, 1685 having participated in Argyll's Rising in May-June 1685, a simultaneous rebellion led by the Earl of Argyll, who coordinated with Monmouth to draw royal forces to Scotland and help

¹³⁰ *John Evelyn's Diary*, July 15, 1685.

¹³¹ *Memoirs of Sir John Reresby*, 384-5. July 7, 384.

¹³² Harris, *Revolution: The Great Crisis of the British Monarchy*, 80.

¹³³ *The Diary of John Evelyn*, July 15, 1685.

¹³⁴ Clifton, *The Last Popular Rebellion*, 129.

remove James from the throne. Rumbold was able to make a final statement in which he claimed he was labeled as anti-monarchical, but that he believed the following:

it was ever my Thoughts that Kingly government was the best of all, justly executed, I mean such as... a King and Free-Parliament; the King having, as I conceive, power enough to make him great, the people also so much Property as to make them Happy, they being as it were Contracted to one another, and who will deny me that this is the just constituted Government of our Nation; how absur'd is it then for Men of sense to maintain, that though the one part of this Contract breaketh all Conditions, the other should be obliged to perform their part?¹³⁵

A clear belief in a contractual kingship – akin to Lockean ideas of a contract between the king and people – is evident in Rumbold's ideas. Like he asserted, this was not an anti-monarchical sentiment; instead, he professed to a belief in a changed definition and terms of a monarchy which led him to support Monmouth and Argyl.

Other thoughts were recorded in so-called “collections of dying speeches, letters, and prayers of those who were put to death after the rebellion.” This collection was specifically for Protestants who were put to death under specific magistrates in West England; therefore, the sentiments of people condemned to death often revolved around the religious reasons for rebelling. Mr. William Jenkins concluded that “Death is the worst they can do... for I hope my great work is done.”¹³⁶ Sampson Lark, waiting to be put to death in Dorchester, proclaimed that

¹³⁵ Richard Rumbold, *The Last Words of Coll. Richard Rumbold, Mad. Alicia Lisle, Alderman Henry Cornish, and Mr. Richard Nelthrop Who were Executed in England and Scotland for High Treason in the Year 1685* (London: s.n, 1685), 2. <https://www.proquest.com/books/last-words-coll-richard-rumbold-mad-alicia-lisle/docview/2240865779/se-2?accountid=9758>. He continued on to say that “this is a deluded generation, vailed with ignorance, that though popery and slavery be riding in upon them, do not perceive it” (3).

¹³⁶ John Tutchin, *The second and last collection of the dying speeches, letters, and prayers &c. of those eminent Protestants who suffered in the west of England (and elsewhere) under the cruel sentence of the late Lord Chancellour, then Lord Chief Justice Jefferys* (London: John Dunton, 1689), 3. <https://quod.lib.umich.edu/e/eebo2/A71165.0001.001/1:1?rgn=div1;view=fulltext;q1=Monmouth+s+Rebellion%2C+1685> [hereafter referred to as Collection of the Dying Speeches, Letters, and Prayers of Protestants]

“I have through Grace fought a good Fight, have finished my course, have kept the Faith... here I am to be made a Sacrifice.”¹³⁷ This referenced the Bible passage from 2 Timothy, which rebel Josias Askew invoked, saying “I have run my Race, I have finished my Course, I have kept the Faith.”¹³⁸ This points to the pride and religious conviction that rebels had in sacrificing their lives; despite losing the battle, there was a clear indication that they felt that the religious war of Protestants versus Catholics would be won.

Broadsides written to mark Monmouth’s defeat and death spoke often of his royal nature and praised him despite the outcome of his rebellion. “Monmouth’s Downfall”, published in 1685, wrote that the royal army began “to make Our baffled Hero’s Courage quake/ And the Good Old Cause a tottering shake.”¹³⁹ The “Good Old Cause” mentioned here referenced the parliamentary struggle against the Stuart tyranny of King Charles I’s reign, associating the rebels with those (like Oliver Cromwell) who were fomenting rebellion against the hereditary monarchy. Published in the same year, “An Elegy on James Scot [Duke of Monmouth]” remarked that “never [was there a] Man possess[ed] of such vast royal smiles, so raised, so blest, apostatiz’d like Thee.”¹⁴⁰ Some ballads even spoke about Monmouth’s direct attempt to claim the throne. “The late Duke of Monmouth’s Lamentation” in 1685 said that “the King of the West in those Parts they me call/ The Kings better subjects I brought into Thrall.”¹⁴¹

There was a significant portion of the population that devoted their energies not to mourning but to planning the next rebellion, as there were many instances of seditious speech

¹³⁷ Tutchin, *Collection of the Dying Speeches, Letters, and Prayers of Protestants*, 10.

¹³⁸ *Ibid.*, 20.

¹³⁹ “Monmouth’s Downfall,” (Printed for Nicholas Woolfe, 1685).

<http://ebba.english.ucsb.edu/ballad/34844/image>

¹⁴⁰ “An elegy on James Scot, Late Duke of Monmouth,” (London: Printed for CW, July 16, 1685).

<http://ebba.english.ucsb.edu/ballad/33063/image>

¹⁴¹ “The late Duke of Monmouth’s Lamentation,” (London: Printed for P. Brooksby, 1685).

<http://ebba.english.ucsb.edu/ballad/20858/image>

which showed belief in the idea that Monmouth lived. As diarist Narcissus Luttrell noted as early as August 4, 1685: “letters out of the west, where the late rebellion has been... inform, that the disaffected there do not in the least believe that Monmouth is executed.”¹⁴² In February 1686, a man claimed “Munmouth was noe more dead than he was.”¹⁴³ Others claimed “that the Duke of Munmoth was alive, and that he could goe to him before night” and they hoped “Monmouth would weare the crowne of England on his head in two yeares time.”¹⁴⁴ In one vivid incident, a woman who was the sister of two Monmouth rebels claimed that he was alive and dressed “in woman’s Cloaths in Bristoll and Summersettsheer...bisy a getting person’s hands to subscribe to assist him.”¹⁴⁵ Certain ballads also helped promote these ideas. “Monmouth Routed”, published in 1688, claimed Monmouth would “have another Army/ for to Fight my Foes again”.¹⁴⁶ The following year, “Monmouth Worsted” (written from his perspective) said “I for this will Strokes redouble on the scarlet Whore of Rome [the Pope and Catholicism]/...I’ll send her flying further when I bring next Army here” and that “when roaring Guns do rattle/ who dare say that I am slain?”¹⁴⁷ There was still significant hope alive for Monmouth’s cause – and the greater Protestant cause – in the face of James’s accession.

To add credence to Monmouth’s continued popularity, there were multiple instances of “Monmouth pretenders” recorded in newspapers and as seditious talk. In the spring of 1686, a man posing as Monmouth’s son attempted to meet with other political figures in the west. Newsletters recorded three separate pretenders in October 1686. One was “whipped from

¹⁴² Narcissus Luttrell, *A Brief Historical Relation of State Affairs* (Oxford, 1856), 356. November 24, 1680. See also Cobbett, *Parliamentary History*, IV:

https://www.google.com/books/edition/_/GjgyAQAAMAAJ?gbpv=1

¹⁴³ Harris, *Revolution: The Great Crisis of the British Monarchy*, 90.

¹⁴⁴ Harris, *Revolution: The Great Crisis of the British Monarchy*, 90.

¹⁴⁵ *Ibid.*, 91.

¹⁴⁶ “Monmouth Routed,” (Printed for B.P, 1688). <http://ebba.english.ucsb.edu/ballad/33382/image>

¹⁴⁷ “Monmouth Worsted”, (Printed for D.I., 1689). <http://ebba.english.ucsb.edu/ballad/20854/image>

Newgate to Tyburne & stand 3 times in the Pillory” while another “sham D of Monmoth was seized in Southwarke... [and] those that supplied him with money [believed] him to be the d of Monmoth.”¹⁴⁸ Another newsletter reported “another sham d of Monmoth is seized in Wiltshire & Committed to Salisbury Jail.”¹⁴⁹ In February 1687, a woman who had been caught carrying a war banner “which she wanted to show the Duke” led authorities to a man claiming to be Monmouth hidden in a house outside London.¹⁵⁰ Talk continued even into the late 1680s. In April 1688, there was an instance of a speech announcing that “Monmouth would land at Cornwall on 15 May 1689” and another in July declared that Monmouth was still living “and would shortly be in England.”¹⁵¹ Although many of these sentiments and stories about Monmouth still being alive were confined to the general public, the continued hope that he would come back to claim his throne reflected ideas in the general public and political elite that Monmouth was either legitimate or that belief in an elective kingship would qualify him for the throne.

Conclusion

After examining these sources, we see that the traditional definition of legitimacy prevailed when Monmouth arrived at court in the 1660s; in this view, without the route of parliamentary legitimization or proof of a marriage between Charles and Lucy Walter, Monmouth was illegitimate. The black box myth served as an example of supporters attempting to confirm Monmouth’s legal legitimacy; however, events of the 1670s demonstrated how this legitimacy increasingly came under pressure in the face of a holistic consideration of Monmouth’s abilities and traits – his Protestantism, courage, civility, and military heroics – that

¹⁴⁸ Newdigate Newsletters, 1454. October 16, 1686.

¹⁴⁹ Newdigate Newsletters, 1456. October 21, 1686.

¹⁵⁰ Harris, *Revolution: The Great Crisis of the British Monarchy*, 91.

¹⁵¹ *Ibid.*, 91.

could qualify him for the succession. This consideration came from the political elites and the general public, illustrating how ideas of elective kingship were building in force. This is not to say that elective kingship had never been considered widely before the 1670s; however, its reintroduction at this time with the case of Monmouth would be crucial to understanding reactions against York was crucial to understand reactions against York.

Chapter Two: York, a Successor Rejected

“His brother, though oppress’d with vulgar spite,
Yet dauntless and secure of native right,
Of every royal virtue stands possess’d”
-- John Dryden, *Absalom and Achitophel*¹

In this chapter, I will use a similar approach in examining the life of James, the Duke of York. As seen previously, York was often compared and used as the foil to Monmouth, but he deserves an analysis in his own right. Examining diaries, newspapers, broadsides, and spoken words about York, what do these sources tell us about the political elite and general public’s notions of legitimacy and succession? How does this fit into the trend identified in the previous chapter, which showed ideas of elective kingship growing? I begin with briefly analyzing York’s upbringing and events early after the restoration, which is important to provide context for both York and anti-Catholic sentiment in England. I will argue that the political events of the 1670s and 80s allowed opportunities for English subjects of all classes to draw on anti-Catholic prejudices and spread fear and discontent of York and show willingness to discard the traditional line of succession in favor of one that would safeguard their religious rights.

Early Perceptions of York, 1660-1670

James was born on October 14, 1633, to King Charles I and Queen Henrietta Maria. He was the second son of the royal couple; although they would have nine children total, only four survived to adulthood. He was created the Duke of York, the typical designation for second sons; his older brother Charles was the Prince of Wales. In 1642, when York was nine, the first English Civil War broke out. After the parliamentary victory at the third siege of Oxford in 1646,

¹ John Dryden, “Absalom and Achitophel,” Poetry Foundation, accessed February 2, 2022.
<https://www.poetryfoundation.org/poems/44172/absalom-and-achitophel>

he and his siblings became captives.² York escaped the palace and fled to the Netherlands; the second Civil War in 1648 led to another royalist defeat and his father was executed in January 1649.³ Facing an uncertain future, York spent time serving in the French and Spanish armies, gaining military experience. It was during his service in the Spanish army (Spain was a primarily Catholic country) that he became acquainted with several Catholic fellow soldiers and simultaneously became somewhat distanced from his Anglican advisors, two factors that would come to have a monumental effect later in his life.⁴



Figure 3: *The Duke of York*, Painted in 1665 by Peter Lely⁵

² Keay, *The Last Royal Rebel*, 4. The start of the English Civil Wars are traditionally marked by the moment when King Charles I raised an army to put down a rebellion in Ireland (against parliament's wishes). From this point onward, England, Scotland, and Ireland split into different areas controlled by royal or parliamentary forces. By 1645, parliament had succeeded in creating a centralized army, funding, and direction and crucially, prevented Charles from taking London. The third siege of Oxford lasted two months and ended in late June, essentially marking the end of the First Civil War.

³ Ibid., 45.

⁴ Miller, *James II*, 22-23.

⁵ Peter Lely, *James VII & II (1633-1701) when Duke of York*, painting, Royal Collection Trust, 1665. <https://www.rct.uk/collection/403224/james-vii-ii-1633-1701-when-duke-of-york>

Several impressions of York were published as ballads after the restoration of Charles II to the throne, providing an early glimpse at public opinion. A ballad from 1660 wrote of his upbringing. Titled “A Heroical Song on the Achievements of his most Excellent Highnesse James Duke of Yorke”, it noted “a Prince whose Infant cries were sounds of Warre... His Childish plays were Stratagems and Arts.”⁶ Later in the ballad came a mention of his early war career in the Spanish Netherlands (what is now Belgium), writing “the amazed Belgicks wondred to behold/ His glorious valour, and their hands uphold.”⁷ “The Royal Victory” was written to commemorate an English victory against the Dutch in the Second Anglo-Dutch War (1665-7) on June 2nd and 3rd 1665; York was serving as Lord High Admiral of England at the time. The ballad wrote that “the good Duke of York,/ Whose Courage was such... by the Duke’s valour [the Dutch Admiral] he was overcome... It is a great honour, by great hands to dye.”⁸ A ballad composed during 1661 or 1662 titled “To the most Illustrious Prince his Highness” described York’s lineage and position in relation to Charles, remarking that York was “the Heir Apparent of his blood... Until from Thee proceed a most Majestic Son.”⁹ Heir apparent is generally used to describe someone whose claim cannot be superseded (such as the first son of a king) while heir presumptive is used to describe someone whose claim can be overtaken, like York, who was presumably only the heir to the throne until Charles’s wife, Catherine of Braganza, had a son.¹⁰

⁶ “A Heroical Song on the Achievements of his most Excellent Highness James Duke of York, Admiral of Castile,” (London: Printed by Henry Blunt, 1660). <http://ebba.english.ucsb.edu/ballad/36703/image>

⁷ Ibid.

⁸ “The Royal Victory,” (London: Printed for W. Coles, T. Vere, R. Gilbertson, and J. Wright, 1665). <http://ebba.english.ucsb.edu/ballad/31918/image>

⁹ “To the most Illustrious Prince his Highness James Duke of York,” (London: Printed by Peter Lilicrop). <http://ebba.english.ucsb.edu/ballad/37562/image> Date unknown, likely 1661 or 1662 given that the rest of the ballad was commemorating Catherine of Braganza’s voyage to England to be married to Charles; their marriage contract was completed in June 1661 and Catherine arrived in England in May 1662.

¹⁰ Catherine of Braganza’s infertility was not known until later in the marriage, after she had gone through three miscarriages.

However, the terms for heirs were far more fluid in the 17th century, which is why heir apparent was used to describe York. While these ballads obviously incorporated a certain amount of hyperbole (even starting from the title), there was a clear belief in York as a born military leader and a protector of his people, as an heir should be.

Despite his military success and the popularity that came with the restoration of the monarchy, early scandals on York's part left marks on his reputation. One such embarrassment followed immediately after the restoration. In 1660, York was conducting an affair with Anne Hyde, the daughter of Charles's chief minister. Anne became pregnant and the rumor spread that York did "promise her marriage" but since she was a commoner, it was unclear if York would keep his word.¹¹ Almost everyone discouraged the match, as York could more advantageously marry a royal from a different family, securing an alliance to another country or even a rich English family line. However, he did follow through on his promise to marry Anne, which was only possible after, as Pepys noted, the couple found witnesses to make oaths before judges that, "concerning all the circumstances of their marriage... they were not fully married till about a month or two before she was brought to bed; but that they were contracted long before, and time enough for the child to be legitimate."¹² This "pre-contract" ensured that their first child, Mary, was legitimate; it also gave York experience with the intricacies of court legitimacy, which he would encounter again in the future. Pepys noted that another courtier believed that the situation with Anne Hyde was "not a new thing for the Duke to do abroad," hinting at York's known reputation with women. Pepys might have been biased, having reported that York "eye[d] my wife mightily" during a coach ride.¹³ However, other evidence aligns with Pepys's experience.

¹¹ *The Diary of Samuel Pepys*, October 7, 1660.

¹² *The Diary of Samuel Pepys*, February 3, 1661.

¹³ *The Diary of Samuel Pepys*, April 11, 1669.

Like Charles, York had a series of mistresses. Interestingly, his choice of women was often maligned. The contemporary historian Gilbert Burnet, who became Bishop of Salisbury after the Glorious Revolution, remarked that his mistresses must have been “given [to] him by his priests as a penance.”¹⁴ Catherine Sedley, herself one of James’s mistresses, famously quipped about the women he had affairs with that “we are none of us handsome, and if we had wit, he has not enough to discover it.”¹⁵ Charles supposedly predicted that York would “lose his kingdom by his bigotry and his soul for a lot of ugly trollops.”¹⁶ It is important to note that a reputation as a “womanizer” – the 17th century version – was clearly attached to York from the beginning of his brother’s reign, albeit a bumbling sort-of version where his choice of women was largely maligned. This would hint at future missteps York would make regarding his choice of women, most notably his second wife, Mary of Modena.

York’s behavior was, in the grand scheme of court life, relatively trivial. His behavior, described by Burnet as “the most unguarded ogler of his time”¹⁷ did not merit uproar; infidelity among royalty was far from uncommon and not enough to ruin his popularity.¹⁸ This can likely be attributed both to Charles’s own conduct and a long tradition of, as Anna Keay describes, kings being “relentlessly unfaithful” to their wives.¹⁹ English kings (not unlike kings of other countries) kept mistresses (many of whom were also already married) and had illegitimate children.²⁰ Charles had already fathered a son – Monmouth – when he came to the throne and would have several other illegitimate children (likely thirteen or higher) by many women over

¹⁴ Miller, *James II*, 59.

¹⁵ Harris, *Revolution: The Great Crisis of the British Monarchy*, 9.

¹⁶ *Ibid.*, 9.

¹⁷ Miller, *James II*, 46.

¹⁸ Keay, *The Last Royal Rebel*, 96.

¹⁹ *Ibid.*, 97.

²⁰ *Ibid.*, 96.

the course of his reign. York entered the 1670s with an intact reputation, generally liked and respected by political elites and the general public. However, this would all change when York asked to be received into the Catholic Church.

Anti-Catholic History in England and York's Public Conversion, 1666-1673

The catalyst that affected the opinion of the general public and the political elite about York – and which presented the largest threat to his status as heir presumptive – was his conversion to Catholicism, the reaction to which built on existing fears and prejudice about so-called “popery” and “popish activities.” The Great Fire of London in 1666 is an example of the prejudice present in English society at the time. The fire, which burned for four days, was the worst in London's history, destroying a number of civic buildings, churches, and over 13,000 houses.²¹ Despite overwhelming proof that the fire started in a bakery due to an accidental spark and an unusually dry summer, it was blamed on Catholics. A Frenchman named Robert Hubert proclaimed he was an agent of the Pope and had started the fire in Westminster. Despite a lack of corroborating evidence – along with the telling notion that Hubert changed his story to reflect that he had started it in the bakery once that information became available – he was convicted and hanged. It became clear after his death that he had been on a ship that landed in London two days after the fire began, making his supposed crime impossible; Hubert's mental state was called into question following his trial and execution and many believed he was not of sound mind while claiming responsibility for the fire.²² However, the anti-Catholic sentiment – along with the pressure to find someone responsible for the fire – was so high that Hubert was doomed, regardless of how reliable his story was. York held command over the firefighting operations

²¹ Keay, *The Last Royal Rebel*, 81.

²² Simon Winchester, “When London Started Over,” *The New York Times*, September 22, 2002. <https://www.nytimes.com/2002/09/22/books/when-london-started-over.html>

during the fire – pulling down houses to create firebreaks and directing people away from dangerous areas. This was in direct contrast to Monmouth, who only lent a hand to secure his own possessions and did nothing else besides observe the fire.²³ A ballad to commemorate the events titled “London mourning in A[s]hes” noted that “The Duke of York,/ Some say did work,/ with Bucket in his hand.”²⁴ He also became involved with protecting foreigners from attacks by mobs of London citizens. The ballad confirmed that “Many of French and Dutch were stop’d/ and also are confin’d,/ ‘Tis said that they their Fire-balls drop’d/ and this Plot was design’d.”²⁵ However, the protection he gave foreigners would serve as a mark against York’s record in the face of a xenophobic and an anti-Catholic population.²⁶

It was known from the Restoration that York was friendly with Catholics. As early as 1661, Pepys noted an anxiety at court that York might “come to the Crowne, he being a professed friend to the Catholiques.”²⁷ Ironically, Anne Hyde, who was Anglican at the time of her marriage to York, was likely the largest factor in aiding her husband’s conversion.²⁸ If it had been known that she would serve as the catalyst to his conversion, there likely would have been greater uproar against the marriage (which is somewhat hard to imagine given the already derisive nature of the court’s attitude towards Anne Hyde before their marriage). Up until 1673, York’s conversion was a secret and any evidence to the contrary was rumor – even for diarists like Evelyn, Pepys, and Reresby who had significant access to the royal family’s private moments. Change came after Easter Day 1673, previously mentioned as the moment where York

²³ Keay, *The Last Royal Rebel*, 82.

²⁴ “London Mourning in A[s]hes,” (London, Printed by E Crowch).
<http://ebba.english.ucsb.edu/ballad/21888/image>

²⁵ Ibid.

²⁶ Adrian Tinniswood, *By Permission of Heaven: The True Story of the Great Fire of London* (New York: Riverhead Books, 2004), 266.

²⁷ Harris, *London Crowds*, 78.

²⁸ Keay, *The Last Royal Rebel*, 135.

publicly refused to take communion under the Anglican Church.²⁹ Evelyn wrote that York had refused communion “within a day of the Parliament sitting, who had lately made so severe an Act against the increase of Popery, gave exceeding grief and scandal to the whole nation, that the heir of it... should apostatize.”³⁰ The “Act against the increase of Popery” was a reference to the Test Act of 1673, which required office holders under the crown to take Anglican communion. Because York refused to take communion – in this public declaration – he was forced to resign his commissions; the criticism began to build.

To add fuel to the (metaphorical) fire, York had also recently caused another scandal via his choice of a second wife, Mary of Modena.³¹ Mary was born in Italy as the Princess of the Duchy of Modena in Italy and raised as a devout Catholic.³² English people reacted predictably poorly to the announcement of the marriage; although it would secure a diplomatic alliance for England, members of parliament branded her as the “Pope’s eldest daughter.”³³ Charles was forced to suspend parliament to ensure that the marriage would go through.³⁴

The Popish Plot and the Exclusion Crisis: 1678-1681

Political upheaval in the late 1670s – the Popish Plot and the Exclusion Crisis – presented a public opportunity to express criticism of York, which would only grow more frequent and ferocious throughout the crisis. One man implicated in the Popish Plot was Edward Colman, a Catholic English courtier, employed as Mary of Modena’s secretary. Titus Oates, in

²⁹ *John Evelyn’s Diary*, March 30, 1673.

³⁰ *John Evelyn’s Diary*, March 30, 1673.

³¹ Anne Hyde died of breast cancer on March 31, 1671.

³² Miller, *James II*, 180.

³³ Carola Oman, *Mary of Modena* (Suffolk: Hodder and Stoughton, 1962), 29.

³⁴ *John Evelyn’s Diary*, March 30, 1673. The marriage was also off to a rocky start on a personal level. Mary was a vibrant young woman of fifteen; James was forty. Upon first glancing her new husband – they were married by proxy months before their actual meeting – it was reported that Mary burst into tears. Upon her marriage, she became stepmother to York’s two surviving children from his first marriage to Anne Hyde – Mary and Anne, who were within seven years of age of their father’s new wife.

his September 1678 testimony, suggested that Colman was part of the Popish Plot, triggering a search of Colman's home and belongings. Letters were found that showed clear treason: plotting to place York on the throne by killing Charles, thus threatening the Anglican church. One newsletter reported that there were "many letters...written by Cardinalls Jesuits & others Intimateing their Confidence in the d of yorke for his utmost assistance to Establish the Romish Religion."³⁵

Perhaps predictably, backlash from the general public and political elites was swift and fierce. One of the earliest mentions of altering the line of succession came from parliament; as discussed earlier, in May 1679, parliament was preparing "A bill [to] be brought In to disable the d of yorke to Inheritt the Imperiall Crowne of this Realme."³⁶ As a result of the crisis, general opposition to York grew. A man named William Bedloe – one of the informers of the Popish Plot along with Titus Oates – was noted in a newsletter for having been "sharpely Reprehended for some Indiscretion that he has been guilty of In words Relating to the d of yorke"³⁷ and Sir John Coventry, an MP who reportedly said in a coffee house that York "is A Traitor & A Rogue."³⁸ Sir George How had to ask forgiveness from Charles and York for "words he spoke at the playhouse Against his R[oyal] Highness." A man named Mr. Edgar was recorded as proclaiming that York "was a rank papist, and the king little less" and was fined 500 marks³⁹ in court as a result. Some of these instances are somewhat suspect as to whether they were an attack on York's general person or on his Catholicism, as the words themselves were not recorded.

³⁵ Newdigate Newsletters, May 11, 1679.

³⁶ Newdigate Newsletters, May 11, 1679.

³⁷ Newdigate Newsletters, February 15, 1678.

³⁸ Newdigate Newsletters, March 2, 1679. Coventry was Catholic but campaigned against York during the Exclusion Crisis, claiming he was the protector of papists. For more information, see Stephen Porter, "Sir John Coventry (1636-1685)" in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), <https://doi.org/10.1093/ref:odnb/6479>

³⁹ Equivalent to £333 6s and 8d.

However, it is telling that the two instances that did have a full record referred to York as a traitor and a papist; public sentiments of York's courage and military heroics were fading as issues of his Catholicism – and therefore the future of religion in England – came to the forefront.

In November, during the 1680 session of parliament, an exclusion bill was formulated in the House of Commons and proceeded to the House of Lords. There had been one exclusion bill previously in May 1679 but this was the only one to make it to the House of Lords.⁴⁰ The House of Commons noted “That the duke of York's being a papist and the hopes of his coming such to the Crown, hath given the greatest countenance and encouragement to the present Designs and Conspiracies against the King and Protestant Religion.”⁴¹ Luttrell wrote that it was debated “till 8 in the evening, when, after severall speeches pro and con, it was thrown out by thirty voices.”⁴² Further efforts to push bills and motions to exclude York – headed by the Earl of Shaftesbury – through the two houses continued for the rest of the year; after notions of refusing to approve taxes until the exclusion bill was approved began to circulate, Charles chose to prorogue parliament, ending the session in early 1681.⁴³

Despite Charles's efforts to put a stop to any designs on the line of succession, the Exclusion Crisis and the discussion around York picked up momentum and ferocity. In early February 1681, elections for parliament men in London took place. Luttrell recorded that most former members were reelected, and when they were, the voters presented the representatives with “thanks for their great care... [of] the protestant religion, in search into the plott... to secure them against popery and a popish successor, particularly James duke of York, and to desire them

⁴⁰ Keay, *The Last Royal Rebel*, 254.

⁴¹ Cobbett, *Cobbett's Parliamentary History of England, Volume IV*, 1277.

⁴² Luttrell, *A Brief Historical Relation of State Affairs*, November 24, 1680.

⁴³ Cobbett, *Cobbett's Parliamentary History of England, Volume IV*, 1277.

to persevere in the same.”⁴⁴ The reelection of these officers displayed both the people’s awareness approval of the work that had been done by MPs in parliament up until that point.

Parliament assembled in March 1681; it would come to be known as the Third (and final) Exclusion Parliament.⁴⁵ In response, propaganda was produced and circulated, like “The Prospect of the Popish Successor”.



Figure 4: "The Prospect of a Popish Successor"⁴⁶

In this print, York is in the middle, labeled Mack, and depicted as a half-devil figure carrying symbols of Catholicism in league with the pope. He is depicted with a trumpet in the shape of a cross, blowing flames onto London, a reference to the supposedly Catholic origins of the Great Fire of London. In his other hand, he holds a torch, underneath which are the words

⁴⁴ Luttrell, *A Brief Historical Relation of State Affairs*, February 4, 1681.

⁴⁵ English parliaments were given titles, usually based on the main issue that was discussed or a description of it, such as the “Short Parliament”, the “Addled Parliament”, or (my personal favorite) the “Useless Parliament”.

⁴⁶ Stephen College, *The Prospect of a Popish Successor*, engraving, The British Museum, 1681. https://www.britishmuseum.org/collection/object/P_1868-0808-3296

“This A hopefull Successor is it Not.” The description at the top of the image indicates this is “well-bred cruelty: popish villany... intended slavery: Old Englands misery.”⁴⁷ Although hyperbolic, the image spoke to real fears of the “villany” and “misery” feared if York were to succeed.

Instances of spoken words against York increased during this time period from elites and the general public. Many of these proceedings were recorded in the courts as actions of *Scandalum Magnatum*, an offense said to describe defamatory or slanderous speech (or occasionally writing) against high personages or so-called “great men.”⁴⁸ An apothecary in Cheapside – Mr. Arrowsmith⁴⁹ – was arrested under the action of *Scandalum Magnatum* in November 1682, for “words of a high nature”⁵⁰ and “scandalous words”⁵¹ against York. Others went further. A newspaper in 1683 described a man named Edward Mathews who was found guilty of a high misdemeanor for talking about the king’s death, predicting that “his Matye would dye be killed or poysoned in 6 Months” and, perhaps more worryingly for the crown, that “if the d of Yorke should Come to the Crowne he would be one of the first to take up Armes Against him.”⁵² Other instances in 1683 included a mariner who declared “York is a Papist and this is his Plott” and a man named Robert Humes who reportedly said “if the Duke of York

⁴⁷ College, S. (1681) *The Prospect of a Popish Successor* [engraving]. The British Museum, London. https://www.britishmuseum.org/collection/object/P_1868-0808-3296

⁴⁸ John Carroll Lassiter, “*Scandalum Magnatum*: The ‘Scandal of Magnates’ in English Law, Society, and Politics,” (Master’s thesis, College of William and Mary, 1974), 2.

⁴⁹ Newdigate recorded the name as Arasmith and Luttrell noted it as Arrowsmith.

⁵⁰ Newdigate Newsletters, November 28, 1682.

⁵¹ Newdigate Newsletters, November 25, 1682.

⁵² Newdigate Newsletters, March 18, 1683. Interestingly, Mathews touched on the idea of Charles being poisoned or killed – two suspicions that were at play after Charles’s death in 1685 because his decline was so sudden and rapid. Some suspected that York had poisoned his brother.

should succede his brother, he would be a worse popish tyrant than ever Queene Mary was”,⁵³ again referencing fears of another Catholic dynasty in England.

Sheriff Pilkington, Alderman of London,⁵⁴ was brought to court and charged with damages of £100,000 for having said, according to a newspaper report, that York “haveing already burnt the City is hee a Comeing now to cutt our Throates.”⁵⁵ Pilkington responded that while he “did not say in those words as naming the Duke of York”, he had meant it about “the papists.”⁵⁶ Of course, this rebuttal still implicated York in the Great Fire of London and supposed bodily harm of his citizens, just without a direct attack on his person. Pilkington appeared in the newspapers several more times; the court case was reported on several times and he was also noted for having been active in party dinners and meetings as a whig sympathizer.⁵⁷ MP Speke was also implicated through the case of Sheriff Pilkington and was brought to face the court for affirming what Pilkington had said about York and also for saying that, as Luttrell recorded, “the king was as great a papist as the duke of York.”⁵⁸ This was the same Speke from in the previous chapter who called Charles and York papists and Monmouth the rightful heir to the throne. His instances of spoken words were especially significant because it implicated Charles in the plans to keep York on the throne as a Catholic himself, demonstrating how the conspiracy was viewed as having reached beyond York and permeated into the current king.

There is significant evidence that sentiments of the political elite expressed against York were suppressed, providing support for the idea that there were more people against York

⁵³ Harris, *London Crowds*, 158. For a reminder of the context of allegations against Queen Mary, see footnote 6 of the introduction, on page 9.

⁵⁴ Gary De Krey, “Sir Thomas Pilkington (1628-1691)” in *Oxford Dictionary of National Biography* (Oxford University Press, 2004), <https://doi.org/10.1093/ref:odnb/22280>

⁵⁵ Newdigate Newsletters, November 4, 1682.

⁵⁶ Newdigate Newsletters, November 4, 1682.

⁵⁷ Luttrell, *A Brief Historical Relation of State Affairs*, April 6, 1682.

⁵⁸ Luttrell, *A Brief Historical Relation of State Affairs*, November 6, 1683.

afraid of retribution or, for those who did express themselves, being silenced to avoid attracting more popular attention. A newspaper wrote in 1679 that the Earl of Shaftesbury “made A sharpe speech In Councill Relating to the d of yorke since which his Matye [Majesty] hath thought it fit to Remove him from being president of the Councill.”⁵⁹ Incurring “his majesty’s displeasure” against his only brother and his likely successor came with its own risks. Other examples proved that the crown’s reach stretched from the courts to the military. A proposed Indictment against York, created by “some Lords & company” declined to bring it to the grand jury because, as a newsletter reported, “many of the Jury are his Matyes Immediate servants & Renders it Ineffectuall.”⁶⁰ On March 9th, 1679, a newsletter reported that Colonel Langley, summoned to answer for causing some unspecified disorder at the house of Lady Tirrill in Buckinghamshire, “Kissed his R Highness [York’s] hand though formerly A great ffaivourite to the d of monmoth & for that Reason tis thought he will not be Turned out of the Comission as was Intended.”⁶¹ In early 1680, Luttrell remarked that “there have been very great alterations in the commissions of the peace in the severall counties; those had been for... opposing the duke of Yorks succession or the court interest, are left out, and many clergy men putt in.”⁶² This occurrence, which mentioned both a suppression of support for Monmouth and the bolstering of York’s, is especially significant. This speaks to the power that York held as the legitimate successor to the crown; he had access to influence that Monmouth – as an illegitimate son, dependent on Charles for money, titles, and favor – did not. Charles influenced these appointments and removals, which helped suppress statements against York to help smooth his path to the throne (as both

⁵⁹ Newdigate Newsletters, October 16, 1679.

⁶⁰ Newdigate Newsletters, July 6, 1680. The Earl of Shaftesbury would try twice to present an indictment to the Middlesex grand jury accusing York of being a “popish recusant” but both times, the jury was dismissed for interfering in matters of state.

⁶¹ Newdigate Newsletters, March 9th, 1679.

⁶² Luttrell, *A Brief Historical Relation of State Affairs*, March 26, 1680.

brothers wished for) but had the unintended effect of creating frustration with the system of royal patronage. Especially instances that affected representation and justice, anger on the part of political elites who were increasingly against York was evident.

York clearly felt pressure to appease the general public. One newspaper detailed how “the duke & duchesse of yorke gave order for the discharge of all their Roman Catholicke servants out of their service,” an indication that even simple things like having Catholic servants could be used and interpreted as being part of a larger anti-Anglican conspiracy. The same report also mentioned that York was being created Generalissimo of all English forces and declared that receiving the commission would “Testify [to] his sincerity & Loyalty but also give the people of England greate Reason not to dislike [him].”⁶³ Such a public declaration and plea for the favor of the people speaks to a great divide between York and his future subjects.

Conclusion

Examining diaries, newspapers, broadsides, and spoken words from the restoration of the monarchy to the early 1680s, I have argued that three facets of the reaction to York stand out. Firstly, positive sentiments about York’s honor were fading as issues of his Catholicism came to the forefront. Secondly, defamatory claims against York show that anti-Catholic prejudices were used to spread discontent and fear of York, in an attempt to prevent his succession. Thirdly, evidence that sentiments and proceedings against York were repressed indicates that there was active silencing of negative sentiments and that there was an even larger part of the population that was becoming disenchanted with York as a successor that did not appear on the record. An acceptance of Monmouth’s broader qualities had to do with his Protestantism, courage, civility, and military heroics, whereas a rejection of York’s succession revolved almost entirely around

⁶³ Newdigate Newsletters, March 16, 1679.

his Catholicism. Most significantly, this chapter illustrates how members of all classes – from the political elite to the general public – were willing to discard the initial line of succession in favor of one that would safeguard their religious rights.

Chapter Three: A King Unmade, a Successor Accepted

“Plots, true or false, are necessary things,
To raise up common-wealths, and ruin kings.”¹
-- John Dryden, *Absalom and Achitophel*

The evidence against York after the Popish Plot and Exclusion Crisis seems – at first glance – to be overwhelmingly damning, suggesting that many English people either believed in Monmouth’s legitimacy or were willing to disregard traditional ideas of succession in favor of preserving the Protestant monarchy (and religion as a whole), promoting an illegitimate but publicly popular Monmouth in his claim to the throne. However, this conclusion is disproven by the history that follows in 1685. Monmouth’s rebellion – while it did generate a significant measure of popular support – ultimately failed. The levels of support for Monmouth’s rebellion – while significant – never amounted to the numbers needed to overwhelm James’s government and place Monmouth on the throne. Therefore, the question remains, after the series of political disasters for York in the early 1680s, how did he maintain a base of support to obtain and retain his crown? What measures did he take to condemn Monmouth’s rebellion and legacy?

At the same time, this chapter must reckon with the warming pan myth and how James’s popularity declined so far that his government would be dismantled by the end of 1688 and he would flee England. This chapter will first explore the parallels between the whig and tory divide and York and Monmouth, and how these characterizations furthered York’s popularity amongst the elite and general public. Secondly, it will examine sermons after the rebellion to argue that preachers condemned Monmouth’s actions by criticizing his pride and ambition and invalidating the rights of the “mobs” which had supported him. Preachers drew on *Absalom and Achitophel*, a satirical poem by John Dryden modeled off the Biblical story of Absalom, to reassert notions of

¹ John Dryden, “Absalom and Achitophel,” Poetry Foundation, accessed February 2, 2022.
<https://www.poetryfoundation.org/poems/44172/absalom-and-achitophel>

divine right monarchy and characterize rebellion as not just anti-Protestant but anti-Christian. Thirdly, this chapter will argue that James's governance between 1685 to 1688 led him to lose much of the support and trust he had gained; the warming pan myth was the culmination of political events and anti-Catholic bias and demonstrated the clear preference of many to subvert the line of succession in favor of an elective kingship on the part of the political elite and the general public.

The Anti-Monmouth Argument

The Anti-Monmouth Argument through the Whig and Tory Divide, 1682-1685

The nature of conflict between the two political parties of the time – the whigs and tories – can help demonstrate how perceptions of Monmouth's and York's characters could be seen through the party conflicts and answer questions of their popularity: how York's name was bolstered and Monmouth's was brought down. The two men were associated with the characteristics of their respective parties; the whigs were labeled as rebellious – going against the perceived order of divine monarchy – while the tories became associated with upholding the status quo of church and state.

It is fitting that the conflict between Monmouth and York – and the characteristics and philosophies of the two men – can be characterized through the divide between the whig and tory parties. Charles's famous speech to parliament in 1679 pledging support for measures to protect Protestantism in England, so long as parliament left the line of succession alone, created the beginnings of an ideological divide that would come to distinguish the two parties.² Those who supported Charles's intent to preserve the line of succession became known as the tories,

² Cobbett, *Cobbett's Parliamentary History of England*, 1035.

whereas those who supported the exclusion of York (in the form of the Exclusion Bill) became known as the whigs.³

As Tim Harris writes in *London Crowds*, “a distinctive whig ideology emerges... clearly available in the popular medium. The Popish Plot was [initially portrayed as] a threat to people’s liberties and properties as guaranteed by Magna Carta, as well as a threat to protestant monarchy.”⁴ Therefore, Monmouth gained credibility (as an alternative successor to York and part of the whig party) as someone who would guarantee those rights and a Protestant future for England. This only seems to further prove how York’s base of support fell apart. However, it is important to look at reactions to York after the Exclusion Crisis had passed. Once the Exclusion Bills the whig party presented failed – along with other attempts to get York in front of a jury -- the whigs were forced to resort to other methods. As Harris writes, this came “in the form of petitioning and popular demonstrations, which enabled the tories to brand them as rabble-rousers.”⁵ In comparison, York and the tories could be seen as upholding the status quo. “York and Albany’s Welcome to England”, likely written in 1680 to mark York’s return from Scotland after heading the government there, stated this divide in no uncertain terms. It claimed that “Whig-Parliaments we hate;/ We nought can breath but loyalty/ both unto Church and State.”⁶ While the tories (and York) upheld the line of succession, and by extension, the crown itself, the whigs could be seen as a party acting disloyally to church and state. The ballad remarked “now the Duke is safe return’d,/ in spight of all the Whigs”, referencing York’s banishment abroad

³ Keay, *The Last Royal Rebel*, 197-8. The identification of the whigs as political revisionists and tories as political loyalists switched after the Revolution of 1668-9. The whigs would then be seen as defenders of status quo and the tories were the disrupters.

⁴ Harris, *London Crowds*, 114.

⁵ *Ibid.*, 132.

⁶ “York and Albany’s Welcome to England,” (Printed for J. Jordan).
<http://ebba.english.ucsb.edu/ballad/36826/image>

during large parts of the Exclusion Crisis.⁷ The tories, via their opposition to these policies, represented loyalty to both state and church, “he that doth not love the Duke,/ he hardly loves his King.”⁸ As stated in chapter one, the value of the status-quo and loyalty should not be undervalued as attractive qualities in a political climate which had seen the execution of Charles I less than forty years before. It was likely one of the motivations that Charles II had to avoid changing the line of succession and should be given significant weight when considering York’s popularity.

During the estrangement between Monmouth and Charles following the Exclusion Crisis, York gained a certain popularity boost by playing the role of the peacemaker. “The Duke of Monmouths Triumph” published in 1683 noted how “great York hath most bravely his [Monmouth’s] pardon obtain’d.”⁹ Here, York was seen as the rational party reuniting father and son, a favorable look. He was the “in” member facilitating the welcoming of his nephew back to court, whereas Monmouth was clearly on the outside looking in. Reactions after Monmouth’s rebellion reveal similar insights. “King Jameses Royal Victory”, printed after Monmouth’s rebellion was put down, also mentioned loyalty, saying “rebellion is a Cursed thing... be faithful to the King,/ and Loyal to the Crown... [King James is] the only Prince we know/ that ought to wear the Crown.”¹⁰ Again, this marked a division between those who were loyal to the crown, York’s supporters, and those who were disloyal, Monmouth’s supporters. In other words, those who wished to maintain the status quo and those who wished to disrupt it. In pro-York literature,

⁷ “York and Albany’s Welcome to England,” (Printed for J. Jordan).

⁸ Ibid.

⁹ “The Duke of Monmouths Triumph,” (Leicester Fields: Printed for J. Dean, 1683).
<http://ebba.english.ucsb.edu/ballad/34780/image>

¹⁰ “King Jameses Royal Victory,” (Printed for Clarke, V.V. Thackeray, and T. Passinger, 1685).
<http://ebba.english.ucsb.edu/ballad/20851/image>

Monmouth was portrayed as motivated by pride, “O hateful Pride”¹¹, “giving way to Pride”¹², “whilst Peacock-proud”¹³, and “Pride and Vain-Glory did furnish the Story.”¹⁴ Again, defined by his opposition to Monmouth, York was therefore a humble servant to the crown, whereas Monmouth was prideful and reaching for a crown that did not belong to him. After the rebellion failed, the perception of King James II as a modest, status-quo figure taking the crown as a duty gained further credibility.

The Anti-Monmouth Argument: Sermons Given in 1685

Hundreds of sermons were given following Monmouth’s defeat and execution, on or around July 26, 1685, the day designated by James II as a public thanksgiving for victory over the rebels.¹⁵ Historian Mark Goldie discusses the style of these sermons, which were “sophisticated, the crafted prose of university-educated divines” but also “demotic, designed for wide audiences of ordinary English people”¹⁶ which allows their influence on both of these delineated groups to be examined. These preachers were almost all tories (Daniel Whitby was the only whig¹⁷) which helps characterize the arguments they would make about loyalty, obedience, and rebellion that have parallels to earlier rhetoric from the tories against Monmouth.

¹¹ “King Jameses Royal Victory,” (Printed for Clarke, V.V. Thackeray, and T. Passinger, 1685).

¹² “An Elegy on the late Duke of Monmouth,” (London: Printed by E. Mallet, July 16, 1685).
<http://ebba.english.ucsb.edu/ballad/32115/image>

¹³ “The Western Rebel,” (London: June 17, 1685).

<https://quod.lib.umich.edu/e/eebo2/A65487.0001.001?rgn=subject;view=toc;q1=Monmouth+s+Rebellion%2C+165>

¹⁴ “The late Duke of Monmouth’s Lamentation,” (Printed for P. Brooksby, July 18, 1685).
<http://ebba.english.ucsb.edu/ballad/20858/image>

¹⁵ 29 of these sermons are known to have been printed.

¹⁶ Mark Goldie, “The Damning of King Monmouth: Pulpit Toryism in the Reign of James II”, in *The Final Crisis of the Stuart Monarchy: The Revolutions of 1688-91 in their British Atlantic and European Contexts*, eds. Tim Harris and Stephen Taylor (Woodbridge: Boydell and Brewer, 2013), 35.

¹⁷ Interestingly, some preachers would recant on these sermons following the Glorious Revolution. Daniel Whitby in particular would reverse his position in favor of a rhetoric of conditional allegiance to monarchs and advocating for a fundamentally elective monarchy.

All the preachers argued against any right to rebel against authority. Of the “politick Pretences which our late Rebels made to Justifie their Insurrection,”¹⁸ Preacher Daniel Whitby argued it was not lawful for Christians to resist authority and that “the natural right of self-defence and Preservation is so far from justifying any opposition or resistance of the Higher Powers... that Right is also overturned, and the Foundations of it are removed.”¹⁹ This helped undermine the reasoning for why people had been drawn to (and eventually fought for) Monmouth: preservation of Protestantism, defense against popery, and preservation of their natural rights. Whitby went even further:

Had they [the apostles] believed, intended, or secretly taught, that Christians, upon all, or any of the forementioned accounts, might be exempted from Subjection and Obedience to them, ‘tis plain they acted not with that simplicity which might have reasonably been expected from Dispensers of the Gospel.²⁰

Whitby implied that to disagree with this ideal – that subjection and obedience were not expected of Christians at all times – would go against the teachings of the apostles. There is a connection here to divine right monarchy, which going against could be interpreted as going against God and the “dispensers of the gospel.” Therefore, those who rebelled were not only asserting a right they did not actually have, but attempting to undermine divine right monarchy and God’s will. Obadiah Lee added to the connection between resisting authority and going against God’s grace, arguing that “rebellion is a sin against God himself... We cannot lift up a hand against the Lords anointed [James II].”²¹

¹⁸ Daniel Whitby, *A Sermon Preach’d Before the Militia of the County of Wilts, at their marching against Monmouth*, (London: Printed for T. Basset, 1685), 10.

<https://quod.lib.umich.edu/e/eebo2/A65716.0001.001?view=toc>

¹⁹ Daniel Whitby, *A Sermon Preach’d Before the Militia of the County of Wilts, at their marching against Monmouth*, 16.

²⁰ *Ibid.*, 14.

²¹ *Ibid.*, 21.

Other preachers like John Petter added to the connection between resisting authority and disobeying Christian tenets. Petter argued that “religion and rebellion are as opposite as black and white... a Disloyal Christian is as great a Contradiction as a just Robber, or innocent Murtherer [murderer].”²² Petter did not discriminate between Protestants or Catholics, instead drawing the conclusion for all Christians. Religion instilled fear of God, which Petter argued was analogous to loyalty and obedience. He continued to say that “Whoever he be that saith he fears God, and at the same time disobeys the King... He is a Lyar, and the truth is not in him, nor the fear of God.” Again, the thread of fundamental Christian values was apparent. Rebels like Josias Askew and Sampson Lark invoked bible passages about keeping the faith and having “fought a good Fight”²³ to talk about the religious motivations spurring them to rebel were undermined and any sense of martyrdom or “holy purpose” was invalidated. This logic was not confined completely to sermons; an anti-Monmouth broadside titled “The Western Rebel” published on June 17, 1685 cautioned to “let him banter Religion, that old Stale pretence...their Canting Delusion/ and Bills of Exclusion,/ No longer shall sham the mad World to Confusion.”²⁴

Many of the sermons used the story of Absalom and Achitophel to reinforce their arguments. The story was initially one from the bible – in the Second Book of Samuel. Absalom, son of King David, was exiled by his father and attempted to undermine his father by preaching and raising an army against him. Absalom is advised by his father’s friend, Achitophel. As a

²² John Petter, *A Sermon preached July 5th on the occasion of the late rebellion*, (London: Printed for Samuel Walsal, 1685), 15-16. <https://quod.lib.umich.edu/cgi/t/text/text-idx?c=eebo2;idno=A54584.0001.001>

²³ John Tutchin, *The second and last collection of the dying speeches, letters, and prayers &c. of those eminent Protestants who suffered in the west of England (and elsewhere) under the cruel sentence of the late Lord Chancellour, then Lord Chief Justice Jefferys* (London: John Dunton, 1689), 10. <https://quod.lib.umich.edu/e/eebo2/A71165.0001.001/1:3.3?rgn=div2;view=fulltext;q1=Monmouth+s+Rebellion%2C+1685>

²⁴ “The Western Rebel,” (London: June 17, 1685).

result of a double agent, Absalom takes poor advice, his army falls apart against David's, and he dies; Achitophel, upon realizing, hangs himself. However, the story was given another dimension of analysis by John Dryden, who wrote and published his epic poem – titled *Absalom and Achitophel* – in 1681, which became one of the most famous political satires of the day and remains preeminent.²⁵ In Dryden's version, Charles II was presented as King David, Monmouth as Absalom, and the Earl of Shaftesbury (mentioned in chapter one for his role in the Exclusion Crisis) as Achitophel. As Keay describes, David/Charles's "legal successor is Absalom's uncle, a wretched man... Achitophel's subtle comments about his [Absalom/Monmouth's] father's weaknesses begin to affect him. He sees himself as destined for greatness."²⁶

Preachers built upon the biblical story and poem to further criticize Monmouth. Pelling described James as "A Prince, not of Absaloms temper, unstable, fraudulent, false";²⁷ Lee claimed "Absalom [was] wanting [for] Grace and Loyalty";²⁸ and John Scott said Monmouth's "unnatural and undutiful behavior... did but too justly intitle him to the Name and Character of Absalom."²⁹ Lee also used the story to describe the events of the Rebellion itself and defend King James's sovereignty. He said "the Loyal Party was as far inferiour to the Rebels in number, as those of David were to those of Absalom, yet God who is the only giver of Victory, by these few defeats the more numerous Rebels."³⁰ King James was the chosen victor, proof of God's choice and grace, whereas Monmouth was the clear loser. With this rhetoric, it becomes easier to

²⁵ Steven Zwicker and Derek Hirst, "Rhetoric and Disguise: Political Language and Political Argument in Absalom and Achitophel," *Journal of British Studies*, 21, no.4 (1981): 39-55.

²⁶ Keay, *The Last Royal Rebel*, 148.

²⁷ Pelling, *A sermon preached at Westminster-Abbey on the 26th of July*, 28.

²⁸ Obadiah Lee, *A sermon preached on Sunday the XXVI of July, 1685. Being the day appointed for solemn thanksgiving to almighty God, for his Majesties late victory over the rebels*, (Wakefield: Printed for and sold by Elizabeth Richardson, 1685), 8.

²⁹ John Scott, "A Sermon Preached Before the Right Honourable the Lord Mayor" in *Sermons upon Several Occasions* (St. Paul's Church-Yard: Printed for Walter Kettelby, 1704), 189.

³⁰ Lee, *A sermon preached on Sunday the XXVI of July, 1685*, 11.

see the ways in which James's supporters were able to build on political rhetoric and religious lessons to invalidate Monmouth's rebellion and if not shore up support for James, at least warn against outright rebellion.

The Warming Pan Myth: The Culmination of Public Sentiment

Once Monmouth had been executed, as mentioned before, a significant part of the population was worried that a Catholic had acceded to the throne. Preachers such as Edward Pelling overtly addressed these Protestant fears. Pelling argued that James "never yet deceived any part of mankind... unless it be in one point; I mean as to their Fears: those indeed he hath deceived already, and truly the World is bound with all Thankfulness to forgive him that."³¹ This likely alluded to the speech James had given to parliament in February, after his brother's death but before Monmouth's Rebellion. Attempting to assuage a nervous country and prove that his reign could be a stable one, he promised parliament to "maintain the Government both in Church and State... the Lords desired it [his speech] might be published, as containing matter of great satisfaction to a jealous people."³² Some people, such as John Reresby, clearly believed this statement. Fears about a country reverting to Catholicism, while not entirely misplaced, could be partially assuaged as James initially began his reign with caution and with seeming intent to, as Pelling described, "preserve that established Government and Religion which are so dear to us, but will moreover fix and re-settle both upon such sure foundations."³³ Reresby saw the potential for compromise but not a complete abandonment of Protestant principles. He wrote the following soon after James's accession:

³¹ Edward Pelling, *A sermon preached at Westminster-Abbey on the 26th of July, 1685 being the thanksgiving-day for His Majesties victory over the rebels*, (London: Printed for Samuel Keble and Walter Davis, 1685), 28.

³² *John Evelyn's Diary*, February 4, 1685. This speech was subsequently published in newspapers.

³³ Pelling, *A sermon preached at Westminster-Abbey on the 26th of July*, 33

For a toleration or libertie of conscience [sic] [for Catholics]... some seemed willing to grant, but resolved at the same time not in any alteration to give a capacity to the papists to come into any place or employment in the government... in all this concern I resolved to doe my duty to the Crown, but yet with a good conscience to my religion and country.³⁴

Here we see evidence of the “grin and bear it” philosophy of James’s early reign. With his promises that Protestants would retain power in government, allowing some degree of toleration for Catholics seemed reasonable to Protestants, especially if James’s Protestant daughter Mary came to the throne after his death. However, James proceeded throughout the first years of his reign with little regard for the fears of Anglicans. James used his power to allow Catholics to command regiments of the army without ascribing to the requirements of the Test Act.³⁵ When parliament objected, James prorogued (and subsequently dissolved) parliament, which would never reconvene during his reign.³⁶ James proceeded to issue many declarations promoting Catholic toleration, including the Declaration of Indulgence, which suspended the penal laws against both Catholics and Protestant dissenters.³⁷

To again add fuel to the fire, the public was disabused of notions of an Anglican successor when James’s second wife, Mary of Modena, announced her pregnancy on January 15th, 1688.³⁸ Catholics in England and abroad celebrated and Protestant fears of a restoration of Catholicism began to circulate again. Suspicion rose over the supposed pregnancy. Ideas of Catholic trickery – already present in society – helped notions about a potential fake pregnancy or fake baby come to prominence. As historian Mary Ann Connell has written, “it seemed clear to [Protestants] that if the Queen were pregnant, the Catholics would allow her to have nothing

³⁴ *Memoirs of Sir John Reresby*, 362. April 23, 1685,

³⁵ Keay, *The Last Royal Rebel*, 133.

³⁶ Harris, *Revolution: The Great Crisis of the British Monarchy*, 163.

³⁷ *Ibid.*, 216.

³⁸ *Memoirs of Sir John Reresby*, 255-6.

but a healthy son. If a Prince of Wales did not appear, they would create one.”³⁹ The Earl of Danby noted that “many of our ladies, say, that the Queen’s great belly seems to grow faster than they have observed their own to do.”⁴⁰ Certain rumors were also circulating about “an account of 3 women to be brought to bed” and if any of them gave birth to a son, the child would be raised as the prince.⁴¹ Although the myth that was to emerge was somewhat specific to the circumstances of the boy’s birth, there was ample evidence that suspicion about a possible switch or “suppositious prince” was already high, both for the political elite and the general public. Tensions were reaching a fever pitch in early June near Mary’s due date; James was facing a serious crisis amongst Protestants because he had arrested seven Protestant bishops on charges of seditious libel for objecting to James’s re-issuing of the Declaration of Indulgence.⁴² On June 10th, Mary gave birth to a baby boy, whom she and James named James Francis Edward Stuart.⁴³ As a boy, he took precedence in the succession – displacing his sisters Anne and Mary – and was created the Prince of Wales.

There were celebrations for the prince that took place in the days after the birth. *The London Gazette* reported great joy amongst the people on the day of the birth and that those who came to celebrate were in fear of being “burnt...with bonfires and drowned with wine.”⁴⁴ Magdalen College and Christ Church Oxford also lit bonfires.⁴⁵ “The Princely Triumph”, a broadside written to commemorate the event, claimed “as soon as this tydings in London was heard,/ True joy in the face of each Subject appear’d/ The thundering Cannons aloud they did

³⁹ Mary Ann Connell, “The Case of the Suppositious Prince.” *Studies in English*, 11 (1971), 55-6.

⁴⁰ Harris, *Revolution: The Great Crisis of the British Monarchy*, 258.

⁴¹ *Ibid.*, 259.

⁴² Miller, *James II*, 186.

⁴³ *Ibid.*, 186.

⁴⁴ Harris, *Revolution: The Great Crisis of the British Monarchy*, 269.

⁴⁵ *Ibid.*, 269.

roar,/ To send the Glad Tydings on every shore.”⁴⁶ While there was some hyperbole – as can also be seen in earlier ballads – there was evidence of a certain amount of celebration. However, Oxford scholar Anthony Wood noted that much of the celebration could be attributed to a different event; when the seven bishops James sent to the tower were released (after being tried and found not guilty for seditious libel), “many protestants thus shew’d... under the pretence of thanksgiving for the prince his birth.”⁴⁷ One instance of celebration for the prince on July 17, commissioned by James himself, was hijacked by Protestants and the large mechanical figures made for the display were remodeled to look like Queen Elizabeth I, Anne Boleyn, and Henry VIII; plans were made for the figures to be “publicly blow[n] up, as an Emblem that all that they did, shall now be Revers’d.”⁴⁸

Reresby noted that the birth of a boy “will cause disputes”, especially considering “it having been universally given out that her Majesty did not look [due] till the next month.”⁴⁹ Princess Anne, James’s daughter, also noted that “everybody knows, by her own reckoning, that she should have gone a month longer.”⁵⁰ Mary’s conduct during her pregnancy was notably shy; there were several mentions of her refusing to be seen while changing or to have others touch her stomach while pregnant, which also gave credence to suspicions. Luttrell noted that for the birth itself, “’tis said the queen was very quick, so that few persons were by.”⁵¹ News in the following

⁴⁶ “The Princely Triumph or Englands Joy,” (Printed for P. Brooksby, 1688).
<http://ebba.english.ucsb.edu/ballad/20865/image>

⁴⁷ Harris, *Revolution: The Great Crisis of the British Monarchy*, 270.

⁴⁸ Ibid., 270. This was a reference to the beginning of the Reformation. Queen Elizabeth I, born to Henry VIII and Anne Boleyn, was credited for ushering in an era of religious peace and Protestant supremacy following her half-sister, Mary I’s reign, who was still widely disparaged for her attempts to “counter-reform” England back to Catholicism.

⁴⁹ *Memoirs of Sir John Reresby*, June 10, 1688.

⁵⁰ John Darymple, *Memoirs of Great Britain and Ireland, Volume II* (London: Printed for A. Strahan and T. Cadell, 1790), 175.

⁵¹ Luttrell, *A Brief Historical Relation of State Affairs*, June 10, 1688.

weeks about the baby's ill health also contributed to doubt. Luttrell noted that "the young prince hath been troubled with the gripes, and had some fits."⁵² One of the prince's nurses, named Mrs. Rugee, supposedly expressed a belief that the baby would not survive, which was twisted through word of mouth to become a rumor that the baby had died.⁵³ Another letter of Anne's on July 9th noted "the Prince of Wales has been ill these three or four days; and if he has been so bad as some people say, I believe it will not be long before he is an angel in heaven."⁵⁴ All of these accounts, easily translated into gossip and hearsay, would help form the myth that followed.

The unrest culminated in one specific rumor following the prince's birth that came to be known as the warming pan myth. Luttrell noted on July 7th, 1688 that "people give themselves a great liberty in discoursing about the young prince, with strange reflections on him."⁵⁵ The myth was based mainly on the fact that while Mary was in labor, although it was a warm June night, she complained of being cold and asked to have the bed warmed.⁵⁶ A warming-pan full of hot coals was brought into her room. The rumor supposed that a baby was placed in the pan instead of coals and snuck into the room to be "birthed" by Mary, meaning an illegitimate, base child had been supposed into the line of succession. Unlike Monmouth and the ways in which his illegitimacy was championed by Ferguson and others as a positive quality, this child's illegitimacy was depicted as a negative as it implied a renewed Catholic succession.

James's daughter Anne wrote to her sister Mary, who lived on the continent with her husband William of Orange, declaring that she would "never now be satisfied, whether the child

⁵² Luttrell, *A Brief Historical Relation of State Affairs*, June 18, 1688.

⁵³ Connell, *The Case of the Suppositious Prince*, 61.

⁵⁴ Darymple, *Memoirs of Great Britain and Ireland, Volume II*, 176.

⁵⁵ Luttrell, *A Brief Historical Relation of State Affairs*, 499. July 7, 1688.

⁵⁶ Connell, *The Case of the Suppositious Prince*, 59.

be true or false. It may be it is our brother, but God only knows, for she [Mary of Modena] never took care to satisfy the world, or give people any demonstration of it.” Anne concluded by acknowledging it was possible that the baby was Mary of Modena and James’s, but “where one believes it, a thousand do not... for my part... I shall ever be of the number of unbelievers.”⁵⁷ Count Zuytlestein, a contemporary and friend of William of Orange, wrote to him assessing the atmosphere at court after the birth and reported that “not one in ten believed the child to be the Queen’s.”⁵⁸ Pamphlets like *The Case of the Irish Protestants*, written by Protestant Bishop of Cork and Ross Edward Wettenhall, wrote “I see not how its [the baby’s] Legitimacy is possible ever to be made out to the Publick Satisfaction of these Nations.”⁵⁹ Other stories that the prince was a miller or a bricklayer’s son – using a coat of arms with a windmill on derogatory pamphlets – contributed to the rumors.⁶⁰ Another anti-Catholic piece boldly proclaimed that “the Queen lay under such Circumstances at the time of the report of her Conception, that not all the Stallions in Europe could have got her with Child.”⁶¹ These accounts were all very telling, as the myth had penetrated to the highest levels of the political elite; suspicion and ideas of trickery were rife at every level of society.

James II immediately attempted to prevent the spread of the myth. In October 1688, Luttrell noted that all those who had witnessed the birth were made to give depositions to the fact and their testimony was published in newspapers in November. However, these accounts did little to stop the myth’s dissemination. As Connell says, “the great majority of people were still unconvinced of the child’s legitimacy... the Protestant nation firmly believed that the papist

⁵⁷ Darymple, *Memoirs of Great Britain and Ireland, Volume II*, 175.

⁵⁸ Connell, *The Case of the Suppositious Prince*, 61.

⁵⁹ Edward Wettenhall, *The Case of the Irish Protestants* (London: Printed for Robert Clavel, 1690).

⁶⁰ Connell, *The Case of the Suppositious Prince*, 67.

⁶¹ Harris, *Revolution: The Great Crisis of the British Monarchy*, 271.

witnesses had perjured themselves in the interest of their Church.” James also published a proclamation attempting to “restrain the spreading of false news.”⁶² This perhaps explains why fewer accounts of the warming pan myth have survived to this day.

The idea of the warming pan myth – and a suppositious heir – helped catalyzed William of Orange’s invasion in fall 1688. In William’s declaration, he accused James and Mary of Modena of faking the birth, saying “not only he himself, but all the good Subjects of the Kingdom, did vehemently suspect, that the Pretended Prince of Wales was not born of the Queen.”⁶³ Their successful invasion forced James to flee to France, reportedly throwing the great seal of parliament into the Thames as he went, which was taken as evidence that he had given up governing.⁶⁴ After William and Mary came to the throne, literature continued to be published about the warming pan myth. “A King or No King”, a ballad written from James’s perspective after he had fled, wrote “A False Pretended Prince of Wales,/ Our Mother-Church bid us Contrive... Trust not the Devil, nor the Pope.”⁶⁵ A pamphlet titled *A compleat history of the pretended Prince of Wales* noted a deposition from a woman who supposedly “saw fire carried into the Queens room in a Warming pan to Warm the bed... [and] that the Queen was left alone which is wholly incredible had her Labour been real.”⁶⁶ Thus, the rumor persisted and William and Mary made no attempt to stop it, as it only helped legitimate their invasion of England and new reign.⁶⁷ Memories of the warming pan persisted in the public consciousness long after. A ballad, appropriately named “The Warming Pan” was published in 1745 and wrote on familiar

⁶² Luttrell, *A Brief Historical Relation of State Affairs*, October 27, 1688.

⁶³ Connell, *The Case of the Suppositious Prince*, 64.

⁶⁴ Hilary Jenkinson, “What happened to the Great Seal of James II?”, *The Antiquaries Journal* 23, no. 2, (1943): 1-2.

⁶⁵ A King or No King or King James’s Wish (unknown publisher, location, or date).
<http://ebba.english.ucsb.edu/ballad/22298/image>

⁶⁶ Anonymous, *A Compleat history of the pretended Prince of Wales* (London, 1696), 16.

⁶⁷ Connell, *The Case of the Suppositious Prince*, 67.

themes from fifty years before, saying “To Work went the Church on her Majesty’s Womb... the old Jesuits Clan/ Produc’d a brave Boy, / From a Brass-Warming-Pan.”⁶⁸ James Francis Edward Stuart (the Old Pretender) and later, his son Charles Edward Stuart (the Young Pretender), continued to make claims to the throne up until the failed Jacobite rising in 1745, which is why this ballad was published in this specific year, derisively invalidating those men’s claims to the throne by drawing on a myth from long ago.

The Anti-Monmouth Case to the Fall of James II

This chapter has first explored how York and Monmouth were compared to the whig and tory parties; York’s character was celebrated for his peace-making and status-quo nature, whereas Monmouth was degraded – particularly after the rebellion – for his disloyalty and pride. Sermons given against Monmouth built upon this argument, demonstrating King James II’s divine sanction and using the story of Absalom and Achitophel to undermine the rebel cause. These reactions help to understand reasons how James acceded to the throne without further rebellion.

However, his actions over the next years quickly eroded any gains the previous rhetoric had helped build. The case of the warming pan myth revealed how anti-Catholic sentiment about York specifically and more generally about Catholics coalesced, showing an instance in which both elites and nonelites rejected the given heir in favor of an elective kingship, as opposed to accepting James and Mary of Modena’s heir. This builds upon the arguments from chapters one and two, which showed the beginnings of the surge in new ideas of legitimacy, succession, and elective kingship. These notions built into a tide, which swept over the country at the perfect

⁶⁸ “The Warming Pan,” 1745. <http://ebba.english.ucsb.edu/ballad/31441/image>

moment for William and Mary's invasion, catalyzing the Glorious Revolution and spurring forward conversations about the end of divine right monarchy.

Conclusion

“The Duchess Catherine was very proud of her royal descent... When on her death-bed she sent for a clergyman, and asked whether in heaven some respect would be shown to a woman of her birth and breeding, and on being told no distinctions were made, ‘Well,’ she said with a sign, ‘heaven must be after all a strange sort of place.’”⁶⁹

-- Allan Fea, *James II and His Wives*

James fled England from William’s invasion in December 1688. His first attempt was actually unsuccessful, as one of his companions (although not the king himself) was recognized on the boat in Kent and eventually brought back to London.⁷⁰ Later in December, he made a final, successful attempt and lived almost all of the remainder of his life in France; his son and grandson both made attempts to reclaim the throne but following his grandson’s defeat at Culloden Moor in Scotland, his descendants’ claim to the throne lost any remaining validity.

This thesis has described the events leading up to James’s abdication from the throne and what they reflect about the political thought of the English general public and the political elite. Reactions to Monmouth as a potential successor to Charles revealed how the definition of legitimacy as a legal phenomenon was being challenged by notions of a “holistic” review which took into account wider characteristics besides an heir’s birth. Similar dialogues about York – many occurring simultaneously with Monmouth’s – reveal that it was largely religious affiliation that determined support of York. The idea of divine right monarchy, in the face of a revived Catholic dynasty, faded and an idea of elective kingship grew amongst political elites and the general public; this coincided with James II’s reign and the warming pan myth. Religious affiliation took precedence over the succession and provided momentum to William and Mary’s invasion.

⁶⁹ Allan Fea, *James II and His Wives* (London: Methuen and Co., 1908), 142.

⁷⁰ Harris, *Revolution: The Great Crisis of the British Monarchy*, 303.

These findings have important implications for how we should look at growing political ideas in conversation with ideas of a class divide. The determining factor in understanding beliefs about legitimacy, succession, elective kingship, and divine right monarchy – in the cases of Monmouth and York – was not class. Historians like Carlo Ginzburg have posited theories about the separation between the dominant and popular cultures. This divide is important to consider; both the existence and importance of popular culture on its own is not to be underestimated. However, as this case of English history proves, it is crucial to consider the ways in which the so-called dominant and popular cultures (the political elite and the general public) overlapped and were in conversation with each other. Writing these histories separately from each other – like telling the stories of York and Monmouth separately – misses the wider trends of the period and the ways in which the consciousness of English subjects were often more united than they were divided. This bridged history can be used to understand the transition in this period away from a divine right monarchy and towards the 1689 Bill of Rights, which set out constitutional requirements for governing with the consent of and in conversation with the people. The Bill of Rights is still in effect in all Commonwealth Realms today.

The account at the top of this conclusion regards a duchess lamenting the fact that she would not be treated differently in heaven on account of her birth, breeding, and status on earth, saying “Heaven must be after all a strange sort of place.”⁷¹ Although she perceived the period in English history in which she inhabited as fundamentally divided by class (in terms of both her social and religious life), the political thought of the world she inhabited was more akin to a strange sort of place.

⁷¹ Fea, *James II and His Wives*, 142.

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