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Sir John Pollock

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THE
POPISSH PLOT
A STUDY IN THE HISTORY OF
THE REIGN OF CHARLES II

BY

SIR JOHN POLLOCK, *Bart.*

M.A.; OF LINCOLN'S INN, BARRISTER AT LAW; LATE FELLOW
OF TRINITY COLLEGE, CAMBRIDGE

“Some truth there was, but dashed and brewed with lies.”

Absalom and Achitophel.

“Oh! it was a naughty Court. Yet have we dreamed of it as the period when an English cavalier was grace incarnate; far from the boor now hustling us in another sphere; beautifully mannered, every gesture dulcet. And if the ladies were . . . we will hope they have been traduced. But if they were, if they were too tender, ah! gentlemen were gentlemen then—worth perishing for!”—*The Egoist.*

“Donner pour certain ce qui est certain, pour faux ce qui est faux, pour douteux ce qui est douteux.”—*Mabillon.*

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PREFACE TO THE NEW EDITION

Pro Domo Sua

The Popish Plot was hailed by Andrew Lang on its first appearance in 1903 as “more fascinating than any novel.” Since the blitz in Chelsea my file containing Lang’s articles on the book—for he wrote at least three—has vanished; but that was the sense of his words, if not their actual text.

Such an *ipse dixit*, flattering as it was to a young author, would not in itself be sufficient justification for the resurrection of a book forty years old. Taste changes in novels as well as other things. Those that appealed to Andrew Lang, and a history book that excited him to both compliments and criticism, might seem negligible to the modern generation. My reason for reissuing *The Popish Plot* is rather that at intervals, but in almost regular cadence since the book went out of print, I have been asked whether it cannot be republished; and in most cases the question was put by members of the Universities or of the learned professions.

The Popish Plot created a certain stir. Its subject was one from which the shadow of Macaulay had caused later students of history to shy off; and youth rushed in where seniors feared to tread. The soil was almost virgin, and many of the best sources of information untapped. The State Papers of the period had not been calendared, being first issued in this form by the Record Office in 1911–15, and earlier examination of them had certainly been no more than cursory. They were preserved in loose bundles in some of which were two sets of papers bearing the same numbers, so that I was forced, in referring to the S.P.

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Dom. Charles II 407, to add, e.g., i. 285, ii. 23, according to the set in which the paper mentioned was to be found. Owing to wartime conditions, this arrangement has had to be preserved in the present edition.¹ In this state of something better than chaos, but worse than order, it would not have been surprising had a novice tripped heavily over various obstacles. But in fact only one error in the interpretation of manuscripts came to light afterwards. One document used by me was capable of two meanings; I wrongly chose the less charitable of the two. Much later another document proving this came to light. I have now deleted the passage in question, which indeed had a merely incidental value and did not affect any point of serious interest.² There was one advantage in being compelled to delve into the labyrinth of later seventeenth century handwriting instead of reaping in a field of clear print prepared by scholarly labour. My source was the very page across which was scrawled some fearful confession or greedy denunciation, the annotations of Henry Coventry, or hurried notes by Sir Joseph Williamson made during the examination of a suspect at the Privy Council board. The anxious minds of Charles II's secretaries of State infused an absorbing interest into their crabbed script, and seemed to make plot and counterplot live again.

Much of the other material, both English and foreign, was scarcely better known. For instance, Sir John Reresby's *Memoirs*, though well printed in 1875, and a popular book earlier, had not been sufficiently studied; in particular, no one seems to have apprehended the overwhelming importance of the revelation made to Reresby by James II in 1685. Little use had been made of the despatches of the French and other ambassadors to St. James's and no one had thought of interpreting the reports of the State Trials by the light of the social and legal setting in which those trials took place.

I am happy to have the opportunity of acknowledging a debt, however tardily. This is to Frantz Funck-Brentano,

¹ For the same reason, the appendices and bibliography have been omitted.

² See p. 201.

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whose skilful arrangement of his materials in “*Légendes et Archives de la Bastille*” and “*Le Drame des Poisons*” inspired me to divide my subject into separate sections. By no other means, probably, could the vast volume of heterogeneous matter clamouring for treatment have been reduced to form. Frantz Funck-Brentano was a great historian, from whom all students have learned much: this was my special, added debt to him.

The Popish Plot was barely out before it was assailed by all the vigour and ingenuity at the command of the Society of Jesus. It is still hard for me to comprehend why men to-day should feel outraged by an exposition of fact shewing that over two centuries ago certain members of the body to which they belong committed crimes. A well-established rule of English law is that opprobrious reflexion on a class cannot constitute a libel on an individual belonging to it, unless he is particularly designated. As Mr. Justice Willes laid down in *Eastwood v. Holmes*: “If a man wrote that all lawyers were thieves, no particular lawyer could sue him unless there was something to point to the particular individual.” The converse of the principle too holds good. If one man of a class is the object of a charge or animadversion, the class as a whole is not touched. Yet because it is related that certain Jesuits in the seventeenth century took part in plotting and tried to carry out their plots, other Jesuits in the twentieth century appear to feel their honour aspersed. Very slight consideration will shew the error of this sensibility. Given the encouragement of tyrannicide preached by divers theologians, to maintain that no priest could ever have committed a political crime is really as childish as it would be for a modern king to reject as reflecting on himself the history of Richard II’s murder by Henry IV, or for a twentieth century Lord Chief Justice to feel libelled by the charge that Jeffreys was cruel, unjust, and time-serving.

The brunt of the attack on *The Popish Plot* fell on my account of the case of Sir Edmund Berry Godfrey. The most determined of the efforts to upset my conclusion was the publication in 1905 of “Who killed Sir Edmund

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Berry Godfrey?" by Mr. Alfred Marks, with an Introduction by Father J. H. Pollen, S.J. Mr. Marks tried to prove suicide. I dealt with this at length in an article in *The Law Quarterly Review* of October 1906 in which I printed the opinions on the surgical evidence of two of the most eminent surgeons of the day and one of the most rising physiologists. After this there could be no question of any sincere person who had studied the evidence maintaining that Godfrey had committed suicide. In a short passage of the preface to the State Papers of 1678, the learned editor, Mr. F. H. Blackburne Daniell, although differing from me on some points, states three propositions as being beyond dispute:—“(1) That it was a case of murder, not suicide. (2) That robbery was not the motive. (3) That Godfrey was not murdered where his body was found, but that it was conveyed thither from some other place which had been the scene of the murder.” These had been three of my basic contentions.

In the same year (1906) I received an invitation to contribute to *The Cambridge Modern History* a chapter on the political events in England from 1667 to 1687. This was published as Chapter IX in Vol. 5 under the title “The Policy of Charles II and James II.” The invitation was all the more gratifying because this was one of the chapters that Lord Acton had intended to write himself. The period was one of those about which his knowledge was unique. The sense of responsibility thus hung heavy upon me. What should I do about the Godfrey case? I was convinced that my presentation of it and judgment on it were substantially correct; but I knew that if I offered them in my contribution to an authoritative work, the *History* might be criticised. Therefore I wrote a guarded passage and delivered an open verdict on Godfrey’s death. To my delight I received back the page of my MS. from Sir Adolphus Ward, the Master of Peterhouse, who together with Sir Stanley Leathes had, after Acton’s death, taken over the editing of the mighty work planned by him, with this passage deleted, and in its place, written in the Master of Peterhouse’s neat hand, the lines that were

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subsequently printed in the *History*. They read: “Whatever may be the true explanation of the mystery of his [Godfrey’s] death—and the only one that seems alike reasonable and supported by circumstantial evidence makes Jesuit agents guilty of his murder—to the citizens of London and Englishmen generally Godfrey’s murder seemed” etc. As if to clinch the matter, the editors had this printed under a page heading: “Godfrey Murdered.” Sir Adolphus Ward’s caution was almost proverbial; for him to have gone so far in supporting me on the Godfrey case was proof that I had, at all events, almost convinced one of the most prudent of historians. Leathes also had told me that, short of decisive facts to the contrary being discovered, he was convinced of the truth of my solution by the two pieces of evidence printed in *The Popish Plot* at pp. 151–2 and 165.

I have ventured to bring up this heavy artillery in support of my position on the Godfrey case because this was the position under the most concentrated fire. But the examination of the circumstances of Godfrey’s death form only one quarter of my book. The remainder, save for some desultory enemy dive-bombing that hardly amounted to more than a diversion, passed unchallenged. I feel justified in saying that the section entitled “Designs of the Roman Catholics” contains all the known truth about this mysterious intrigue and that the inferences from its ascertained course must be accepted as probable. On the whole, I think I may claim to have given reasonably accurate explanations of the three mysteries that Lord Acton bade me expect.

But once those mysteries, which fill the first half of the book, were touched upon, the enquirer found that round them, emerging from them, and forming their background were mazes almost as mysterious and equally important for the understanding of four crucial years in the history of England. What was the relation of the King to these events? How did Parliament fulfil its duty to the nation in the crisis? How did it happen that our Courts of Justice, which we have been taught to regard as

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patterns to the world, were the scene of violent judicial diatribes, prejudiced verdicts, and brutal sentences that amazed men living in a later age?

These problems provided matter for the second half of *The Popish Plot*. Here again I may be allowed to claim that its conclusions have stood the test of time. On one of the most important points they have been quietly adopted by recent writers on Charles II. The legend of the Merry Monarch was killed by my dissection of Charles's motives in the part of my book entitled "Politics of the Plot." It is now recognised that Charles II was a man of strong character, a deep schemer, the possessor of a very long political head, and, from his own point of view, an obstinately patriotic sovereign. That this emerged from a consideration of obvious facts is true, but it is also true that until the publication of *The Popish Plot* the facts had not received the consideration they deserved. In forming my opinion, I had, moreover, the aid of Barillon's despatches, until then virtually unknown; and Barillon was not only one of the most penetrating minds in touch with Charles II, but he had a better opportunity of observing him on the ground of politics than any other man at Court. The modern estimate of Charles II accepted by the editors of *The Cambridge Modern History* was first put forward in *The Popish Plot*. Whoever should now write of Charles II, according to the view of him current up to the end of the last century, as a mere debauchee, would set himself down an ignoramus.

Nor had the judicial system extant in the late seventeenth century been made the object of impartial study in connection with the political events of the time. Though less spectacular than the reconstruction of a murder case or of the intrigues that led to it, this was an enquiry no less essential to the elucidation of the truth about the whole matter. Here I may be permitted to quote a sentence from Sir W. S. Holdsworth's *The History of English Law*:¹ "The maintenance of a strong government was felt, and felt rightly, to be the only security for peace and

¹ Ed. 1924, vol. v, p. 189.

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order.” A footnote to this runs:—“One of the best accounts of this state of feeling is to be found in Mr. John Pollock’s book on the Popish Plot.”

Another great lawyer was struck by the historico-legal side of *The Popish Plot*. More than thirty years later, while the preparation of *The Pollock-Holmes Letters* (Cambridge University Press 1942) was going forward, I came upon a letter written to my father in 1906 by Mr. Justice Oliver Wendell Holmes of the Supreme Court of the United States. He wrote: “I was on the verge of writing to you to say that I have just read his [Jack’s] Popish Plot with much pleasure. I guess his very judicious talk about the judges and trials of the time must have owed a good deal to his father. I cannot conceive that a lad could have got so far into the spirit of the time without guidance. I was delighted to hear a good word for Scroggs. My only first-hand notion about him was that when I lectured on Agency in the [Harvard] Law School I found a sentence in *Modern* by him which was the original and only authority for an acute proposition....So I have always hoped to hear some good of him. I read in connexion with Jack one or two of the state trials and thought the C.J. appeared to advantage.”

In fact, the inference as to my father’s influence on this part of *The Popish Plot* was unfounded. The author of *Pollock on Torts* had never been much attracted by the later seventeenth century and was less versed in its history than in that of most periods. He may have known of what was apparently Scroggs, C.J.’s sole title to fame as a constructive lawgiver, but he never mentioned it to me. Nor did he see any portion of my “Trials for Treason” until that section of the book was in typescript or discuss it with me beforehand; and his only criticism of it, which I gratefully adopted, was to suggest the excision of some too flattering remarks on Sir J. F. Stephen’s *History of the Criminal Law*. With Sir William Holdsworth and Mr. Justice Oliver Wendell Holmes as witnesses, my case may rest.

J. P.

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PREFACE TO FIRST EDITION

WHEN I first undertook the study of the Popish Plot the late Lord Acton wrote to me: "There are three quite unravelled mysteries:—what was going on between Coleman and Pere la Chaize; how Oates got hold of the wrong story; and who killed Godfrey." The following book is an attempt to answer these questions and to elucidate points of obscurity connected with them.

In the course of the work I have received much kind help from Dr. Jackson and Mr. Stanley Leathes of this college, from the Rev. J. N. Figgis of St. Catharine's College, and from my father; and Mr. C. H. Firth of All Souls' College has been exceedingly generous in giving the assistance of his invaluable learning and experience to a novice attacking problems which have been left too long untouched by those better fitted for the task.

It is only as a mark of the deep gratitude I bear him that I have ventured to dedicate this book to the memory of the illustrious man whose death has deprived it of its sternest critic. Few can know so well as myself how far its attainment falls short of the standard which he set up. With that standard before me I can justify myself only by the thought that I have tried to follow strictly the injunction: Nothing extenuate, nor set down aught in malice.

J. P.

TRINITY COLLEGE, CAMBRIDGE, 1903.

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1677. Ash Wednesday. Titus Oates converted to the Church of Rome.
- April . . . Enters the English Jesuit college at Valladolid.
- October 30 . . . Expelled from the college at Valladolid.
- December 10 . . . Enters the English Jesuit college at St. Omers.
1678. April 24 . . . Jesuit congregation held at St. James' Palace.
- June 23 . . . Oates expelled from the college at St. Omers
- June 27 . . . and returns to London.
- August 13 . . . Christopher Kirkby informs the king of a plot against his life.
- August 14 . . . Kirkby and Dr. Tonge examined by the Earl of Danby.
- August 31 . . . The king goes to Windsor.
- September 2 . . . Tonge introduces Oates to Kirkby at his lodgings at Vauxhall.
- September 6 . . . Oates swears to the truth of his information before Sir Edmund Berry Godfrey.
- September 27 . . . Oates and Tonge summoned before the Privy Council.
- September 28 . . . Oates swears again to the truth of his information before Godfrey and leaves a copy with him.
- September 29 . . . Oates examined at length by the council. Search for Jesuits begun that night.
- September 29 . . . Edward Coleman pays a secret visit to Godfrey.
- September 29 . . . Sir George Wakeman before the council. Oates again examined by the council and continues the search for Jesuits at night.
- September 29 . . . Warrant issued for the arrest of Coleman and seizure of his papers.

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1678. September 30 . Coleman surrenders to the warrant against him and is placed in charge of an officer. His house searched and his papers seized. Oates examined twice by the council and again searches for Jesuits.
- October 1 . The king goes to Newmarket. Coleman's papers examined by a committee of the council. Coleman committed to Newgate.
- October 12 . Sir Edmund Berry Godfrey missing.
- October 15 . News of his disappearance published.
- October 17 . His body found in a field at the foot of Primrose Hill.
- October 18, 19 . An inquest held.
- October 20 . Reward of £500 offered for the discovery of Godfrey's murderers.
- October 21 . Meeting of Parliament (seventeenth session of Charles II's second or Long Parliament).
- October 23 . Oates at the bar of the House of Commons.
- October 24 . Assurance of protection added to the reward offered for the discovery of Godfrey's murderers.
- October 25-31 . The Earl of Powis, Viscount Stafford, Lord Petre, Lord Bellasis, and Lord Arundel of Wardour surrender to the warrants out against them as being, on Oates' information, concerned in the Plot.
- October 28 . Test Act passes the Commons.
- October 30, 31 . Oates at the bar of the House of Lords.
- November 1 . Resolution of both Houses of Parliament with regard to the Plot. Funeral of Godfrey. Proclamation commanding Popish recusants to depart ten miles from London. Arrest of Samuel Atkins.
- November 5 . Bedloe surrenders himself at Bristol.
- November 7 . Bedloe comes to town and is examined by the king and secretaries. Examination of Coleman in Newgate.
- November 10, 18 . Bedloe at the bar of the House of Commons and at the bar of the House of Lords.
- November 12 . Test Act passed, but with a proviso exempting the Duke of York.
- November 20 . Trial and conviction of William Staley for high treason.
- November 21 . Trial and conviction of William Staley for high treason.
- November 24 . Oates accuses the queen in examination by Secretary Coventry.
- November 26 . Staley executed at Tyburn, denying his guilt.

Table of Events xxi

1678. November 27 . Trial and conviction of Coleman for high treason. Bedloe accuses the queen.
- November 28 . Oates accuses the queen at the bar of the House of Commons. He is confined by the king and his papers are seized.
- November 30 . The king refuses to pass the Militia bill, even for half an hour.
- December 3 . Execution of Coleman.
- December 5 . The five Popish Lords impeached.
- December 16 . Supply granted for disbanding the army.
- December 17 . Trial and conviction of Ireland, Pickering, and Grove for high treason.
- December 19 . Montagu's papers seized. He produces Danby's letters to the Commons, revealing the secret treaty with Louis XIV.
- December 21 . Miles Prance arrested and recognised by Bedloe. Impeachment of Danby.
- December 23 . Prance confesses and accuses Green, Berry, and Hill of being Godfrey's murderers.
- December 28 . Dugdale comes forward as a witness.
- December 29 . Prance recants.
- December 30 . Parliament prorogued till February 4.
1679. January 11 . Prance retracts his recantation.
- January 24 . Long Parliament dissolved. Ireland and Grove executed; Pickering respited till May 25.
- February 5 . Trial and conviction of Green, Berry, and Hill for Godfrey's murder.
- February 8 . Atkins is acquitted of the same murder.
- February 21 . Execution of Green and Hill.
- February 28 . Execution of Berry.
- March 3 . The king declares that he was never married to any woman but Queen Catherine.
- March 4 . The Duke of York leaves for Brussels by command of the king.
- March 6 . The king repeats his declaration. The third Parliament meets. Edward Seymour chosen Speaker, and is rejected by the king.
- March 13 . Parliament prorogued for two days.
- March 15 . Serjeant Gregory chosen Speaker.
- March 21 . Parliament votes the Plot to be read. Prance's examination read to the Lords.
- March 22 . The Commons resolve to proceed with Danby's impeachment.
- March 24 . Danby takes refuge at Whitehall.
- March 25 . Speech on Scotland by Shaftesbury.
- April 1 . Bill of attainder voted against Danby.

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1680. March 30. . Thomas Dare of Taunton fined for seditious and dangerous words.
- April 15 . . Assault on Arnold.
- April 26 and June 7. Declarations published in the *Gazette* denying all truth in the rumour of the Black Box.
- May 11 . . Indictment of high treason, on Dangerfield's evidence, against the Countess of Powis ignored by the grand jury of Middlesex.
- May 13 . . The king ill at Windsor.
- May 15 . . "A Letter to a Person of Honour concerning the Black Box" published.
- May 24 . . Trial and conviction of Tasborough and Price.
- June 10 . . Conclusion of a treaty between England and Spain to maintain the peace of Nymeguen.
- June 11 . . Mrs. Cellier tried for high treason and acquitted.
- June 23 . . The Earl of Castlemaine tried for high treason and acquitted.
- June 26 . . Shaftesbury, with Titus Oates and fourteen peers and commoners, presents the Duke of York as a popish recusant.
- July 14 . . Trial and conviction of Giles for an attempt to murder Arnold.
- July 28, 29 . . Trials for high treason at York. Lady Tempest, Sir Miles Stapleton, and Mary Pressicks acquitted, but Thwing, a priest, convicted.
- August-October. Western progress of the Duke of Monmouth.
- August 20 . . Death of Bedloe at Bristol.
- September 11 . . Trial and conviction of Mrs. Cellier for writing and publishing a libel.
- October 20 . . The Duke of York leaves London for Edinburgh.
- October 21 . . Meeting of Charles II's fourth Parliament.
- October 26 . . Dangerfield at the bar of the House of Commons.
- October 28 . . Bedloe's deathbed deposition read to the House of Commons. Two members of the Commons expelled for discrediting the Plot.
- October 30 . . Archbishop Plunket brought to London and committed to the Tower.
- November 2 . . The Exclusion bill voted.
- November 10 . . Lord Stafford's trial resolved on by the Commons.
- November 11 . . Third reading of the Exclusion bill in the House of Commons.

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1680. November 15 . The Exclusion bill rejected by the House of Lords owing to Lord Halifax.
- November 16 . Halifax proposes the banishment of the Duke of York.
- November 17 . Second great Pope Burning.
The House of Commons proceed against Halifax.
- November 24 . The Commons vote the impeachment of Lord Chief Justice North.
- November 30-December 7. Trial and conviction of Lord Stafford for high treason.
- December 15 . Sir Robert Peyton expelled from the House of Commons.
- December 29 . Execution of Stafford.
1681. January 5 . The Commons vote the impeachment of Lord Chief Justice Scroggs and other judges.
- January 7, 10 . The Commons pass resolutions against the Duke of York, against such as shall lend money to the crown, against a prorogation.
- January 10 . Parliament prorogued
- January 18 . and suddenly dissolved.
- January 25 . Sixteen Whig peers present a petition against a parliament being held at Oxford.
- February 28 . Edward Fitzharris arrested for writing a treasonable libel.
- March 14. . The king concludes a secret verbal treaty with Louis XIV and sets out for Oxford.
- March 17. . Shaftesbury and other Whig leaders set out for Oxford with an armed escort.
- March 21. . Meeting of Charles II's fifth and last Parliament at Oxford.
- March 25. . The Commons impeach Fitzharris.
- March 26. . The Exclusion bill voted.
The Lords refuse to proceed on Fitzharris' impeachment.
- March 28. . The Exclusion bill read the first time in the House of Commons. Parliament suddenly dissolved.
- May . . The king's declaration justifying the dissolution answered by "A just and Modest Vindication of the Proceedings of the two Last Parliaments."
- May 3 . . Trial and conviction of Archbishop Plunket for high treason.
- June 9 . . Trial and conviction of Fitzharris for high treason.
- July 1 . . Execution of Plunket and Fitzharris.