

**MAGDALEN COLLEGE
AND KING JAMES
II 1686-1688. A
SERIES OF DOCUMENTS**

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Magdalen College and King James II 1686-1688. A Series of Documents by J. R. Bloxam

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KING JAMES II

1686—1688

A SERIES OF DOCUMENTS

COLLECTED AND EDITED BY

THE REV. J. R. BLOXAM, D.D.

LATE FELLOW OF MAGDALEN COLLEGE

WITH ADDITIONS

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INTRODUCTION.

IT is seldom that the annals of a private Corporation can aspire to furnish more than a remote basis for the national History. The transactions which such documents record may with many similar events be taken as materials from which a general account of the times may be constructed; but the events themselves, their circumstances, and the names of the actors, are lost in the infinite variety of details which go to make up that confused and changing current of human affairs, of which history can but preserve a dim and distant outline. It has however been the fortune of Magdalen College, at one crisis of its existence, to be the scene of a contest which from the greatness of the issues it involved and the direct and immediate effect which it had upon the accepted principles of Government and the permanence of the then established dynasty, has been thought worthy by English historians to occupy a place in the main course of their narrative. The name of Hough appears in the pages of Hume of Lingard and of Macaulay when they review the disastrous policy of James II. The reasons for the remarkable prominence assumed by this particular incident in a long series of transactions identical in principle and of similar tendency may have been in part accidental: but its intrinsic interest was quite sufficient justification for it.

It seems not improbable that the affairs of Magdalen College might obtain a more general notoriety and enlist a wider sympathy in consequence of the position occupied by several of the Fellows of that period in the houses of great persons. Dr. Hough, upon whose title to the place of President the whole battle was fought out, was Chaplain to the Duke of Ormond, one of the most distinguished noblemen of the day. Dr. Younger, who retained his Fellowship throughout, without making any submission, was able to do so from being in attendance as chap-

lain upon the Princess, afterwards Queen Anne: while a former Fellow, Dr. Jessop, discharged the same office in the household of the Earl of Sunderland, the President of the Council and Secretary of State, by whom most of the King's movements in this affair were executed.

The intrinsic importance of the event was due to its connexion with the King's systematic and determined efforts to dislodge the Church of England from the position guaranteed to her at the Restoration, and to secure the equality, if not the sole ascendancy of the adherents of the Roman mission. In pursuit of this object, and of the establishment of his own absolute authority, James set aside the rights and liberties of the subject, the sanctions of Acts of Parliament, and the whole system of official custom and tradition, by force of the prerogative. This course of action received a remarkable illustration, and appeared embodied in a single instance in the case of Magdalen College. The measures there attempted were an overt and undisguised step towards opening the chief seminaries of the Church of England to Roman influences and occupation.

It is true that in the year before (1686) a new convert to that Communion had been appointed Dean of Christ Church; and that the Master of University College, with some few Fellows, had also received dispensations from attending the English Service, and from everything inconsistent with their allegiance to the Church of Rome: but the whole of these circumstances were not generally known¹, nor did they involve any such violation of individual consciences, or injury to freehold rights as was inevitable if Farmer was to be made President of Magdalen, or Hough was to be dispossessed.

Hume says, speaking of this latter stage of the proceedings, 'This act of violence, of all those which were committed during the reign of James, is perhaps the most illegal and arbitrary. When the dispensing power was the most strenuously insisted on by Court lawyers, it had still been allowed that the statutes which regard private property could not legally be infringed by that prerogative. Yet in this instance it appeared that even these were not now safe from invasion².' When Hough was removed

¹ Hallam's *Constitutional History*, ch. xiv (vol. iii, p. 64. Seventh Edition).

² Hume's *History of England*, lxx. 22.

from the office to which he had been elected, he became, as Hallam puts it, the one man in this reign who 'had been despoiled of his property'.¹

The mode of action adopted in this instance by the King was similar to that by which the civic incorporations had already been brought within his grasp. In the year 1683, during the preceding reign, upon occasion of a disputed election of sheriffs in which the King had interfered, a writ of *quo warranto* had been issued against the City of London, and it was adjudged to have forfeited its charter. The King agreed, upon the humble petition of the City, to restore the charter; but upon condition that none of the city officers should in future be admitted to the execution of his office except upon his Majesty's approbation. In like manner most of the corporations in England were induced to surrender their charters into the King's hands: and in this way all places of power and profit throughout the country were put at the disposal of the Crown². In 1687 the Charter of Dublin and of all the corporations in Ireland was annulled by King James, and new charters were granted, subjecting the corporations to the will of the Sovereign.

The same measures were now threatened against the academical foundations to which the Church of England held an exclusive right, and on which she depended for the education of her clergy. This implied a fresh exercise of the dispensing power, for which the King after removing four of the judges had lately procured judicial sanction in the case of Sir Edward Hales (June 21, 1686), and which he had publicly asserted, although it had been three times denied to be legal by the House of Commons³, immediately before the commencement of the proceedings at Magdalen, in his Declaration of Indulgence (April 4, 1687).

That Declaration was professedly intended to relieve all classes of Nonconformists, as well Protestant Dissenters as Roman Catholics, from all religious tests, and from all penal and incapacitating statutes: but when it was applied to secure their admission to ecclesiastical or University offices or corporations it

¹ Hallam's *Constitutional History*, ch. xlv (vol. iii. p. 83. Seventh Edition).

² See Hume's *History*, lxi. 7, 8.

³ Feb. 27, 1662; Feb. 14, 1672; Nov. 16, 1685.

amounted in fact to an abrogation of the title of the Established Church.

The critical position of the national religion was thus becoming more and more apparent: and the difficulties which the King encountered in his new attempt to push forward his attack upon it were as formidable as they were in all probability unexpected.

The duty of passive obedience to the sovereign had long been a favourite doctrine in the University of Oxford. Only a few years before (July 21, 1683) it had passed a Decree in Convocation 'against certain pernicious books and damnable doctrines;' the ninth of the condemned propositions being as follows: 'There lies no obligation upon Christians to passive obedience when the prince commands anything against the laws of our country¹.' Nevertheless, the President and Fellows of Magdalen, with the unquestionable support and sympathy of many other leading members of the University, including the Vice-Chancellor, offered an unyielding passive resistance to the King's mandates when they contravened the College Statutes: a resistance which continued until the time when the King's resolution finally gave way before the universal alienation of the affections and allegiance of his subjects, of which he became sensible when it was too late.

It may not then be uninteresting to students of History to possess a full and minute collection of the records, chiefly contemporaneous and original, which recount the rise and progress of that famous struggle: between the Churches of Rome and of England; between arbitrary and constitutional Monarchy; between a King and a College.

A short summary of the leading incidents, as gathered from the documents which follow, together with some remarks on the course of events, is here offered by way of introduction.

Dr. Henry Clerke, President of Saint Mary Magdalen College in the University of Oxford, died March 24, 1687, at Gawthrop Hall, the house of his daughter Lady Shuttleworth, in Lancashire. The Vice-President, Dr. Charles Aldworth, had formal notice of his death on the 29th, being Easter Tuesday.

Dr. Younger, one of the Fellows, who was Chaplain to the

¹ Collier's *Ecclesiastical History*, Part II. Book IX. (vol. viii. p. 473. Lathbury's Edition.)

Princess Anne, had received information in London as early as the 26th, in order that he might make interest with the King for the vacant Presidentship¹. But he declined the opportunity: and advised Dr. Thomas Smith to use his efforts to secure the place. This last-named Fellow, who also resided in London, went on the Monday to consult the Bishop of Oxford, Dr. Samuel Parker (who was afterwards nominated President by the King), requesting the Bishop to obtain for him the King's recommendation to the College. But upon learning from the Bishop 'that the King expected that the person he recommended should be favourable to his religion,' and that His Majesty would not be satisfied with such a pledge as he was ready to give, 'that he would make it his business to advance piety and learning, to keep men dutiful and obedient to the King's person and government and truly loyal, and to promote true Catholic Christianity;' he answered, 'Then let who will take the Presidentship for me; I will look no more after it².' It is clear from this that the King's design of making the College subservient to the interests of the Roman Communion was already formed, and in a measure known: which accounts for the correspondence between the College and the Visitor, the Bishop of Winchester, which followed immediately upon the news of the President's death.

A letter was written March 31st, by the Vice-President and Fellows, requesting his Lordship's advice and assistance: to which the Bishop replied the next day, pressing them to observe the Founder's Statutes in the coming election, and naming the Bishop of Man, Baptist Levinz, a late Fellow of the College, as statutablely qualified³. This prelate would doubtless have been elected, if he would have accepted the office. But though

¹ Letters of recommendation to the Electors to places on College foundations were very frequently issued at this period. Two, if not three, of the last previous elections of President had been determined in this way. Even in such small matters as the choice of candidates for Demyships Royal Letters were not uncommon. James I sent one to President Langton in favour of Edward Hyde, afterwards Earl of Clarendon, which was disregarded: and the Earl, when he was Chancellor, wrote to President Oliver reminding him how he had been employed by Charles I to tell him 'that if he himself should at any time recommend a person who was not in manners and learning very fully qualified for the favour, he would never take it ill if he were rejected and another chosen more fit:' from which it is clear that such recommendations were not granted as possessing constitutional authority, but merely by way of influential patronage. See Bloxam's *Magdalen College Register*, vol. v. pp. 85, 87.

² No. 4-7.

³ No. 12, 13.