

THE  
LIVES  
OF  
THE LORD CHANCELLORS  
AND  
KEEPERS OF THE GREAT SEAL  
OF  
ENGLAND,  
FROM THE EARLIEST TIMES TILL THE REIGN OF  
KING GEORGE IV.

BY  
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IN SEVEN VOLUMES.

VOL. III.

SECOND AMERICAN,  
FROM THE THIRD LONDON EDITION.

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PHILADELPHIA:  
BLANCHARD AND LEA.  
1851.

## CHAPTER XCVII.

## CONCLUSION OF THE LIFE OF LORD GUILFORD.

THE Council was still sitting when the news was brought that Charles was no more. After a short interval, James, who, leaving the death-bed of his brother, had decently [FEB. 6. 1685.] engaged in a devotional exercise in his own closet, entered the apartment in which the Councillors were assembled, and all kneeling down, they saluted him as their Sovereign. When he had seated himself in the chair of state, and delivered his declaration, which, with very gracious expressions, smacked of the arbitrary principles so soon acted upon, Lord Guilford surrendered the Great Seal into his hands, and again received it from him with the former title of Lord Keeper.\* James would, no doubt, have been much better pleased to have transferred it to Jeffreys; but it was his policy, at the commencement of his reign, to make no change in the administration, and he desired all present to retain the several charges which they held under his deceased brother,—assuring them that he earnestly wished to imitate the good and gracious sovereign whose loss they deplored.

Jeffreys, though continued a Member of the Cabinet, was probably a good deal disappointed, and he resolved to leave nothing undone to mortify the man who stood between him and his object, and to strike him down as soon as possible.

The first question upon which James consulted the Council was respecting the levying of the duties of Customs and Excise, which had been granted by parliament only during the life of the late King. The Lord Keeper intimating a clear conviction that parliament would continue the grant as from the demise of the Crown, recommended a Proclamation requiring that the duties should be collected and paid into the Exchequer, and that the officers should keep the product separate from other revenues till the next session of parliament, in order to be disposed of as his Majesty and the two Houses should think fit. But the Lord Chief Justice represented this advice as low and trimming, and he moved that "his Majesty should cause his royal proclamation to issue, commanding all officers to collect, and the subjects to pay, these duties for his Majesty's use, as part of the royal revenue." The Lord Keeper ventured humbly to ask his Majesty to consider whether such a proclamation would be for his service, as it might give a handle to his Majesty's enemies to say that his Majesty, at the very entrance upon his government, levied money of the subject

\* On the 10th of Feb., before proceeding to business, he took the oaths, standing in his place in the Court of Chancery, the Master of the Rolls holding the book.—*Cr. Off. Min. fol. 117.*

the Court, and the by-standers in Chancery, looked at him as if they were sure of his coming disgrace. To shade himself from observation, while he sat on the bench he held a large nose-gay before his face.\*

Dreadfully dejected, he lost his appetite and his strength. He could not even get through the business of the Court; and *remanets* multiplying upon him kept him awake at night, or haunted him in his sleep. He drooped so much, that for some time he seemed quite heart-broken. At last, he had an attack of fever, which confined him to his bed.

The coronation was approaching, and it was important that he should sit in the "Court of Claims." Having recovered a little by the use of Jesuits' bark, he presided there though still extremely weak;—and he walked at the coronation "as a ghost with the visage of death upon him, such a sunk and spiritless countenance he had."†

While he was in this wretched state, news arrived that the Duke of Monmouth had landed in the West of England [JUNE 13.] and raised the standard of rebellion. The parliament, having come to a number of loyal votes, having attainted the Duke, and granted a supply,—was adjourned, that the members might assist in preserving tranquillity in their several districts.

The Lord Keeper talked of resigning, and wrote a letter to the Earl of Rochester, to ask leave to go into the country [JULY 2.] for the recovery of his health, saying, "I have put myself into the hands of a doctor, who assures me of a speedy cure by entering into a course of physic." Leave was given, and he proceeded to Wroxton, in Oxfordshire, the seat which belonged to him in right of his wife.‡

Here he languished while the battle of Sedgemoor was fought,—Monmouth, after in vain trying to melt the heart of his obdurate uncle, was executed on Tower Hill under his parliamentary attainer,—and the inhuman Jeffreys, armed with civil and military authority, set out on his celebrated "campaign." Roger North would make us believe that the dying Guilford was horrified by the effusion of blood which was now *incarnardining* the western counties by command of the Lord General Chief Justice, and that he actually interposed to stay it:—"Upon the news returned of his violent proceedings, his Lordship saw the King would be a great sufferer thereby, and went directly to the King, and moved him to put a stop to the fury, which was in no respect for his service; but

\* *Life*, ii. 133.

† *Ibid.* 205.

‡ Roger praises him much for the humility which he now exhibited: "It had been usual heretofore for all writs to bear teste where the Lord Keeper resided, though the King was not there; which was looked upon as a mark of honour to their families upon record. But his Lordship thinking it mere vanity, ordered none to bear teste *apud Wroxton* but *apud Westmonasterium* only."—*Life of Lord Keeper*, vol. ii. 144.

in many respects for the contrary. For though the executions were by law just, yet never were the deluded people all capitally punished; and it would be accounted a carnage and not law or justice; and thereupon orders went to mitigate the proceeding. I am sure of his Lordship's intercession to the King on this occasion, being told it at the very time by himself." It is painful to doubt the supposed exertion of mercy and firmness by the Lord Keeper; but an attention to dates, of which this biographer is always so inconceivably negligent, shows the story to be impossible. Jeffreys did not open his campaign by the slaughter of the Lady Lisle, at Winchester, till the 27th of August, and he carried it on with increased cruelty till the very end of September.\* On the 5th of September died Lord Keeper Guilford, at Wroxton, after having been for some weeks in a state of such debility and exhaustion, that, able only to attend to his spiritual concerns, he thought no more of domestic treason or foreign levy than if he had already slept in the grave.† For a short time after his arrival there, he rallied, by the use of mineral waters, but he soon had a relapse, and he could with difficulty sign his will. He was peevish and fretful during his sickness, but calmly met his end. "He advised his friends not to mourn for him, yet commended an old maid-servant for her good will that said, *As long as there is life there is hope*. At length, having strove a little to rise, he said; *It will not do*,—and then, with patience and resignation, lay down for good and all, and expired."‡

He was buried in Wroxton Church, in a vault belonging to his wife's family, the Earls of Down. There is no other monument to him than a large marble slab in the middle of the floor of the chancel, bearing the following inscription:—

"Here lyeth the body of the Right Hon<sup>ble</sup> Francis Lord Guilford,  
Lord Keeper of the Great Seale of England.  
He was borne the 22d of October, 1637, and departed this life the 5th of  
September, in the year of our Lord 1685."

"He was a crafty and designing man," says Bishop Burnet. "He had no mind to part with the Great Seal, and yet he saw he could not hold it without an entire compliance with the pleasure of the Court. Nothing but his successor made him be remembered with regret. He had not the virtues of his predecessor; but he had parts far beyond him. They were turned to craft; so that whereas the former (Lord Nottingham) seemed to mean well

11 St. Tr. 297, *et seq.*

† Roger (I will not say from any bad motive) does not mention the day of his brother's death; but this is placed beyond all doubt by the entry on the record respecting the appointment of his successor.—*Cr. Off. Min. Book*, 121. This is like a story he tells equally incredible and impossible, of a caution given by the Lord Keeper in an interview with the King, after Monmouth's execution, to be aware of the Prince of Orange.—*Life*, ii. 227. Monmouth was executed on the 15th of July, and the Lord Keeper and the King never could have met afterwards.—See *Ralph*, i. 393. 11 *St. Tr.* 303.

‡ *Life*, ii. 215.

even when he did ill, this man was believed to mean ill even when he did well."\* I accede to this character, with the exception of the estimate of North's "parts," which I think are greatly over-rated. He was sharp and shrewd, but of no imagination, of no depth, of no grasp of intellect,—any more than generosity of sentiment. Cunning, industry, and opportunity may make such a man at any time. A Nottingham does not arise above once in a century.

Guilford had as much law as he could contain, but he was incapable of taking an enlarged and commanding view of any subject. The best specimen of his juridical powers is his judgment, when Chief Justice of the Common Pleas, in the great case of *Soames v. Barnardiston*, in which it was decided that an action at common law does not lie against a Sheriff for the false return of a member of parliament, as the validity of the return ought to be determined by the House of Commons.† In equity, he did nothing to rear up the system of which the foundations had been so admirably laid by his predecessor. His industry was commendable; and I think he may be fairly acquitted of corruption, notwithstanding his indiscreet acceptance of a present of 1000*l.* from the Six Clerks, when they had a dispute with the Sixty, on which he was to adjudicate.

He labours under the imputation of once having expressed a constitutional sentiment, "that his Majesty's *defensive* weapons were his *guards*, and his *offensive* weapons the *laws*, and that *rebels* were to be *overcome* by opposing force to force, but to be *punished* only by law,"—which from its rarity caused a great sensation. But where he was not under the apprehension of personal responsibility, there was nothing which he would not say or do to exalt the prerogative and please his patrons. I shall add only one instance. Sir Thomas Armstrong was outlawed for high treason while beyond the seas unless he surrendered within a year. Being sent over a prisoner from Holland within a year, he insisted that he was entitled to a writ of error to reverse the outlawry and to be admitted to make his defence; but the Lord Keeper refused him his writ of error, first, on the pretence that there was no fiat for it by the Attorney General, and then, that he had no right to reverse his outlawry as he was present by compulsion. Thus the unhappy victim was sent to instant execution without trial.‡

So zealous a Conservative was Guilford, that "he thought the taking away of the tenures" (*i. e.* the abolition of wardship and the other oppressive feudal burdens introduced at the Conquest) "a desperate wound to the liberties of the people."

The Court wags made great sport of him, the Earl of Sunderland taking the lead, and giving out the signal, while Jeffreys was

\* O. T. ii. 185. 357.

† 6 St. Tr. 1092. 1098. His judgment was confirmed on a writ of error by the House of Lords after the revolution.—See *Lord Campbell's Speeches*, 277.

‡ 10 St. Tr. 106.

always ready to join in the laugh. I may offer as an example "the story of the Rhinoceros." My Lord Keeper went one day into the City, accompanied by his brother Sir Dudley, to see a Rhinoceros of enormous size lately imported, and about to be exhibited as a show.\* Next morning at Whitehall, a rumour was industriously spread, that the Lord Keeper had been riding on the Rhinoceros, "and soon after dinner some Lords and others came to his Lordship to know the truth from himself; for the setters of the lie affirmed it positively, as of their own knowledge. That did not give his Lordship much disturbance, for he expected no better from his adversaries. But that his friends, intelligent persons, who must know him to be far from guilty of any childish levity, should believe it, was what *roiled* him extremely, and much more when they had the face to come to him to know if it were true. So it passed; and the Earl of Sunderland, with Jeffreys and others of that crew, never blushed at the lie of their own making, but valued themselves upon it as a very good jest.†

To try how far his compliance with the humours of the Court would go, they next persuaded his own brother-in-law (that he might not suspect the hoax) to wait upon him, and in strict confidence, and with great seriousness, to advise him to keep a mistress, "otherwise he would lose all his interest with the King; for it was well understood that he was ill looked upon for want of doing so, because he seemed continually to reprehend them by not falling in with the general custom; and the messenger added, that if his Lordship pleased he would help him to one." He declined the offer,—with much politeness, however, lest he should give offence. But with his familiar friends "he made wonderfully merry with this state policy, especially the procuring part, and said, *that if he were to entertain a madam, it would be one of his own choosing, and not one of their stale trumpery.*"‡

Although he never aimed at oratory, it is said that he meditated a "History of his own Times." He might have transmitted to us many curious anecdotes, but the performance must have been without literary merit; for some of his notes which he had written as materials are in the most wretched style, and show that he was unacquainted with the first principles of English composition, and even with the common rules of grammar. He did publish two or three short tracts "on Music" and other subjects,—which were soon forgotten. He was well versed in music, conversed with Sir Peter Lely about painting, speculated with natural philosophers on the use of the bladder of fishes, and learned several of

\* Evelyn tells us that this was the first Rhinoceros ever introduced into England, and that it sold for 2000*l.* Shakspeare may have seen "the Hyrcan Tiger," but he could only have heard, or read, or seen a picture of "the armed Rhinoceros."

† Life, ii. 167. The marginal note to this anecdote by Roger is amusing:—"The foolish lie of the Rhinoceros. His Lordship much roiled thereat." The word "roiled" was transported to the American plantations, where it may still be met with. See the *Clockmaker*.

‡ Life, ii. 239.