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CROWN AND GOWN:

Relations between the crown and the universities during the reign of James II,
with special reference to Roger Morrice's "Entring Book".

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ABBREVIATIONS.

- Bloxam J. R. Bloxam, *Magdalen College and King James II 1686-1688*, (Oxford, 1886).
- Burnet Gilbert Burnet, *History of His Own Time*, ed. Martin Joseph Routh, reprint, (Oxford, 1969).
- DNB *The Concise Dictionary of National Biography*, (Oxford, 1979).
- CSPD *Calendar of State Papers: Domestic*, series James II, (London, 1972-9).
- Morrice Roger Morrice, *The Entering Book: Being an Historical Register of Occurrences from April Anno: 1677 to April 1691*, Mss.P and Q, (Mss. held at Dr. Williams's Library, London).
- ST T. B Howell, *A Complete Collection of State Trials*, vols. 11 and 12, (London, 1812).
- Wood Anthony a Wood, *The Life and Times of Anthony a Wood, Antiquary of Oxford, 1632-1695 Described by Himself*, ed. Andrew Clark, vol. 3 (1685-95), (Oxford, 1894).

NOTES ON SOURCES.

All direct quotes from primary sources have retained the original spelling and punctuation of their authors, with any necessary editorial additions enclosed in square brackets. Similarly, the use of the seventeenth century calendar has been retained, although the year is taken as beginning on 1 January, not on 25 March as in the old reckoning.

i. Introduction.

On March 6, 1688, Anthony à Wood, antiquary of Oxford, wrote that it had been the prediction of the late King Charles that when James, Duke of York came to the Kingship "he would not continue in the throne above 3 years."¹ In commenting thus Charles demonstrated remarkable foresight, for despite ascending the throne in 1685 amidst a wave of fervent royalism and unprecedented Parliamentary support, James, in just three short years, was to lose his crown at the hands of a country sullen and alienated by his efforts to restore Catholicism. Such a complete reversal in public opinion, effected in such a short time, was a remarkable 'achievement', and one in which the universities of Oxford and Cambridge played an integral role. Key components in the crystallization of public opinion against James, they were central to the Protestant rejection of toleration, and ultimately, of their Catholic King.

As central components to the reign and deposition of James, it is surprising therefore that the universities have received remarkably little individual study. In the majority of instances they have merited only a few brief paragraphs or a page or two at most in general studies of James II. Cambridge, in particular, has often been consigned to a few lines, or even omitted totally. John Spurr's *The Restoration Church of England 1646-1689* (London, 1991) provides a good example of this conspicuous lack. As the only history available which focuses on the Church of England in the second half of the seventeenth century, it is surprising (although typical) that the universities receive only a cursory mention. The single exception is Lord Macaulay's *History of England from the Accession of James the Second* in which the author devotes considerable space (and energies) towards proving the baseness of

¹Anthony à Wood, *The Life and Times of Anthony a Wood*, (abridged) ed. Llewelyn Powys, (Oxford, 1961), p.303.

this unfortunate monarch, through his conflicts with the universities. Many of Macaulay's methodologies and conclusions have since come under question however, in particular his tendency to collect evidence selectively to prove his own pre-determined opinions, so his study is hardly an objective examination of the universities during the reign of James. While this reduces the value of his work as a source of information, it does however provide an opportunity to contribute to the current debate surrounding Macaulay's work, in the context of the universities.

Of in-depth studies of the universities, only two works of any length and detail concerning Oxford under James II exist; J. R. Bloxam's *Magdalen College and King James II 1686 - 1688* (Oxford, 1886) and Laurence Brockliss, Gerald Harris and Angus MacIntyre's *Magdalen College and the Crown* (Oxford, 1988). Both, as the titles suggest, concentrate on the Magdalen case to the virtual exclusion of earlier conflicts. While these were not of such national significance, they are nonetheless important for the study of the universities as a whole, both for their impact on the wider perspective, and for what they show of the strategies employed by James for the re-establishment of Catholicism. As regards Cambridge, only John Twigg's *The University of Cambridge and the English Revolution 1625 - 1688* (Cambridge, 1990) considers this university under James in any detail. However, the reign occupies but a minor part in a larger topic of study with a broader time frame, and Twigg does not attempt a detailed study of the conflict between Cambridge and James.

The lack of serious consideration given the universities constitutes a considerable error, for they played a central role in the deposition of James. Key components in the crystallization of public opinion against him, which ultimately led to the loss of his throne, they provided a focus for unrest and a foundation upon which opposition could, and was, built. Furthermore, they were an integral part of the Catholic monarch's strategy to re-

establish the old faith. Neither is the merit of the universities as a topic defined only by their effects on the contemporary situation. The universities effectively form a microcosm, a mini-stage upon which the national picture was re-created in miniature. Epitomizing the reign of James, the universities mirrored his domestic policy with its primary concentration on religious considerations. Reflecting the gradual escalation of this policy, and the corresponding growth of national disenchantment, a study of the universities offers invaluable insight.

Neither is the relevance of the universities to historical study confined only to the reign of James. Their problems highlight the inconsistencies in the system of government operating by this time, namely the contradictions present in a system which was neither fully constitutional nor absolute, but an ill-defined mixture of both. Uneasy bedfellows at the best of times, the dispensing power and the rights of parliament had been a source of tension throughout the seventeenth century. Exacerbated by a legal system based on precedent, and the Stuart tendency to favour Catholicism, they required a politically astute monarch to ensure their peaceful co-existence. Complicating the situation further was the presence of the ecclesiastical supremacy, and the difficulties created by the fact that religion and politics were inseparable. These issues were all reflected in the conflict between the universities and James, indeed were integral to it.

The little material that does exist in print on the universities underlines the dramatic reversal in historical opinion concerning the legality of James' actions. The general historical consensus used to be that James acted in a tyrannical and illegal manner in his attempts to force the universities to accept Catholics. This altered dramatically from the mid twentieth century however, and it is now the general opinion that while he may have behaved impolitically, he was legally correct. This startling reversal reflects the current historical re-

evaluation of James which now sees the once vilified monarch represented as imprudent, rather than tyrannical.

Despite the radical difference in conclusions, commonality exists in the basis of examination. Both schools of opinion have based their conclusions principally on their interpretation of the dispensing power, which itself has undergone radical re-evaluation in conjunction with that of James. While a seemingly logical course of action, for the dispensing power indeed played a central role in the conflicts surrounding the universities, what its linking to the issue of legality effectively does, is to pre-determine conclusions and narrow artificially the field of consideration. The prime example of this is provided by the ecclesiastical supremacy. Playing a role at least equal to the dispensing power, it is never seriously investigated as a factor in the ensuing conflict because the legality of the dispensing power has become the determining factor, this despite the fact that James intervened in the universities only by virtue of this supremacy.

Neither does the linking of the dispensing power to the question of legality allow for the development of alternative ways of approaching and exploring the conflicts. Instead it determines that the starting point for any examination lies with the crown. While there is nothing inherently wrong in looking at the conflict from this point, it does mean that the primary emphasis is placed on the crown, that the crown becomes the instigator, leaving the universities in the passive role. It is quite clear however, that this was not so. While the initial moves were certainly the orchestrations of the crown, the universities soon took the initiative and became the driving force in the conflicts. It would be logical then, to examine the conflict in terms of the universities themselves, and to determine legality not on the strength of the dispensing power as is customary, but on the strength of the universities' case.

This thesis aims, in part, to demonstrate that the dispensing power needs to be

considered in conjunction with other factors, in particular the rights of the universities and the ecclesiastical supremacy, when attempting to determine the legality of James' actions against the universities. Through a detailed examination of the individual cases it will seek to show that the current dependency on the dispensing power as a means of evaluation is only one of the possible approaches, and that the legal case of the universities needs to be given due consideration. It also seeks both to examine the nature of the impact of the universities on the reign, and in particular on the deposition of James, and to demonstrate that it was considerably greater than has previously been allowed. It will attempt to redress the lack of detailed historical study of the universities under James II, in particular with regards to Cambridge and the earlier Oxford cases. It needs to be added at this point that this study will not include an investigation of Trinity College, Dublin, but will confine itself to Oxford and Cambridge. While James did interfere in the Irish University, an almost complete lack of information renders any examination impossible except in the briefest of terms.

This thesis also aims in particular to look at the universities from a viewpoint other than that of the contemporary establishment by using the political diary of Roger Morrice, entitled *The Entring Book: Being An Historical Register of Occurences from April Anno 1677 to April 1691* as a principal source. As a Presbyterian minister, Morrice's record and observations are particularly useful because they were not constrained or directed by the Church of England's obsession with the preservation of religious uniformity. This gives a less 'biased' view point, although it should be added that Morrice shared the Church of England's anti-Catholic paranoia. It was Morrice who raised the issue of the ecclesiastical supremacy as a central factor in the university cases, and the possibility of looking at the legal strength of their cases rather than the crown's. Morrice himself was particularly well placed to comment comprehensively on the universities. A person of some standing within the

Presbyterian movement, he had contacts at court, in Parliament, the legal profession, and the Church of England. It is not surprising therefore that his account of the actions taken against the universities and the ensuing trials are both full and accurate. It is also subscribed with his own opinions and observations, something which offers stark contrast to other contemporary diarists whose entries concerning the universities are on the whole disappointingly brief.

The technical accuracy of Morrice's reports of the cases is particularly significant, for it lends credence to his opinions and comments. Comparisons with the official transcripts of the trials reflect very few discrepancies and of the few that do exist, they concern only minor points which had no bearing on the cases. It is quite clear that Morrice was working from a reliable information base, although what his sources were it is virtually impossible to ascertain, for he was very circumspect about naming names (quite possibly for security reasons). Clearly a politically astute and knowledgeable man who followed the convoluted path of English politics at home and abroad over a particularly turbulent period of history, it is his devotion to detail and the high level of accuracy which makes this diary particularly useful to this study.

Of the other unofficial primary sources besides Morrice, the *Life and Times of Anthony a Wood*, antiquary of Oxford proved to be of considerable worth. As the only other contemporary diary providing details of the university trials it was particularly useful in verifying Morrice's accounts. Where it proved its greatest worth however was in its detailed accounts and observations of the earlier cases in Oxford which never came to national notice. As a resident of Oxford, and part of the University, Wood was better placed than Morrice to describe the early effects of James' first moves against the University. Gilbert Burnet's *History of His Own Time* devotes considerable time to discussing the universities and provides some interesting observations. Working in exile at the court of the Prince of Orange however,

meant that Burnet was working from second hand sources at best, and more importantly, was unable to experience personally the changing atmosphere in England. It is also necessary to realise that Burnet was personally biased against James and that he 're-wrote' his history at a later date, amending various sections which did not appear 'politically correct'. Bloxam's wide-ranging nineteenth-century collection of material concerning the Magdalen trial proved invaluable also, particularly in view of the difficulties surrounding the accessibility of primary material in New Zealand. Of the other unofficial sources of information available, few provided much information beyond brief fact.

Of the official sources of information available the *State Trials* (London, 1812) proved the most valuable, particularly in the case of Cambridge where detailed information is so scarce as to be virtually non-existent. Not only did they provide transcripts of the main trials, but they also included material written by a wide range of contemporaries concerning their observations, interpretations and conclusions. This was particularly valuable with reference to the question of legality. Of the other available official sources few proved to be of much use. The *Calendar of State Papers Domestic* was useful mainly in verification and in establishing a time frame. The utility of the *Journals of the House of Commons* and the *Debates of the House of Commons* were severely curtailed by James' continual prorogation of Parliament, although the post 1688 material was useful for a brief retrospective view of the foregoing proceedings.

The most obvious gap in the primary sources available is the absence of a Catholic viewpoint beyond that of James. It is generally believed that most Catholics did not support their King's tolerationist efforts and it would be interesting to know their reaction to the university cases. This absence is not the result of the inaccessibility imposed by distance however, for perusal of various indexes and of the listed sources used by the few historians

who have written about the universities, indicates that such sources are very few. As a minority viewpoint only, Catholics making up only one percent of the population,¹ this absence is perhaps not too crucial, except to the satisfaction of curiosity.

The single and most obvious difficulty in a study of this kind is the fact that the topic of study lies half a world away. This affects particularly the accessibility of primary sources. While inter-lending is available, few institutions will risk lending valuable archival material, and one is forced to rely on the limited sources available in New Zealand. Of particular interest would have been the material held in the archives of the two universities. This means that one is forced to place great reliance on the works of other historians, and that the possibility of creating an unbalanced picture through an over reliance on limited information is greater. It is these factors which make a study which places particular emphasis on a single source, or looks at an event from a particular viewpoint, in this case the diary of Morrice, one of the best options when attempting to write about a period of English history from a nation in the Pacific.

The shape of this thesis has been determined by its subject. Beginning with a brief outline of the religious policy of James to place it in context, it moves on to an examination of the dispensing power. Included both because this power was a key component in the university cases and because it has long been the predominant authority used historically in defining the legality of James' actions in the disputes, this chapter looks principally at its legal jurisdiction and the context in which it was held by contemporaries. Chapter three examines the establishment of the Ecclesiastical Commission, its principal aims, and the contemporary reaction to it. As the medium through which the crown sought to discipline the Church, and exert its will in the universities, such an examination is not only warranted, but

¹John Miller, *Popery and Politics in England 1660-1688*, (Cambridge, 1973), p.219.

necessary. Chapter four gives a brief outline of the historical development of the universities in order to establish why James should turn his attention to these institutions, and why they were of such importance to his efforts to re-establish Catholicism. Chapters five and six examine Cambridge and Oxford respectively, taking a detailed look at each individual case in chronological order. The consequences of James' actions in the universities, and the flaws in his strategy are retailed in the conclusion.