

"Daniel Finch, Second Earl of Nottingham,
and Sixth of Winchelsea, 1647-1730. His
Political Career, 1688-1714."

by

Alan Stewart Moore

Submitted to the Post Graduate
Studies Committee of the Uni-
versity of Manitoba in part
fulfillment of their require-
ments for the M.A. Degree.

1936

Bibliography

Primary:

Ball, F. Elrington, (edit.):

"The Correspondence of Jonathan Swift, D.D."
London, 1910.

Cartwright, J.J., (edit.):

"The Wentworth Papers, 1705-39, selected from
the Private and Family Correspondence of
Thomas Wentworth, Lord Raby." London, 1883.

Historical Manuscripts Commission:

"Finch Manuscripts, Volume II." London, 1922.

Scott, Temple, (edit.):

"The Prose Works of Jonathan Swift." London, 1908.

Scott, Sir Walter, (edit.):

"The Works of Jonathan Swift." London, 1883.

Swift, Jonathan:

"The Poetical Works of Jonathan Swift." - The
Aldine Edition of the British Poets. London, 1885.

Secondary:

Feiling, Keith J.:

"A History of the Tory Party, 1540-1714."
Oxford, 1924.

Foxcroft, H.C.:

"Supplement to Burnet's 'History of My Time'."
Oxford, 1902.

Secondary: (continued)

Kebbell, T.E.:

Biographical article on Daniel Finch in the
Dictionary of National Biography, Vol. VIII.
London, 1908.

Macaulay, (Lord):

"The History of England from the Accession of
James the Second." London, 1889.

Mahon, (Lord):

"History of England from the Peace of Utrecht
to the Peace of Versailles, 1713-1738." London, 1858.

Morgan, William Thomas:

"English Political Parties and Leaders in the
Reign of Queen Anne, 1702-1710." London, 1920.

Nicholson, T.C. and Turberville, A.S.:

"Charles Talbot, Duke of Shrewsbury." Cambridge, 1930.

Trevelyan, G.M.:

"England under Queen Anne." London, 1932-34.

Trevelyan, G.M., (edit.):

"Select Documents for Queen Anne's Reign, 1702-7."
Cambridge, 1929.

(1)

"Daniel Finch, Second Earl of Nottingham and
Sixth of Winchelsea, 1647 - 1730;
His Political Career from 1688 - 1714."

INTRODUCTION

Through the political drama of the years from 1688 - 1714 there moves a figure, sometimes in the background, sometimes among the principals, and occasionally holding the centre of the stage -- the figure of Daniel Finch, Second Earl of Nottingham. Yet despite the fact that Nottingham played a more or less conspicuous part in the shaping of his country's history during these years, there exists at present no biography of the man nor, indeed, any continuous account of him save those which are contained in the Dictionary of National Biography and other sources of similar encyclopædic kind.

The purpose of this thesis is not to attempt to supply the undoubted need for a full biography of Nottingham, but rather to meet that need in part by examining that part of his political career which lay between the Revolution of 1688 and the accession of George I in 1714. More particularly it will examine, insofar as the available sources and material will allow, the three phases of his career during those years which have the greatest significance in relation to the political history of the time, namely:

1. His attitude to the Revolution Settlement and his part in those legislative and administrative measures in which that Settlement was embodied under William III.

(2)

2. His tenure of the Secretaryship of State under Anne.

3. His attitude towards those major issues of public policy which so sharply divided the nation in the critical years from 1710 - 1714, namely, the question of war or peace with France, and of the Protestant Succession.

CHAPTER 1NOTTINGHAM AND THE REVOLUTIONARY SETTLEMENT, 1688 - 1693

When William of Orange succeeded to the throne of England, Nottingham was already a man of considerable experience in political affairs. He was elected to Parliament as early as 1672, although he did not sit until after a subsequent election in 1679. He was appointed Lord of the Admiralty in 1679, became a privy councillor in 1680 and was first Lord of the Admiralty from 1681 to 1684. In 1682 he was called by his father's death to the House of Lords.

In the three years during which James II was attempting the restoration of Roman Catholicism in England, Nottingham followed a course which throws some light upon his later activities. He opposed the King's Romanising policies, yet his legitimist sympathies made him reluctant to push that opposition to the logical conclusion in open rebellion. Thus as early as 1685 we find Halifax listing Nottingham as being among those who were in deadly earnest against the Court. (1)

(1) Feiling, p. 209.

On November 9, when Parliament opened, the King's speech showed his determination to retain the Catholic officers whom he had appointed. The address in reply to this speech asked His Majesty to change his policy and so relieve the apprehensions of his subjects. James replied that he had not expected such an address and that he would be true to his promises and Devonshire's motion to take this speech into consideration was supported by Nottingham. In the summer of 1686 Nottingham is found in open opposition following the dismissal of Heneage, his younger brother, from his post as Solicitor-General. In 1687 he supported the Bishops in their refusal to read the royal Declaration of Indulgence in the churches. In September of that year, however, when Danby was growing impatient to bring over the Prince of Orange, Nottingham agreed with Halifax that the time was not yet ripe and that James "should be given enough rope," and later, in October, he "kissed hands" in audience.¹

Earlier in the same year Danby and Compton, in planning to bring over William of Orange, were anxious to secure the assistance of Nottingham. The whole plan was opened to him, and he approved of it. In a few days, however, he began to feel some disquiet. His mind was not sufficiently powerful to emancipate itself from the prejudices of his Tory education. He went about from Anglican divine to Anglican divine proposing in general terms hypothetical cases of tyranny and inquiring whether in such cases resistance would be lawful, and the answers which he obtained increased his distress. At length he was compelled to admit to Danby and Compton that, while he sympathized with their plans, his scruples

1. Ibid., p. 229.

(5)

would not permit him to engage in open rebellion. He admitted that, since he was in a position to betray them, his life was really forfeit but assured them that he would keep their secret.¹ The conspirators heard his confession with suspicion and disdain and Sidney, whose notions of a conscientious scruple were very vague, informed William bluntly that Nottingham had taken fright. Viewed in the light of the general tenor of Nottingham's later life, however, it seems probable that his conduct at this time was perfectly honest, though characteristically unwise and irresolute.² It was consistent, not only with his own life-long policy and beliefs, but with the position occupied at the time by the party of which he was so truly representative -- the High Church Tories or Highfliers. It represented a desire, on the one hand, to preserve the Established Church of England from the encroachments and attacks being made upon it by James and the Romanists, and an unwillingness, on the other hand, to weaken or relinquish the principle of divine right which they had supported originally very largely for the purpose of protecting that Church which James was now attacking. The traditional Tory policy, based upon the twin pillars of Church and King, of Anglicanism and Royalism, became impossible when after 1660 the supreme Governor of the English Church was, first, a concealed Catholic in the person of Charles II, and then an open Catholic in the person of James II. The aggressive Romanism of these later Stuarts was

1. Macaulay, I, 528.

2. It at least enabled him to deny, truthfully, when questioned by James in October, that he had invited Orange to England.

Ibid., I, 562.

finally to compel the Tory party, simply because it was an Anglican party, to choose between its Church and its King, and the personal dilemma of Nottingham in 1688 was a dilemma from which many of his party were not to escape during the next thirty years.

Nottingham's scruples were reflected in his actions during the course of events attendant upon the actual landing of William; he admitted that only Parliament could achieve a solution, yet he refused to join in petitioning for it to meet. None the less, at the meeting of Peers on November 27, he joined with Halifax to outline the concessions which the King must make before Parliament met, and when James had agreed to a meeting of Parliament Nottingham agreed to serve as one of the commissioners appointed to negotiate with Orange, but refused a cabinet post. Similarly, after James' flight and detention Nottingham, again acting with Halifax, was a member of the provisional government set up by the Peers. Yet he was thought by many to be still faithful to James and the latter himself certainly counted Nottingham as being among those who were working for his Restoration.¹ That this was so was probably due to Nottingham's insistence that Parliament should be called by James' writs, an insistence which sprang chiefly from his desire to give the Parliament and its acts a constitutional sanction. It did not prevent him from helping to draft the Peers' address to the Prince asking him to take over the administration and to call a Convention for January 22.

1. Feiling, pp. 247-8.

The insistence of Nottingham at this time on attempting to invest what was in essence a revolutionary change of dynasty with the forms of legality and constitutional procedure, was by no means a new trait in his character. He had early exhibited both a liking and an aptitude for constitutional law and procedure. This appears in his accounts of the parliamentary proceedings a decade previous, in which he emphasized those disputes which hinged upon the interpretation of constitutional precedent and privileges.¹ Certainly there was inherent in Nottingham a strong legitimist dislike of revolution and his chief desire in 1688 was to minimize the break in constitutional order as much as possible. In this attitude probably lies the explanation of that fact that Nottingham, as we are told by Burnet, was the author of the distinction between the king 'de jure' and the king 'de facto' and refused to admit that the throne could by any possibility be vacant.² Accordingly he proposed that William should act merely as Regent during the minority of the Prince of Wales. This proposal, however, was beaten by a narrow margin and the Lords had to accept the resolution of the Commons which declared categorically that the throne was vacant.

1. For example, in a letter to his uncle, Sir John Finch, in June 1679, with reference to the proceedings against Danby: "... the King cannot pardon an appeal which is but the suit of a particular man, and therefore much less an impeachment which is in the nature of an appeal and the suit of all the Commons of England." Finch Manuscripts, p. 49.

2. Kebell, p. 2.

Nottingham and others of his views exhibited again in this matter that attitude and those genuine difficulties of conscience which resulted for the traditional supporters of divine right from the fact that they were now compelled to choose between their Church and their King. They refused to join in declaring the throne vacant, yet they expressed their satisfaction that the uncertainty of the situation was ended. Nottingham's own statement was that, though his own conscience would not suffer him to give way, he was glad that the consciences of other men were less squeamish. "My principles," he said, "do not permit me to bear any part in making a king. But when a king has been made, my principles bind me to pay him an obedience more strict than he can expect from those who made him."¹

As late as 1696 we find Nottingham still zealously defending his distinction between the king 'de facto' and the king 'de jure.' In the heat of the reaction following the discovery of the Jacobite plot of January of that year the Commons drew up an Association recognizing William as the right and lawful King and supporting the succession as established in the Bill of Rights. The Commons voted overwhelmingly for this instrument but objections were raised by the Tories in the House of Lords. Among the objectors was Nottingham who declared that he could not assent to the words "rightful and lawful." He still held that a prince who had taken the Crown, not by birthright, but by the gift of the nation, could not properly be so described. William

1. Macaulay, I, 664.

was doubtless King in fact and, as such, was entitled to the obedience of Christians. "No man," said he, "has served or will serve His Majesty more faithfully than I. But to this document I cannot set my hand."¹ He was somewhat mollified by Leed's amendment which changed the declaration to read that William had the right by law to the English Crown, and that no other person had any right to it.

Still later, this attitude of Nottingham to the Revolution Settlement, appeared in the last act of William's reign, the Act of March 1702, abjuring King James. Such an oath, Nottingham said then, 'can be no bond of union;' such distinctions were against "the terms of our submission to His Majesty, and upon which His Majesty was pleased to accept the Crown." This, says Feiling, was the Social Contract according to Daniel Finch.² After proposing, and obtaining acceptance of a modification of the oaths of allegiance and supremacy for the sake of tender consciences, however, Nottingham fairly threw in his lot with the new regime. In fact, he condemned soundly those who had accepted the Association of 1696 and then boggled at the oaths. His whole concern was to minimize the break in constitutional order. So consistent was he in his attitude that we find him, more than two years after the Revolution, strenuously opposing a bill brought forward by the Whigs to declare valid all the laws passed by the Convention -- carrying his opposition, in fact, to a point

1. Ibid., II, 572.

2. Feiling, p. 261.

which strained his relations with the King. He would not admit that an assembly of lords and gentlemen, who had come together without authority under the Great Seal, was constitutionally a Parliament, although he was willing to enact that the statutes passed by that assembly should have the same force that they would have had if passed by a parliament convoked in a regular manner. It was on this occasion, so keenly did he feel the issue that he forgot his usual decorum and lost his temper, so that he narrowly escaped being committed to the custody of the Black Rod.

That Nottingham did become resigned to the new status quo and genuinely accepted the established authority of the new monarchy is shown by the fact that on February 14, 1689, his name appeared in the new list of Privy Councillors, and on March 7, after some delay caused apparently by attempts to induce him to take the lower dignity of First Commissioner of the Great Seal, he was gazetted as Secretary of State. One of his first duties was the introduction of the Toleration Act which he seems sincerely to have believed would conduce to the stability of the Church. Burnet declares on this point that Nottingham, "notwithstanding his zeal for the Church, had always been for toleration and comprehension" and had made previous efforts to get them passed by Parliament.¹ Nottingham had no desire to repeal the Test Act whose provisions, in fact, we find him trying in later years to strengthen by his Occasional Conformity Bills.

1. Foxcroft, p. 317.

The only fault that he found with the Test Act was that it was not sufficiently stringent, and that it left loopholes through which schismatics sometimes crept into civil employment.

His aim was to get his party to make essential concessions in church matters and then to rally them strongly to the Crown on the new basis. In truth, it was because he was not disposed to part with the Test Act that he was willing to consent to some changes in the liturgy. He believed that, if the entrance to the Church were but a little widened, great numbers who had hitherto lingered near the threshold would press in. Those who still remained without would then not be sufficiently numerous or powerful to extort any further concession, and would be glad to compound for a bare toleration.

It appears that, although the opinion of the Low Churchmen differed widely from Nottingham's, some sort of a compromise was reached in which they consented to let the Test Act remain for the present unaltered while Nottingham undertook to bring in the bills for toleration and comprehension, and to use his best endeavours to carry them through the House of Lords.

The Toleration Act passed through both Houses readily but the Comprehension Bill was rejected as a result largely, Feiling suggests, of William's expressed readiness to repeal the Test Act, a prospect which alarmed the Tories and alienated their support from the bill.¹

1. Feiling, p. 264.

No subject in the realm occupied so important and commanding a position with respect to religious matters as did Nottingham. To the influence derived from rank, possessions and office, he added the higher influence which belongs to knowledge, to eloquence and to integrity. The orthodoxy of his creed, the regularity of his devotions, the purity of his morals, all served to give a peculiar weight to his opinions on questions in which the interests of Christianity were concerned. Of all William's Ministers, he had the largest share in the confidence of the clergy. Propositions, therefore, which, if made by his colleagues, would infallibly have produced a violent panic among the clergy, might, if made by him, find a favourable reception even in universities and chapter-houses. The friends of religious liberty were, with good reason, desirous of obtaining his cooperation; and, up to a certain point, he was not unwilling.

Burnet gives us some idea of Nottingham's influence when he tells us that the appointment of Nottingham to the ministry was unacceptable to the Whigs who feared that the King would "fall in with the Church party and grow fond of prerogative notions." On the other hand, the Church party had feared that their opposition to Orange and the zeal of the Whigs for his coming would throw him exclusively into Whig hands and that both Church and prerogative would suffer. Accordingly, Nottingham's appointment was looked on as being no small part of their

security. Burnet, therefore, felt that he did not exaggerate when he said that Nottingham's presence in the ministry first preserved the Church and then the Crown.¹ That Nottingham's influence extended to the electorate of his time is seen in his success in electing the candidates whom he was pleased to sponsor and assist by his personal appearance and efforts in their constituencies.²

In Nottingham's conduct as a Councillor, in the House of Lords, and as Secretary of State can be seen not only his character and ability, but also some evidence of those traits which prevented him from retaining office for any length of time or from regaining office when he had lost it. In the House he was, like his father, a distinguished speaker, impressive, an orator ~~of~~ of parts, but too prolix and too monotonously solemn. To a facility of utterance, improved by a few sprinklings of literature, he added a noble way of expressing himself, but it was a little too long and laboured and carried over too much into common conversations. To his ability in speech, Swift adds the remark, not intended as a tribute, that Nottingham wielded a sharp pen. His letters to the admirals of the fleet during William's campaign in Ireland in 1690 show a great capacity for administrative detail but they also suggest a certain love of officiousness as well as a lack of initiative and a hesitancy in the field of policy. On the whole Nottingham seems to have been

1. Foxcroft, p. 314.

2. Morgan, p. 81.

content to act as an instrument of the King and Queen, seldom taking it upon himself to offer advice - and only then when coupled with an apology for his presumption. These traits, however, were evidently to the liking of their Majesties, for Mary found him sincere and not prone to praise his own virtues, a rare quality in those times.¹ William termed him an honest man and had no more zealous, laborious or faithful servant.²

The direct and immediate cause of Nottingham's dismissal from office is to be found in the disputes with Russell over naval matters. Much discontent had been caused by the failure of the fleet to follow up the victory of La Hogue in May 1692. The public threw the blame on Admiral Russell, commander of the allied fleet and Russell in turn threw the blame on Nottingham, from whom he received his orders. A parliamentary enquiry ended in nothing; but Russell was acquitted of all blame by the House of Commons, and Nottingham was defended by the Lords. The King found it necessary to do something; he was unwilling to part with Nottingham, and accordingly persuaded Russell to accept a post in the household, Admirals Killigrew and Delaval, both Tories, being entrusted with the command of the Channel fleet. In these disputes there can be seen clearly those qualities which more than once led to Nottingham's undoing: his obstinacy, his inability to see any but his own point of view, his conceit and his often unwarranted self-esteem. Though he was upright, industrious,

1. Trevelyan, "England under Queen Anne," I, 336.

2. Feiling, p. 260; Macaulay, II, 387-8.

versed in civil business, and eloquent in parliamentary debate, he was deficient in the qualities of a war minister and, worse still, he was not at all aware of his deficiencies. Between him and the whole body of professional sailors there was a feud of long standing. His own opinion was that during his tenure of office as Lord of the Admiralty, he had acquired a profound knowledge of maritime affairs. Men who had spent half their lives on the sea, however, were impatient of his somewhat pompous lectures and reprimands, and pronounced him a mere pedant, ignorant of what every cabin-boy knew. Russell, on the other hand, was insolent and arrogant, and treated his superior's orders with contemptuous levity. Nottingham was a speculative seaman, confident in his theories; Russell was a practical seaman, proud of his achievements. In this first round, however, Nottingham proved victorious and Russell was forced to resign, but this made Nottingham and his Tory admirals responsible for the disaster which happened to the convoy under the command of Sir George Rooke in the Bay of Lagos in June 1693, and when parliament met in November they were forced to retire.

From Nottingham's part in these naval disputes it would appear that Feiling is right when he states that while Nottingham liked office, he was an indigestible colleague.¹ He was a man not of tangents, but of corners; an individualist. His colleagues never knew in what humour he would come to the Lords, whom he would attack or what resolutions he would move; they

1. Feiling, p. 259.

suffered from his restless, talkative, overweening manner if once he was permitted any voice in affairs.

It was only reluctantly that William parted with Nottingham but it is difficult to determine how much of this reluctance was due to liking, admiration, and respect for Nottingham as an individual servant and how much was due to the King's desire, evident from the very beginning of his reign, to keep his Council representative of both the parties and of all the shades of opinion in Parliament. William had been displeased by Nottingham's opposition to the Validity Bill of 1690, so much so that there was talk at the time of Nottingham's resignation but the dispute was soon accommodated. William, says Macaulay, was too wise not to know the value of an honest man in a dishonest age.¹ The very scrupulosity which often made Nottingham a mutineer was a security that he would never be a traitor. Further evidence of the King's esteem for Nottingham is found in his refusal in March 1693 to act on the advice of the Whigs, Somers and Sir John Trenchard, both newly appointed to office, to dismiss Nottingham in order to pave the way for the return of Shrewsbury to the Secretaryship.²

The only act of Nottingham's worthy of note before his next appointment to office was his opposition to the Abjuration Bill. His sentiments on this occasion have already been noted and are the more worthy of attention as he was almost alone among the Tories in his open resistance to the Bill. His scruples

1. Macaulay, II, 160.

2. Nicholson and Turberville, p. 63.

(17)

in this matter appeared again when, not long after, he demurred for some time before taking the revised and more rigid oath of allegiance to Queen Anne.

CHAPTER IINOTTINGHAM'S TENURE OF OFFICE UNDER ANNE, 1702-1704

Nottingham was appointed Secretary of State by Queen Anne in her first ministry--that of Marlborough and Godolphin. Included in the cabinet were those other Tory zealots, Seymour and Hedges, the Jacobite Jersey, and Anne's uncle Rochester who from the first resented the appointment of Godolphin as Lord High Treasurer. When Anne came to the throne, parliament had a Whig majority but in the elections of 1702 this was changed by the influence of both Anne and her Tory ministers to a Tory majority. The ministry was chiefly Tory, but for Marlborough and Godolphin strict party principles did not exist--themselves, England, the Queen--these were the pillars on which their system rested. They kept their eyes on the war which to them was a paramount concern, for transcending "the detested names of Whig and Tory."¹ Anne herself felt that on the genius of Marlborough, the assiduity of Godolphin, and the love of the Duchess (of Marlborough), depended the welfare of England. "We four," she said, "must never part."²

As the stars in their courses moved over Blenheim to Ramillies and to Oudenarde, the great twin brethren carried the queen with them as their centre of gravity swung slowly from Tory to Whig; every year of a war which only Whig ardour could sustain was carrying them all three further and further from the Church of England party. On three distinct questions that party,

1. Feiling, p. 366-7.

2. Anne to the Duchess of Marlborough, July 1703. Ibid., p. 367.

and its representatives in the government came into direct conflict with the views of Marlborough and Godolphin:

1. The continuance of coalition.
2. The character and extent of the war.
3. The Church, that great question round which ~~was~~^{were} grouped the most constant and bitter of Tory passions, and the deepest cleavage in the ministry.

Had the plans of such men as Rochester, Nottingham, Seymour and House been either moderate or well considered, they might have secured their aims with little difficulty, but reasonableness and tact were woefully lacking in this group and impetuosity and desire for revenge soon got them into considerable difficulties; first, with their constituencies; then with the House of Lords; and last of all with the Queen.

As soon as he was appointed to office, Nottingham opposed any continuance of the principle of coalition. Both he and Rochester clamoured for the removal of all Whig appointees from office; although even so, Nottingham's efforts in this direction were not of sufficient energy to please the more ardent Tories, who complained of his moderation.

With regard to the War, Nottingham was, even in its early years, a staunch supporter of the policy afterwards regarded as peculiarly Whig-- "No peace without Spain." To him, King William's reign seemed an unhappy instance of how England should not wage war, and he expressed candidly to Marlborough the preference which

he, like all his party, felt for an attack by sea upon France and Spain, instead of the interminable and bloody stalemate of the Low Countries. Nottingham, however, took in this matter, as in so many others, a line of his own: he wanted a great military effort to be made in the Peninsula, whereas the other High Tories wanted the war to be confined to naval operations against the French and Spanish Indies. In 1703, therefore, while the Methuen Treaty was in the making and the preparations for the coming Peninsular War were on foot, Nottingham was able to co-operate heartily on those matters with Marlborough and Godolphin. But in the following spring, when the question arose of sending English troops into the heart of Germany, the difference between the Secretary's view of the War and that of the two kinsmen would alone have been sufficient to bring on a Cabinet crisis.

Nottingham's activity was not confined to Portugal. It was his policy to stir up the mid-European powers to save themselves by their own exertions, so that the English army could be concentrated on Spain. At his instigation, as well as at that of Marlborough, the English minister, Stepney, at Vienna, was constantly urging the Emperor Leopold to grant concessions to the armed Hungarian Protestants and Constitutionals, so that he might be able to face westward against France with his eastern door safely closed behind him, and his hereditary dominions united. Nottingham succeeded with Portugal and Savoy but failed with the Emperor and with the Elector of Bavaria and this failure doomed

his own scheme of war strategy and made him impossible in 1704 as a colleague of Marlborough who held that if the Emperor would not save himself, it was in England's interests to go to his rescue.

Seymour and Jersey agreed with Nottingham that the English army should leave the Netherlands and by the late autumn of 1703 their position in the same war ministry with Marlborough had become impossible. Jersey was a Jacobite but even Nottingham was declaring for a "defensive" system of warfare. In October Nottingham took 2000 English troops from the Netherlands and sent them to his favourite seat of war in the Peninsula without the knowledge of Marlborough, much to the latter's indignation.

In 1703 Nottingham opposed the sending of aid to the distressed Clevencis who, on account of their heresy, were being bitterly persecuted by Louis XIV. Similarly he gave trouble over the negotiations with Portugal, maintaining that it was dishonourable for England to strike her enemies in another king's ports.

Nottingham persisted in his war views as rigidly as in all others and we find him the same individualist in this as in other matters. It appears to have worried him not at all that his tactics made him an undesirable colleague; he persistently obstructed Marlborough in his war policy. This persistence contributed in large part to his dismissal and continued unabated after he left office.

We have already noted Nottingham's attitude to occasional conformists at as early a date as the passing of the Toleration Act when his opinion was that not only should the Test Act be retained, but that its provisions should, if anything, be made more stringent in order to prevent the practice of occasional conformity, since that practice tended to injure the prestige of the Established Church and to weaken its influence in politics. As soon as the new Parliament opened in 1702 a bill for the prevention of occasional conformity was introduced in the House of Commons by St. John, no doubt after due consultation with Nottingham. Both the Corporation Act and the Test Act were designed to keep all places of public trust and authority in the hands of members of the Church of England. The question that arose during the last years of the seventeenth century was simply whether the evasion of the law by dissenters should be connived at or prevented. It had been supposed that no honest dissenters would communicate according to the rites of the Church of England merely to obtain a qualification for office, but it was found that in practice the large majority of them did so. Three sessions running, 1702, 1703 and 1704, the bill was passed through the Commons and Nottingham exerted himself to the utmost to get it carried through the Upper House. But it was all in vain and the question was allowed to rest again for seven years.

On the first presentation of the Bill against Occasional Conformists, Anne was as zealous for its passage as Nottingham;

in fact her husband, the Prince, was persuaded to vote for the Bill, even though he himself was an occasional conformist. But by the second presentation Anne's zeal for the bill had cooled because she wanted nothing introduced that would make for "any heats or divisions that may disappoint me of that satisfaction (harmony), and give encouragement to the common enemies of our church and state."¹ She feared the consequence of strife between the houses when England was at death-grips with France. On the failure of the bill, the Tories refused to take their defeat philosophically, but immediately began crying that their church was in danger, an accusation which the Queen considered a personal insult and a direct reflection upon her administration. Nottingham's insistence on this matter went far to arouse the Queen's resentment against him, the more especially so in 1703 when he tried to force the passage of the bill by tacking it to a bill for a four shilling land tax. In 1704 he made a similar attempt to tack the bill to Supply.

It would seem that at first Anne was certainly well-disposed towards the melancholy "Dismal." Possibly she was attracted, as many were, by the sheer rectitude of the man; perhaps, too, she remembered that he had favoured her in her fight in 1688 to secure a special grant from Parliament. She found difficulty, however, even in her first parliament, in keeping,

1. Morgan p. 88.

as she evidently desired to do, her good opinion of Nottingham, for in her speech closing the session she expressed her sorrow at his factiousness.¹ This hint, however, appears to have had no effect, for in her speech opening the next session she again expressed her desire for concord between the warring factions.² This still failed to alter the determination of Jersey, Nottingham and Buckingham, who were resolute in their war against occasional conformists. Their insistence upon this matter displeased the Queen; the immediate result was to benefit the Whigs and to discredit the Highfliers with Anne; the further tendency was to lessen the influence of the Church in politics and to strengthen for the time being the Queen's prerogative; eventually it threw Anne into the power of the Whigs until in 1705 the ministry was Whig in fact if not in name. Nevertheless Nottingham remained sufficiently in the Queen's favour to have, in February 1703, the honour of bearing her message to the Lords; a year later he acted in a similar capacity and in April of the same year it was rumoured that the dismal Earl was to receive the Garter.³

Nottingham's tenure of office as Secretary of State was by no means pleasing to Marlborough and Godolphin whom he annoyed exceedingly by his obstructive tactics in both war

1. Ibid., p. 90.
2. Ibid., p. 91.
3. Ibid., p. 103.

and church matters. In 1703 Marlborough sought Nottingham's removal from office but Anne refused. Early in 1704 Nottingham was alleged by the Whig Lords to be shielding the Jacobite conspirator Sir John McLean but the Commons saved him by declaring that Nottingham by his "steady adherence to the Church was deserving of the Queen's favour."¹ In 1704, when Marlborough left for the Netherlands, he confessed to Godolphin his uneasiness as to the position that he left at home and complained that Nottingham was bitterly hostile to them both, that he was in favour of tacking the Occasional Conformity Bill to Supply and that he was "doing Her Majesty all the hurt that he is capable of."²

Like her uncle, Rochester, who also received short shrift at her hands when he obstructed Marlborough, Nottingham became too imperious in his treatment of the Queen, who was becoming alarmed lest the High Church Tories should carry things too far. Nottingham waited upon the Lord Treasurer and insisted that the Whigs Somerset and Devonshire, who were his opponents in the ministry, be removed from office. He received no satisfaction from Godolphin so, wisely waiting until Marlborough had sailed for Holland, he waited upon Anne in person and threatened to resign if she did not dismiss Somerset and Devonshire from the Privy Council, or at least neglect in the

1. Feiling, p. 373.

2. Trevelyan, op. cit., I, 335.

future to summon them. He probably had heard rumours of intended ministerial changes which would have greatly weakened his position, or he would not have been so overbearing.¹ In spite of Anne's personal liking for the man, she never gave in to a threat and advised him to think the matter over. This he agreed to do, but when he learned that his comrades, Jersey and Seymour, were certain to be dismissed, he resigned, about the end of April, 1704.²

Morgan characterizes Nottingham in his work as Secretary of State as equally active and inefficient. He suggests that in matters of diplomacy he was little more than a clerk of Godolphin and Marlborough, and that his dismissal rid the ministry of a trouble-breeder who attended to politics at the expense of foreign affairs.³ He describes him as an ardent Highflier of whom Anne was very fond but who injured her feelings by presuming too much upon her fanatical devotion to the Church.⁴ Trevelyan sees in Nottingham's removal from the ministry a corollary to the Queen's support of Marlborough which was so whole-hearted that she was prepared to grant him a free hand abroad, and when her "faithful servant and co-religionist," Nottingham, obstructed Marlborough in foreign and military policy, then he must be removed out of the way.⁵

1. Morgan, p. 103.

2. The exact date is uncertain.

3. Morgan, pp. 9, 13, and 293.

4. Ibid., p. 400.

5. Trevelyan, op. cit., I, 177.

In spite of her chagrin at Nottingham's obstinacy the Queen liked him personally. The chief reason for the Queen's liking for Nottingham and the source of his influence with her is probably contained in the statement by the Duchess of Marlborough that he was a man "with a wonderful zeal for the Church -- a sort of public merit which eclipsed all others in the sight of the Queen."¹

There is no doubt that Nottingham was disgruntled by his dismissal and that his disgruntlement coloured his actions from now on. There appear to be three interwoven threads in his policy in the following years. These are, first, his ever-present zeal for the Church; second, his opposition to Marlborough's conduct of the war; and, third, his efforts to discredit and harry the government, in his resentment at his dismissal. It might appear, to a casual observer, that the last two threads were interdependent were it not that Nottingham's attitude to the war had developed in a fixed groove long before his dismissal, and was, in fact, not only a contributing cause to that dismissal, but continued unaltered afterwards, albeit with a more bitter spirit and with a sharper edge to its prosecution.

Nottingham's actions after his dismissal by no means served to cause the Queen to regret his loss. In the session of 1704-5 Anne revived an old custom of Charles II and attended unofficially the most important debates in the House of Lords -- the last

1. "Conduct of the Duchess of Marlborough,"
Documents for Queen Anne's Reign, p. 46.

of the English sovereigns to follow the custom. What she heard there increased considerably her indignation with Nottingham and her old High Tory friends. In the session of 1705-6 Nottingham, with Rochester, supported Lord Haversham's motion in the House of Lords that Sophia, the Electress of Hanover, be invited to England; seemingly both men, seeing themselves entirely out of favour with the reigning sovereign, who was not expected to live long, were tempted to sacrifice all chance of royal favour from Anne in order to build up a strong claim on one of her possible successors. Anne was both astonished and outraged to hear these two men support the motion, since they had, when they were her ministers, persuaded her that the Whigs, in proposing to invite over the Successor in her lifetime, had designed to depose her, and now they themselves pressed the policy of the invitation. Swift appears to think that this one act of Nottingham's, as much as anything else, sufficed to keep him out of the government in 1710, when he was so confident of re-appointment.¹ Even then, however, his influence and prestige at Court were sufficient to win "very considerable employment" for a number of his relations although, when Secretary, he had complained of difficulty in securing political appointments for his followers, as a result of the direct interest which the Queen insisted on taking in such matters.²

1. Temple Scott, X 34; Kebell, p. 3; Trevelyan, "England under Queen Anne," III 91-93.
2. Temple Scott, X 35; Morgan, p. 207.

Typical of Nottingham's attitude at this time was his opposition, together with that of the other High Tories, to the union with Scotland when the bill for that purpose was first brought in, so that there were fears that it might fail to secure passage. This opposition to the Union was chiefly on the ground of its recognition of the Presbyterian Church in Scotland and the fact that it would involve the admission of a Presbyterian phalanx among the Lords and Commons at Westminster. Nottingham declared that it destroyed "the very constitution of England."

In November, 1709, Dr. Henry Sacheverell preached a sermon at St. Paul's, upholding the High Church doctrine of passive obedience and sarcastically referring to the Lord Treasurer and other Whig ministers as "Volpones."¹ Godolphin and the Whigs insisted that the harebrained young divine be impeached, failing to see that an attack upon Sacheverell was an attack upon the High Church and the Tories made capital out of their obtuseness. Sacheverell was convicted but the sentence was purely nominal, and the whole affair became a lever in the hands of the Tories to discredit the Whigs. Under Harley's leadership, the Tories won a decisive victory, and a Tory ministry was created which lasted until the death of the Queen. As might be expected from his Cavalier antecedents, Nottingham took Sacheverell's side throughout and signed all

1. Volpone was the hero of Jonson's drama "The Fox," a satire on avarice.

the protests recorded by the opposition against the proceedings of his accusers.¹

1. Peter Wentworth in a letter to Thomas Wentworth, April 7, 1710, refers to a speech by Nottingham in favour of Sacheverell in which he objected to the inclusion of the criminal words in the indictment, Wentworth Papers, p.115.
-

CHAPTER IIINOTTINGHAM AND THE TORY MINISTRY OF 1710-14

The ministry of 1710, while Tory in name, was in effect a coalition.¹ Shrewsbury stood in a class by himself, the political enigma of the day; Harley, Harcourt and St. John had been members of the previous coalition of 1702-8, Poulett was a moderate, Newcastle a Whig, Dartmouth a moderate Tory and Buckingham not definitely of any party. Harley was determined to avoid a strong Tory regime; in fact there are strong reasons for supposing that his object was to conclude a peace as quickly as possible and then to go back to the Whigs. In such a ministry Nottingham could not properly find a place; in fact it is difficult to see how he could have served with Harley against whom he was supposed to have nurtured a special grudge since Harley had committed the grave offence of accepting the seals which Nottingham had thrown up in 1704. Poulett, one of the most strenuous opponents of the inclusion of Nottingham, revealed the real difficulty when he wrote to Harley as follows: ".....Nottingham is party sense in person without respect to the reason of things, whereas you cannot keep the Tories on their legs but only as you make them your own followers. Nottingham has undone them once, and you have saved them;" (if he enters the cabinet) "he oversets the balance, you can no more raise the scales again."²

1. Feiling, p. 424.

2. Ibid., p425-6; Trevelyan, op. cit., III, 125.

Nottingham, however, appeared to be quite confident that he would find a place in the ministry; so much so, in fact, that he refused one or two minor offices, secure in his feeling that he merited something which was more fitting to his deserts and confident that he would not be overlooked. On the death of the Earl of Rochester on May 2, 1711, he conceived that Anne would hardly overlook him for president of the council and deeply resented it when disappointed. Still later his hopes were raised, in July, by the death of the Duke of Newcastle, Lord Privy Seal, only to be dashed once more by the discovery that that office was designed for the Earl of Jersey and, on that lord's sudden death, was actually disposed of to the Bishop of Bristol. Anne, in fact, steadily refused to hear of his being appointed; she had never forgiven him for his advocacy of the Hanoverians and had so far changed in her former good opinion of him that he was now reckoned as personally disagreeable to her. Nor was any more success achieved the following year when once again his claims were canvassed and were rejected. Nottingham, however, continued to urge his claims to office by virtue of the large Tory majority in the Commons. He saw finally that the Queen, and more especially Harley, were determined against giving him any opportunity of assisting in the direction of affairs or of displaying his eloquence in the cabinet council. He had now shaken off, so it is alleged by the rancorous pen of Swift, all pretence of patience or

or temper and from the contemplation of his own disappointments, fell to finding fault with the public management, and assured his neighbours in the country that the nation was in imminent danger of ruin.¹ Among his former colleagues he was reported to be "as sour and fiercely wild as you can imagine anything to be that has lived long in the desert."²

It was in this temper that he entered into his notorious bargain with the Whigs in 1711. That compact seems to have been the final culmination of a product of three emotions, namely, his zeal for the Church, his attitude to the War, and his resentment at being left out of office in 1710.

When it became known that the new government was bent on putting an end to the war, the Whig opposition became furious. But in the Commons the Tories had a large majority and in the Lords the Whigs required help from the other side. Accordingly they approached Oxford with an offer to pass an Occasional Conformity Bill in the House of Lords if he would reconstruct the ministry and revise the peace terms. Oxford rejected the offer and they turned to Nottingham who was in a similar predicament with regard to the Occasional Conformity Bill. He was sure of the Commons, but in the Upper House with its Whig majority he had hitherto been unsuccessful, and was likely to be so again unless the opposition could be disarmed.

1. Temple Scott, X 35.

2. Poulett to Oxford, November, 1711.

Trevelyan, op. cit., III, 194; Feiling, p. 443.

The Whigs, then, approached this isolated but still formidable relic of a past generation and entered into an alliance with him on terms. It was agreed that on the day Parliament opened Nottingham should move an amendment to the Address pledging the Lords not to accept a peace without Spain, on condition that the Whig Lords should allow him to pass an Occasional Conformity Bill at the expense of their non-conformist clients.

For some days all went well with the plot. Nottingham's motion that in the opinion of the Lords "no peace could be safe or honourable to Great Britain or Europe if Spain and the West Indies were allotted to any branch of the House of Bourbon" was supported by Marlborough and the Whigs and carried by 62 to 54 on December 7, 1711.¹ A few days later the Occasional Conformity Bill was hurried through the Upper House where so often before it had met with failure.

The Dissenters were gravely discontented with the bargain, but their lordly latitudinarian patrons said that the lesser cause must give way to the greater. Only thus, they argued, would the Pope be checkmated and the Hanoverian Succession secured.² Certainly the Whigs had sacrificed their principles of religious toleration to their factious desire to overthrow the ministry and the Peace.

1. Trevelyan, op. cit., III, 196.

2. Ibid., III, 195.

Arbuthnot suggests that the natural qualms of the Dissenters were allayed by an assurance from the Whigs that the Occasional Conformity Bill would, at the last moment, fail to pass, or that, if it were passed, it would soon be repealed on the return of the Whigs to power, a return for which Nottingham's motion was to pave the way by bringing about the downfall of the ministry. At the same time he implies that this was promised with tongue in cheek and that the Whigs were not loath to sacrifice "Jack" if, by his halter, they could rise to the achievement of their end.¹

Nottingham, however, narrow and apright as ever, had sacrificed nothing of his real opinions. He had never changed his views of ten years before in favour of the Occasional Conformity Bill and against the cession of Spain to Philip. But though "Dismal" was, as usual, singularly consistent and righteous, it was only natural that the Tories should denounce him as a traitor, bought and sold to the Whigs for office. Swift was particularly scathing in his comments and delighted the town with one of his scorching pasquinades.² The Whigs, on the other hand, went around in triumph, extolling Nottingham's patriotic virtue, drinking his health, and crying out in all

1. Temple Scott, X 39-40;

"The History of John Bull," (The Works of Jonathan Swift, Sir Walter Scott, editor, VI, 103-112.)
("Jack," of course, referred to the Dissenters.)

2. See Appendix.

companies "It is 'Dismal' will save England at last."¹ While, in public, the Whigs extolled the Dismal Earl for his defection, it appears that at least some of them had a poor opinion of him for even Wharton, who seconded the Bill which Nottingham introduced, showed, just before that event, that he had lost some respect for him. Peter Wentworth reports that "My Lord Wharton, tho' he seems now to be mighty fond of Lord Nottingham, cou'd not forbear his jest a Friday, for, when the lords were to name who should be of the committee to draw up the address, he named Lord Nottingham and Duke of Cleveland and wisper'd the Lord next to him, that he had matched them well, both being changelings"²

Nottingham's reasons for this much discussed and condemned step are more or less apparent in the unfolding of the event. He incurred, as he must have realized, the displeasure and condemnation of his former Tory colleagues; but that was small loss, for they had already shown very clearly and unmistakably that he had nothing more to hope for from them. His greatest concern was for the security of the Church and he saw here an opportunity to do her a service which he had been striving for years to render and which he deemed essential to the maintenance of her established position. His biographer in the Dictionary of National Biography suggests that he was actuated by jealousy of the Earl of Oxford as well as by his disapproval of the policy of Bolingbroke.³ It may

1. Trevelyan, op.cit., III, 195; Temple Scott, II, 294.

2. Wentworth Papers, p. 224.

3. Keeball, p. 4.

be, too, that he thought the adverse vote in the House of Lords would bring the ministry to the ground and pave the way for his own return to office. We have already noted that his action was not inconsistent with his previous attitude to the conduct of the War. Leadam ascribes Nottingham's act to fears that the Protestant Succession was in danger under Oxford and Bolingbroke as well as to resentment at his exclusion from the ministry.¹ This is borne out by a letter from Charles Ford to Swift in August of 1714: "...I am told Dismal begins to declare for his old friends, and protests he was really afraid for the Protestant succession, which made him act in the manner he did...."²

Swift's comments are interesting as well as caustic, but must necessarily be discounted because of their bitterly partisan character. He divides his condemnation between Nottingham and Oxford who, he says, was too lax in his precautions, for he had intimation of what was coming and did not take sufficient steps to ensure his majority in the Lords.³ Here, Swift lets his opinions colour his facts for, while the Lord Treasurer was certainly remiss in failing to secure the presence of eight proxies of absent Scottish Lords whose votes might have turned the issue, yet he had secured the promise of enough votes to defeat the resolution and was betrayed by

1. Swift's Correspondence, I, 313 n.

2. Ibid., II, 235.

3. Trevelyan, op. cit., III, 196; Temple Scott, X, 36.

the failure of some to vote as they had promised.¹

Some of Swift's comments are:

"Wise men will never be persuaded that such violent turns can proceed from virtue or conviction:.....that ignominious example of apostasy."²

"Nottingham has certainly been bribed."³

"The Conformity Bill was brought in by Lord Nottingham..... according to the bargain made between him and his new friends: this he hoped would not only save his credit with the Church party, but bring them over to his politics, since they must needs be convinced, that instead of changing his own principles, he had prevailed on the greatest enemies to the established religion for the perpetual settlement of it."⁴

Even through the acid of Swift's ridicule the metal of Nottingham's character/shines untarnished. Even in this act, unwise as it may have been, he was four-square with his scruples and the unwavering courage of his convictions. Nottingham's critics would have us believe that he was inconsistent and, in the final analysis, a deserter, a turncoat. Apart, however, altogether from the fact that definite party allegiance and cleavage were characteristics very little in evidence in his day, we need only to remember that Nottingham's chief tenet was devotion to the established Church in preference

1. Peter Wentworth to Thomas Wentworth, December 14, 1711. Wentworth Papers, p. 224.

2. Temple Scott, V, 247.

3. Ibid., II, 295.

4. Ibid., X, 39.

even to hereditary right, which also had a firm hold on his heart, to realize that his career was consistent throughout. His belief in hereditary right exhibited itself when he was a comparative youngster in politics for, in his own words, he was one of the "few opponents" in the Commons of the Bill of 1680-1 excluding the Duke of York from the succession.¹ In this letter appears the clash between his desires for the security of the Protestant religion and his loyalty to hereditary right. By the time of the Revolution he had reluctantly allowed the former to transcend the latter in his heart. Both Feiling² and Kebbell³ agree that the line of Nottingham's policy was straight and consistent throughout. Trevelyan,⁴ too, characterizes Nottingham, even in his bargain with the Whigs, as a man of consistency. Morgan appears to have judged hastily when he classes Nottingham as a "Waverer..... acting first with one party and then the other.....typical of the lax political morality of the years succeeding the Revolution, when statesmen chose safety rather than consistency as their motto." ⁵ This seems to be an unfair estimate and appears to overlook the fundamental consistency of belief and

1. Nottingham to Sir John Finch, January 13, 1681.

Finch Manuscripts, p. 150.

2. Feiling, p. 260.

3. Kebbell, p. 2.

4. Trevelyan, op. cit., III, 195.

5. Morgan, pp. 47-51.

principle and to accept the surface appearance of inconsistency on the basis of party allegiance. As a contrast, Burnet states that Nottingham was looked on by William III as one who was "too much a bigot and too passionately wedded to party."¹

Much of his attitude to the Church was probably due to Richard Allestree, that pattern of saintly churchmanship, under whom he studied at Oxford, as well as to the influence of his father, who urged him always to obey and reverence the Church. That he was truly a devoted son of the Church is seen in that he showed his respect for her in two ways not usual among those lords who in his time boasted that they were her especial friends, namely, by writing tracts in defence of her dogmas, and by shaping his private life according to her precepts.

He was one of the last men in England to accept the Revolution Settlement but, having once accepted it, he was one of the very few eminent statesmen of his time who never seem to have intrigued against it. He was one of the chief props of the Church and, like other zealous churchmen, he was not only a supporter of monarchical authority but in all matters of prerogative he resisted the radical stream. His zeal for the Church, however, did not prevent him from supporting measures for toleration and comprehension, not only during the years of the Settlement, but as late as 1714.

1. Foxcroft, p. 315.

Nottingham was consistent, then, in that his fervent and deep-seated Anglicanism was the continuous and connecting thread of his whole political career. It was the cause of his dubiety when it was proposed to dethrone James II, his rightful sovereign. It prompted his introduction of the Toleration and Comprehension Bills. Through his fears for the Protestant succession, it coloured his whole attitude to the War which led to his dismissal in 1704 and to his compact with the Whigs in 1711. And, through his desire to thwart the occasional conformists it paved the way for that compact.

Nor do there appear to be grounds for belief that his sponsoring of the resolution against the Peace was an abortive change of policy on his part adopted solely for the purpose of fathering successfully his Bill against occasional conformists. In his reply to Oxford's letter communicating the peace terms he stated that he was glad that the peace terms were so good but that in that case "the accounts of it in the prints must be very imperfect."¹ In January 1712 he spoke for an hour in an attempt to amend the address of the Lords on the Queen's message, lest it should give a sanction to any peace which the ministry should make. In January 1713 he is found still working against the Peace and on March 28, 1713, during the final peace negotiations we find him still of the same mind.² Again, Lord Bathurst,

1. Feiling, p. 443.

2. Swift to Archbishop King. Swift's Correspondence, II, 17.

a week later, lists Nottingham, with Wharton and Townshend as railing against the Peace.¹ In July 1714 it was reported that Nottingham speaking in the House of Lords declared "that this Peace patched up with Spain was so infamous that he believed King James II who was expelled for maladministration would have scorned to have signed it, had he been alive and in power, nay even that person whom some people had the impudence to style James III, if he had the reins in his hand, would have scorned so far to have betrayed the interest of his people." Peter Wentworth, who reports the alleged speech, doubts that it could really have been uttered by Nottingham because "The insolence of it makes it somewhat incredible."² Be that as it may, the general tenor of the speech is quite in keeping with Nottingham's views on the subject.

1. Wentworth Papers, p. 363.

2. Ibid., p. 401.

CHAPTER IVFROM 1711 TO NOTTINGHAM'S DEATH

That Nottingham's fanatical zeal for his Church did not preclude him from holding moderate views towards dissenters is shown not only by his efforts to bring about comprehension at the beginning of William's reign, but also by one of his last recorded public utterances, in connection with the Schism Act of June, 1714. This Act aimed at the suppression of dissenting schools and restricted the privilege of teaching in all schools to Anglicans, thus effectively putting the country's schools under the control of the Church of England and, more particularly, under the control of its Bishops.

Kebbell feels that it was to Nottingham's credit that, having gained in 1711 all that he thought necessary for the Church, he opposed this bill which was introduced and carried to please the still more ultra section of the High Church Tories. Yet by so doing, suggests Kebbell, he served his own interests, for it helped to cement his good understanding with the Whigs and to ensure his being recommended for high office on the accession of George I. This implies a motive for Nottingham's action in this instance which I do not think existed. Nottingham was once more speaking as prompted by his convictions and as was in keeping with beliefs that had long been evident. His views were clearly expressed in his speech in

1. Kebbell, p. 4.

opposition to the bill. (Incidentally he seized an opportunity to hit back at his old tormentor, Swift, to whom he made both direct and veiled reference.) He felt, he declared, that since the Occasional Conformity Act the Church was secure and that "he thought himself in conscience obliged to oppose so barbarous a law as this which tended to deprive parents of the natural right of educating their own children."¹ He referred to Swift as "a divine who is hardly suspected of being a Christian" and expressed his horror at the possibility, for which the bill would provide, that unlimited power over education might be given to such a man.² Peter Wentworth reports him as saying further on the subject that "it was certainly what every honest man must wish that there was an uniformity in religion, but this bill he thought ill-timed, and something like persecution, in that it denied a man the liberty of disposing of his own children; that it weakened the Toleration Act, and that it was dangerous because that though now they had the happiness of having so worthy Bishops; yet it might possibly happen that a person who had wrote lewdly, nay even atheistically,³ might by having a false undeserved character given to him be promoted to a Bishopric by Her Majesty whose intentions were always good."⁴

1. Trevelyan, *op. cit.*, III, 282.

2. Swift's Correspondence, II, 146 n.

3. Swift?

4. Wentworth Papers, pp. 385-6.

Nottingham was fated to hold high office once more in his country's government. In the first Hanoverian ministry he was made President of the Council with a seat in the Cabinet but he held office only for about a year and a half. Even though Nottingham had allied himself with the Whigs in 1711, the alliance was at bottom unnatural and his tenure of office in a Whig regime was at best uneasy. At no time had he been acceptable to the extremists of the Whig party and his real sympathy throughout his career lay with the Tories and the Church. His actual downfall came about when, mindful of his former Tory principles and friendships he suddenly declared in favour of the Jacobite peers, then lying under sentence of death for their share in the rebellion of 1715, by supporting a motion in the House of Lords to present an address to the King in favour of showing mercy to the condemned peers. As a result he was dismissed from office, together with his son, Lord Finch, and his brother, Lord Aylesford.

His only parliamentary appearances of any importance after this date were in opposition to the Septennial Bill in 1716, and at the repeal of the Occasional Conformity Act in 1719. Strangely enough he appears to have let go without protest the destruction of this darling of his heart and child of his brain. At any rate no record exists of any protest on his part.

"Don Dismallo's" last appearance of which we have any record is referred to in a letter from the Earl of Oxford to Swift on October 12, 1727 in which he speaks of Nottingham's presence at the coronation of George II. He pictures the octogenarian Earl as being able to "bear the fatigue very well," and implies a rather envious wish that he would ~~be~~ be able to exhibit a like activity on reaching a similar age.¹ Three years afterwards, Nottingham died.

1. Swift's Correspondence, III, 424.

CHAPTER VNOTTINGHAM'S PERSONALITY

So frequently is Nottingham referred to as 'Dismal' and 'Don Diego' that one is apt to form rather a warped picture of the man and his character. For that reason, it seems worth while to present here a general estimate of Nottingham as a man, as a husband, and as a father.

Estimates of Nottingham vary from those which flowed from the vituperative and partisan pen of Swift to the fulsome and somewhat laboured praise of Macaulay, who knew no colours in his estimates of character save black and white. Burnet credits Nottingham with being the heir of his father's virtues and knowledge as well as of his honours.¹ His contemporaries seem to have agreed unanimously that he merited well his nicknames of Dismal, Don Diego, and Don Dismallo, although one suspects that the names were merited more by comparison with the loose-living of his fellows than by any undue solemnity on the part of Nottingham himself. His manner was grave and formal, and he was accused by Swift of taking himself much more seriously than his enemies or even his friends.² He held himself rigidly erect, a posture which emphasized his slender height. By his unusually dark complexion and his melancholy air he earned the comparison to a Spanish Grandee implied in "Don Diego" -- in fact, Macaulay describes his

1. Foxcroft, p. 290.

2. Temple Scott, X, 30.

features as being habitually composed to those of chief mourner at a funeral.¹ His clothes, always behind the times, accentuated the difference between himself and those around him. His usual habit was a rusty brown coat with small sleeves and long pockets.

Gloomy as Nottingham's demeanour may have been, he was by no means a misanthrope and we find more than one instance of those who liked him warmly and evidence of at least some traits of character not in harmony with his nicknames. Certainly he enjoyed hunting, a social sport if ever there was one, and indulged in it to such an extent that his wife, the Lady Essex Rich, had fears for his safety, and we find him assuring her in one of his letters that his riding to hounds involved no very great danger to his person.² Burnet describes him as a "very firm friend and the best son and the best brother I ever knew."³ He seems, in fact, to have had at all times the support and co-operation of his brothers, all of whom were able men. At the time of the negotiations for his first marriage when, of course, some allowance might be made for a natural desire to further a good match, we find his father writing: "Hee who is so good a son can never make

1. Macaulay, I, 449.

2. Lord Finch to his wife, Lady Essex Finch, September 18. 1682, Finch Manuscripts, p. 178.

3. Foxcroft, p. 290.

an ill husband; he whose virtue and good disposition is the comfort of my life can never bring anything but joy and contentment to the lady that shall trust herself with him."¹ Shortly after the marriage Sir Thomas Baines, that close friend of Daniel's uncle, Sir John Finch, congratulated the Lady Essex Finch on her acquisition of "a loving and discreet husband."² His letters to his wife show a great affection and an earnest solicitation for her welfare and for that of his children. Of his twenty-one children, not all survived and one of the most pathetic portions of his letters is a fragment which mentions the death of one child and the illness of another.³ One of the best examples of his solicitude and concern for his wife is in a letter written to her when she was suffering from a minor ailment:".....my dear..... would need no other artiste than myselfe had I but halfe so much skill as I have tenderness and affection. I am impatient till I see you....." ⁴

That his affection was reciprocated is shown in a letter from his wife by a declaration equally as ardent, though more awkwardly expressed that "I do love you as well as 'tis possible, and shall to my last breath be yours."⁵ He cannot

-
1. Sir Heneage Finch to the Countess of Warwick, December 22, 1673, Finch Manuscripts, p. 17.
 2. Sir Thomas Baines to Lady Essex Finch, January 29, 1675. Ibid., p. 21.
 3. Lord Finch to Sir John Finch, December 15, 1679. Ibid p. 135.
 4. Daniel Finch to Lady Essex Finch, March 15, 1675, Ibid, p.24.
 5. Lady Essex Finch to Lord Finch, March 1682. Ibid, p. 168.

have had so forbidding a character who could not only exhibit but also draw forth such esteem and affection.

He was personally liked by both William and Mary, the latter being present at at least one of his annual christenings, and there are signs that in 1704 Anne regretted that she was compelled to dismiss him from her ministry.

His private character is nowhere attacked by even so much as a whisper, not even by Swift's acid pen, and is universally represented as stainless. True to his father's teachings, he never became "a man about town," and his angular and upright character personified the virtues of the Church. His life was regular and exemplary, free from vices and passions, and he was able to make unchallenged, on retirement from office, a boast that his private fortunes had not profited by so much as a penny from unlawful manipulation of his office.

Daniel Finch's greatest barriers to success as a politician were undoubtedly the depth of his convictions and the inflexibility of his conscience. Had he been able to yield a little of his belief on occasion to expediency, or to quiet his conscience on a matter of compromise; had he been a little less an apostle and a little more a politician, his story might have been a very different one. As it was he was "a man of corners," and corners soon tend to chafe the shoulders of colleagues. Thus Nottingham came, on every occasion on which he held office, to be at odds with his world, a lone and aloof figure of righteousness -- in other words, "Don Dismallo."

APPENDIX

An orator dismal of Nottinghamshire,
Who has forty years let out his conscience to hire,
Out of zeal for his country, and want of a place,
Is come up, vi et armis, to break the Queen's peace.
He has vamp'd an old speech, and the court, to their sorrow,
Shall hear him harangue against Prior to-morrow.
When once he begins, he never will flinch,
But repeats the same note a whole day like a Finch.
I have heard all the speech repeated by Hoppy,
And, 'mistakes to prevent, I've obtained a copy'.

The Speech

Whereas, notwithstanding I am in great pain,
To hear we are making a peace without Spain;
But, most noble senators, 'tis a great shame,
There should be a peace, while I'm Not-in-game.
The duke showed me all his fine house; and the duchess
From her closet brought out a full purse in her clutches:
I talk'd of a peace, and they both gave a start,
His grace swore by G-d and her grace let a f--t:
My long old-fashioned pocket was presently cramm'd;
And sooner than vote for a peace I'll be damn'd.

But some will cry turn-coat, and rip up old stories,
How I always pretended to be for the Tories:
I answer; the Tories were in my good graces,
Till all my relations were put into places.
But still I'm in principle ever the same,
And will quit my best friends, while I'm Not-in-game.

When I and some others subscribed our names
To a plot for expelling my master King James,
I withdrew my subscription by help of a blot,
And so might discover or gain by the plot:
I had my advantage, and stood at defiance,
For Daniel was got from the den of the lions:
I came in without danger, and was I to blame?
For, rather than hang, I would be Not-in-game.

I swore to the Queen, that the Prince of Hanover,
During her sacred life would never come over:
I made use of a trope; that "an hair to invite,
Was like keeping her monument always in sight."
But, when I thought proper, I alter'd my note;
And in her own hearing I boldly did vote,
That her majesty stood in great need of a tutor,
And must have an old or a young coadjutor:
For why; I would fain have put all in a flame,
Because, for some reasons, I was Not-in-game.

Now my new benefactors have brought me about,
And I'll vote against peace, with Spain or without:
Though the court gives my nephews, and brothers, and cousins,
And all my whole family, places by dozens;
Yet, since I know where a full purse may be found,
And hardly pay eighteen-pence tax in the pound:
Since the Tories have thus disappointed my hopes,
And will neither regard my figures nor tropes,
I'll speech against speech while Dismal's my name,
And be a true Whig, while I'm Not-in-game.¹

1. Poetical Works of Swift, III, 30-32.