

1995

The Bloody Assizes: Whig Martyrdom and Memory after the Glorious Revolution

Melinda S. Zook

Purdue University, mzook@purdue.edu

Follow this and additional works at: <http://docs.lib.purdue.edu/histpubs>



Part of the [History Commons](#)

Recommended Citation

"The Bloody Assizes: Whig Martyrdom and Memory after the Glorious Revolution," *Albion*, 27 (Fall 1995): 373-96.

This document has been made available through Purdue e-Pubs, a service of the Purdue University Libraries. Please contact epubs@purdue.edu for additional information.

"The Bloody Assizes:" Whig Martyrdom and Memory after the Glorious Revolution*

Melinda Zook

Revolutionaries of modern times often imagine themselves not only as creators of a new future, but also as constructors of a new past. They seek to reinterpret events, rewrite texts, desacralize old idols and icons, and institute new heroes, heroines and martyrs for the cause newly victorious. They hope to recast popular memory to justify the new order. Historians might easily associate such attempts to reconstruct history and manipulate memory with the violent context of the French Revolution. Recent work in French cultural history has provided scholars with a fuller awareness of the functions of revolutionary propaganda, from iconography to ritual.¹ Investigations into festival, street literature, rhetoric, reading, audience, and memory have given the revolutionary experience in France a cultural history that England's still lacks.²

England's Glorious Revolution particularly lacks such a cultural history. Traditionally, 1688/89 has been portrayed as a rather tame event over which little blood was spilt for little actual change.³ Yet, among contemporaries of the

*Earlier versions of this essay were given at the North American Conference on British Studies in Montreal, October 1993, and at the American Society for Legal History in Washington DC., October 1994. I would like to thank Lois Schwoerer, Daniel Woolf, James Farr, and Marcus Rediker for their comments.

¹Maurice Agulhon, *Marianne into Battle*, trans. Janet Lloyd (Cambridge, 1981); Lynn Hunt, *Politics, Culture, and Class in the French Revolution* (Berkeley and Los Angeles, 1984); Mona Ozouf, *Festivals and the French Revolution*, trans. Alan Sheridan (Cambridge, Mass., 1988); Vivian Cameron, "Political Exposures: Sexuality and Caricature in the French Revolution," in *Eroticism and the Body Politic*, ed. Lynn Hunt (Baltimore, 1991), pp. 90-107; also *Fictions of the French Revolution*, ed. Bernadette Fort (Evanston, Ill., 1991), which contains, François Furet, "The Tyranny of Revolutionary Memory," pp. 151-60. For pre-Revolution France: Robert Darnton, "Reading, Writing, Publishing in Eighteenth-Century France," *Daedalus* (Winter 1971): 214-56, and his *The Great Cat Massacre: And Other Episodes in French Cultural History* (New York, 1985).

²Groundbreaking works of English cultural history include: Keith Thomas, *Religion and the Decline of Magic* (New York, 1971), David Underdown, *Revel, Riot and Rebellion* (Oxford, 1986), and Tessa Watt, *Cheap Print and Popular Piety, 1550-1640* (Cambridge, 1991). On the dynamics between propaganda and political culture: Lois G. Schwoerer, "Propaganda and the Glorious Revolution," *American Historical Review* 82 (1977): 843-74, and Tim Harris, *London Crowds in the Reign of Charles II: Propaganda and Politics from the Restoration until the Exclusion Crisis* (Cambridge, 1987).

³Conservative interpretations of the Revolution are found in J. R. Jones, *The Revolution of 1688 in England* (New York, 1972); J. P. Kenyon, *Revolution Principles: The Politics of Party, 1689-1720* (Cambridge, 1977); J. R. Western, *Monarchy and Revolution: the English State in the 1680s* (London, 1972). For a moderate interpretation, see W. A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988). The conservative view has come under attack in the

Revolution there were those who saw the triumph of the Prince of Orange and the exodus of James II as the final justification of a great quantity of blood that had been spilt by their brethren over the previous decade. Such individuals took the opportunity afforded by the Revolution to reconstruct the past and mold the memory of the reading public.

The focus of this essay is on post-Revolution Whig polemic as it explores the interplay between memory, radical propaganda, and reader expectations among two audiences, contemporaries and their historians. It argues that the Whig martyrologies published in 1689, 1693, and 1705 created a history of the 1680s that legitimized radical Whig activity and ideology. The martyrologies used the authority of the scaffold speech and the spectacle of the public execution to dramatize the righteousness of the pre-Revolution Whig cause and to justify basic radical Whig tenets, in particular, the legitimacy of active resistance against the supreme powers. What began as polemic, however, blended with memory to serve as history.

The martyrologies' most lasting success at shaping conceptions of the struggles of the 1680s, particularly the aftermath of Monmouth's Rebellion, came in the centuries to follow. The Whig martyrologies became a leading source for historians describing the "bloody assizes" in the eighteenth, nineteenth, and to a lesser degree, the twentieth centuries. Their atrocity stories helped justify the Revolution of 1688/89, making it all the more glorious in its relative bloodlessness. The radical messages of the martyrologies faded away and the colorful and theatrical nature of their portrayals of spectacular executions and dying men's last words became their lasting legacy. The martyrologies gave the "bloody assizes" their premier place within the English historical tradition.

Radical Whigs created the Whig martyrologies.⁴ In the pre-Revolution era, these individuals were part of the most politically active and actively hostile faction of their party to the government of Charles II in its last years and that of James II.⁵ As a whole, these radicals had undoubtedly suffered the greatest in their struggle against what they understood as the growth of popery and last decade. For a neo-Whig vision of the Revolution, see Lois G. Schworer, *The Declaration of Rights, 1689* (Baltimore, 1981); Gary De Krey, *Fractured Society: The Politics of London in the First Age of Party, 1688–1715* (Oxford, 1985); Richard Ashcraft, *Revolutionary Politics and Locke's Two Treatises of Government* (Princeton, N.J., 1986).

⁴I describe as "radical" those Whigs who were willing to use violence against the Crown or whose propaganda promoted or justified active resistance to the government. These men have been referred to by historians as the "first Whigs," or as "Shaftesbury Whigs," or more recently, as "true Whigs." See J. R. Jones, *The First Whigs: The Politics of the Exclusion Crisis* (Oxford, 1961); Mark Goldie, "The Roots of True Whiggism, 1688–94," *History of Political Thought* 1 (1980): 195–236.

⁵I am completing a monograph on the most radical propagandists and conspirators of the 1680s and 1690s, entitled, "Conspiratorial Politics, Radical Whig Ideology and Revolution Culture in Late Stuart England." At present, the best monographs on the topic are Ashcraft, *Revolutionary Politics*, and Richard L. Greaves, *Secrets of the Kingdom: British Radicals from the Popish Plot to the Revolution of 1688–89* (Stanford, 1992).

arbitrary government. They had propagated Titus Oates's popish plot tales; stridently championed the efforts to exclude the Catholic duke of York (the future James II) from the throne; suffered exile or execution following the disclosure of the Rye House Plot; and supported with money and manpower the futile invasions in 1685 of the earl of Argyle in Scotland and the duke of Monmouth in western England. Argyle's and Monmouth's failures brought radical Whig activity to a near standstill from the summer of 1685 to the spring of 1688. William of Orange's successful invasion in November 1688 turned the tide of Whig fortunes. Those radicals lurking about Holland, such as the infamous "plotter" Robert Ferguson, returned; those sitting in jail cells, like the Whig polemicist, the Reverend Samuel Johnson, were released. In the spring of 1689, Parliament began the process of reversing the sentences against the Rye House Whigs, compensating families and rewarding the living for their promotion of and suffering for the Protestant cause.

The winter and spring of 1689 also witnessed the publication of six collections of the dying speeches of those executed in the previous decade for their defense of Protestantism and English liberties.⁶ These pamphlets were, for the most part, simply compilations of previously published scaffold speeches, execution accounts and final words. The first appeared in January. *The Protestant Martyrs or The Bloody Assizes* was a slim, cheaply printed pamphlet which contained a narrative of "the life and death of James, duke of Monmouth"; a reprinted account of Monmouth's execution and his pathetic apology to James II; the dying words of five rebels executed in 1685; and a list of all the rebels executed during the western assizes that followed Monmouth's failure.⁷ *The Protestant Martyrs* probably sold well as similar collections continued to appear throughout the year. Several of the collections were translated into Dutch. Some editions included crude woodcut frontispieces of several Protestant heroes and heroines; others contained skillfully reproduced engravings of the martyrs. *The Bloody Assizes; or the Compleat History of the Life of George, Lord Jeffreys*, for example, appeared in two editions and a Dutch translation; one of which included handsome illustrations of the duke of Monmouth and Rye House martyr, William, Lord Russell.

⁶*The Protestant Martyrs, or the Bloody Assizes* (January, 1689); *The Second and Last Collection of Dying Speeches* (month unknown, 1689; two editions; published in Dutch); *The Bloody Assizes, or the Compleat History of the Life of George, Lord Jeffreys* (advertised in February, 1689; two editions; published in Dutch); *The Dying Speeches, Letters and Prayers of those Eminent Protestants who Suffered in the West* (May, 1689; two editions; published in Dutch); *The First and Second Collection of Dying Speeches, Letters and Prayers* (advertised in June, 1689); *The Dying Speeches of Several Excellent Persons who Suffered for their Zeal against Popery and Arbitrary Government* (month unknown, 1689).

⁷*The Protestant Martyrs, or the Bloody Assizes* (January, 1689) Sixteen pages. The dying speeches were those of John Hicckes, Alice Lisle, Elizabeth Gaunt, Richard Rumbold and the earl of Argyle. The list of rebels executed for Monmouth's Rebellion numbers 251.

These collections were the creations of the Whig publisher, John Dunton, and the Whig polemicist and former Monmouth rebel, John Tutchin.⁸ Dunton and Tutchin collaborated with a circle of less than honorable sorts, including the infamous Titus Oates; the Rye House plotter, Aaron Smith; the imposter and polemicist, William Fuller; and the former priest-hunter and publicity-seeker, John Arnold.⁹ Tutchin was the primary author of the collections. He was responsible for introducing the material, eulogizing the martyrs in prose and verse, demonizing the villains and creating many of the last letters and speeches themselves.

The collections met with such success that Dunton and Tutchin decided to create a true martyrology, not unlike Foxe's book, *Eikon Basilike* (1649) or the loyal martyrologies of royalist sufferers during the Civil Wars.¹⁰ *The New Martyrology, or the Bloody Assizes*, published in June 1689, "exactly methodized in one volume" all the trials, sufferings, dying speeches, letters, and prayers of those martyrs that labored for the Protestant cause.¹¹ At 276 pages (plus a forty-nine page history of the archvillain, Judge Jeffreys), *The New Martyrology* was certainly much more than simply another collection of dying speeches. It was

⁸On John Dunton, see Gilbert D. McEwen, *The Oracle of the Coffee House: John Dunton's Athenian Mercury* (San Marino, Calif., 1972); Henry R. Plomer, *A Dictionary of the Booksellers and Printers* (The Bibliographical Society, 1968), pp. 108–10; Peter Hill, *Two Augustan Booksellers: John Dunton and Edmund Curll* (Lawrence, Kan., 1958); Stephen Parks, *John Dunton and the English Book Trade: a study of his career with a checklist of his publications* (New York, 1976). There are entries on John Tutchin in the *Dictionary of National Biography*, hereafter cited as *DNB*, and the *Bibliographical Dictionary of the British Radicals*, eds. Richard Greaves and Robert Zaller (London, 1982), hereafter cited as *BDBR*; also see, L. S. Horsely, "Rogues and Gentlemen: The Public Characters of Queen Anne Journalists," *Texas Studies in Literature and Language* 18 (1977): 189–228.

⁹The intrigues of this circle were described in William Fuller's *The Whole Life of William Fuller* (1703). Also see George Campbell, *Imposter at the Bar: William Fuller, 1670–1733* (London, 1961); Janet Lane, *Titus Oates* (London, 1949); and J. G. Muddiman's *Introduction to The Bloody Assizes* (Edinburgh, 1929).

¹⁰On John Foxe's *Acts and Monuments*, see J. F. Mozley, *John Foxe and His Book* (New York, 1970); and John Knott, *Discourses of Martyrology in English Literature* (Cambridge 1993). On *Eikon Basilike*, see Elizabeth Skerpan, *The Rhetoric of Politics in the English Revolution, 1642–1660* (Columbia, Mo., 1992), ch. 5, "Icons of the King," pp. 98–125. There were at least three loyal martyrologies, celebrating the lives of prominent royalists during the civil wars, published in the 1660s: James Heath, *New Book of Loyal Martyrs and Confessors* (1663); William Winstanley, *The Loyall Martyrology or, brief Catalogues and Characters of the most Eminent Persons who suffered for their Conscience during the late Times of Rebellion* (1665); David Lloyd, *Memoirs of the Lives, Actions and Sufferings and Death of those noble, reverend and excellent personages that suffering by death* (1668, 2nd ed. 1677).

¹¹[Tutchin, John] *A New Martyrology: or the Bloody Assizes: Now exactly Methodized in one volume. A Compleat History of the Lives, Actions, Trials Sufferings, Dying Speeches, Letters, and Prayers of all those Eminent Martyrs* (June 1689). It is labeled, "Third edition with large Additions." Printed for John Dunton. No table of contents. British Library edition contains a large, folded engraving of Monmouth rebel, Benjamin Hewling.

the story of every "worthy Protestant," both living and dead, who had suffered as a result of popish malice and intrigue, the so-called Rye House Plot or because of Argyle's and Monmouth's invasions in 1685.¹² Tutchin's tale of suffering began with the murder of Sir Edmund Berry Godfrey in 1678 and concluded with the "bloody assizes" in the west following Monmouth's Rebellion in 1685.

The New Martyrology went into at least two editions. It was enlarged and republished under Tutchin's alias, "Thomas Pitts," in November 1693.¹³ In March 1701, Dunton republished most of *The New Martyrology* again as a satire on Judge Jeffreys, entitled *The Merciful Assizes: or, a Panegyric on the Late Lord Jeffreys* (1701), posthumously thanking him for sending so many eminent persons to heaven.¹⁴ Finally, *The New Martyrology* reappeared in 1705 in yet another edition, retitled *The Western Martyrology, or the Bloody Assizes*.¹⁵

The Whig martyrologies (1689, 1693, 1705) were based on various sources, including Tutchin's own fertile imagination. Much of his material was based on previously published trial and execution accounts, scaffold speeches and declarations from the period between 1678 and 1684.¹⁶ Like Foxe, Tutchin some-

¹²*The Western Martyrology of 1705*, the last new edition, honored seventy-two martyrs. Six were victims of popish plotting and intrigue at court; ten were victims of royalist wrath following the discovery of the Rye House Plot; and fifty-five suffered for their participation in either Argyle's or Monmouth's Rebellion.

¹³Thomas Pitts, Gent., *A New Martyrology: Or the Bloody Assizes* (November 1693). 4th ed. Printed for John Dunton. Includes a table of contents in the back. 533 pages, plus a fifty-two page history of Jeffreys. The editions held at the Bodleian Library and the Folger Shakespeare Library contain crude woodcut frontispieces of twelve of the most illustrious Whig martyrs: the first Protestant sufferer, Sir Edmund Berry Godfrey; the 1685 invaders, the duke of Monmouth and the earl of Argyle; the Rye House martyrs, the earl of Essex; William, Lord Russell, Colonel Algernon Sidney and Alderman Henry Cornish; the Monmouth rebels, William Hewling and William Jenkins; the two women executed in 1685 for harboring Monmouth rebels, Dame Alice Lisle and Elizabeth Gaunt; and finally, the Rye House plotter and outlaw, Sir Thomas Armstrong.

¹⁴[Dunton, John] *The Merciful Assizes: or, a Panegyric on the Late Lord Jeffreys, Hanging so many in the West* (Taunton, 1701). Printed for Elizabeth Harris.

¹⁵[Tutchin, John] *The Western Martyrology, or the Bloody Assizes, Containing the Lives, Trials and Dying speeches of all those Eminent Protestants that Suffer'd in the West of England, and Elsewhere from the Year 1678 to this Time* (1705). 5th ed. Printed for John Marshall. Table of contents in the front. 238 pages, plus twenty-eight page history of Jeffreys. The Bodleian and Folger editions contain the same woodcut frontispiece as the 1693 edition (described above, note 13) with the exception that Sir Thomas Armstrong's picture was replaced by that of Benjamin Hewling.

¹⁶There was an abundance of published sources from which Tutchin and company could draw. Information on the murder of Sir Edmund Berry Godfrey; the trial, execution and dying words of the "Protestant Joiner," Stephen College; the controversial demise of Arthur Capel, earl of Essex in the Tower; and all of the trials, execution accounts, and dying speeches of the Rye House conspirators were published. Seven different accounts of the trials and executions of plotters Lord Russell, Captain Thomas Walcot, William Hone, and John Rouse appeared in the summer of 1683.

times republished a document verbatim, as in the case of the Reverend Samuel Johnson's polemic, *A Humble and Hearty Address to All the English Protestants in this Present Army* (1685), for which the Whig divine had been whipped through the streets of London.¹⁷ Tutchin also republished Monmouth's *Declaration*, which accompanied the duke's failed rebellion, in its entirety in the 1693 and 1705 editions.¹⁸ On the other hand, and like Foxe again, Tutchin would also shorten speeches or rewrite them in his own words. He provides only "abstracts" of the famous dying speeches by Lord Russell and Algernon Sidney, both of whom were executed for their supposed participation in the Rye House Plot.¹⁹

Tutchin and his collaborators plainly fabricated documents and accounts as well. This seems to be the case with regard to the poignant "Humble Petition of the Widowed and Fatherless in the West of England to James II," supposedly written in the wake of Judge George Jeffreys' cruel western assize in 1685.²⁰ It is certainly true of Tutchin's petition to James II, also supposedly written in 1685, wherein Tutchin requested to be hanged rather than whipped through all the market-towns of Dorset as he was sentenced by Jeffreys.²¹ Equally fanciful was Tutchin's story of how he visited Jeffreys in the Tower after the former

such accounts formed the source base of the martyrologies. There were far fewer sources for the period between 1685 and 1688.

¹⁷*The Western Martyrology*, pp. 84–85. The Reverend Samuel Johnson, known as "Julian Johnson" for his pro-Exclusion tract, *Julian the Apostate* (1683) was imprisoned for seditious libel in 1684. In 1685, he had *A Humble and Hearty Address* smuggled out of his jail cell and printed. The tract was meant to arouse the consciences of the Protestant soldiers serving under Catholic officers in James II's army encamped at Hounslow Heath. In June of 1686, Johnson was convicted of high misdemeanor, defrocked and whipped from Newbury to Tyburn. Both the tract and the spectacle of the former cleric being whipped through London streets impressed contemporaries. See Melinda Zook, "Early Whig Ideology, Ancient Constitutionalism and the Reverend Samuel Johnson," *Journal of British Studies* 32 (1993): 139–65.

¹⁸*The New Martyrology* (1693), pp. 417–30; *The Western Martyrology* (1705), pp. 155–62.

¹⁹*The Western Martyrology*, pp. 49–51, 64–66. Their speeches were already familiar to the reading public. *The Speech of the Late Lord Russel, [sic] To the Sheriffs: Together with the Paper delivered by him to them at the place of Execution* (1683); *A Very Copy of a Paper Delivered to the Sheriffs, Upon the Scaffold on Tower-Hill on Friday, December 7 1683, by Algernon Sidney* (1683).

²⁰The petition appeared in the 1693 and 1705 martyrologies. There is no evidence that it existed any earlier than 1693. Macaulay, whose portrait of the western circuit of 1685 was filled with heart-wrenching, martyrology-originated stories, used the petition as one of his sources. *The New Martyrology* (1693), pp. 63–64; *The Western Martyrology* (1705), pp. 272–73; Thomas Babington Macaulay, *The History of England from the Accession of James II*, ed. C. H. Firth, 6 vols. (New York, 1968), 2: 638.

²¹Tutchin's petition appeared in *The Western Martyrology*, pp. 225–26. Tutchin was sentenced by Jeffreys to be whipped and imprisoned for seven years for spreading false reports during Monmouth's Rebellion; however, he contracted small pox while awaiting his punishment and the sentence was never carried out. He was released from prison in March 1686.

Lord Chancellor's arrest in December 1688. Tutchin also included the trial accounts of rebels who were never tried and described executions first-hand which he could not possibly have witnessed.²²

Tutchin painted the saintliness of his rebels and conspirators turned martyrs in vivid relief against the sadistic behavior of James II's royal representatives turned villains.²³ He vilified Percy Kirke, Colonel of the Tangier regiments, known as "Kirke's Lambs." Kirke's regiments participated in the battle at Sedgemoor and the roundup of rebels in the weeks following. At one point, Kirke reportedly hanged nine rebels without trial in the market square of Taunton.²⁴ In the martyrologies, Tutchin described how Kirke hanged nineteen men in Taunton and ordered, "Pipes to play, Drums and Trumpets to sound, that the spectators might not hear the Cries and Groans of Dying Men, nor the Cries of their Friends...he caused also their bodies to be stript, and their Breasts to be cleav'd asunder; in the Place where he caused the Executions to be done, you might have gone up to the Ankles in Blood." Tutchin began a tradition of atrocity stories associated with Kirke and his "lambs" which steadily grew in eighteenth and nineteenth centuries and included all manner of rape, butchery and sadism.²⁵

Tutchin's demonization of Judge George Jeffreys was far more elaborate. The Jeffreys of the martyrologies is a remorseless monster. He fumes and rages; intimidates witnesses and jurors; cracks sarcastic remarks in the face of incredible suffering; laughs maliciously through an assize sermon on mercy at Dorchester. When told at Wiltshire that a thousand rebels were killed in battle, Jeffreys supposedly quipped, "I believe I have condemned as many as that myself."²⁶ At Illminster market square, Jeffreys is informed that he is about to

²²See the opinions of Monmouth scholars: Peter Earle, *Monmouth's Rebels: The Road to Sedgemoor 16851* (New York, 1977), pp. 168-69; Robin Clifton, *The Last Popular Rebellion: The Western Rising of 1685* (London, 1984), pp. 235, 268-69.

²³This kind of good and evil stereotyping followed the tradition in English Protestantism originated by Foxe. Writes Daniel Woolf, "One of the reasons for the huge success of Foxe's Acts and Monuments was the very shallowness of his stereotyped saints and persecutors..." See his "Memory and Historical Culture in Early Modern England," *Journal of the Canadian Historical Association* 1 (1991): 294.

²⁴Kirke's Tangier regiments were called "lambs" because of the device of a paschal lamb on their colors. See *DNB*, s.v. "Kirke, Percy;" James Savage, *The History of Taunton in the County of Somerset*, originally written by Joshua Toulmin, "greatly enlarged" by Savage (Taunton, 1822), pp. 540-41. For a reliable account of Kirke's activities after Sedgemoor see Earl, *Monmouth's Rebels*, pp. 137-40.

²⁵*The Western Martyrology*, pp. 216-17. The atrocity stories were recorded by the Taunton antiquary, James Savage. Savage did not question Tutchin's portrayal of Kirke. See his *The History of Taunton*, pp. 540-49.

²⁶*The Western Martyrology*, pp. 257-60. The story of Jeffreys laughing at the sermon was repeated time and again; see, for example, Macaulay, *History of England*, 1: 643.

hang an innocent man, Charles Speke, the brother of a rebel who escaped. Jeffreys has Speke executed anyway, declaring that "his family owed a life; he should die for his name-sake."²⁷ Though an obvious caricature, Jeffreys the "blood hound," as Whig historian James Ralph labeled him over fifty years after the events, is the Jeffreys of English history, and modern attempts to rescue James II's former Lord Chancellor have not been able to penetrate his mythology formed, for the most part, by martyrologies.²⁸

The martyrologies were propaganda, produced for commercial and political purposes. As reliable source material for the historian of the 1680s they are nearly useless. Of the seventy-two martyrs honored in *The Western Martyrology*, thirty-seven have dying speeches or final words, but only fourteen of those speeches or words can be verified as potentially genuine based on previously published speeches and execution accounts.²⁹ The dying words and execution accounts of then little-known Monmouth rebels, which appeared for the first time during or after the Revolution, are extremely suspicious and probably creative fictions. At best, they were the product of rumor, hearsay, and the testimony

²⁷*The Western Martyrology*, p. 256. The Speke family of Whitelackington in Illminster were notorious for their radical politics. Presbyterians, intermarried with Quakers, they kept a conventicle at their estate. The father, George, and the eldest son, John, were Whig M.P.s and supporters of Monmouth. John participated in Monmouth's Rebellion but escaped to Holland prior to the Battle of Sedgemoor. The youngest son, Charles, supposedly shook hands with Monmouth as his army passed through Illminster in 1685. The story of Charles's hanging became part of Somerset lore. See Kingsley Palmer, *The Folklore of Somerset* (Totowa, N.J., 1976), p. 135. On the Speke family, see Melinda Zook, "Propagators of Revolution: Conspiratorial Politics and Radical Whig Culture in Late Stuart England," (Georgetown University, Ph.D Thesis, 1993), ch. 1, *passim*.

²⁸James Ralph, *The History of England*, 2 vols. (1744-46), 1: 892. The image of Judge Jeffreys as a malicious monster was also fueled in the post-Revolution era by books like, *The Unfortunate Favorite: or, Memoirs on the Life and Actions of the Late Lord Chancellor of England* (1689), as well as Whig ballads, verse and prints. It was exaggerated further by writers like Bishop Gilbert Burnet in the eighteenth century and exists today in popular histories like Robert Milne-Tyte, *Bloody Jeffreys: The Hanging Judge* (London, 1989). Attempts to rescue Jeffreys include Humphry W. Woolrych's *Memoirs of the Life of Judge Jeffreys* (London, 1827). Woolrych, however, repeated many of the most sensationalist martyrology-originated stories about Jeffreys. Upon the opening of the assizes, "Lord Jeffreys laughed both during prayers and sermon, a pretty plain sign that he was (according to the singular conceit of an old writer) about to 'breathe death like a destroying angel, and to sanguine his very ermines in blood.'" The old writer was Tutchin. Woolrych, *Memoirs*, p. 200; *The Western Martyrology*, p. 250. A better vindication of Jeffreys is G. W. Keeton's *Lord Chancellor Jeffreys and the Stuart Cause* (London, 1965). Although Keeton's own strong anti-Whig bias dampens the power of his arguments. He calls Tutchin a "worthless scoundrel" who "obviously deserved" to be whipped (*Lord Chancellor*, p. 323).

²⁹That a martyr's speech was previously published does not mean it was either actually said by the condemned on the scaffold or was a paper handed to the sheriffs. Tory propagandists published fictive dying speeches for both Stephen College and William, Lord Russell wherein they confessed their guilt. J. G. Muddiman believed that Tutchin was producing Monmouth rebel dying speeches as early as 1686. But I have found no evidence to substantiate his claim. Muddiman, *The Bloody Assizes*, pp. 7-8.

of vague memories; at worst, they were simply the work of the strident political pens of Tutchin, Dunton, Oates, and others.

From the outset, the Whig martyrologies encountered their share of critics and unbelievers, particularly from among those who understood them for exactly what they were, political propaganda, and who vehemently opposed all things Whig. As the anonymous author of *A Caveat against the Whiggs* (1712) put it:

They [Whigs] have...furnish'd out a new Martyrology of those Holy Ones who died for rebellion and treason, so they can not only turn religion into rebellion, but sanctifie rebellion into religion, and by a dash of their pen, change a pernicious crew of rebels and traitors into a noble army of Saints and Martyrs.³⁰

Hostility toward the Whig martyrologies was almost always directed at their principle creator, John Tutchin. In his own time, Tutchin was the target of much Tory fury. He was an extremely prolific polemicist and one of the most vocal propagators of radical Whiggism in the post-Revolution era. Tutchin and a handful of others, most especially the radical cleric, the Reverend Samuel Johnson, were the conscience of "true" Whig politics in the 1690s and early 1700s. They kept alive the political lessons learned and the spectacle of Protestant suffering in the 1680s.

Never reluctant to attack the powerful, Tutchin made numerous enemies. Between 1702 and 1707, he published the popular weekly, the *Observer*. It was relentless in its attacks on "high flying" churchmen, nonjurors, court Tories, the Marlboroughs, Jacobites, "modern Whigs," and naturally, the "St. Germain bastard." Tutchin's detractors fired back, portraying him as an uneducated rogue, a Grub-street hack and whore-monger with a gluttonous appetite for wine, women, and sedition.³¹ These characterizations of Tutchin have been reiterated by hostile historians ever since. Yet despite this hostility toward Tutchin, his contemporaries rarely questioned the authenticity of the stories and dying speeches contained in the martyrologies. In fact, as L. S. Horsley pointed out, in virtually every pamphlet attack on Tutchin, his fabricated petition to James II, requesting to be hanged rather than whipped, was mentioned without question, further propagating a fictive tale.³² Many, friend and foe alike, also believed that Tutchin was actually scourged in 1685.³³ Alexander Pope's famous couplet,

³⁰*A Caveat Against the Whiggs* (1712), pt. 2, p. 22; quoted in Muddiman, *The Bloody Assizes*, p. 5.

³¹L. S. Horsley, "Rogues and Honest Gentlemen: The Public Characters of Queen Anne Journalists," *Texas Studies in Literature and Language* 18 (1977): 198-228.

³²*Ibid.*, p. 205.

³³A pack of playing cards representing various episodes of Argyle's and Monmouth's rebellions printed in 1685 depicts Tutchin being whipped. The cards were described in the nineteenth century by A. L. Humphreys, who says the nine of clubs shows Thomas Pitts being thrashed "through every town in Doretshire." "Pitts" was Tutchin's alias. These cards must have added to the popular view that Tutchin was whipped in 1685. See A.L. Humphreys, "Some Sources of history for the

“Earless on high, stood unabashed Defoe/ And Tutchin flagrant form the scourge below,” was wrong on both counts.³⁴ Attacks such as Pope’s only served to promote Tutchin’s self-fashioned image as a persecuted patriot and did nothing to invalidate the stories of suffering and sainthood in the martyrologies.

Why did Tutchin’s audience in the 1690s and early 1700s so rarely question his account of Protestant suffering in the 1680s and particularly his depiction of the “bloody assizes,” his most fictitious material? In part, the answer lies with the very reason that the martyrologies were so long relied on by historians as well: the dearth of alternative sources. Even today, three hundred years later, the actual conduct of the western assizes remains “shrouded in mystery.”³⁵ The only verbatim trial account that exists is that of Dame Alice Lisle, which was written after the event and also reeks of partisanship.³⁶ Personal accounts published after the Glorious Revolution, such as those of surgeon Henry Pitman and the Quaker John Whiting, albeit biased, confirm that the assizes were carried out with all expedience in an atmosphere of vengeance.³⁷ Rebellion, after all, was a serious offense.³⁸ Moreover, the conduct of over two hundred executions in six towns in less than a month’s time could not possibly have been anything but horrific. This was especially true since the full punishment for high treason was carried out. Rebels were hanged until unconscious, disembowelled, beheaded and quartered. Their remains were then boiled in brine, covered in black

Monmouth Rebellion and the Bloody Assizes,” *Proceedings of the Somersetshire Archaeological and Natural History Society* 38 (1892): 325–26.

³⁴Alexander Pope, *The Dunciad* (1728), book II, lines 147–48.

³⁵Earle, *Monmouth’s Rebels*, p. 168. Earle also writes, “we do not know how the assizes were conducted. We know only the formal facts of the pleas offered by the defendants, the verdicts given and the sentences imposed” (p. 169).

³⁶The trial of Alice Lisle is published in *A Complete Collection of State Trials and proceedings for High Treason and other crimes and misdemeanors*, ed. T. B. Howell, 22 vols. (London, 1816), 11: 298–382. J. G. Muddiman questioned its authenticity, see his “State Trials and Robert Blaney,” *Notes and Queries* 155 (1928): 111–12, 149–50.

³⁷Memoirs include, Henry Pitman, *A Relation of the Great Sufferings and Strange Adventures of Henry Pitman, Chyrurgion to the late Duke of Monmouth* (1689) which describes the assize at Dorchester. Pitman and his brother were transported and most of his book is about their adventures in the New World. John Whiting, *Persecution Exposed in Some Memoirs relating to the Great Suffering of John Whiting and many others called Quakers* (1715); though not a Monmouth supporter, Whiting was in the Ilchester jail after Sedgemoor and recorded the horrid conditions and treatment of the rebels there. John Coad, *A Memorandum of the Wonderful Providences of God to a poor unworthy Creature* (London, 1849); Coad was transported to Jamaica. Adam Wheeler, *Iter Bellicosum*, Camden Society, 12 (1910), pp. 11–166. Wheeler was a drummer in the Wiltshire Militia; he described the battle at Sedgemoor and the immediate aftermath.

³⁸As both Peter Earle and W. A. Speck have pointed out, there was little averse comment on the conduct of the assizes prior to 1688. Only with the Revolution did Jeffreys and James II blame each other for the carnage. Earle, *The Monmouth Rebels*, p. 168; Speck, *Reluctant Revolutionaries*, pp. 54–55.

tar and set up on poles and trees and lampposts. Residents and visitors found the sight of the exhibited body parts frightening and the smell nauseating. Only after a progress through the west the following year did James II himself, disturbed by what he saw, order the heads and quarters to be removed and buried.³⁹

Prior to the Revolution, the only information available to contemporaries about the aftermath of Monmouth's rebellion were the official accounts of the assizes printed in 1685, which were little more than lists of the rebels executed, and a few dying speeches of the most infamous men and women punished.⁴⁰ But whispered accounts of western suffering were probably transmitted throughout England. At the time of the Revolution, a popular outpouring of rage and disgust was directed against Jeffreys, "the Western Hangman."⁴¹ A print of Jeffreys' capture in Wapping in 1688 has one of his assailants cry, "Remember the West."⁴² Anger against Jeffreys, however, was not solely a reaction to his handling of the western assizes. Jeffreys' service to Charles II and James II throughout the 1680s, as well as his notorious courtroom behavior, had already earned him an evil reputation. The martyrologists simply embellished and exaggerated Jeffreys' antics and gave his victims a chance to speak, placing words into the mouths of the men who became the ghostly caresses that lined western byways. Tutchin provided the stories that justified a collective sense of horror and outrage. Emotion and memory, mixed with partisan politics, were secured in print and over time became part of a national historical tradition.

Among Tutchin's contemporaries of the 1690s and early 1700s, the Whig martyrologies seem to have found a fairly wide readership. They were clearly a successful commercial enterprise as their publishing history attests. John Dun-

³⁹Clifton, *The Last Popular Rebellion*, p. 240; Earle, *Monmouth's Rebels*, pp. 175-77.

⁴⁰Official accounts include, *An Account of the Proceedings Against the Rebels at Dorchester...at an Assize* (4, 5 September 1685); *An Account of the Proceedings Against the Rebels at an Assize at Exeter* (14 September 1685); *A Further Account of the Proceedings Against the Rebels in the West of England* (17 September 1685); *A List of the Rebels that were executed at Lyme, Bridport, Weymouth, Melcombe-Regis, Sherbourn, Pool, Wareham, Exeter, Taunton and several other places* (April 1686). Also published without license was *The Last Words of Colonel Richard Rumbold, Madame Alice Lisle, Alderman Henry Cornish and Mr. Richard Nelthorp, who were executed in England and Scotland for High Treason in the Year 1685*.

⁴¹In the trimming poem, "The Advice," written on the eve of the Revolution, James II was advised to "surrender your dispensing power,/ And send the Western Hangman to the Tower." *Poems on the Affairs of State, Augustan Satirical Verse, 1660-1714*, vol. 4, 1685-1688, ed. Galbraith M. Crump (New Haven, 1968), p. 292.

⁴²This print, *The Lord Chancellor taken disguised in Wapping*, was published in English and in Dutch in 1689. The British Museum has several versions. Jeffreys had tried to escape London in December 1688, dressed as a common seaman. The print depicts angry Londoners reminding Jeffreys of all his crimes: "Remember Mr. Cornish," says one; "Remember the Bishops," says another; "Remember Maudlin College," says a third.

ton boasted that over 6,000 copies of *The New Martyrology* of 1693 were sold.⁴³ The books appealed to Tutchin and Dunton's fellow Whigs such as the propagandist, Roger Coke, and fellow dissenters like William Kiffin.⁴⁴ They attracted the interest of country gentlemen, especially in the west,⁴⁵ and that of the friends and relatives of the seventy-two sufferers honored.⁴⁶ But the martyrologies undoubtedly reached an audience beyond simply those affected by the "bloody assizes" or those Whiggishly inclined. The martyrologies confirmed the righteousness of the Revolution of 1688/89. Their portrayals of Stuart barbarism in the 1680s reassured the skeptical and comforted the wavering.

The effectiveness of the martyrologies rested on their ability to manipulate the traditionally popular genres of the martyr's legend and that of the scaffold speech and use them to propagate their political agenda. In this, they met the reader's expectations as to exactly how a martyr suffers and how a condemned man dies. Tutchin's central task was to demonstrate the legitimacy of the Whig cause in the pre-Revolution era: meaning, the lawfulness of Whig resistance to the state and the unlawfulness of that state in the last years of Charles II's reign and throughout that of James II. Tutchin never lost sight of this goal which he promoted in both subtle and overt forms.

Tutchin and his collaborators were conscious of all of the resonances the word "martyr" carried and of the literary traditions in which martyrs were treated. The "Introductions" to the martyrologies, anticipating the readers' expectations, immediately compared the Protestant martyrs of Foxe's *Acts and Monuments* (1563) with the Protestant heroes of the 1680s. Foxe's book, as John Knott has recently written, "articulated the themes and provided the examples that shaped an ideal of Protestant heroism" for generations.⁴⁷ Tutchin modeled the behavior of his Whigs and dissenters on Foxe's Tudor martyrs. Tutchin's books were also histories of persecution and of heroic Protestant suffering—a suffering that demonstrated the righteousness of the cause.

⁴³*The Life and Errors of John Dunton* (New York, 1974), p. 277.

⁴⁴Coke cited *The New Martyrology* and William Kiffin copied passages out of it. Coke, *A Detection of the Court and State of England*, 2: 416; Kiffin, *Remarkable Passages in the Life of William Kiffin, written by himself*, ed. William Orme (London, 1832).

⁴⁵On January 9th, 1692, Dunton printed a long advertisement in his weekly, the *Athenian Mercury* (no. 12). He reported that *The New Martyrology* of 1689 had sold out and that a new edition was being designed. Thus he asked all gentlemen in the western counties to send him any further information about those condemned in 1685. Dunton received several replies by persons familiar with his martyrology; they offered further "eye and ear witness" accounts of Jeffreys' cruelties. Their letters were printed in *The Western Martyrology*, pp. 214–23.

⁴⁶The original owner of the British Library edition of *The Western Martyrology* inscribed next to his name: "a distant relative of the Hewlings," two young brothers executed by Jeffreys.

⁴⁷John Knott, *Discourses*, p. 2.

Moreover, like Foxe, who suppressed the various doctrinal differences among the Marian martyrs, Tutchin played down those between Anglican and dissenter, presenting a united Protestant front set against the dark forces of Rome. He also made it clear from the onset that the enemy had assailed its victims on two fronts. The Rye House Whigs, Argyle and Monmouth's followers, and other victims of popish malice and intrigue were at once both "Church and State martyrs."⁴⁸ Their cause was the securing of the Protestant religion and the security of English liberties, both of which were under siege from a malignant crew of papists in league with duke of York, the unlawful king, James II.

Tutchin's martyrs then, like their forerunners, were witnesses to and sufferers for the truth, a truth they would rather die defending than live without. Tutchin's account of Lord Russell included his statement in Parliament that should the nation ever be so transformed "that I should not have the liberty to live a Protestant, I am resolved to die one."⁴⁹ Martyrs-to-be like Lord Russell were often prophetic, understanding early on what trials they might endure for their cause and how that cause would one day inevitably triumph.

Many of Tutchin's martyrs foresaw their own brutal deaths—fates which they freely accepted. So Sir Edmund Berry Godfrey, the "first martyr for our holy Protestant religion," who according to Whig polemicists was assassinated by papists in 1678, was recorded in the martyrologies as having said, "on my conscience, I shall be the first martyr."⁵⁰ Stephen College, the second victim of popish malice, who was drawn, hanged, and quartered in 1681, saw beyond his death. He prophesied that "his blood would not be the last," but was rather a mere "prelude" to a far greater spilling of Protestant blood.⁵¹

As the Marian martyrs often foresaw a Protestant deliverance in a coming age (meaning for Foxe, that of Elizabeth I's) so too many of Tutchin's heroes and heroines predicted the Glorious Revolution. Eight of the Monmouth rebels foretold the coming of William of Orange. Colonel Abraham Anselmy told listeners from the scaffold that "though it pleased God to blast our designs; but He will deliver His people by ways we know not nor think not of." Another condemned man told a bystander that "before the year 88 be over, you will see

⁴⁸Ibid., p. 6; *The Western Martyrology*, Introduction, pages unnumbered.

⁴⁹*The Western Martyrology*, p. 38.

⁵⁰*The Western Martyrology*, p. 9. Tutchin was quoting a book published after Sir Edmund Berry Godfrey's death by Richard Tuke, *Memoires of the Life and Death of Sir Edmondbury [sic] Godfrey* (1682). Godfrey was a Middlesex magistrate at the time of the Popish Plot. He was the first official to hear Titus Oates's stories in September, 1678. Shortly thereafter his body was found in a ditch near Primrose Hill. His mysterious death was never resolved. Some contemporaries believed he had committed suicide; Whigs blamed his death on Catholics.

⁵¹*The Western Martyrology*, p. 21.

all things turned upside down and King James for what he had done would be turned out and another would come in."⁵²

As sufferers for the truth, Tutchin's Whigs and dissenters also died like their forerunners. The Tudor martyrs had refused to fear the stake and had remained steadfast amid the flames. Their courage demonstrated the depth of their conviction and their willingness to shed their earthly bodies and attain life everlasting. They found joy in their suffering and were unmoved by their punishment, thereby demonstrating the weakness and illegitimacy of their oppressor's power. The stake became a gateway to eternal bliss.⁵³

The Whig martyrologists transformed the ritual of the scaffold into that of the stake. The Monmouth rebels all died with "extraordinary divine courage and cheerfulness." They showed no signs of fear or remorse. Their last moments were often filled with feelings of joy and serenity as they looked forward to leaving the material world and residing in the kingdom of God. Rebel John Sprague on his way to the gallows told his weeping wife and children not to cry for him for he was soon to "be translated into a state of bliss and happiness, where he should sin and sorrow no more."⁵⁴ Another rebel awaiting execution called for a bottle of wine, drank with one of the guards and said to him, "Poor soul your cup seemth to be sweet to you and you think mine is bitter which is indeed so to flesh and blood; but yet I have that assurance of the fruition of a future estate...this bitter poison will be sweetened with the sugar of the loving kindness of my dearest Savior....I shall be translated into such state, where I shall have the fullness of joy and pleasure forever more."⁵⁵ Similar stories were repeated time and again in the martyrologies. One Captain Kidd told spectators at his execution that he was jealous of the eleven strung up before him that they should reach heaven first.⁵⁶

Tutchin's villains, the foremost being Judge Jeffreys, also played their appropriate roles in the martyrologies as relentless, raging prosecutors. One of the central dramas of Foxe's book was between that of the martyr's unshakable peacefulness and the fury of their prosecutors.⁵⁷ True Christians are strengthened in their time of travail by a sense of divine presence and display an amazing fortitude despite their tortures. Their peace of mind enrages their prosecutors.

⁵²*The Western Martyrology*, pp. 204, 221.

⁵³Seymour Byman, "Ritualistic Acts and Compulsive Behavior: The Pattern of Tudor Martyrdom," *American Historical Review* 83 (1978): 627-33; Knott, *Discourses*, pp. 8-9.

⁵⁴*The Western Martyrology*, p. 179.

⁵⁵*Ibid.*, p. 180.

⁵⁶*Ibid.*, p. 185.

⁵⁷Knott, *Discourses*, pp. 8, 42.

So Judge Jeffreys rails and fumes at his victims throughout the proceedings of the assizes though they remain unmoved, composed, ready to die. Shortly before his execution, Monmouth rebel William Hewling tells those about him that he has "found a spring of joy and sweetness beyond the comforts of the whole earth."⁵⁸

Among the Monmouth rebels, the handsome, young, dissenting Hewling brothers, William and Benjamin, received a lion's share of attention in the martyrologies.⁵⁹ But Tutchin saved his most panegyric prose for his aristocratic sufferers. He meticulously glorified and reinforced the already growing martyrdoms of the three Whig lords who died as a result of the Rye House revelations.⁶⁰ The earl of Essex, a man of "vertue, temper, wisdom, piety and gravity," whose throat was cruelly cut by papist assassins in the Tower, "lived a hero, died a martyr." Colonel Sidney was "a perfect Englishman." He had "piety enough for a saint, courage enough for a general or a martyr, sense enough for a privy counsellor and soul enough for a King." The "brave old man came upon the scaffold as unconcerned as if he had been going to a fight and as lively as if he had been a Russell."⁶¹

Indeed, Tutchin reserved his highest praise for William, Lord Russell, the true darling of the martyrologies. He was simply "the finest gentleman England ever bred." Russell's fiery anti-papist speeches in Parliament during the Popish Plot and Exclusion Crisis made him a popular hero among London Whigs and dissenters. He also had powerful friends and a devoted wife who, after his death, propagated his image as a defender of Protestantism and liberty and as an innocent victim of royalist wrath.⁶² In the martyrologies, the description of

⁵⁸*The Western Martyrology*, p. 109.

⁵⁹One finds a very moving account of the Hewling brothers' final hours in William Kiffin's *Remarkable Passages*. Kiffin was the Hewlings' grandfather, and he rushed to their side in fall of 1685. Unfortunately, his account of their amazingly "cheerful carriage" was taken straight out of the martyrologies. See *Remarkable Passages in the Life of William Kiffin*. Kiffin's nineteenth-century biographer, Joseph Ivimey thought the martyrologists had copied Kiffin's description, but Kiffin did not write his memoirs until 1693. Joseph Ivimey, *The Life of Mr. William Kiffin* (London, 1833), p. 64.

⁶⁰Post-Revolution era saw a proliferation of literature which maintained the innocence of the Whig Lords and furthered their martyrdoms. For example, Henry Booth, Baron Delamere, *The Late Lord Russell's Case* (1689); Robert Atkyns, *A Defence of the Late Lord Russell's Innocency* (1689); Sir John Hawles, *Remarks upon the Tryals of...Lord Russel, Collonel Sidney, etc.*; anonymous, *Sidney Redivivus* (1689). On the martyrdoms of Russell and Sidney, respectively, see Lois G. Schwoerer, "William, Lord Russell: The Making of a Martyr, 1683-1983," *Journal of British Studies* 24 (1985): 41-71; Blair Worden, "The Commonwealth Kidney of Algernon Sidney," *Journal of British Studies* 24 (1985): 1-40.

⁶¹*The Western Martyrology*, pp. 31-35, 61, 67.

⁶²Schwoerer, "William, Lord Russell," pp. 43-62. Also see her, *Lady Rachel Russell* (Baltimore, 1988).

Russell's execution was curiously reminiscent of that of the greatest seventeenth-century martyr, King Charles I of Blessed Memory. On the day of Russell's martyrdom, the sky grew dark and great claps of thunder were heard as the axe fell. When his head was held up, a "considerable groan" arose from the crowd.⁶³

The martyr's legend, like the saint's tale, was an instrument of propaganda for convert-making. Tutchin hoped the martyrologies would not only vindicate the memories of men like Russell and Sidney, but also "leave prosperity so many great examples of those who preferred their liberty and religion before all else."⁶⁴ Their behavior was worthy of emulation; their cause, that of the radical Whigs, was worth dying for. In *The Merciful Assizes*, Dunton reminded his readers "that it is the Cause and not the Axe or the Halter that makes the Martyr."⁶⁵

The martyr's legend was not the only convention that the Whig martyrologists manipulated. The spectacle of the scaffold itself, even without echoing the ritual of the stake, conveyed important messages. Few other ceremonies in early modern society, beheld by so many, were such visible exhibitions of state power. The public execution not only reaffirmed the state's punitive authority, but essentially the legitimacy of the state as a whole. If an execution was a triumph of the law, then the state deploying that law had to be legitimate. Two elements that helped signify this legitimacy were the behavior of the spectators and that of the condemned themselves. While the crowd's cheers lent the consent of the community, quite often the condemned's own dying speech or final words further justified the state's right to punish.⁶⁶ Seventeenth-century scaffold speeches, as J. A. Sharpe has pointed out, followed a particularly formulaic pattern in which the condemned emphasized their own guilt, and their penitence and desire for communal forgiveness. The condemned vindicated the justice of their convictions and the state's authority to put them to death.⁶⁷

⁶³*The Western Martyrology*, p. 47. See William Dugdale's description of Charles I's execution in his *A Short View of the Late Troubles in England* (Oxford, 1681), pp. 371-75. Also see Nancy Klein Maguire, "The Theatrical Mask/Masque of Politics: The Case of Charles I," *Journal of British Studies* 28 (1989): 15-16.

⁶⁴*The Western Martyrology*, introduction.

⁶⁵Dunton, *The Merciful Assizes*, pp. 24-25.

⁶⁶J. A. Sharpe, *Judicial Punishment in England* (London, 1990), pp. 30-34; Peter Linebaugh, "The Tyburn Riot Against the Surgeons," in *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England*, eds., D. Hay, et. al., (New York, 1975), pp. 65-117; Michel Foucault, *Discipline and Punishment: The Birth of the Prison* (New York, 1979), ch. 2, "The Spectacle of the Scaffold," pp. 32-69; Pieter Spierenburg, *The Spectacle of Suffering* (Cambridge, 1984), ch. 4, "The Watchers: Spectators at the Scaffold," pp. 81-109.

⁶⁷J. A. Sharpe, "'Last Dying Speeches;' Religion, Ideology and Public Execution in Seventeenth-Century England," *Past & Present* 107 (1985): 144-67.

The question of legitimacy—both that of the state and that of the Whig cause—was one with which the martyrologists were particularly concerned. Naturally, Tutchin wanted to turn the messages of the public execution upside down. The dying speeches, last words, and the reactions of the spectators he described in the martyrologies strove to delegitimize the government and further emphasize the righteousness and legitimacy of the Whig cause.

In the martyrologies, the government that had Stephen College hanged in 1681 and the elderly Lady Lisle beheaded in 1685 was portrayed as corrupt and unlawful. The convictions of College, Lisle, and others were the product of perjured witnesses, browbeaten juries, and corrupt judges (all standard accusations in the Whig propaganda of the 1680s). But above and beyond these corruptions, at the very top of the hierarchy, the king himself was either utterly deceived and misled, as in the case of Charles II, or simply unlawful from the start, as in the case of the Catholic James II.⁶⁸

The process by which the Whig martyrs' executions delegitimized the government was not particularly difficult for the martyrologists to portray. Many of the dying speeches, which were previously published and simply reprinted in the martyrologies, consciously defied the typical formulaic pattern. Elizabeth Gaunt, the only Whig martyr burned at the stake like the Tudor martyrs, was especially adept at articulating her innocence and the injustice of her sentence.

Gaunt, an anabaptist, was convicted in 1685 of harboring a Monmouth rebel.⁶⁹ Her last speech, originally published in both English and Dutch in October 1685, was reprinted in full in all of the martyrologies.⁷⁰ It struck an extraordinarily defiant note. Gaunt told the crowd that she was honored to be the first to suffer by fire in this reign. She died, as many had a hundred years before her, because of her religion, not because of any criminal offence. She quoted passages from Scripture that commanded one to "hide the outcasts and betray not him that wanderth," and ended by laying her blood at the door of the "furious

⁶⁸James's Catholicism, Whig propagandists maintained, disqualified him from the throne. As the Reverend Samuel Johnson bluntly put it, "A popish Guardian of Protestant Laws is such an incongruity" as a "Wolf is to be a Shepherd or as AntiChrist is to be Christ's Vicar" (*Of Magistracy* [1688], p. 153).

⁶⁹Elizabeth Gaunt had hid Monmouth rebel James Burton. Burton had also participated in the Rye House Plot and had sought assistance from Gaunt after the plot's discovery in 1683. She gave him money and helped him seek transport to Amsterdam. After Burton was found at Gaunt's home in 1685, he won a pardon by informing against her. It was not without reason that London authorities were more interested in prosecuting Gaunt than Burton. She was well known about Wapping and with her husband was involved in smuggling political and religious dissidents to and from Holland. *DNB*, s.v. "Elizabeth Gaunt;" Edmund Parry, *The Bloody Assize*, pp. 267–69. Also see British Library, Add. MS 41817, ff. 219, 225 on her activities in Holland in the summer of 1685.

⁷⁰*Mrs Gaunt's Last Speech who was burnt at London, October 23, 1685; The Tryals of Henry Cornish and Elizabeth Gaunt...[the latter] for harboring and maintaining Rebels* (1685); *The Western Martyrology*, pp. 136–40.

judge and unrighteous jury." Her message was clear. She had acted on the authority of a superior guide (Scripture) and was condemned by corrupted, unlawful powers.⁷¹

Colonel Richard Rumbold's last speech was equally provocative. Rumbold had escaped to Holland following the disclosure of the Rye House Plot and joined the earl of Argyle's invasion of Scotland. He was hanged, drawn, and quartered in Edinburgh on June 26, 1685.⁷² Upon the scaffold, Rumbold saluted the spectators and declared that he died in the cause of the nation's "just rights and liberties, against popery and slavery." He proclaimed that the political powers he had fought were illegitimate. According to the "ancient laws and liberties of these nations," the king and the people are "contracted to one another. And who will deny me that this was not the Just Constituted Government of our Nation? How absurd it is then for Men of Sense to maintain, That though the one Party of this Contract breakth all Conditions, the other should be obliged to perform their Part? No, this Error is contrary to the Law of God, the Law of Nations and the Law of Reason." Rumbold's last speech was pure radical Whig ideology, plain and simple. The ancient contract upon which England's government was built had been violated. The current government was illegitimate and hence resistance to it was both lawful and necessary. The account of Rumbold's speech in the martyrologies ended with the story of him being asked "If he thought not his sentence dreadful?" Rumbold replied that he "wished he had a limb for every town in Christendom."⁷³

The final words of Colonel Abraham Holmes, a creation of Tutchin's pen, met all the requirements of a true Whig martyr's final farewell. They were at once courageous, prophetic, and defiant. Holmes approached the scaffold "with an aspect altogether void of fear" and with "a kind of smiling countenance." He refused to mention the king in his final prayers. He justified his support of the duke of Monmouth because he "believed the Protestant religion was bleeding and in a step toward extirpation." "Cheerfully beholding the people," he "advised them not to be discouraged at their severe deaths; for though it was their hard fortunes to loose the day in so good a cause, yet he questioned not but it would be revived again."⁷⁴

The martyrologies portrayed the spectators of these executions as altogether sympathetic to the plight of the condemned. Their presence did not signify the

⁷¹*The Western Martyrology*, pp. 136-37.

⁷²*DNB* and *BDBR*, s.v. "Rumbold, Richard." His dying speech was originally printed in 1685: see Richard Rumbold, *The Last Words*. Rumbold's speech was particularly famous: see Douglas Adair, "Rumbold's Dying Speech, 1685, and Jefferson's Last Words on Democracy, 1826," *William and Mary Quarterly* 9 (1952): 520-31.

⁷³*The Western Martyrology*, pp. 143-44.

⁷⁴*Ibid*, pp. 171-72.

consent of the community to the punitive powers of the state. Rather, their identification with the condemned suggested instead the righteousness of the cause for which the martyrs suffered. Time and again, the martyrologies described "multitudes of people" gathered to catch a last glimpse of the condemned's last journey, filled with "great lamentations." William Hewling's prayers upon the scaffold "convinced, astonished and melted to pity the hearts of all present and even the most malicious adversaries, forcing tears and expressions from them."⁷⁵ The martyrologists thus turned the traditional spectacle of the scaffold upside down, legitimizing the cause that brought the martyrs to their end, delegitimizing the government that ended their lives.

Naturally, it was only possible to represent that state as illegitimate after the Glorious Revolution. The Revolution made the martyrologies possible. They, in turn, promoted a pre-history of the Revolution which further justified the events of the winter of 1688 and 1689. Though their radical politics went far beyond anything the Seven Signators, the Prince of Orange or the members of the Convention would have officially sanctioned, they were certainly never censored.

The sensationalist nature of the martyrologies, their gruesome images of boiling limbs and limp bodies and their poignant tales of the condemned man's heroic last words made them rich sources for historians for hundreds of years. The depiction of sadism and suffering that Tutchin and company began was continued and further elaborated by eighteenth-century Whig historians and propagandists. Laurence Echard, White Kennett, Gilbert Burnet, John Oldmixon and James Ralph all used the martyrologies as the primary source for their accounts of the western assizes of 1685. They quoted the dying speeches and Jeffreys' sarcasm; paraphrased or simply plagiarized poignant or horrific passages from the martyrologies.⁷⁶ They even embroidered colorful accounts further. Burnet was often the worst culprit. He was better than the martyrologists themselves at exaggerating Jeffreys' cruelties and the Whigs' innocence. He more than doubled the number of those executed in the west. While Tutchin put the number at 251, which Monmouth scholars today believe to be fairly accurate, Burnet reported that over 600 were hanged, drawn and quartered.⁷⁷

⁷⁵Ibid., p. 110.

⁷⁶Laurence Echard, *The History of England*, 3 vols. (1707-18), 3: 774-76; White Kennett, *A Compleat History of England*, 3 vols. (1706), 3: 473-39; Gilbert Burnet, *History of His Own Time* (first published in 1724); modern edition used in this essay was edited by Martin Joseph Routh (Hildesheim, 1969), 3: 58-65; James Ralph, *The History of England*, 2 vols. (1744-46), 1: 980-93; John Oldmixon, *The History of England* (1735), pp. 11-13. Also see David Hume, *The History of England*, 8 vols. (1789), 8: 227-35.

⁷⁷Burnet, 3:60. John, Lord Viscount Lonsdale outdid Burnet, putting the number at 700. See his, *Memoirs of the Reign of James II* (York, 1808), pp. 12-13. Robin Clifton writes: "Overall, the figure of 251 given by Tutchin in his *Western Martyrology* seems a reasonably accurate grand total for the bloody assize victims" (*The Last Popular Rebellion*, p. 239).

Whig propagandist Roger Coke also heightened the dastardly behavior of Judge Jeffreys. The western assize opened in August of 1685 with the trial of the elderly Dame Lisle, charged with harboring the Monmouth rebel John Hickes. The martyrologists claimed that the jury brought back an innocent verdict twice before Jeffreys bullied them into a guilty verdict. But Coke, who had *The New Martyrology* at hand, asserted that the jury had returned three times with an innocent verdict before being browbeaten into obedience. This story was repeated by Kennett, Burnet, Oldmixon, Ralph, Echard, Paul Rapin de Thoyras and by nineteenth-century writers as well.⁷⁸

More important than the reiteration or embellishment of detail by eighteenth-century historians was their willingness to pass on and reinforce all the basic messages of the martyrologies. They, too, gave Jeffreys' victims all of the attributes of martyrs and portrayed James II's officials as surrealistic beasts. Lines like David Hume's, "they [the Monmouth rebels] bore their punishment with the zeal of martyrs" were commonplace in both eighteenth and nineteenth-century descriptions.⁷⁹ Taking his cue from Dunton's satiric *The Merciful Assizes*, Burnet propagated the image of Jeffreys as "perpetually either drunk or in a rage, liker a fury than zeal of a judge."⁸⁰ Moreover, these eighteenth-century historians also represented the history of the decade preceding the Glorious Revolution as a struggle against popery and slavery, wherein Whig resistance to a tyrannical authority was justifiable.

In the nineteenth century, historians Humphry W. Woolrych, Thomas Babington Macaulay, George Roberts and James Savage, the Taunton antiquary, and others also used the martyrologies generously for their accounts of the

⁷⁸Roger Coke, *A Detection of the Court and State of England during the Four last Reigns and the Interregnum*, 2 vols. (1694), 2: 416. Coke used the 1693 edition of *The New Martyrology* from which he drew many stories. For the trial of Alice Lisle, see *Howell's State Trials*, 11: 298-380. The account in Howell does suggest that Jeffreys often acted more like prosecutor than judge, but there is no evidence that the jury contemplated any other verdict than guilty. Jeffreys does exclaim, following the declaration of the verdict, "I think in my conscience the evidence was as full and plain as could be, and if I had been among you and if she had been my own mother I should have found her guilty" (11: 373). This quote was often repeated by Jeffreys' detractors. The story of the verdict being brought back three times by the jury can be found in: Kennett, 3: 438; Burnet, 3: 63-64; Oldmixon, p. 12; Ralph, 1: 888-89; Echard, 3: 774; Paul Rapin de Thoyras, *A New History of England, in English and French by Question and Answer* (1729), p. 351. In the nineteenth century, it is found in M. A. Rundall, *Symbolic Illustrations of the History of England* (London, 1822), p. 400; John, Lord Campbell, *Atrocious Judges: Lives of Judges infamous as Tools of Tyranny* (New York, 1856), pp. 312-13.

⁷⁹Hume, 8: 326. For example, Ralph wrote: "Their [the rebels] behavior under sentence came up to all that is believed of saints and martyrs" (1:889).

⁸⁰Burnet, 3: 59-60. In *The Merciful Assizes*, Dunton accused Jeffreys of drinking, swearing, whore-mongering, levity, pride and covetousness throughout the trials of the western assize (pp. 260-300). Nineteenth-century historians, often citing Burnet as their source, also portrayed Jeffreys as "perpetually either drunk or in a rage" (George Roberts, *The Life, Progresses and Rebellion of James, Duke of Monmouth*, 2 vols. [London, 1844], 2: 190).

western assize.⁸¹ Woolrych and Roberts both acknowledged that the stories in the martyrologies were extraordinarily suspect. At one point, Roberts asserted that, "*The New Martyrology, or the Bloody Assizes* is a work of no authority."⁸² He then proceeded to relate one martyrology-originated story after another, even amplifying Jeffreys' villainy, who he reported, "delighted in blood."⁸³ James Savage was also clearly suspicious of the information in the martyrologies, but his interests, first and foremost, lay in highlighting Somerset suffering and royalist barbarism.⁸⁴

Macaulay's trust in the martyrologies further resulted in the production of iconographic images of the martyrologists' vision of the Stuart past. Between 1841 and 1868, the great liberal historian sat on the Fine Arts Commission, chaired by Prince Albert, which selected topics to be painted and displayed in the corridors of the Palace of Westminster. Macaulay's whiggish stamp upon the subjects chosen is markedly evident. In the hall leading into the House of Commons, the paintings and frescoes concern the second half of the seventeenth-century. They celebrate Charles II's arrival at Dover in 1660; the acquittal of the Seven Bishops in 1688; and William and Mary's coronation in 1689, among other turning points in Stuart history.

Undoubtedly the most curious is a fresco of "Alice Lisle concealing the fugitives after the battle of Sedgemoor," completed in 1857.⁸⁵ Dame Lisle was portrayed in the martyrologies as one of the most pitiful victims of royalist wrath. The widow of a regicide, Lisle was in her seventies at the time of her trial in 1685 and nearly deaf. Tutchin reported that she slept through the proceedings.⁸⁶ Nonetheless, she was found guilty and sentenced to be burned at the stake. Her punishment was commuted by James II to beheading. Whether Lisle knowingly harbored two rebels or was simply succoring a dissenting minister

⁸¹Humphry W. Woolrych, *Memoirs of the Life of Judge Jeffreys, sometime Chancellor of England* (London, 1827), pp. 185-263; Macaulay, *History of England*, 2: 629-61, 633-50; George Roberts, *Monmouth*, 2: 188-237; James Savage, *The History of Taunton*, pp. 501-32.

⁸²Roberts, *Monmouth*, 2: 200. Woolrych wrote that as source material, "the lugubrious dirges of contemporary writers [the martyrologists] will be rarely introduced" (p. 186). Yet, most of his material originated with the martyrologies though he cited eighteenth-century writers like Oldmixon and Burnet.

⁸³Roberts, *Monmouth*, 2: 221.

⁸⁴Savage believed that after the Glorious Revolution, "the partisans of Monmouth and enemies of popery became exceedingly anxious to exaggerate the already cruel and merciless proceedings" in the west. His *History of Taunton*, however, contained all of the most colorful martyrology-stories. See his letter of August 20, 1823, in the British Library, Add. MS 34516, f. 25v.

⁸⁵I am grateful to Mr. Malcom Hay, curator at the Palace of Westminster, for giving me a tour of the corridors of the Houses of Parliament in July 1994.

⁸⁶*The Western Martyrology*, pp. 127-28.

and his friend remains a mystery.⁸⁷ Like the martyrologists, however, Macaulay proclaimed her a heroine and martyr. Lisle's "womanly kindness...would not allow her to refuse a meal and a hiding-place to the wretched men who now entreated her to protect them."⁸⁸ The fresco of Alice Lisle in the corridors of the House of Commons attests to the strength of the martyrologies to shape the Stuart past for generations.

The martyrologies continued to be used as sources on the 1680s by twentieth-century historians, both popular and academic. A good example is Edmund Parry's *The Bloody Assize*, published in 1929. Parry was utterly sympathetic to a Whig portrayal of the western assizes. He characterized the following passage as the observation of an "eye witness" to Jeffreys' destruction in the west:

Jeffreys made all the West an Aceldama; some places quite depopulated and nothing seen in 'em but forsaken walls, unlucky gibbets and ghostly carcasses. The trees were loaden almost as thick with quarters as leaves; the houses and the steeples covered as close with heads as at other times with crows or ravens. Nothing could be liker Hell than all those parts; nothing so like the devil as he. Caldrons hissing, carcasses boiling, pitch and tar sparking and glowing, blood and limbs boiling and tearing and mangling, and he the great director of it all.⁸⁹

This oft-quoted macabre passage was written by Tutchin four years after the events. He was hardly an "eye witness" to the aftermath of the entire western circuit in the summer and fall of 1685 since he was captured and incarcerated in the goal at Dorset soon after the battle at Sedgemoor. He wrote this gruesome passage after the Glorious Revolution for propagandist purposes and financial gain.

Perhaps most telling as to the success of the martyrologies in this century is the incorporation of their stories and accounts in encyclopedia entries. The *Dictionary of National Biography* entry on Colonel Abraham Holmes retells the

⁸⁷The dissenting minister, John Hicke, and the Rye House plotter, Richard Nelthorpe, took refuge at Lisle's house after the battle at Sedgemoor. At her trial, Lisle claimed that she had never met Nelthorpe, and it is possible that he was concealed at her house without her knowledge. She did know John Hicke though she asserted that she was unaware of his engagement in the late rebellion. Lisle was known to be sympathetic toward dissent and her house, Moyles Court, was probably a "safe-house" for nonconformist teachers. She was known to house a conventicle of around 200 Presbyterians. Her sentence was reversed in 1689. See *State Trials*, 11: 298-380; *DNB*, s.v. "Alice Lisle;" G. Lyon Turner, *Original Records of Early Nonconformity Under Persecution and Indulgence*, 3 vols. (London, 1911), 1: 142.

⁸⁸Macaulay, 2: 630. Not everyone shared Macaulay's Whig tastes. A letter in *The Times* (15 September 1847) protested the choice of Alice Lisle, "As it is the picture will represent, apparently for approval, what is still a criminal act."

⁸⁹Edmund Parry, *The Bloody Assize* (New York, 1929), p. 243. The same passage is also quoted in Dunton, *The Merciful Assizes*, p. 83; Roberts, *Monmouth*, 2: 223; George Pulman, *The Book of the Axe* (London, 1855), p. 128. For the original, see *The Western Martyrology*, p. 104. Similar descriptions, inspired by this passage, are found in Ralph, 1: 891; Kennett, 3: 438; Hume, 8: 251; Macaulay, 2: 634-36.

same bizarre story, first described in the martyrologies, as to how the horses meant to pull Holmes's sledge to the gallows "would not stir" and how a second team of horses "broke it [the sledge] in pieces."⁹⁰ This same entry, as well as that in the *Biographical Dictionary of British Radicals (BDBR)*, paraphrases Holmes's dying speech as it is set forth in the martyrologies, wherein the old Colonel asserted that he died in defense of Protestantism. Holmes's speech was dramatic and appealing but almost certainly a creation of Tutchin's imagination amid the events of the Glorious Revolution.⁹¹ Another case is that of John Hickee, the nonconformist minister found hiding in Alice Lisle's house. His last speech as well as his last letters, both of which appeared for the first time in the martyrologies, are cited as sources in the entry on him in *BDBR*.⁹² Suspicious information culled from the martyrologies are also found in the *DNB* entries on John Tutchin himself and Richard Nelthorpe.⁹³

The historical legacy of the Whig martyrologies has been profound yet unnoticed. It is fitting that from the very outset, the martyrologists were conscious of themselves as popular historians. In the Introduction to *The New Martyrology of 1689*, Tutchin flatly stated that as there was "no form'd history" of Protestant suffering in the 1680s, he intended to set one forth.⁹⁴ Insofar as the "bloody assizes" are concerned, the extent of Tutchin's success is still felt today. His martyrologies articulated the common sense of horror produced by the gruesome executions in the west, labelled the event "the bloody assizes," and transmitted an account of it to all who wished to read or listen to the sad tales.⁹⁵ While

⁹⁰*The New Martyrology*, p. 179; *DNB*, s.v. "Abraham Holmes." The same story is also retold in Roberts, *Monmouth*, 2: 205.

⁹¹*DNB & BDBR*, s.v. "Abraham Holmes." Holmes's dying speech appeared for the first time in the 1689 collection, *The Bloody Assizes, or the Compleat History of...Jeffreys*. On the title-pages, the authors asserted that Holmes's speech was "never before published." In fact, it was probably never before written.

⁹²*BDBR*, s.v. "John Hickee." There is no evidence that Hickee gave or wrote a dying speech in 1685. Tutchin married Hickee's daughter in 1686 and it is therefore conceivable that Tutchin possessed his last letters. On the other hand, last letters were as much a formulaic genre as dying speeches. Tutchin probably created Hickee's last letters (along with those of Richard Nelthorpe, whose letters also appeared for the first time in the martyrologies) in memorial to his friend and fellow-sufferer.

⁹³The entry on Nelthorpe cites his "last letters" in *The Western Martyrology* as sources. The entry on Tutchin quotes the martyrologies within the text and retells the fictitious story of Tutchin's meeting with Judge Jeffreys in the Tower in 1688.

⁹⁴The same Introduction was used in all three editions. The pages are unnumbered.

⁹⁵Tutchin and company were probably the first to publish the term "bloody assizes" and undoubtedly popularized it. I have only found the term used once prior to 1689. In *Ecclesiastica, or the Book of Remembrance*, compiled in 1687 but not published until 1874, the author described Jeffreys as a "man of violence and blood...being the principle person in the management of those bloody assizes." *Ecclesiastica* (Barnstable, 1874), p. 84. On the book's dating, see W. MacDonald Wigfield,

many of the speeches were fictitious, the sense of outrage was real. Generations of historians as well have relied on the martyrologies to document the fright, pathos and cruelty that took place in the aftermath of Sedgemoor.

The finest and most effective propaganda is that which is counted as history and begins to shape the popular memory. In a reciprocal dialogue, history and memory fuse, informing later representations of the original events: from frescoes in Westminster and national histories, to novels and local histories. In the nineteenth-century, R. D. Blackmore's west-country romance, *Lorna Doone* (1869), portrayed the savagery of Colonel Kirke and his "lambs." Arthur Conan Doyle's *Micah Clarke* (1888) described "the devil in wig and gown," Jeffreys himself, "who raved like a demoniac."⁹⁶ As recently as 1987, Somerset historian R.W. Dunning wrote that, insofar as western England was concerned, "the memory of Sedgemoor and the Bloody Assizes is itself still green."⁹⁷

Whig radicalism was not dead or discredited after 1688. Not only did it live on in the fiercely partisan weeklies, doggerel and pamphlets produced by men like Tutchin, through the martyrologies it was more successful at reconstructing the pre-Revolution era than scholars have realized. The great Whig historians of the eighteenth and nineteenth centuries did not ignore or suppress these texts; rather, they propagated their tales, both real and fictive. But in a virtuoso performance of historical narrative and slight-of-hand, English historians depicted the "bloody" assizes as merely a vicious prelude that served to highlight in fuller relief the virtues of the "bloodless" Revolution. They conveniently neutralized early Whig radicalism while sensationalizing and fictionalizing royalist violence. The stories of the Whig martyrs, like those of their predecessors, taught English historians about the interpretive power of history-writing. After the radical politics of the Whig martyrologies died out, the blood stains remained.

"Ecclesiastica, or the Book of Remembrance of the Independent Congregations of Axminster and Chard, and their Part in the Monmouth Rebellion," *Somerset Archaeological and Natural History Society* 119 (1975):, 51-55.

⁹⁶R. D. Blackmore, *Lorna Doone* (London, 1961), pp. 421-27; Arthur Conan Doyle, *Micah Clarke: His Statement* (London, 1912), pp. 370-92.

⁹⁷R. W. Dunning, *A History of Somerset* (Somerset County Library, 1987), p. 65.