

The Three Questions: King James II, the Penal Laws and Test Acts, and the landed classes, 1687-88

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Abbreviations

<i>Alumni Cantab</i>	Venn, J. and Venn, J. A., <i>Alumni Cantabrigienses, Part 1, From the Earliest times to 1751</i> (4 vols., Cambridge, 1922-7).
<i>Alumni Oxon</i>	Foster, J., <i>Alumni Oxonienses: The Members of the University of Oxford, 1500-1714</i> (2 vols., 4 parts, reprinted Wiesbaden, Germany, 1968).
B.L.	British Library.
CSPD	<i>Calendar of State Papers, Domestic series.</i>
<i>Complete Baronetage</i>	[Cokayne, G.E.], <i>The Complete Baronetage</i> (Exeter, 1900-6).
<i>Complete Peerage</i>	[Cokayne, G. E.], <i>The Complete Peerage of England, Scotland, Ireland, Great Britain and the United Kingdom, Extant, Extinct or Dormant</i> (14 vols., London, 1910-1959).
<i>DNB</i>	<i>Dictionary of National Biography</i> .* [Stephen, L. and Lee, S., eds., <i>The Dictionary of National Biography</i> (63 vols., London, 1885-1900).]
Duckett	Duckett, Sir George, <i>Penal Laws and Test Act</i> (2 vols., London, 1882-3).
Hastings MSS	The Hastings Collection of manuscripts from the Huntington Library, California, on microfilm at the Pilkington Library, Loughborough University.
HMC	Reports of the Historic Manuscripts Commission.
Luttrell	Luttrell, N., <i>A Brief Historical Relation of State Affairs</i> (6 vols., Oxford, 1857).
Morrice	Morrice, R., <i>The Entering Book: Being an Historical Register of Occurences, from April An: 1677 to April 1691.</i>
N.A.	National Archives at Kew.
Rawl. MSS	Rawlinson Manuscripts in the Bodleian Library, Oxford.
R.O.L.L.R.	Record Office of Leicester, Leicestershire and Rutland.
<i>VCH</i>	<i>Victoria County History</i> series.

* A new version of the *DNB*, the *Oxford Dictionary of National Biography* (*Oxford DNB*), was published in 2004. Where this edition is referred to, it will be stated in the footnotes.

Note on spelling and dates

The spelling and punctuation in the quotations used in this thesis have not been modernised, unless clarity so demands. Before 1752, England followed the Julian Calendar and the year began on 25 March. In the text the year is taken as beginning on January 1.

Abstract

Peter Walker: The Three Questions: King James II, the Penal Laws and Test Acts, and the Landed Classes, 1687-88

The purpose of this thesis is to look afresh at James II's canvassing of the gentry in the winter of 1687-8 on the repeal of the Test Acts and the penal laws. The Tests prevented non-Anglicans in general, but Catholics in particular, from participating fully in public life. The penal laws punished those who did not conform to the Established Church. As a Catholic, James was anxious to ease the lot of his co-religionists and by the third year of his reign he had shown himself willing to extend toleration to Protestant Dissenters. The canvass was part of the campaign to find a Parliament willing to repeal these laws. Historians have viewed the canvass as a failure: certainly it did not bring the results the King hoped for and helped to create a united opposition to the Stuart regime. But on closer inspection the returns reveal a more confused picture. More members of the gentry supported repeal than was originally believed and with these supporters the King was able to begin to fashion alternative local political administrations that might in time have challenged the entrenched political interests in the shires. However, this new power base was still too narrow by the time William of Orange intervened in English politics, mainly because the King, by his ruthless purging of local office-holders, missed the opportunity to win over gentlemen who, given the right encouragement, might have come to support repeal. But it is in the answers to the third question, in which an overwhelming majority of gentlemen endorsed the general concept of religious toleration, that a sea change in attitudes among the political classes is revealed, something the King might have been able to build on if he had had the time or inclination to nurture the 'green shoots' of religious pluralism.

Introduction

On 29 March 1673 King Charles II gave the royal assent to the Test Act. The Act ensured that every holder of public office had to be a communicant of the Church of England and it contained a declaration denying the Catholic doctrine of Transubstantiation.¹ Although the Test Act created yet another obstacle to Protestant Dissenters holding public office, the measure was aimed primarily at Catholics. Within three months two leading members of Charles II's administration, his brother, James, Duke of York, Lord High Admiral, and Lord Clifford, Lord Treasurer, laid down their posts. James's action, following his failure to take Communion according to the rites of the Anglican Church at Easter 1673, confirmed what many already suspected, that the heir to the throne was a Catholic - a member of a religion more hated and feared by most seventeenth century Englishmen than any other.² The Test Act marked the beginning of what in retrospect can be seen as a protracted political crisis, whose flashpoints included the Popish Plot and Exclusion Crisis and whose culmination was the Revolution of 1688.³ The Act restricted the royal prerogative: no longer could the king appoint Catholic ministers. It was a restriction that was to gall James more than his brother and, during his short reign, the Act's repeal was to become an obsession, driving him to more and more controversial political manoeuvres that were to alienate the political classes to such an extent that when his throne was threatened by his son-in-law, William of Orange, he was left bereft of support and forced to flee the realm.

Charles II, like his brother, jealously guarded his powers, and although the regular

¹ *CSPD*, 1673, pp. 101, 126.

² E. de Beer, ed., *The Diary of John Evelyn* (6 vols., Oxford, 1955), iv. 7; *CSPD*, 1673, pp. 374, 377; J. Miller, *Popery and Politics in England 1660-1688*, (Cambridge, 1973), Chap 4.

³ B. Coward, *The Stuart Age* (London, 1980), p. 268; see also Bishop Burnet's *History of His Own Time* (7 vols., Oxford, 1823), I. 539-84. For Burnet, writing in 1683, 1672, with Charles II's Declaration of Indulgence and Louis XIV's armies sweeping through the Low Countries, marked the fifth crisis of Protestantism in Europe.

meeting of Parliament became an established feature of political life during his reign, he had no great love of Parliaments: when he felt able to, as he did towards the end of his reign, he ruled without them. It is also generally accepted that Charles, if not secretly a Catholic himself, was attracted to the religion of his mother, brother and sister.⁴ So why did he give his assent to a law that would not only weaken his own position, but that of his successor and reinforce the burdens under which Catholics laboured?

The answer lies in the pragmatism that informs Charles's political actions. With the example of his father's fate ever before him and after the deprivations of his youth and early manhood, it was Charles's abiding principle that he should not hazard his throne. Only occasionally did he allow himself to be persuaded to embark on seemingly reckless political ventures: the Treaty of Dover in 1670 or the Declaration of Indulgence in 1672 (whose legacy, courtesy of a suspicious House of Commons, was the Test Act) are two rare examples. In the main, Charles eschewed the loftier - and more dangerous - ambitions of some of his ministers and his brother. In matters of religion he was extremely cautious: his determination to preserve his brother's rights during the Exclusion Crisis is in stark contrast to his refusal to save innocent Catholics imprisoned and executed on trumped up charges at the height of the Popish Plot.⁵ All of which leads to the inescapable conclusion that the King's action, as regards the Test Act, was governed by expediency. The Declaration of Indulgence had aroused the Commons' anti-Catholicism; at the same time the King needed money to prosecute the war against the Dutch. The Commons made the granting of supply conditional on the passing of the Test

⁴ Contrasting views of Charles II's religious beliefs can be found in Halifax, 'A Character of King Charles II', in W. Raleigh, ed., *The Complete Works of George Savile, First Marquess of Halifax* (Oxford, 1912), pp. 187-91; G.M. Trevelyan, *A Shortened History of England* (Penguin, 1972), p. 343; R. Ollard, *The Image of the King: Charles I and Charles II* (Pimlico, 1993), Chap. 8; R. Hutton, *Charles II: King of England, Scotland and Ireland* (Oxford, 1991), pp. 455-457.

⁵ The fate of Viscount Stafford and Oliver Plunkett, Archbishop of Armagh, testify to this: A. Fraser, *King Charles II* (Futura, 1980), pp. 399-400; Hutton, *Charles II*, p. 407.

Act and Charles capitulated. Charles, perhaps, felt it was a price worth paying, but James and Clifford - with greater prescience - felt the royal control over religion should be preserved at all costs.⁶ The consequence for the Stuart monarchy would be catastrophic.

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In the eyes of most Englishmen, the Test Acts and penal laws taken together provided a bulwark against Catholicism. The Tests prevented non-Anglicans in general, but Catholics in particular, from participating fully in public life: attending university, holding public office or a commission in the army or navy, serving as a minister of the Crown or as an MP, or, if a peer of the realm, sitting in the House of Lords. The Test Act of 1673 had been complemented by the Test Act of 1678, passed during the Popish Plot, which specifically excluded Catholics from sitting in Parliament and included a declaration against Popery, although James, as Duke of York, had been exempted from the provisions of this legislation.⁷ The penal laws,⁸ enacted in the reigns of Queen Elizabeth and James I, punished with fines and, in some cases, death the practice and promotion of the Catholic religion. As a corollary of this, they also punished with a steadily mounting scale of fines the refusal of Catholics to conform to the Established Church. Their landed property could, at least in theory, be seized by the state or transferred to a rapacious Protestant relation; their servants, no less than themselves, were vulnerable to the accusations of the malicious informer. That Catholics suffered greatly for their faith in the sixteenth and seventeenth centuries is attested by the long list

⁶ Hutton, *Charles II*, pp. 301-2.

⁷ Ibid., pp. 361-2; the Acts are reprinted in J.P. Kenyon, *The Stuart Constitution* (2nd edition, Cambridge, 1986), pp. 385-7.

⁸ *The Catholic Encyclopaedia* (14 vols., New York, 1907-1914), xi. pp. 612-4; Miller, *Popery and Politics*, Chap. 3.

of priests hanged, drawn and quartered in the reigns of Elizabeth, James I and Charles I. Laymen and women too suffered long periods of imprisonment and, occasionally, death - although, because in the Elizabethan and Jacobean mind Catholicism was so closely associated with treason, it was sometimes difficult to distinguish between the martyr and the traitor.⁹ For those not called upon to make the ultimate sacrifice for their faith, a greater sting lay in the fines, often crippling, imposed under the penal laws for recusancy. These could seem all the harsher for being enforced in an arbitrary fashion. For periods under the first two Stuart monarchs, especially, the penal laws were not rigorously enforced and, in any case, the influence of a powerful local magnate who was either a Catholic or had Catholic relatives and friends, could render less severe the impact of the law.¹⁰ Unfortunately, both James I and Charles I were often short of money and an easy way to raise revenue was by fining recusants. This had the double advantage of tapping a lucrative source of income (in post-Reformation England, the seigneurial nature of Catholicism meant that a high proportion of recusants belonged to the landed classes), whilst not upsetting the Anglican squires, who while robustly opposing most forms of taxation, approved heartily of Papists being penalised. There were, however, dangers for the Crown in such expedients. In the years before the Civil War Charles I came close to alienating his Catholic supporters in Lancashire, where between a quarter and a third of the gentry clung to the old faith, by deciding to enforce the laws against recusancy.¹¹

By the mid-1680s, the penal laws - especially the sanguinary ones - may have appeared rather antiquated, not just to King James but to a minority of Anglicans as well:

⁹ J. Coffey, *Persecution and Toleration in Protestant England, 1558-1689* (Longman, 2000) pp. 90-3.

¹⁰ Miller, *Popery and Politics*, pp. 57-66, 189-91, 265-8; Coward, *Stuart Age*, p. 70.

¹¹ Coward, *Stuart Age*, pp. 70-71; J. Coffey, *Persecution and Toleration*, p. 119; B.G. Blackwood, 'Parties and Issues in the Civil War in Lancashire', *Transactions of the Historic Society of Lancashire and Cheshire*, 132 (1993), pp. 104, 117.

the excesses of the Popish Plot had shown how such laws could be abused.¹² But events in Europe, dominated as they were by the zealous Catholic monarch, Louis XIV, made Englishmen nervous about making any concessions towards Catholics. Their fears were confirmed in the year of James II's accession by Louis's revocation of the Edict of Nantes, which finally removed the steadily diminishing measure of freedom French Protestants had been permitted for the best part of a century. And in the wake of this, the persecution of Huguenots gathered pace. So it is, perhaps, not surprising that even the ultra loyal House of Commons elected in 1685 showed little enthusiasm for the repeal of the penal laws, and proved defiantly attached to the Tests.¹³

With a King determined to ease the lot of his co-religionists and a Parliament equally determined to maintain the anti-Catholic laws a political trial of strength was inevitable. James first prorogued Parliament and later, after failing, in a series of personal interviews, to persuade Tory MPs to support his policies, dissolved it in 1687.¹⁴ That signalled his breach with his erstwhile Tory-Anglican allies and his move to embrace Protestant Dissenters, who, he hoped, would more readily support his policy of religious toleration.

Without Parliamentary sanction for his policies James was forced to fall back on the royal prerogative. He issued a Declaration of Indulgence in 1687, which, in effect, suspended the operation of the laws against recusants and Protestant Dissenters. Although the legality of the dispensing power, which was used by the King to suspend

¹² Of those canvassed by James II, more than 90 squires and one peer, while refusing to consent to the repeal of the Tests, were willing to support the repeal, review, amendment or mitigation of some or all of the penal laws. Four squires referred specifically to the 'sanguinary' laws: Sir John Heath (Kent), Theophilus Leigh (Gloucestershire) and Sir James Astrey and Samuel Rhodes (Bedfordshire). Alone among these squires, Astrey also supported the repeal of the Tests: Rawl. MSS, A 139a passim; fos. 65, 147, 136.

¹³ J. Miller, *James II: A Study in Kingship* (London, 1989), pp. 135-37, 143-7; M. Ashley, *James II* (London, 1977), pp. 180-2.

¹⁴ Miller, *James II*, pp. 163-4; Ashley, *James II*, p. 182; *CSPD*, 1687-9, pp. 21, 25.

the law with effect to named individuals, had earlier been upheld by the courts, its legitimacy and that of Declaration of Indulgence, which was general in its operation, was, in the eyes of many Englishmen, doubtful.¹⁵ In any case, its effectiveness was restricted to the lifetime of the King. (At this stage the next in line to the throne was James's Protestant daughter, Mary, whose consort, should she succeed to the English throne, would be William of Orange, the leader of Protestant Europe and avowed enemy of Louis XIV.) It was obvious to the King that the only way to safeguard the interests of Catholics was to find a Parliament which would be willing to repeal the penal laws and Tests. The famous Three Questions - which bear some similarity to the modern opinion poll - were intended to test the mood of the political nation and prepare the way for a new Parliament. Deputy lieutenants, JPs and other members of the gentry were asked:

1. If in case he shall be chosen Knight of the Shire or Burgess of a Town, when the King shall think fit to call a Parliament, whether he will be for taking off the Penal Laws and the Tests?
2. Whether he will assist and contribute to the election of such members as shall be for taking off the Penal Laws and Tests?
3. Whether he will support the Kings Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do?¹⁶

It is difficult to over-emphasise the novelty of such a canvass: nothing like it had ever been attempted before. And it was this novelty that aroused the suspicion of the landed classes. James was already seen by many as stretching the letter of the law to its limits; many more certainly believed he was not acting within its spirit. Some considered such an interrogation - and by implication the demand for prospective Members of

¹⁵ The legality of the dispensing power was upheld in *Godden v. Hales* (1686), see Kenyon, *Stuart Constitution*, pp. 403-4; for the Declaration of Indulgence, *ibid.*, pp. 389-91. The legality of Charles II's Declaration of Indulgence of 1672 had been challenged by the House of Commons in 1673: Coward, *Stuart Age*, p. 266.

¹⁶ Rawl. MSS, A 139a, *passim*.

Parliament to pre-engage themselves - as undermining the independence of Parliament.¹⁷ Once suspicion was aroused, attitudes hardened; and the traditional view of historians has been that the canvass helped to unite an hitherto fragmented opposition and set in motion a train of events that were to end in James being driven from the throne. So why did the King embark on such a risky - and ultimately disastrous - enterprise? Part of the answer lies in the character of the last Stuart king.

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More vilified than almost any other English monarch, James II suffers from the further disadvantage of failing to attract the support of a convincing champion to challenge the overwhelmingly negative picture painted by Macaulay and the Whig historians and varnished by some modern writers, who find James's combination of religious enthusiasm and political inflexibility unattractive. Catholic historians, too, have generally proved unenthusiastic - both Lingard and Acton finding him uncongenial - and the revisionists, like Ashley and Miller, while altering our perception of James's reign, have done little to make the man himself more attractive.¹⁸ This in itself would

¹⁷ P. Seaward, *The Restoration, 1660-1688* (Macmillan, 1991), pp. 141-2; J. Miller, 'James II and Toleration', in E. Cruickshanks, ed., *By Force or By Default? The Revolution of 1688-89* (Edinburgh, 1989), pp. 18, 21; Sir John Reresby, a Tory loyalist, expressed the views of many Englishmen towards the Three Questions: A. Ivatt, ed., *The Memoirs and Travels of Sir John Reresby, Bart.* (London, 1904), p. 388. In many answers in the returns squires specifically object to being asked to pre-engage themselves; many others state that they cannot give an answer until they have heard the debates in the House of Commons, which amounts to the same thing.

¹⁸ J. Lingard, *History of England* (6th edition, 10 vols., London, 1855), ix. 48-9; Acton's views, that James II was an old man in a hurry and an unintelligent absolutist, are referred to by M. Ashley, 'King James II and the Revolution of 1688: Some Reflections on the Historiography', in H.E. Bell and R.L. Ollard, eds., *Historical Essays 1600-1750, presented to David Ogg* (London, 1963), p. 200. Both Miller and Ashley are critical of James and Miller admits to finding him unattractive: Miller, *James II*, p. x.; D. Ogg's verdict shows a barely disguised distaste for James: *England in the Reigns of James II and William III* (Oxford, 1955), pp. 220-1; J. R. Jones, *The Revolution of 1688 in England* (London, 1972), and J.R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972), are highly critical. Of the more recent works W.A. Speck's *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988) is particularly hostile and definitely a throwback to Macaulay and the older 'Whig' historians, while T. Harris's *Revolution: The Great Crisis of the British Monarchy, 1685-1720* (London,

not be important if it did not colour the interpretation of events between 1685 and 1689. Was James really the unintelligent, stupid, humourless, cruel, bigoted, cowardly religious fanatic and incompetent absolutist of Whig mythology? The answer must surely be no. But the alternative view, that he was a genuine believer in religious toleration, patriotic and brave, but whose actions were woefully misinterpreted by most of his subjects, while possible to establish, glosses over some of James's shortcomings. Yet it probably comes nearer to the truth: as has been claimed before, if James II misunderstood his subjects, they as certainly misunderstood him.¹⁹

James, when he came to the throne had a reputation as a competent administrator, the legacy of his years in charge of the Navy. Also it could not be said that he lacked political experience, having been at his brother's side for twenty-five years and played an important part in the events of the reign; and, against the odds, and despite a sustained political campaign by his enemies, he had succeeded to the throne. This experience alone would have made him realise the dangers of pushing too hard for religious toleration and so alienating his allies, whose support in any case, was conditional on his not tampering with the religious settlement of the Restoration. In the light of this, two questions need to be asked. First, why did James, with his political experience and knowledge of his fellow countrymen's prejudices, drive on with his plans for religious toleration and risk his throne? Second, was his belief in religious toleration genuine, or was it a means to an end to secure greater power - or at the very least security - for himself?

2006), p. 484, which looks at James's rule in his three kingdoms, is also damning of the king.

¹⁹ Miller, *James II*, p. x. Miller's more sympathetic view of James's reign has been challenged by Harris, who concludes that '[t]o all intents and purposes [James] did seek to establish Catholic absolute monarchy across his three kingdoms', but his rather whiggish stance is tempered by the acknowledgement that there were many losers in the Revolution of 1688, especially in Scotland and Ireland: T. Harris, *Revolution*, pp. 484, 494-512, 515-7.

The commonplace answer to the first question is that James was stupid, or, in the words beloved of the Whig historians, ‘narrow of understanding’.²⁰ This view was challenged as long ago as 1915 by Firth, who emphasised that James was a capable administrator. However, Firth, who was no admirer of the last Stuart king, still considered James intellectually limited and, for good measure, cruel and despotic.²¹ Since the middle of twentieth century, the contention that James was an evil tyrant has slowly been discounted.²² Nonetheless, historians have continued to assume James was stupid, quoting the same sources as their predecessors (and dismissing out of hand the more positive assessments of his contemporaries). But at the very least historians have underestimated the King and seen his character as merely the sum of his actions, many of which, admittedly, were mistaken. And in a more sceptical age James’s apparent willingness to sacrifice three earthly kingdoms for a heavenly crown does seem unutterably stupid.

More recently it has been claimed that James was not unintelligent - or particularly less intelligent than his brother - but lacked the guile, flexibility, political acumen and the understanding of human nature that Charles II possessed²³ - and compared with the wily Charles, James does appear both foolish and a failure. This inflexibility, on James’s part, is clearly shown by his attitude towards Anglican loyalty. James put absolute trust in, and a far too literal meaning on, the doctrines that

²⁰ ‘James was diligent, methodical, and fond of authority and business. His understanding was singularly slow and narrow, and his temper obstinate, harsh and unforgiving’: T.B. Macaulay, *The History of England from the Accession of James II*, ed. C.H. Firth (6 vols., Macmillan, 1913-15), i. 151. More recently, ‘narrow of mind’ is the phrase used to describe James: A. Marshall, *The Age of Faction* (Manchester, 1999), p. 134.

²¹ Sir C. Firth, *A Commentary of Macaulay’s History of England* (London, 1938), pp. 277-9, 289.

²² Ashley, ‘King James II and the Revolution of 1688’, pp. 185-202.

²³ Fraser, *Charles II*, p. 256; S. Schama, *History of Britain, The British Wars, 1603-1776* (London, 2001), p. 309.

underpinned this loyalty, passive obedience and non-resistance, without ever understanding, until it was too late, that when conscience and the survival of the Church were at stake, there were limits to these doctrines, especially the latter. Hence the King's anger, and not a little bewilderment, when he found himself confronted with the Bishops' collective act of civil disobedience over the Declaration of Indulgence in 1688.²⁴

It needs to be emphasised, however, that James's actions in 1687-88 look foolish only in retrospect. The King had survived two rebellions in 1685; he had the protection of a standing army and was therefore secure against internal military threat; Europe was at peace and, as yet, there were no signs that William of Orange might move against him (a course of action, in any case, inconceivable to James);²⁵ and Parliament had conveniently granted him enough money for his needs. So it is perhaps not surprising that James felt able to push forward with his policies and test the resolve of Anglican establishment. There is no doubt that the King's clash with the vested interests - political and religious - in the land was what might today be called a public relations disaster. His treatment of the Fellows of Magdalen College and the Anglican bishops, his dismissal from office of lord lieutenants and JPs and his cashiering of army and naval officers (some of whom depended heavily on the remuneration deriving from these posts) - simply for not agreeing to support his policies - was seen as an attack on the religion and property rights of his most powerful subjects. His apparent advancement of Catholics at every opportunity - in government, at both local and national level, at the universities and in the armed forces - added to the sense of threat felt by many Englishmen. But as was often the case with James, his subjects'

²⁴ Mark Goldie, 'The Political Thought of the Anglican Revolution', in R. Beddard, ed., *The Revolutions of 1688* (Oxford, 1991), p. 113.

²⁵ As late as the summer of 1688, James II could not believe William would invade: Miller, *James II*, p. 193.

perceptions were sometimes in defiance of the facts, as can be demonstrated by the knowledge that the army remained, in spite of the apparent influx of Papists, overwhelmingly Protestant - and, incidentally, loyal to James.²⁶ Also there were influential political figures, such as the Earl of Nottingham, a devout Anglican, and the Marquis of Halifax, a man of a more sceptical hue, who recognised the difficult nature of the task the King had set himself and who believed that the strength of English Protestantism and weakness of English Catholicism - there were simply not enough of the latter for them to become the dominant political force - ensured the security of the former. But they were a minority: many Englishmen believed their religion was under threat.²⁷

Yet despite this it has to be stressed how essentially modest James's political objectives actually were. He desired above all two things: one was the alleviation of the harsh lot of his co-religionists, putting them on an equal footing with Protestants; the other was his own security and, after the birth of his son, that of his successor as well.²⁸ And the key to achieving these twin aims was the repeal of the Test Acts and penal laws. Anyone who would maintain that James's campaign to find a subservient legislature had as its ultimate objective the establishing of an absolutist state has to contend with the fact that it was so obviously a single issue campaign: James's primary interest was the repeal of the Tests and penal laws, as is demonstrated by the phrasing of the Three Questions, the propaganda of the time and the inducements offered to

²⁶ J. Childs, *The Army, James II and the Glorious Revolution* (Manchester, 1980), pp. 22-3.

²⁷ H. Horwitz, *Revolution Politics: The Career of Daniel Finch, Second Earl of Nottingham, 1647-1730* (Cambridge, 1968), pp. 47-9; Halifax to the Prince of Orange, 1687; same to same, 25 July 1688, J. Dalrymple, *Memoirs of Great Britain and Ireland* (2 vols., London, 1771-73), ii. pt. i, pp. 116-7.

²⁸ James policies were 'moderate, though tactlessly and sometimes brutally imposed': E. Cruickshanks, *The Glorious Revolution* (Macmillan, 2000), p. 21; Lingard, *History*, x. 63.

potential supporters.²⁹ Even if James had triumphed it cannot be said with any certainty that such a triumph would have been anything but temporary. The entrenched political interests of the landed elite would not necessarily have remained eclipsed for long, for any shift in the balance of power between monarch and subjects would have brought them back to prominence - as the abortive elections of September 1688 and those to the Convention in January 1689 seem to demonstrate.³⁰ Events in Europe, and especially the war that was to break out in 1688, could well have blown the King's strategy off course, even without the intervention of William of Orange. Aware of this danger, James II had, throughout his reign, assiduously avoided foreign entanglements.³¹

It was Lingard who first suggested that James's motivation for relentlessly pursuing the repeal of the Tests and penal laws was his own security.³² As the Catholic king of an overwhelmingly Protestant country, James was aware of the incongruity and vulnerability of his situation. True, he was accepted as king by most of his subjects because the throne was his by right: the hereditary principle was dear enough to the Tories to frustrate attempts to exclude James in 1679-81 and later almost to scupper the revolutionary settlement.³³ However, it was some consolation to many Englishmen in

²⁹ Miller, *Popery and Politics*, p. 197. Jones, *Revolution*, p. 130, takes the opposite view.

³⁰ In Kent, for example, only one Court Candidate, Captain Robert Crawford was elected (for Queenborough) in the abortive poll of September 1688 and to the Convention: *Commons*, i. 280. See also J.H. Plumb, 'The Elections to the Convention Parliament of 1689', *Cambridge Historical Journal*, 5 (1935-37), pp. 235-54. Jones, *Revolution*, p. 14, believes that 'in the long term James's alliance with the urban middle class was not likely to prove sufficiently strong to enable him to relegate his opponents to a position of permanent subordination and political impotence'.

³¹ Miller, *James II*, p. 161; J. Black, 'The Revolution and the Development of English Foreign Policy', in Cruickshanks, *By Force or By Default?* pp. 135ff provides a defence of James's foreign policy.

³² Lingard, *History*, x. 63.

³³ E. Cruickshanks, D. Hayton and C. Jones, 'Divisions in the House of Lords on the Transfer of the Crown and Other Issues, 1689-94', in C. Jones and D. Jones, eds., *Peers, Politics and Power: The House of Lords, 1603-1911* (Hambleton Press, 1986), pp. 78-110. Many historians emphasise the Tory attachment to the hereditary principle, passive obedience and non-resistance.

1685 to know that since James did not have an heir - and was unlikely to beget one - he would be succeeded by his Protestant daughter, Mary, and so the interlude of Catholic rule would in all likelihood - as the King was already in his fifties when he ascended the throne - be of fairly brief duration. It follows from this that support for, or in some cases mere acquiescence in, his rule was conditional.

In the light of this it is not too fanciful to believe that, even if James had not pursued policies that antagonised the vast majority of his subjects, the birth of a son, and the perpetuation of the Catholic dynasty which that threatened, would have been the signal for a move against him, if not by William of Orange then certainly by dissatisfied elements at home. It was, of course, the birth of the Prince of Wales in the summer of 1688, more than any other single event, that precipitated the Revolution. This potential threat to his throne would have been to some degree removed if religion had ceased to be a cause of division, as would have been the case - or so James hoped - when the laws against Catholics and Dissenters had been repealed and the kingdom could enjoy the political, social and, most especially, economic benefits of religious toleration.³⁴

Was James II a genuine believer in religious toleration? The question has long been debated. He has often been dismissed as a bigot, yet the term is inappropriate, since it implies that those who opposed him were not. In fact many of James's contemporaries had what can only be called a pathological hatred - and fear - of Catholicism. It was James's failure fully to take account of this, more than any prejudice on his part, that was his undoing.³⁵ Nevertheless, it has to be conceded that James's authoritarian temperament and his own conviction of the rightness of his cause led him

³⁴ James had always shown an interest in trade and among the radical policies advanced by him in 1687 were several measures that would have helped trade: Miller, *James II*, pp. 167-8.

³⁵ Miller, *Popery and Politics*, Chap. 4.

to view any opposition as disloyalty or, even worse, nascent rebellion.³⁶ In a man that did not find compromise easy, this was a dangerous failing.

While always taking the King's bigotry as read, historians - from Macaulay onwards - who have been hostile to James have been sensitive to the contention that if James's policies had as their goal freedom of worship that that in itself was a good thing. They have countered this by claiming that the King's religious tolerance was a sham, a ruse to disguise his real aims, which were the establishment of Catholicism in England and (for Whig historians the two go together) the creation of an absolutist state. The King's words and actions during his reign are open to different interpretations, but the fact that he continued to foster religious toleration during his exile in Saint-Germain, even to the extent of standing up to his otherwise most gracious host, Louis XIV, who felt that (Protestant) heretics should not be accorded the privilege of freedom of worship in Catholic France, suggests he ended his days convinced of the rightness of toleration. But had the King always been of that mind, or was he a convert to the cause? The answer is probably the latter. James was brought up an Anglican and must have retained an affection for members of that Church who had sacrificed so much for his father's cause. He also naturally assumed that Anglicans were the staunchest supporters of the monarchy. Although he was exposed to - and impressed by - Catholicism during his years of exile, he was still an Anglican when he returned to England at the Restoration.³⁷ Perhaps the single greatest influence in his conversion was that of his wife, Anne Hyde, who had embraced Catholicism in the late 1660s.³⁸ When James became a Catholic is not precisely known, but in spirit, at least, it was probably four years before the fateful

³⁶ Miller, 'James II and Toleration', p. 19.

³⁷ Miller, *James II*, p. 64. Miller stresses James's 'High Church' Anglicanism, which made the conversion to Catholicism easier: *ibid.*, pp. 2, 49-50, 57-9.

³⁸ Ashley, *James II*, p 93; Miller says that James and Anne helped to convert each other: *James II*, pp. 58-9.

Easter of 1673.³⁹ His conversion was essentially a private matter, and apart from uttering platitudes common among reasonable Englishmen at the time - that no man should be persecuted merely for conscience's sake - he does not appear yet to have been a strong believer in religious toleration; rather he devoted his energies to doing what he could to alleviate the hardships under which his new co-religionists laboured.⁴⁰ One story from this period, however, suggests that James was already sympathetic to the notion of tolerance - at least in the case of individuals. While on a visit to Tunbridge Wells in 1669, he met the nonconformist divine, John Owen, one-time Dean of Christ Church, Oxford, and vice-Chancellor of the university - and, incidentally, Oliver Cromwell's favourite chaplain - who had been ejected at the Restoration. They engaged in a debate on the religious settlement, during which James said that he had 'no bitterness against nonconformists; he was all against all persecution for conscience sake, looking upon it as an unchristian thing and absolutely against his conscience'.⁴¹

The path that led James towards a policy of toleration for all - toleration as a political principle - was, perhaps, a longer and more circuitous one. The horrors of the Popish Plot must have convinced the future king of the need for legal protection for Catholics, but he still hoped Anglicans could be persuaded to support this. It was two years into his reign before he was finally disabused of this notion and he turned to the Dissenters. However, this change did not come completely out of the blue: long before it embraced Dissenters as a whole, the King's notion of toleration had already, in effect, been extended to the most despised nonconformist group of all, the Quakers. This was due to the influence of William Penn, the Quaker leader, who had become a friend of

³⁹ *Oxford DNB*, 29, 662; Miller says James was received into the Catholic Church early in 1672: *James II*, p. 59.

⁴⁰ H.C. Foxcroft, *A Supplement to Burnet's History of My Own Time* (Oxford, 1902), p. 52.

⁴¹ J. Macpherson, *The Original Papers Concerning the Secret History of Great Britain* (2 vols., London, 1775), i. 51. James said a similar thing to Burnet: Foxcroft, *Supplement*, p. 52. James intervened to stop the persecution of Dissenters in Bristol in July 1675: B. L. Add. MSS, 25,125, fo. 33.

James's. And it was Penn more than any one else who was able to persuade James that Dissenters could be trusted: as is often stated his reluctance to trust nonconformists as a whole had stemmed from his belief that many of them were republican sympathizers. But perhaps it was only after the breach with the Anglicans that he was able to respond more fully to a notion of a toleration that encompassed more than the members of his own Church.⁴² When Anglicans proved unwilling or unable to help the King achieve his goal, it was but a short and obvious step to woo the Dissenters. Thus James, during his reign, came, through a combination of conviction and necessity, to believe passionately in toleration. As John Kenyon put it: 'James's policy of toleration was so disastrous, politically so counter-productive, that we just have to assume a quite strong element of moral sincerity behind it.'⁴³

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The object of this thesis is to look afresh at the Three Questions. The returns of the canvass survive from 33 English counties and the whole of Wales and are to be found among the Rawlinson Manuscripts in the Bodleian Library, Oxford. They are also printed in Sir George Duckett's *Penal Laws and Test Act* (2 vols, 1882-83). The greater part of the research involves the first detailed study of the manuscripts since Duckett, with the object of ascertaining the views of the landed classes regarding James's political and religious aims. Most historians, when studying James II's reign, have, understandably, relied on the printed version; and Duckett's work does contain some errors: good reasons, both, for looking again at the originals.

The thesis will deal with the origins of the Three Questions, placing them in

⁴² Ashley, *James II*, pp. 183-85, 293-4; Miller, 'James II and Toleration', pp. 13-9. After his accession, James intervened on behalf of individual Dissenters: HMC *Buckleigh MSS*, vol. I, p. 215.

⁴³ J.P. Kenyon, *By Force or by Default?* p. 2; cf. Coffey, *Persecution and Toleration*, pp. 190-1.

their immediate historical context. The thesis will also examine the decision-making process at the centre; the mechanism by which James II and his advisers drew up the Three Questions; how the canvass was put into action; and how the answers were interpreted. It will also consider the role of the lord lieutenants: their enthusiasm or lack of it for the project; their competence; how they put the questions and how they treated or interpreted the answers; and how they reported back to the administration.

There will be a general analysis of the returns to give a broad picture of the views of the political nation and an attempt to establish the extent of the support among the gentry for the King's policies - not as clear cut as a first glance at the returns appears to suggest: many answers were vague or equivocal and, although generally treated as negative by the government, may possibly have voiced the uncertainty of men who, given the right approach, were open to persuasion. Professions of loyalty abound in the answers and most squires went out of their way to avoid giving offence to the King. Three counties will be studied in detail: Kent, which supported the King's policies; Staffordshire, which did not, but where the answers, thanks to the efforts of a particularly conscientious lord lieutenant, Lord Aston, are detailed and comprehensive; and Leicestershire, which seems to represent the nation as a whole in microcosm. In these three studies an attempt will be made to give a picture of local political and religious networks; discover the extent to which laws against dissent were put into effect; establish the extent of the support for Exclusion a decade before, and whether there was any political realignment following James's break with the Tories and his embracing of the Dissenters in 1687; and establish the strength of Catholicism, relevant in a county like Staffordshire, which traditionally had a high percentage of recusants.

The penultimate chapter of the thesis will deal with the fate of the canvass. James's Parliament never met, but before his overthrow the canvass was extended, throughout the spring and summer of 1688, to gentlemen not in the commission of the peace, office holders and members of corporations and the minor gentry as the King

continued his search for support. This will be followed by the conclusions to be drawn from the episode. Was the damage done to James's campaign by the canvass - by consolidating the opposition of the landed classes - as great as most historians claim? (does this view merely anticipate the invasion of William of Orange?); or did it simply allow the King to weed out the opposition? And, finally, in the context of the canvass, is it possible to estimate the chances of success for James's campaign to find a subservient Parliament, had not William of Orange intervened in English politics?

Chapter II

The religious background

If the political judgement of history remains hostile towards James II, his policies surely also invite the charge that he was rowing against the religious tide. In his attempt to gain the repeal of the Test Acts and penal laws he had to counter a long tradition of anti-Catholicism in England, which stretched back to the Reformation and which, as yet, showed no evidence of abating, as the political crisis of the late 1670s and early 1680s had demonstrated. What was worse, from the King's point of view, was that events beyond England's shores, especially in France, only heightened his fellow countrymen's suspicions, fears and hatred of Catholicism. However, what makes the Three Questions so important is not the fact that the answers reveal a continuing hostility towards Catholicism (and Protestant Dissent), or that they provided a rebuff for the King and his policy of religious toleration, but rather that they show the first signs of a tentative move on the part of the landed classes towards acceptance of the notion of religious toleration and even religious pluralism.¹ In the end James was not able to tap into this change of mood: by moving too fast in pursuit of his objectives he alienated too many of the most powerful men in the realm and William of Orange's invasion effectively doomed both his regime and his policies. Though toleration was secured for nearly all Protestants (Unitarians were excluded), at the Revolution, it would not be until the nineteenth century that religious freedom on the scale envisaged by James II in 1687-8 would become a reality.² None the less, the significance of

¹ The overwhelming majority of those canvassed replied positively to the third question: 'Whether [they] would support the King's Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do': Rawl. MSS, A 139a, passim. The notion of toleration for Protestant Dissenters was opposed by most Anglicans, laymen and clergy, during the Restoration period. However, the idea of the comprehension of moderate Presbyterians within the Church - and the exclusion of only the most fanatical separatists - was favoured by moderate Anglicans, but foundered on the fear that it would 'introduce a schism into the very bowels of the Church and lay the foundation for perpetual feuds.' Indulgence (toleration) was established in default of comprehension: J Spurr, 'The Church of England, Comprehension and the Toleration Act of 1689', *English Historical Review* (1989), pp. 941-2, 945-6.

² J. Miller, 'James II and Toleration', in E. Cruickshanks, ed., *By Force of By Default? The Revolution of 1688-89* (Edinburgh, 1989), pp. 22-4.

James's policies in revealing the 'green shoots' of religious toleration must be measured against the traditional antipathy of Englishmen towards Catholicism.

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The Reformation in England changed not only the nation's destiny but also the way Englishmen viewed the past. Through the preambles to the statutes that enacted the religious revolution of the 1530s, through propaganda from the pens of zealous adherents of the reformed religion and even through the more sober histories of the period, the people of England were brought to see that the medieval Catholic past was alien and foreign, an aberration, even, albeit one lasting many centuries.³ The immediate past had been an age of doctrinal error, idolatry, corruption and clerical domination: the purity of the early church as handed down by the Apostles had been corrupted by the Papacy in the interests of worldly ambition and power, only for the rot to stop at the Reformation. Hand in hand with the belief that the nation had cast off the shackles of Rome and reasserted its independence, the idea took hold that in the days before the Norman Conquest - even before the arrival of St Augustine - there had already been an independent Church of England, in which a nascent Protestantism could be discerned. This remarkable ability to trace the Church of England back to the Apostles engendered the idea that England was the Elect Nation, an idea sustained by the knowledge that it had emerged from a long period of eclipse in medieval times, survived persecution at home under Mary Tudor (the martyrdom of 300 Protestants under the Marian regime left an indelible mark on the nation's psyche) and repelled attack from abroad during the reign of Elizabeth.⁴

³ E. Jones, *The English Nation: The Great Myth* (Stroud, 2000), Chapter 1.

⁴ R. Clifton, 'Fear of Popery', in C. Russell, ed., *The Origins of the English Civil War* (Macmillan, 1991), pp. 144-167. The idea of England's being the Elect Nation is ascribed to John Foxe, whose *Acts and Monuments of the English Church* (1563) has long been considered the manifesto of English Protestantism; however the concept was actually developed by later writers. It has also been pointed out that some seventeenth century Puritans would not have subscribed to the notion of the Elect Nation: Jones, *English Nation*, pp. 48-60; P. Lake, 'Anti Popery: the Structure of a Prejudice', in R. Cust and A. Hughes, eds., *Conflict in Early Stuart England: Studies in Religion and Politics, 1603-1642* (London, 1989), pp. 82-3.

The forces of the Counter-Reformation, with its instruments of excommunication (Elizabeth's excommunication in 1570 ended any lingering hopes of a *rapprochement* between England and Rome), assassination, military aggression and the Inquisition had not prevailed, but they had reinforced Rome's perfidy in the eyes of the English. What was worse, the danger remained. During the second half of the sixteenth and first half of the seventeenth century, Catholicism had recovered some of the ground lost to Protestantism during the Reformation: in France the slow inexorable persecution of the Huguenots had begun; in Poland and Hungary Catholicism gradually gained the upper hand; and in the more exposed outposts of Protestantism, like the United Provinces, there was the almost constant threat of aggression from mightier Catholic neighbours. On top of all that, on England's western flank, Ireland remained a problem: despite conquest and plantation, the majority of Irishmen, old-English and native Gael, remained stubbornly attached to Catholicism. And the missionary zeal of the Jesuits, those shock troops of the Counter-Reformation, who, from the 1570s onwards slipped into England from the Continent with the twin objectives of undermining the State and re-converting the people to the true faith (which in Englishmen's eyes was one and the same thing) only added to the feeling that the nation and Protestantism were under siege.⁵

This fear of Catholicism abroad, led inevitably to the political exclusion and, at times, outright persecution of Papists at home. Native Catholics did not always help their own cause. From the time of Elizabeth's excommunication, there was a series of plots against the Crown, culminating in the most infamous, the Gunpowder Plot of 1605. Regicide, sanctioned, it would appear, by the Pope, was an unspeakable crime. Catholics were seen as a fifth column, a constant danger, ready to strike at the heart of the nation whenever the opportunity arose. Even if there was an awareness among the ruling elite that the vast majority of English Catholics were loyal to the government, the activities of the more extreme members of their creed vitiated whatever claims Papists

⁵ Seaward, *The Restoration, 1660-1688* (Macmillan, 1991), pp. 61-4. Nowhere are these fears more clearly expounded than in *Burnet's History of His Own Time* (7 vols., Oxford, 1823), i. 539-84, where, writing in the 1680s, he recounts the five crises faced by Protestantism since the Reformation, the last beginning in the 1670s with rise of Louis XIV and France and the military assault on the Dutch Netherlands.

might have had to be treated more fairly. And the refusal of most Catholics to take the Oath of Allegiance, which extracted a condemnation of Catholicism along with a pledge of loyalty, made it difficult for the government to trust them and reinforced the belief that their real allegiance was to a foreign ruler, the Pope.⁶ It is not surprising, therefore, that Englishmen came to see Catholicism as not only alien, but as a threat to their freedom and independence and ultimately untrustworthy.

Of course, this extreme view of Catholicism now seems unwarranted, especially in a nation that had successfully asserted its political and religious independence, seen off the military threat posed by the greatest Catholic power, Spain, and had started to view itself as the leader of Protestant Europe.⁷ Yet despite the diminished threat from overseas, anti-Catholicism remained a constant factor in seventeenth century politics; though sometimes simmering just below the surface, it was likely to erupt at times of political crisis, as it did in 1605, 1640-2 and 1678-81. And there were aspects of English Catholicism, weak though it was, that fostered a continuing suspicion.

By the beginning of the seventeenth century Catholics probably accounted for little more than one per cent of the population.⁸ The old 'unreformed' Catholicism - untouched by the ideas of the Counter-Reformation - to which a dwindling band of

⁶ Clifton, 'Fear of Popery', pp. 153-5, 166-7.

⁷ Hill makes the point that it was the stability of Protestant England at the beginning of the seventeenth century that allowed Protestants to fall out amongst themselves in the succeeding years: C. Hill, *God's Englishman: Oliver Cromwell and the English Revolution* (Penguin, 1990), pp. 15, 18.

⁸ About 40,000 practising Catholics, i.e. Recusants, in a population of four million would be among the lower estimates. Because Catholicism was a proscribed religion many of its adherents must have practised their faith in secret, which explains why estimates of the number of Catholics varied widely at the time and have done so since. The Spanish Ambassador's unlikely figure, *temp.* James I, of 900,000 included 600,000 'Church Catholics' or people who outwardly conformed to the Established Church. Rome's slightly more conservative figures for the 1630s varied from 150,000 to 200,000, but these counted recusants only. Among modern writers, Sharpe is willing to believe there were as many as 300,000 Catholics - practising and secret - in the 1630s, which is still less than ten per cent of the population. It is not unreasonable to assume that the Civil War and Interregnum hastened the decline in the number of recusants, something borne out by the census of 1676, which revealed a mere 13,856 papists, although the accuracy of this figure has been questioned. The suspicion, among Protestants, that there were many secret Catholics in their midst only increased their fears: Clifton, 'Fear of Popery', p. 153; M.J. Havran, *The Catholics in Caroline England* (London, 1962), p. 83; Sharpe, *Charles I*, p. 304; *CSPD*, 1693, pp. 448-9; Coward, *Stuart Age*, p. 253. On the question of whether or not the census underestimated the number of recusants, as many have believed, see: A. Whiteman, ed., *The Compton Census of 1676: A Critical Edition* (London, 1986), pp. lxxvi-lxxvii.

ordinary people owed allegiance, was moribund and restricted to the more remote areas of the kingdom, like Wales, Lancashire and the north. Far stronger was the Counter-Reformation Catholicism, the preserve, in the main, of the landowning classes, and seigneurial in nature: where a powerful magnate or squire was a Catholic, then so were his household and often many of his tenants. This type of Catholicism, personal, unobtrusive and secretive, was ideally suited to the survival of the faith in a hostile environment. To it can be attributed the growth in the number of Catholics - from 35,000 to 60,000 - between 1600 and 1640.⁹ Unfortunately, such growth only gave credence to the claims of the more extreme Protestants that Popery was on the increase in the country and therefore posed a continuing threat to the nation.

Even if it was admitted that Catholics made up only a tiny fraction of the population, it was often contended that their influence was out of all proportion to their numbers. Was it not predominantly the religion of the aristocracy and gentry: those with the greatest influence and power in the local community? The courts of Charles I and Charles II, both of whom had Catholic wives, were viewed as hotbeds of Popery. James I, Charles I and Charles II employed Catholic ministers: as late as the 1670s the Cabal contained two Catholic or crypto-Catholic members, Clifford and Arlington.¹⁰ And although the number of Catholics who sat in the House of Commons was relatively small - 28 in the years between 1660 and 1688 - Catholics accounted for about a fifth of peers who sat, or were entitled to sit, in the House of Lords up until the second Test Act of 1678.¹¹ But in truth the Catholic peerage was in retreat. Between the middle of the century and the 1670s the Marquisates of Winchester and Worcester were lost to the faith, while both the Earl of Shrewsbury and the heir to the Duke of Norfolk were soon to conform to the Established Church (though in subsequent generations both families

⁹ Coward, *Stuart Age*, pp. 70-1.

¹⁰ Clifton, 'Fear of Popery', pp. 152-3. Clifford laid down his post as Lord Treasurer after the passing of the Test Act in 1673: *CSPD*, 1673, pp. 374, 377. Of Arlington, Clarendon wrote, 'If he hath any inclinations in Religion, they are to the Church of Rome': R. Ollard, ed., *Clarendon's Four Portraits* (London, 1989), p. 135 - and posterity has shared that view: *Commons*, i. Appendix vi, p. 96; Arlington died a Catholic: *DNB*, iv. 231.

¹¹ *Commons*, i. Appendix vi, p. 96; W.A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988), p. 171.

would return to the Catholic fold).¹² It is a sign of the decline of the Catholic nobility, that with defections, minorities and peers in prison or in exile, only ten of them were present to vote against the Test Bill on 30 November 1678.¹³

Yet there persisted the view - one incidentally shared by James II - that there were many people, who, though outwardly conforming to the Established Church, were Catholics in their hearts and were waiting for a propitious moment, like the repeal of the anti-Catholic laws, to embrace openly the true faith. The delusion of such a claim was clearly shown when the hoped for flood of converts failed to materialise after James's accession, yet the fact that such sentiments could exist, only added to the paranoia of many Protestants.¹⁴

The great hostility towards Catholicism from all sections of society was a characteristic of the age, yet it was tempered somewhat, especially among the landed classes, by the practicalities of everyday life. Anglican squires generally lived in harmony with their Catholic neighbours: they shared the same interests and lifestyles, socialised together and even married into each other's families. This live-and-let-live attitude, especially among the people who administered the law, goes a long way towards explaining why the Penal legislation, severe though it was, was only intermittently enforced: what did it profit a man to persecute his neighbour?¹⁵ Nonetheless, hatred and suspicion, though often dormant, remained; anti-Catholicism could erupt - or be whipped up by unscrupulous politicians - at any time. The

¹² Henry Somerset, Lord Herbert of Raglan, later Marquis of Worcester (1667) and Duke of Beaufort (1682), renounced the Catholic faith c. 1650. Charles Paulet, Lord St John, heir to the Marquis of Winchester, was never a Catholic and succeeded his father, a convert, in 1675. Lord Mowbray, later the 7th Duke of Norfolk, conformed to the Established Church in April 1679, while the Earl of Shrewsbury did likewise in the following month: *DNB*, liii, 242; *Complete Peerage*, ii. 51-2, iii. 242, xi. 720; *Commons*, iii. 276; Luttrell, i. 9.

¹³ J.P. Kenyon, *The Popish Plot* (London, 1972), Appendix B, p. 271. Outside Parliament there were Catholics who held Scottish or Irish peerages, some of whom, like Lords Aston, Fairfax and Molyneux, were later appointed lord lieutenants by James II: Duckett, i. 6, 14, 16.

¹⁴ Coward, *Stuart Age*, p. 273. However, Speck makes the point that when state compulsion was relaxed following James II's first Declaration of Indulgence in 1687, the number of Anglican communicants fell sharply: W.A. Speck, *Reluctant Revolutionaries*, p. 171.

¹⁵ Coward, *Stuart Age*, p. 272; J. Coffey, *Persecution and Toleration in Protestant England, 1558-1689* (Longman, 2000), pp. 116, 123, 183.

vulnerability of Catholics was exposed by the Popish Plot, the murderous consequences of which must have convinced James that the position of his co-religionists would never be secure until the laws that permitted their fellow citizens to persecute them were repealed.

Yet James himself had been the catalyst for the explosion of anti-Catholicism in the 1670s. His conversion had coincided with the emergence of Louis XIV as a major threat to Protestant Europe. In the minds of many Englishmen France had replaced Spain as the country's greatest potential foe - even though England and France were allies. The absolutism of Louis XIV and his territorial ambitions in Europe disturbed many Englishmen, who were quick to equate Catholicism with absolutism. For many, James's Catholicism and authoritarian temperament augured ill for the future. Fears that James's accession would herald an assault on the political and religious freedoms of England, leading ultimately to a Catholic absolutist state, were strong enough by 1678 to plunge the country into political crisis.¹⁶

It would be a mistake, however, to see Englishmen's hostility towards Rome as essentially political rather than doctrinal, although as the seventeenth century progressed it took on a more dominant political hue. Early Anglican divines, no less than their Puritan counterparts, had attacked Catholicism as a false religion - or no religion at all. Its leader, the Pope, was the anti-Christ and his doom was foretold in the *Book of Revelation*.¹⁷ Such ideas, common in the late sixteenth and early seventeenth century, were to retain their potency as the fault-lines in English Protestantism widened into a gulf in the years leading up to the Civil War. The Elizabethan religious settlement had been a compromise and had retained some practices considered by Puritans as

¹⁶ By 1679 the twin threats of Popery and France were exercising the minds of even moderate men: 'There is now spread an universal demand for reformation, which the sober men limit to things moderate; but there are more who are unreasonable, and many, I fear, have no limits at all. Popery is the handle of this reformation, and the arguments deduced from it are becoming irresistible...Our real insecurity as to France is dreadful unto all...So that, while insecurity governs, Popery must be prosecuted which is thought a perfect limb thereof; and therefore in all probability we have many leagues to sail upon that tack.' Sir Robert Southwell to the Duke of Ormonde, 19 April 1679, HMC *Ormonde MSS*, iv. xviii.

¹⁷ Lake, 'Anti-popery', pp. 74-6; Clifton, 'Fear of Popery', pp. 146-51.

‘Romish’.¹⁸ Charles I’s embracing of Arminianism inevitably added to their suspicions that the King and his Archbishop of Canterbury, Laud, were leading the Church to Rome.¹⁹ Charles’s and his court’s apparent comfort with all things Catholic in no little way contributed to the mistrust that many of his most powerful subjects felt towards his rule.²⁰ Laud was a fierce opponent of Rome, but his words of condemnation carried little weight with men who saw ‘Romish innovations’ being introduced into the ritual and fabric of the Church of England.²¹ Yet when civil war came many of the men who fought for their King also fought for their Church.²² It is impossible to overstate the impact that defeat and persecution had on Anglican minds. It bred a reinvigorated loyalty to the Church (if not always manifested in terms of actual religious devotion) while reinforcing the need for Anglicans to be on their guard against any new or renewed threat to it.

If the Restoration signalled, to some degree, the posthumous victory of Charles and Laud, it also left the triumphant Church of England now openly facing two foes, Puritans or Dissenters on the one side, Catholics on the other; and over the next twenty-five years both were to face intermittent persecution. By the end of Charles II’s reign, when in the wake of the Exclusion Crisis, Dissenters were perceived as the greater threat to political stability, they were persecuted with renewed vigour, while Catholics

¹⁸ ‘...within the Church of England there were two churches struggling to get out’: C. Russell, *The Causes of the English Civil War* (Oxford, 1990), p. 82. ‘Establishing a Protestant church and liturgy, the settlement [of 1559] left considerable room for tender Catholic consciences to manoeuvre’: Sharpe, *Charles I*, p. 276

¹⁹ Coward, *Stuart Age*, pp. 148-52; Clifton, ‘Fear of Popery’, p. 152; cf. Sharpe, *Charles I*, pp. 275ff., which challenges the traditional view of Charles, Laud and Arminianism, by stressing that both the king and archbishop were primarily concerned with maintaining conformity within the Church.

²⁰ Clifton, ‘Fear of Popery’, p. 152, 166-7. Appearances obscured the reality: Charles I’s government rigorously enforced the laws against recusancy in the 1630s: fines increased from £6,000p.a. in the 1620s to £20,000p.a. in the 1630s: Sharpe, *Charles I*, p. 303.

²¹ Clifton, ‘Fear of Popery’, p. 152; Sharpe, *Charles I*, pp. 284-92.

²² ‘By 1640...there was already a considerable popular affection for the church, which was to survive the civil war’: Sharpe, *Charles I*, p. 387. Seaward, *Restoration*, pp. 41, 43-5.

were generally left unmolested.²³ (It is possible to misconstrue the nature of this Tory tolerance towards Catholics. The penal laws and Tests were intended to prevent Catholics and Dissenters from plotting against the Crown and Church by excluding them from positions of power that they might use to persecute Anglicans - as had happened to the latter at the hands of the Puritans a generation before. It was appropriate, therefore, not to enforce these laws at times when Catholics and/or Dissenters posed no threat, yet keep them in being because Papists and 'Fanatics' might pose a threat in the future.)

Anglican divines might continue to rail against Popery, but the Restoration had brought a lessening of religious - or at least doctrinal - fervour, especially among many of the ruling elite. It is hard to believe that men like Shaftesbury and Halifax, both of a sceptical, or rationalistic, bent, or, for that matter, the staunch Anglican, Nottingham, really still believed that the Pope was the anti-Christ: their fears of Rome were political. Yet politicians - even informed ones - ignored doctrinal differences at their peril. As late as 1680, Daniel Finch, the future Earl of Nottingham, during the Commons debate on Exclusion, incurred the wrath of the House by having the temerity to suggest that Catholics were Christians!²⁴

However, when James II embarked on his policy of religious toleration he reinvigorated a doctrinal as well as a political debate. His hope was that if his polemicists could win the doctrinal arguments, the political arguments against Catholicism might lose a lot of their potency. The traditional verdict of English historians is that the laurels in this debate went to the Anglicans (the overwhelming majority of pamphlets against Popery were the work of Anglican divines; only two out

²³ R. Hutton, *Charles II, King of England, Scotland and Ireland* (Oxford, 1989), pp. 424-5; J. Miller, *Popery and Politics in England, 1660-88* (Cambridge, 1973), pp. 189-94. The term Dissenter perhaps should include Presbyterians, who were not separatists but who wanted a reformed state church and most of whom before 1688, at least, were partial conformists and communicants with the Church of England. Although the worst persecution was reserved for separatists, Presbyterians too found themselves persecuted in the early 1680s because of their desire to hear godly preaching. (My thanks to Dr David Wykes for this point.)

²⁴ Seaward, *Restoration*, p. 40; Finch's comment prompted a tirade against Catholicism from the Whig MP Hugh Boscawen: A. Grey, *Debates of the House of Commons from the Year 1667 to the Year 1694* (10 vols., London, 1763), vii. 410-13.

of 230 were written by Dissenters), though this view has been challenged recently.²⁵ In John Gother James II had an effective controversialist. His *A Papist Misrepresented and Represented* (1685) argued that the Protestants' view of the typical Catholic was a ridiculous stereotype, and a grotesquely monstrous one at that, which bore no resemblance to the reality.²⁶ This was countered, most famously, by Edward Stillingfleet, later Bishop of Worcester, in his *The Doctrines and Practices of the Church of Rome Truly Represented*, which tackled Gother's claims, point by point.²⁷ Yet Gother, scored some convincing blows: 'His notion that the popery perceived by Englishmen was at odds with the reality of Roman Catholicism rings true, despite the efforts to refute him.'²⁸ He was helped possibly by the fact that many Englishmen may have felt a little ashamed about the anti-Catholic hysteria that had been the driving force behind the Popish Plot.²⁹ James II's success, if success it really was, in the war of words was of limited value. Events beyond his realm and outside his control were to sharpen anti-Catholic perceptions far more effectively than the eloquence of Stillingfleet's pamphlets.

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The problems James faced in persuading the nation to accept the idea of religious toleration did not all stem from his own people's prejudices. In France the persecution of the Huguenots had reached its climax. In the very year that James ascended the throne, Louis XIV revoked the Edict of Nantes, an action redolent with symbolism: Protestants, who had once enjoyed a measure of religious toleration, now had none; in fact, so the official line ran, Protestantism had to all intents and purposes

²⁵ Burnet, *History*, iii. 104; Speck, *Reluctant Revolutionaries*, pp. 175-82.

²⁶ Speck, *Reluctant Revolutionaries*, pp. 179-81.

²⁷ *Ibid.*, p. 181.

²⁸ *Ibid.*, pp. 181-2.

²⁹ *Ibid.*, pp. 169-70.

been extirpated from France: the Revocation was merely legal confirmation of the fact.³⁰ The effect on Protestant Europe of Louis XIV's persecution of the Huguenots was predictable: anti-Catholicism was fuelled. Significantly in the United Provinces, the Revocation undermined the position of the republican peace party and cleared the way for William of Orange to pursue his military ambitions against France - and, of course, James.³¹ The Huguenot refugees streaming into England brought with them stories of the French king's cruelty. James did not approve of what Louis XIV had done and helped the many Huguenots who sought sanctuary in England, but he was aware of the propaganda coup handed to his opponents by Louis's actions.³² James laboured in vain to counter the damage done to his cause. His subjects tended to see toleration for Catholics as merely the first step towards arbitrary government. As one historian succinctly put it: 'Without the Revocation [of the Edict of Nantes]...the successful intervention of William of Orange in England (and therefore the Glorious Revolution) would have been impossible.'³³

What was worse for James (whose own relations with the Papacy were less than cordial) was that Louis XIV was engaged in a long-running dispute with Pope Innocent XI. The persecution of the Huguenots was just the last in a long line of clashes - religious and political - that had marred relations between Louis and Innocent.³⁴ Innocent did not approve of what was happening in France but fatally delayed condemning the French king's policy.³⁵ Though it has often been said that Innocent looked with a none too critical eye on William of Orange's move against England in the

³⁰ M. Ashley, *James II* (London, 1977), p. 186.

³¹ Ibid.; Coward, *Stuart Age*, pp. 273-4, 299-300; J. Miller, *James II: A Study in Kingship* (London, 1991), pp. 143-4.

³² Miller, *James II*, pp. 144-5; Ashley, *James II*, pp. 186-8; M. Ashley, 'King James II and the Revolution of 1688: Some Reflections on the Historiography', in H. E. Bell and R. L. Ollard, eds., *Historical Essays 1600-1750 presented to David Ogg* (London, 1963), pp. 198-9.

³³ Coward, *Stuart Age*, p. 274.

³⁴ Miller, *James II*, pp. 152-4.

³⁵ J. McManners, *Church and Society in Eighteenth-Century France* (2 vols., Oxford, 1998), ii. 584.

autumn of 1688, this view must be tempered by the knowledge that his eventual condemnation of the persecution of Huguenots in July 1688 was influenced, in part, by his fear that what Louis was doing was damaging James's position.³⁶

These obvious political problems tended to overshadow other less obvious ones. Since the time of Elizabeth, apart from the Civil War period and the Interregnum, England had been a confessional state: there was a state religion, the Church of England, to which all subjects had to belong. To be outside it was to break the law.³⁷ Under the pragmatic policies of Elizabeth and James I, the different factions, Calvinist and non-Calvinist, within the Anglican Church were accommodated, just. Charles I's apparent embracing of Arminianism alienated the Calvinist or Puritan element in the church and helped to bring about the Civil War.³⁸ But after twenty years of religious freedom - for Protestants at least - the confessional state was re-established by the religious settlement of the Restoration.³⁹ This settlement took root simply because Puritanism ceased to appeal to the vast majority of the landed classes, among whom in the decades before the Civil War it had had a strong following.⁴⁰ James II's policy of religious toleration appeared to challenge the position of the Established Church (something that some squires did not hesitate to point out in their answers to the Three Questions),⁴¹ for surely the pre-eminent position of the Church of England in the

³⁶ J. Black, 'The Revolution and the Development of English Foreign Policy', in Cruickshanks, ed., *By Fault or By Default?* p. 148; R. J. Bonney, 'The Forging and Relinquishing of Protestant Identities: Religion and Politics in Britain and Germany since the Reformation', in R. J. Bonney, F. Bosbach and T. Brockmann, eds., *Religion and Politics in Britain and Germany* (Munich, 2001), p. 169.

³⁷ The Acts of Supremacy and Uniformity (I Eliz. 1 and 2) as amended by 5 Eliz. c. 1, were aimed primarily at Catholics.

³⁸ Cf. Sharpe, *Charles I*, pp. 275-84.

³⁹ Coward, *Stuart Age*, pp. 249-53. Episcopacy, as well as Popery, was proscribed by the Parliamentary and Cromwellian regimes.

⁴⁰ Kent seems to be fairly typical. Most of the Presbyterian gentry conformed at the Restoration: C.W. Chalklin, *Seventeenth Century Kent: A Social and Economic History* (London, 1965), p. 226; Coward, *Stuart Age*, pp. 252-3.

⁴¹ Mr Goodyers (Oxon) was 'willing to take off the Test, and so many of y^e penall laws as can any way consist with y^e preserva~con of y^e Church of England as now by law Established'. In the same county, Sir Faire Medow Penyston, a deputy lieutenant, while supporting repeal of the Penal Laws, refused to support the repeal of the 'Tests, which I humbly conceive is at present the greatest security the Church of England

constitution would be undermined if people were no longer compelled by law to belong to it. As one newsletter put it in December 1687: 'People generally agree that to take away all the Penal Laws by the lump is cutting up the Reformation by the roots.' In practical terms there were not enough Catholics - or Dissenters, for that matter - to challenge the Church of England's dominance - and James knew this - but the theory was difficult to counter.⁴²

James was attempting to establish religious pluralism in his kingdom and he pointed to the United Provinces as an example where religious toleration had fostered economic prosperity.⁴³ However, not only was religious pluralism an alien concept to the majority of Englishmen, elsewhere its hour had not yet come.⁴⁴ In France, the Huguenots, though numbering perhaps as many as 900,000 souls,⁴⁵ had never been a large enough or influential enough minority to ensure permanent religious freedom or autonomy. In an age that simply could not envisage religious pluralism, only weight of numbers could have ensured tolerance.⁴⁶ As a minority, the Huguenots were perceived

by Law hath' without equivalent security. Rawl. MSS, A, 139a, fos. 51, 56. Eight justices from Merionethshire, in a joint letter, said that the 'Test is a law not to be abrogated as being the sole support and defence (together with his maj^{ties} gracious assurances of p^rtection) of the established religion and Church'. Rawl. MSS, A, 139a, fo. 179.

⁴² B.L., Add. MSS 34,515, fo. 36. According to the Compton survey of 1676 among the adult population (aged 16 and over) there were 2,477,254 conforming Anglicans, 108,676 nonconformists and 13,565 Catholics: *CSPD*, 1693, pp. 448-9. 'In assessing James's intentions, it is important for modern historians to recognise that he knew the demographic evidence, and it underscores the unlikelihood of his aiming at anything more ambitious than toleration and access to office for his co-religionists': Mark Goldie, 'Sir Peter Pett, Sceptical Toryism and the Science of Toleration in the 1680s', in W.J. Sheils, ed., *Persecution and Toleration* (Blackwell, 1984), p. 270.

⁴³ Duckett, i. xiv; Jones, *Revolution*, p. 114. The Declaration of Indulgence of 1687 stated that religious constraint was responsible for 'spoiling trade, depopulating countries [surely a reference to the Revocation of the Edict of Nantes] and discouraging strangers': J.P. Kenyon, *The Stuart Constitution*, (Cambridge, 1986), p. 389.

⁴⁴ In practical terms religious pluralism existed in many parts of England, and especially in the towns, and was 'a fact of life: the need to live, work and do business with those of other denominations was bound to foster a measure of *de facto* tolerance': J. Miller, 'James II and Toleration', p. 12. Such pluralism existed, of course, in spite of religious discrimination.

⁴⁵ Some have calculated that there were as many as two million Huguenots in France, but they only accounted for ten per cent of a population of 20 million. The exiled may have numbered 200,000.

⁴⁶ R. J. Bonney, 'The Obstacles to Pluralism in Early Modern France' in K. Cameron, M. Greengrass and P. Roberts, eds., *The Adventure of Religious Pluralism in Early Modern France* (Bern, Peter Lang, 2000), pp. 209-29.

merely as a threat to the unity and therefore the stability of France. Heresy was equated with rebellion in the minds of France's rulers. As early as 1625 Richelieu had written: 'It is certain that as long as the Huguenot party subsists in France, the king will not be absolute in his kingdom, and he will not be able to establish the order and rule to which his conscience obliges him and which the necessity of his people requires.'⁴⁷ With such sentiments the fate of the Huguenots was sealed, in what with Louis XIV became a unitary Catholic absolutism.

Louis XIV was not alone in his thinking. The Habsburg Holy Roman Emperor, Leopold I, was committed to extirpating Protestantism from his Hungarian kingdom, a policy frustrated more by the necessities of the war against France than any lessening of religious fervour on the part of the Emperor.⁴⁸ Even in the Netherlands, religious pluralism was more apparent than real: Catholics were tolerated but their social and political freedom strictly controlled.⁴⁹ All of which would suggest that James's policies were not just out of step with the sentiments of his fellow countrymen but with those of the rest of Europe as well. None the less, if the policies now seem doomed, this in no way diminishes the novelty of the King's method of discovering the views of his subjects on the question of religious toleration.

⁴⁷ Quoted, *ibid.*, p. 227. By 'party' Richelieu meant the M.I.T, a political organisation which ceased to exist in 1629. He also wanted peaceful conversion of Huguenots.

⁴⁸ R. J. Bonney, 'Forging and Relinquishing Protestant Identities', pp. 6-7.

⁴⁹ J. Israel, *The Dutch Republic: Its Rise, Greatness and Fall, 1477-1806* (Oxford, 1995), pp. 361-7, 372-4, 377-89, 637-48. 'The States of Holland and the Prince of Orange have made an order that no Papist shall be capable of any office, military or civil etc And that all Priests who are not natives shall be banished thence': Morrice, ii, fo. 173 (Saturday, October 15, 1687).

Chapter III

Background to the canvass

When James II dissolved Parliament in July 1687 it was an admission that the Tory members elected in 1685 would not support the repeal of the Test Acts and penal laws.¹ As early as the second session of the Parliament in November 1685, MPs had shown they were not willing, as they saw it, to undermine the pre-eminent position in the constitution of the Church of England by abandoning the Tests.² Whether, given the right handling, they could have been coaxed into repealing some or all of the penal laws is not certain, but as the answers to the Three Questions were to reveal, many members of the political class were not easily persuaded of the merits of religious toleration, at least when it entailed a change in the law of the land.

Between the prorogation of Parliament in November 1685 and its dissolution 20 months later James had pursued his political objective by eliciting from the judges a ruling that the monarch had the right to dispense with certain laws in the case of individuals and had followed this up in April 1687 by issuing his Declaration of Indulgence, which in effect suspended the operation of the Test Acts and penal laws against all dissenters from the Church of England, both Protestant and Catholic. Therefore, three months before dissolving Parliament the King had already abandoned his erstwhile Tory-Anglican allies and embraced the Dissenters.³ The Declaration was potentially catastrophic for the Church as it threatened the whole concept of the alliance of Church and State so carefully nurtured over the past 25 years, and especially in the preceding six. As subsequent events were to show, senior churchmen were pushed towards opposing the King, which they did with surprising vigour, although the response of the laity was much more cautious - something that may have convinced

¹ *CSPD*, 1687-9, p. 25.

² The debate centred on whether the King should continue to employ Catholic officers in the army after Monmouth's rebellion had been crushed: J. Miller, *James II: A Study in Kingship* (London, 1991), pp. 146-7.

³ P. Seaward, *The Restoration, 1660-1688* (Macmillan, 1991), pp. 127-33; Miller, *James II*, pp. 155-8, 163-6.

James that there was a chance the latter would eventually support him.⁴

The Declaration of Indulgence had stipulated that it was the Government's intention to seek retrospective Parliamentary sanction for its provisions. From this moment the calling of a new Parliament appeared certain. James II, for all his autocratic tendencies, accepted the need for Parliamentary ratification of his policy of religious toleration. This suggests not only an acknowledgement of the limitations placed on his powers, great though these were; it also shows a constitutional approach - albeit a rather bruising and aggressive one - that contradicts some of the wilder charges of tyranny made against the King.⁵

James needed a Parliament that would do his bidding and from the first he seems to have believed that the best way to find out what men thought about the issue of repeal was to ask them, relying on the strength of his personality, his sincerity and the persuasiveness of his arguments.⁶ The process that was to culminate in the Three Questions being put to the gentry in the winter of 1687-8 began a year earlier. In the months before the dissolution, James had embarked on a series of personal interviews - the notorious 'closetings' - with MPs, judges, army and navy officers and other office holders, in which he hoped to persuade them to support his policies. In some cases where MPs avoided such interviews by retreating to their homes, the lord lieutenants were asked to seek them out and question them in the counties; in others, judges on circuit were instructed to pursue the same ends. It was the reluctance of so many MPs to commit themselves to his cause - even when, as in many cases, money and livelihoods were at stake - that convinced James that the Tories could no longer be

⁴ G.V. Bennett, 'The Revolution and the Church', in G. Holmes, ed., *Britain after the Glorious Revolution* (Macmillan, 1969), pp. 156-9; G.V. Bennett, 'The Seven Bishops: A Reconsideration', in D. Baker, ed., *Religious Motivation: Biographical and Sociological Problems for the Church Historian* (Oxford, 1978), pp. 267-87.

⁵ The Declaration of Indulgence is reprinted in J. P. Kenyon, *The Stuart Constitution* (London, 1966), pp. 410-11; Miller, *James II*, pp. 124-8. Some modern historians have stressed the moderate nature of James's policies, though conceding that his methods were aggressive, tactless and provocative: J. Black, *Culloden and the '45* (Stroud, 1995), pp. 4-5; E. Cruickshanks, *The Glorious Revolution* (Macmillan, 2000), p. 21.

⁶ Even at his most conciliatory, James failed to persuade many who had up until 1687 been among his most loyal supporters: see his interview with the Earl of Abingdon, Lord Lieutenant of Oxfordshire, HMC *Lindsey MSS, 1660-1702*, pp. 270-2.

relied upon.⁷ The ‘inquisition’ was, therefore, to be extended beyond the confines of Westminster and Whitehall to the counties and local office holders. And gentlemen - even those who had not been subjected to a personal interview with the King - knew, at least in general terms, what to expect, even if the precise form the interrogation would take was uncertain. As the staunch Anglican Herbert Aubrey, the MP for Hereford, who had hitherto avoided interrogation by reason of his being in Ireland, wrote to a friend in May 1687:

The King seems resolved to push for breaking the Test and penal laws against his persuasion, and to the Members of Parliament that have any employ this is the touchstone, for no man is thought worthy long to eat the King’s bread that this will not go down with. Upon this score, several have laid down their commission already, and more will every day [...] Some that flatter the King, persuade him that he hath already a majority of the House of Commons, but the dispassionate part of mankind is of another judgment [...] I am told, I must pass the fire ordeal. I am provided for it, and resolved, as every honest man should be, to serve the King as far as with a good conscience I may.⁸

Aubrey, a Herefordshire deputy lieutenant and Gloucestershire JP, never faced his ordeal by fire. He kissed the King’s hand in the following August and was back in Ireland - as a commissioner of the revenue - when the Duke of Beaufort put the Three Questions to the Herefordshire gentry in December. He was retained in the lieutenancy.⁹ None the less, after his meeting with the King in August he wrote:

There is no doubt but there will be a Parliament called about November; and in order to have men qualified to gratify the King in the great design he labours of repealing the Act for the Tests and all penal laws, know assuredly, that there will be no Justice of the Peace, Deputy Lieutenant, or (I believe) Lord Lieutenant, or officer of advantage or trust, that shall hold his place without he give assurance to act for the perfecting of this great work [...] ¹⁰

⁷ Miller, *James II*, p. 164; Lord Braybrooke, ed., *The Autobiography of Sir Bramston, K.B.* (Clarendon Society, 1st Series, xxxii, 1845), pp. 268-9; A. Ivatt, ed., *The Memoirs and Travels of Sir John Reresby, Bart.* (London, 1904), pp. 287-90; B. L., Add. MSS., 34,510, fos. 19-20; HMC Beaufort MSS, pp. 89-90.

⁸ G.A. Ellis, ed., *The Ellis Correspondence: Letters written during the Years 1686, 1687, 1688 and addressed to John Ellis Esq.* (2 vols., London 1829), i. 302-3.

⁹ Rawl. MSS, A 139a, fo. 146; *Ellis Correspondence*, i. 342; CSPD, 1687-9, pp. 121-2, 152.

¹⁰ *Ellis Correspondence*, i. 342-3.

He was wrong about the meeting of Parliament, but in all other respects his words were prophetic.

The form the canvass would take does not appear to have been decided until October 1687, but even before then a number of lord lieutenants' deputies were asked by the King to test the mood of the gentry and compile a 'list of all persons they could find in their counties who would conform to the abolition of the Test and penal Laws'.¹¹ In an interesting curtain-raiser to the canvass proper, the young Lord Windsor, son of the Earl of Plymouth, Lord Lieutenant of Worcestershire, met a group of gentlemen, both Catholic and Protestant, at the Michaelmas Quarter Sessions, told them that the King intended calling a Parliament and recommended two candidates for the county, Sir James Rushout and Henry Jeffreys. One of the gentlemen present said that Thomas Foley, a Whig, had been invited to stand and was willing to do so, a fact confirmed by his brother, Philip. Windsor did not know how Thomas Foley 'stood with the King' and when Philip Foley defended his brother and challenged the right of the deputy lord lieutenant to get electors to pre-engage the latter was upset. In a postscript to this incident, a number of Catholics approached Thomas Foley and asked him to support repeal, but he refused to commit himself until he had 'heard the case argued by learned and honest men'.¹²

Plymouth died weeks later, but the legacy of his son's intervention (which was carried out in his father's name) was revealed when Worcestershire was canvassed by his successor, the Catholic Lord Carrington, in February/March 1688. Three of the deputy lieutenants, including Henry Jeffreys, in answering the Second Question, said they were 'ingaged to promote the election of Sir James Rushworth [sic]', who Lord Plymouth had assured them would comply with the King. Interestingly, Rushout himself appears to have avoided answering the Three Questions, while Jeffreys told Lord Carrington that he was 'fully satisfied that both the Penall lawes and Test ought to be taken off', but asked to be excused making a solemn promise on the matter until he had

¹¹ B.L., Add. MSS 34,512, fo. 62; Luttrell, i. 415.

¹² Morrice, ii, fos. 176-7.

heard the arguments in the House. It was an answer that satisfied the King. Incidentally, both Thomas and Philip Foley were wooed by the King and Philip became a Whig Collaborator, though he reverted to type after the Revolution.¹³

At the end of September 1687 the King announced to the Privy Council that it was his intention to have the penal laws and tests repealed in the next Parliament. The views of deputy lieutenants, justices and other leading members of the gentry on the question of repeal were to be ascertained and it was made clear that those who did not support the King faced dismissal.¹⁴ At first, it appears that the plan was to summon the lord lieutenants to London to give an account of their counties and to brief the King on the views of the deputy lieutenants, magistracy and members of corporations, but this was soon abandoned in favour of a canvass.¹⁵

On the 25 and 26 October the Three Questions were issued in person or sent by post to ten lord lieutenants whose loyalty the government felt it could rely on - and who, incidentally, were responsible for eighteen counties and the whole of Wales. The Duke of Beaufort, Lord Lieutenant of Herefordshire, Gloucestershire, Monmouthshire and Lord President of Wales, the Earl of Lindsey (Lincolnshire) and Lord Ferrers (Staffordshire) had been summoned to London on 13 October to discuss the enterprise with James and his chief minister, the Earl of Sunderland. Lindsey was told to remain in Lincolnshire, and he and the Duke of Newcastle, Lord Lieutenant of Nottinghamshire and Northumberland, the Earl of Bristol (Dorset), Earl of Pembroke (Wiltshire) and the Catholic Lord Molyneux (Lancashire) were sent the questions by post on 25 October.¹⁶ The following day Beaufort and four more lord lieutenants - the Duke of Norfolk (Norfolk, Surrey and Berkshire), the Earl of Bath (Devon and Cornwall), Lord Preston (Cumberland and Westmorland) and the Catholic Lord Waldegrave (Somerset) were issued with the Three Questions at a cabinet council meeting, rather than at a meeting

¹³ *CSPD*, 1687-9, pp. 100, 168; Rawl. MSS, A 139a, fo. 181; *Commons*, ii. 338, 340, iii. 357.

¹⁴ Morrice, ii, fo. 170; B.L., Add. MSS 34,512, fo. 62; Luttrell, i. 415.

¹⁵ *CSPD*, 1687-9, p. 82.

¹⁶ *Ibid.*, pp. 82, 87, 88.

of the Privy Council.¹⁷ A memorandum in the Duke of Beaufort's handwriting states that the following 'was deliver'd me by His Majesty with his owne hand' in the presence of the Lord Chancellor, Lord Jeffreys, Sunderland, Lord Dartmouth, Lord Middleton and Lord Godolphin:

That the Lord Lieutenant of the Counties of Gloucester, Hereford, Monmouth, North Wales, South Wales, and of the City of Bristol, do call before him all the deputy Lieutenants and Justices of Peace within his Lieutenancy either jointly or separately as he shall think best, and aske him one by one the following questions:

1. If in case he shall be chosen Knight of the Shire, or Burgess of a Town, when the King shall think fitt to call a Parliament, whether he will be for taking off the Penal Laws and the Tests?
2. Whether he will assist and contribute to the election of such members as shall be for taking off the Penal Laws and Tests?
3. Whether he will support the King's Declaration for Liberty of Conscience, by living friendly with those of all perswasions, as subjects of the same Prince, and good Christians ought to do?

As he shall ask these questions of all Deputy Lieutenants and Justices of the Peace, so shall he particularly write down what every one answers, whether he consents, refuseth, or is doubtfull. That he likewise do bring the King as good an account, as he can of all the several Corporations within his Lieutenancy, what powers of such as are willing to comply with these measures have credit enough of their own to be chosen Parliament men, or may be chosen if assisted by their friends. And lastly what Catholicks and what Dissenters are fitt to be added either to the list of Deputy Lieutenants, or to the Commission of the Peace throughout the said Lieutenancy.¹⁸

Although it was not specified in the instructions, the lord lieutenants were also expected to conduct the canvass personally, rather than delegating the task to a subordinate. Bearing in mind the size of the territory Beaufort was responsible for, the task before him must have seemed a daunting one and, perhaps not surprisingly, one he did not perform adequately. It was never supposed that the process would be a speedy one.¹⁹

¹⁷ HMC *Beaufort MSS*, p. 91.

¹⁸ Ibid.

¹⁹ B.L., Add. MSS 34,510, fo. 59. More than half of the Welsh deputy lieutenants and justices Beaufort intended to canvass were either absent or failed to reply: Rawl. MSS, A 139a, fos. 152-80.

At the start of November the rest of the lord lieutenants were sent their instructions and in the middle of the month the machinery by which the returns from the canvass would be analysed was set up. Although the Commission of Regulation, also known as the Board of Regulators, originally had the task of removing from corporations susceptible to Crown influence officials and members opposed to repeal, it soon began to consider the commissions of the peace. By December its members, the Earl of Sunderland, Lord Jeffreys, the Earl of Castlemaine, the Marquess of Powis, Fr Petre and Sir Nicholas Butler, were scrutinising the new lists of deputy lieutenants and justices recommended, in the first place, by the lord lieutenants in their reports on the canvass and later the King's electoral agents.²⁰ Their decisions were given effect through Orders in Council by a committee of the Privy Council, headed by the King and comprising Sunderland, Jeffreys, the Earl of Middleton, Lord Dartmouth and Prince George of Denmark.²¹

The great enterprise had been launched, although as events in the succeeding weeks were to show, it was to get off to a stuttering start. It was an exercise in consultation never before attempted by the Crown and, although those canvassed were not chosen at random and although its aim was to commit men to action as much as to gauge opinion, it bears some similarity to the modern opinion poll. It was to reveal the mood of the political nation and the landed classes and go a long way towards explaining why so many of the Crown's natural supporters were alienated to such an extent that a mere twelve months later they would fail to support James II as he faced invasion.²²

It is not certain who was responsible for drawing up the questions themselves:

²⁰ Morrice, ii. fos. 190-1; B.L., Add. MSS 34,510, fos 58-9; Luttrell, i. 400, 420-1; Bramston, *Autobiography*, pp. 300-2; W.E. Buckley, ed., *Memoirs of Thomas, Earl of Ailesbury. Written by Himself* (2 vols., London, 1890), i. 164, 174. Butler, a customs commissioner who had recently converted to Catholicism, and Fr. Petre were sworn in as Privy Councillors in October. Ailesbury says that the obscure Butler 'had been a stocking merchant, and a bankrupt - a man that had wit and sense, but else of little or no morals, and had publicly changed his religion, and the year after the Revolution turned again'.

²¹ J.P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702* (London 1958), p. 171.

²² F.C. Turner, *James II* (London, 1948), p. 331. The novelty of the poll is stressed by John Carswell, who says that the 'King had started a national debate': J. Carswell, *The Descent on England* (London, 1969), p. 105-6.

their directness bears the stamp of the King, although some people at the time saw the hand of Sunderland in them.²³ On the face of it, the questions are straight forward, an attempt to find out who will support repeal of the Tests and penal laws, either as MP or elector, and who endorses the general principle of religious toleration as expressed in the King's Declaration of Indulgence. On another level the questions can be seen merely as a fact-finding exercise, to garner the names of enough men to stand as parliamentary candidates on the King's 'ticket'.²⁴ Even in this basic respect the canvass was not wholly successful: although many gentleman who had given affirmative answers were recommended as court candidates in the following September, others who had not done so were also endorsed or at least accepted, giving the impression that the Government was hoping for the best; and in some cases the strength of the political interests of some avowed enemies of the Court was such that even the government had to concede that it could not prevent their election.²⁵ Despite this, the questions cannot be totally accepted at face value. There was the extra inducement for deputy lieutenants and JPs to return favourable answers - they knew that refusal would almost certainly mean dismissal from the lieutenancy or the bench, a point the government did nothing to disguise.²⁶

Although the vast majority of those canvassed replied positively to the Third Question, here too gentlemen faced a dilemma: an endorsement of religious toleration went hand-in-hand with an acceptance of James's Declaration of Indulgence, the constitutional validity of which was challenged by the King's opponents.²⁷ Even in late

²³ Two historians believe that James was responsible: Turner, *James II*, p. 330; Kenyon, *Sunderland*, p. 171. Elsewhere, it is assumed Sunderland was the author: J.R. Western, *Monarchy and Revolution: the English State in the 1680s* (London, 1972), p. 211. However, at the time, the Three Questions were seen as a delaying tactic on the part of Sunderland and other Protestant ministers: B.L., Add. MSS 34,515, fo. 38.

²⁴ J.R. Jones, *The Revolution of 1688 in England* (London, 1972), p. 135.

²⁵ *CSPD*, 1687-9, pp. 272-8. The electoral prospects are assessed in the two sets of reports (April and September 1688) from the King's electoral agents: Rawl. MSS, A 139b, fos. 178-97.

²⁶ Luttrell, i. 420-1, 423; B.L., Add. MSS 34,512, fo. 62; Add. MSS 34,510, fos. 68-9.

²⁷ Miller, *James II*, pp. 164-5.

seventeenth-century England, a growing number of gentlemen eschewed the label of religious bigot. None the less in political terms the association of Catholicism with arbitrary government, especially in France, and of Dissent with rebellion and republicanism, meant that many Anglicans felt justified in treating both with suspicion and, in some cases, hostility. Many men, including James himself in the days before he full-bloodedly embraced toleration, were heard to utter the pious sentiment that no one should be persecuted for conscience's sake.²⁸ And in practical terms a measure of tolerance, and even pluralism, existed in everyday lives, not just between Anglican and Catholic gentry neighbours in the shires, but between people of different sects living, working and doing business together in the towns.²⁹ Yet, despite this, some squires, while returning robust negative answers to the first two questions, were perhaps understandably still uneasy about answering positively to the third. The octogenarian Sir John Holland, confined by the inclement season to his Norfolk home, wanted a chance to study the King's Declaration and consult with his fellow justices. He eventually answered positively, though, like most of his fellow Norfolk squires, without mentioning - and thereby specifically endorsing - the King's declaration.³⁰ But many gentlemen consented, probably feeling it was the least they could do, having been unable to answer positively to the other questions.³¹

This revealing of a nascent religious toleration among a majority of squires probably anticipated a more tolerant attitude in the years after the Revolution of 1688. But whatever political advantages a more patient man might have drawn from it, King

²⁸ Seaward, *Restoration*, pp. 40ff; J. Macpherson, *The Original Papers Concerning the Secret History of Great Britain* (2 vols., London 1775), i. 51; H.C. Foxcroft, *A Supplement to Burnet's History of My Own Time* (Oxford, 1902), p. 52. Several of the squires canvassed expressed the same opinion, even when they could not support repeal: see Sir Fairmedow Penyston (Oxon), Rawl. MSS, A 139a, fo. 55; Mr. Serjeant Birch and Sir John Bowyer (Staffs), *ibid.*, fos. 124, 126; John Hippisley (Berks), *ibid.*, fo. 250; Sir Ralph Carr (Northumberland), *ibid.*, fo. 339.

²⁹ J. Miller, 'James II and Toleration', in E. Cruickshanks, ed., *By Fault or By Default? The Revolution of 1688-89* (Edinburgh, 1989), p. 12.

³⁰ Bodleian Library, Tanner MSS, 259, fos. 52-3.

³¹ Barely half a dozen gentleman, out of more than 1,600, refused to endorse the sentiments of the Third Question in one way or another.

James was too much a man in a hurry to take the time to nurture this sentiment.

The naivete of the process has been attested to by contemporaries and historians, both of whom argue that the poll, far from building up a body of support for the King, helped to crystallise the opposition, which hitherto had been fragmented: once men knew what their neighbours were thinking, especially if they were opposed to the King, the less reluctant they would be to voice their opinions.³² This view is strengthened by the knowledge that a year later the King would be overthrown, hindsight giving a neat pattern and inevitability to events that at the time were far more confusing.

There is evidence that opposition was already forming against James from as early as the second session of his Parliament, but even if the canvass hastened the growth of this opposition, this should not be allowed to detract from the novelty of the process.³³ Instead of lord lieutenants sounding out people in private, they were asking them to make a public declaration of their intent. No matter that it was no part of the government's original intention that the results should be made public; the methods used by the lord lieutenants ensured that they were. The fact that some lord lieutenants sent copies of the Three Questions to the counties before they themselves arrived there, meant many of those about to be interrogated knew what was coming and had the chance to consult with their neighbours. And the very public form that the interrogation often took ensured that everyone knew how everyone else had answered.³⁴ The problem was that these things invariably worked against the King and his allies.

The reason why the canvass got off to a bad start was that the government soon

³² Turner, *James II*, p. 331; John, Lord Viscount Lonsdale, *Memoir of the Reign of James II*, reprinted in A. Carrel, *History of the Counter Revolution in England, for the Re-establishment of Popery under Charles II and James II, etc...* (London, 1857), pp. 459-60.

³³ D. H. Hosford, *Nottingham, the Nobles and the North: Aspects of the Revolution of 1688* (Connecticut, 1976), pp. 10-13; A. Browning, *Thomas Osborne, Earl of Danby and Duke of Leeds, 1632-1712* (3 vols., Glasgow, 1944-51), vol. iii, Appendix iv, pp. 152-63; Lonsdale, *Memoir*, pp. 458-9.

³⁴ Carswell, *Descent*, p. 106; Morrice, ii. fos. 190-1, 207; B.L., Add. MSS 34,510, fo. 114; CSPD, 1687-9, p. 142; Tanner MSS, 259, fos. 52ff; Ailesbury, *Memoirs*, i. 162-7; HMC 12th Report, Appendix x, pt. vi, *Le Fleming MSS*, pp. 204-9; J. Nicolson and R. Burn, *History and Antiquities of the Counties of Westmorland and Cumberland* (2 vols, London, 1777), i. 167-70; Lonsdale, *Memoir*, pp. 458-60; Rawl. MSS, A 139a, fo. 179 (joint answer by letter from eight Merioneth gentlemen), fo. 236 (the joint answer of 15 justices from the West Riding of Yorkshire).

discovered that many lord lieutenants were unwilling to support repeal or simply objected to having to put the Three Questions to the gentry. Some had been dismissed earlier in the year. The Duke of Somerset had departed as a result of the unrelated row over the arrival at Court of the Papal nuncio.³⁵ The Earl of Derby in Lancashire and Cheshire and the Earl of Rutland in Leicestershire had gone because neither appears to have been prepared to pledge to vote for repeal in the House of Lords.³⁶ The recent convert to Protestantism, the Earl of Shrewsbury, Lord Lieutenant of Staffordshire, had first lost his regiment at the beginning of 1687 and then his lieutenancy, being replaced by Lord Ferrers in August. A similar fate befell Viscount Newport, who was first dismissed from his position of comptroller in the King's household and then from the post of Lord Lieutenant of Shropshire.³⁷ But the majority of the sixteen lord lieutenants to go were dismissed because they refused to carry out the canvass.

However, two lord lieutenants on whom the Court thought it could rely, Lord Ferrers and the Earl of Pembroke, proved unsatisfactory, and as early as November 1687 there were doubts about whether the arch-loyalist Lord Preston would carry out his duties.³⁸ Ferrers had at first appeared willing to support the King's religious policy - and it is inconceivable that he would have been appointed Lord Lieutenant of Staffordshire had it appeared he would not. Yet within twelve weeks he had been dismissed and replaced by the Catholic Lord Aston. Even at the time this was considered strange.³⁹

In some ways, Pembroke's fate was even stranger. In November he was 'closeted' by James II and not only debated policy with the King but told him he

³⁵ B.L., Add. MSS 34,510, fos. 42-3.

³⁶ Hosford, *Nottingham*, p. 21; B.L., Add. MSS 41,804, fo. 308. Lord Molyneux replaced the Earl of Derby in Lancashire, while the Earl of Huntingdon replaced the Earl of Rutland in Leicestershire. At the same time the Earl of Thanet was replaced by Lord Preston in Cumberland and Westmorland: *CSPD*, 1687-9, pp. 46-7.

³⁷ B.L., Add. MSS 34,510, fos 12, 14; Morrice, ii. fo. 170; *CSPD*, 1687-9, pp. 47, 59.

³⁸ B.L., Add. MSS 34,515, fo. 33.

³⁹ Morrice, ii. fos 170, 201, 206; *CSPD*, 1687-9, pp. 88, 98; Luttrell, i. 419. Although he personally favoured repeal, Ferrers declined to act: Hosford, *Nottingham*, pp. 21-2.

thought he would not succeed. He was not dismissed, but sidelined: the more enthusiastic Lord Yarmouth being appointed as joint Lord Lieutenant of Wiltshire. What probably saved Pembroke from total disgrace was that he agreed to do the King's bidding, notwithstanding his own reservations, saying he would 'propose his Mat^{ies} pleasure with all the advantage he can'.⁴⁰ Preston, presumably after some soul-searching, carried out his orders in January.⁴¹

As for the rest, they were dismissed in rapid succession, led by the Earl of Bridgewater (Buckinghamshire) at the beginning of November.⁴² By the middle of the month there were rumours that Lords Northampton (Warwickshire), Gainsborough (Hampshire and Rutland), Scarsdale (Derbyshire), Lindsey (Lincolnshire), Abingdon (Oxfordshire) and Falconbridge (North Riding of Yorkshire) were to be removed; all save Lindsey were.⁴³ The Earl of Northampton told the Warwickshire gentry that he had been asked to put some propositions from the King to them and then undermined the operation by saying he could not support them himself.⁴⁴ Abingdon, despite a frank exchange of views with the King, does not appear to have incurred the anger of his royal master immediately, although he was replaced, but he compounded the error of failing to support repeal by openly defying the King over the ejected Fellows of Magdalen, offering to support seven of their number.⁴⁵ Lords Winchelsea and Oxford - both of whom gave famous rebuffs to the King - and Burlington and Dorset followed.⁴⁶

⁴⁰ Morrice, ii. fo. 210; *CSPD*, 1687-9, p. 149.

⁴¹ Morrice, ii. fos. 191, 234; B.L., Add. MSS 34,510, fo. 75.

⁴² Morrice, ii. fo. 191. He was replaced by Lord Jeffreys, who had earlier replaced Lord Newport as Lord Lieutenant of Shropshire: *CSPD*, 1687-9, pp. 47, 97.

⁴³ Morrice, ii. fos. 201, 206, 207; *CSPD*, 1687-9, pp. 102, 106, 111-4. Their replacements were the Earl Sunderland (Warwickshire), the Duke of Berwick (Hampshire), the Earl of Peterborough (Rutland), the Earl of Huntingdon (Derbyshire), the Earl of Lichfield (Oxfordshire) and Lord Fairfax (North Riding of Yorkshire).

⁴⁴ *Bishop Burnet's History of His Own Time* (7 vols., Oxford, 1823), iii. 183, (Earl of Dartmouth's note).

⁴⁵ *HMS Lindsey MSS, 1660-1702*, pp. 270-2; B.L., Add. MSS 34,510, fos. 64-5.

⁴⁶ Morrice, ii. fos. 212-3, 226, 236; *CSPD*, 1687-9, pp. 115, 131, 161.

There was also talk that Lord Mulgrave, Lord Lieutenant of the East Riding of Yorkshire, who himself had replaced the Duke of Somerset, would go - the consummate courtier seems at this stage to have been distancing himself from the administration - but he remained in office, although the task of canvassing the East Riding gentry was delegated to the much more energetic Catholic governor of Hull, Lord Langdale.⁴⁷

Even after this wholesale purge very few of the Protestant lord lieutenants showed much enthusiasm for the canvass. Lord Yarmouth in Wiltshire and Bishop Crewe in Durham seem to have been the most purposeful, although it was soon discovered that Yarmouth was a Catholic convert.⁴⁸ The young Earl of Lichfield, a steadfast ally of the King, did his duty without demur in Oxfordshire, despite a lack of experience and political standing in the county.⁴⁹ The octogenarian veteran of the Thirty Years War, Lord Craven, Lord Lieutenant of Middlesex, was an unquestioning loyalist, but even he appears to have adopted a rather relaxed attitude to the canvass, although the returns from Middlesex do not survive.⁵⁰ For the rest the discomfort was palpable. Six of James II's most loyal supporters, the Dukes of Beaufort and Newcastle, the Earls of Huntingdon and Ailesbury, Viscount Preston and Lord Jeffreys, all appear to have had misgivings about the task before them. There were rumours - unfounded as it happened - that Huntingdon and Preston would not comply with the King's orders; Beaufort's rather perfunctory canvass of Herefordshire, Gloucestershire, Monmouthshire and Wales was evidence of his lack of enthusiasm; Newcastle actually laid down all his offices during the rather protracted canvass of Northumberland (which

⁴⁷ B.L., Add. MSS 34,515, fo. 45; 'Some Account of the Revolution', *The Works of John Sheffield, Earl of Mulgrave, Marquis of Normandy, and Duke of Buckingham* (2 vols., London, 1726), ii. 62-3; *CSPD*, 1687-9, p. 95; *HMC Le Fleming MSS*, p. 208.

⁴⁸ Rawl MSS, A 139a, fos. 192ff, 266, 268, 270, 272; Luttrell, i. 449.

⁴⁹ *Ibid.*, fos. 51ff. Anthony Wood, with evident malice, states that Lichfield's earldom was his reward for marrying one of Charles II's illegitimate children. However, Lichfield was a man of principle, remaining loyal to James II when nearly all had deserted him and becoming a non-juror after the Revolution: A. Clarke, ed., *Life and Times of Anthony Wood, Antiquary of Oxford, 1632-1695, Described by Himself* (Oxford Historical Society, 3 vols. 1891-4), ii. 345; *HMC Dartmouth MSS*, i. 242; *Complete Peerage*, vii. 644-5.

⁵⁰ *DNB*, xiii. 43-8; Craven 'acquainted divers of the Lieutenancy and the Justices with his instructions, but he neither prest them one way nor another[...]': Morrice, ii. fo. 201.

was conducted by post), although he was later persuaded to change his mind; Ailesbury considered that 'this most damnable project' was eroding his influence in the counties for which he was responsible, Bedfordshire and Huntingdonshire; and Jeffreys' pessimism permeates his return from Buckinghamshire.⁵¹ The Earl of Rochester in Hertfordshire and the Earl of Lindsey in Lincolnshire canvassed their respective counties with an alacrity that belied their fundamental unease over James's ecclesiastical policies. Ironically, despite his dismissal from the post of Lord Treasurer because of his refusal to become a Catholic, Rochester was accused of being rather too zealous in putting the Three Questions to the gentlemen of Hertfordshire, though, by stressing his own adherence to the Church of England, it was said at the time that he had encouraged men to refuse to support repeal.⁵² The Duke of Norfolk and the Earls of Bath and Bristol obeyed the King's orders under protest; all were to desert James at the Revolution.⁵³ The Earl of Sunderland does not appear to have got around to canvassing Warwickshire at all, while the returns of Lord Dartmouth in Tower Hamlets and the Duke of Grafton in Suffolk do not survive.⁵⁴

More enthusiasm for the enterprise was shown by the Catholic lord lieutenants. Historians have dealt harshly with these men. The traditional view is that they were inexperienced and lacked influence in the counties for which they were responsible; plucked from the bucolic obscurity to which their faith had for so many years consigned them, they were, in short, unfitted for the task before them.⁵⁵ As a result they met with,

⁵¹ Morrice, ii. fos. 187, 201; B.L., Add. MSS. 34,515, fo. 33; Rawl. MSS, A 139a, fos. 41-9, 140-80; CSPD, 1687-9, pp. 142, 160, 164, 167; Luttrell, i. 434; Ailesbury, *Memoirs*, vol. i, pp. 162-7, 176.

⁵² Miller, *James II*, p. 163; Luttrell, i. 391; B.L., Add. MSS 34,515, fos. 34, 41; Morrice, ii. fo. 207; C. Holmes, *Seventeenth Century Lincolnshire* (Lincoln, 1980), pp. 252-3.

⁵³ Kenyon, *Sunderland*, p. 173; Luttrell, i. 480, 483. Although he canvassed Dorset in November 1687, Bristol does not appear to have submitted his return until the following May and, when ordered to dismiss from local office those gentlemen who had refused to support repeal, asked to be excused from acting as lord lieutenant: Morrice, ii. fos. 201-2; Rawl. MSS, A 139a, fo. 190; CSPD, 1687-9, p. 213.

⁵⁴ Kenyon, *Sunderland*, p. 188 note. Sunderland postponed a visit to Warwickshire in April 1688: B.L., Add. MSS 34,510, fo. 110. There is evidence that Lord Dormer canvassed Suffolk instead of the Duke of Grafton: Rawl. MSS, A 139a, fo. 207.

⁵⁵ Jones, *Revolution*, p. 136.

at best, surly indifference from the gentry or, at worst, downright rudeness and even hostility. And in any case, so the argument runs, they were almost all second-raters.⁵⁶

However, at the very least, this view needs to be modified. True, James's seventeen-year-old natural son, the Duke of Berwick, Lord Lieutenant of Hampshire, who was destined to become one of the greatest soldiers of the age, was snubbed by some of the Hampshire gentry, who questioned his right to act as lord lieutenant without taking the oaths, but that did not prevent him canvassing the county reasonably effectively.⁵⁷ The former Cavalier, the Earl of Peterborough, had only converted to Catholicism after James II had ascended the throne and so had enjoyed a long political and diplomatic career: age and infirmity do not appear to have extinguished his spirit.⁵⁸

Lord Molyneux, Lord Lieutenant of Lancashire, was a valiant old Cavalier, and though he met with a number of rebuffs when canvassing the county, there is nothing to suggest that this reputation had diminished since the days of the Civil War. His commitment to the King's policies is demonstrated by his wish to extend the canvass beyond the gentry to all freeholders, although he was reined back by the government. In the crisis of November 1688, Molyneux raised 400 men to fight for the beleaguered King and, seizing Chester, frustrated the nascent rebellion in the north-west until ordered to lay down his arms by James.⁵⁹

⁵⁶ Morrice, ii. fos. 199; B.L., Add. MSS 34,510, fos. 82-3. Peterborough and Molyneux are considered 'unimpressive': Hosford, *Nottingham*, p. 22; Dover and Castlemaine are ridiculed by Macaulay. Lord Petre confessed himself unequal to the task allotted to him: Bramston, *Autobiography*, p. 307.

⁵⁷ *DNB*, xix. 178-9; B.L., Add. MSS 34,510, fos. 82-3; Rawl. MSS, A 139a, fos. 196-9.

⁵⁸ *DNB*, xxxviii. 403-5. Peterborough appears to have been undermining the Earl of Ailesbury's interest in Bedfordshire towards the end of 1687: Rawl. MSS, A 139a, fos. 20-1.

⁵⁹ *DNB*, xxxviii. 135; *Oxford DNB*, 38, 554-5; HMC *Le Fleming MSS*, pp. 205-7; E. Cruickshanks, 'The Revolution in the Localities: Examples of Loyalty to James II', E. Cruickshanks, ed., *By Force or By Default? The Revolution of 1688-89* (Edinburgh, 1989), pp. 35-6. Although Colonel Henry Gage, a professional soldier, appears to have been the driving force behind the raising of a regiment of recusants in Lancashire and Cheshire to fight for King James in 1688, Lord Molyneux was, at the very least, the titular head of the resistance: J. Childs, *The Army, James II and the Glorious Revolution* (Manchester, 1980), p. 24; HMC *14th Report, Appendix, pt. iv, Lord Kenyon MSS*, pp. 200, 202, 206; HMC *7th Report, Appendix, Sir H. Verney, Bart, MSS*, p. 502; Luttrell, i. 489.

Lord Langdale was considered a competent and effective agent of the King.⁶⁰ Lord Teynham had been a courtier, had sat in the house of Lords and had had diplomatic experience before the passing of the second Test Act forced him from public life. The success of his canvass of Kent suggests he was not without influence - among the lesser gentry, at least - in that county.⁶¹ Lord Montague in Sussex and Lord Aston in Staffordshire, to judge from the returns from those counties, laboured hard and not ineffectively in the King's cause.⁶² Lord Fairfax, in the North Riding of Yorkshire, was described by an unsympathetic contemporary commentator as being 'active and indefatigable in the prosecution of [this] business', which hardly suggests he was an inconsequential figure.⁶³ Lord Waldegrave, in Somerset, appears to have taken his duties seriously enough to try to do all in his power to keep the influential Lord Fitzharding on the right side of the King; he also had enough standing in the county to overcome the scruples local gentry had about the legitimacy of his position.⁶⁴ Lord Petre confided to Sir John Bramston that he was not up to the task given him by the King, yet he canvassed the Essex gentry with some determination.⁶⁵ Even the rakish spendthrift, Lord Dover - whose appointment as one of the commissioners of the Treasury had so amused his old friend, the playwright and diplomat, Sir George Etherege - seems to have shown an uncharacteristic seriousness of purpose in his dealings with the corporation at Bury St Edmunds; so it is not unreasonable to surmise that his canvass of Cambridgeshire (for which the returns do not survive) was reasonably efficiently

⁶⁰ Hosford, *Nottingham*, p. 84.

⁶¹ *Lords Journal*, xii. 634; *CSPD*, 1666-7, pp. 155, 277, 299, 318, 523; 1670, p. 347, 464; *Calendar of Treasury Books*, 1669-72, p. 1330; Rawl. MSS, A 139a, fos. 59-69. When the Three Question were put by Lord Teynham to Sir John Knatchbull, a Kentish deputy lieutenant, their meeting seems to have been cordial and imbued with respect on both sides: B.L., Add. MSS 33,923 (Sir John Knatchbull's Diary) fo. 430.

⁶² Rawl. MSS, A 139a, fos. 124-8, 243-9.

⁶³ Morrice, ii. fo. 207. Fairfax, who seems to have been an energetic and purposeful lord lieutenant, earned high praise from his replacement, the Duke of Newcastle, during the crisis of the autumn of 1688: *CSPD*, 1687-9, p. 309.

⁶⁴ Rawl. MSS, A 139a, fos. 1, 5, 10; Morrice, ii. fo. 199.

⁶⁵ Bramston, *Autobiography*, pp. 306-7; Rawl. MSS, A 139a, fos. 203-11.

carried out.⁶⁶ These men had not the 'interest' or political standing of those they replaced, but their social status was enough to ensure the respect of most of the men they canvassed. It was only in the wake of William of Orange's imminent invasion that their Catholicism undermined their authority and the Protestant gentry would almost certainly have refused to serve under them had not the King anticipated this by dismissing them first.⁶⁷

The methods the lord lieutenants used to canvass the deputy lieutenants and justices of the peace varied. All but four visited the counties for which they were responsible at some stage during the process - the exceptions were the Duke of Newcastle, who canvassed Northumberland by post, Lord Jeffreys, who was forced by ill-health to do likewise in Shropshire, the Earl of Sunderland, who did not canvass Warwickshire at all, and the Earl of Ailesbury, who, it seems, did not go in person to canvass Huntingdonshire. Ailesbury was given permission by the King to summon the 'chief gentlemen' of Bedfordshire and Huntingdonshire, who happened to be in London, to his town house and put the questions to them there. He later visited Bedfordshire, but canvassed the remainder of the Huntingdonshire gentry by post.⁶⁸

⁶⁶ *DNB*, xxxix. 344-5; F. Bracher, *Letters of Sir George Etherege* (University of California Press, 1974), pp. 85-6; P.E. Murrell, 'Bury St Edmunds and the Campaign to Pack Parliament, 1687-8', *Bulletin of the Institute of Historical Research* (1981) liv, pp. 188-206.

⁶⁷ The nominally Protestant Earl of Huntingdon (doubts had been cast over his religious allegiance during James II's reign), had been released from the obligation of taking the oaths of Supremacy and Allegiance and subscribing the Tests when appointed Lord Lieutenant of Derbyshire in December 1687, and his position was challenged during the crisis of the following autumn, when a letter from two Derbyshire deputy lieutenants warned that the county's gentry would not serve a lord lieutenant who had not taken the oaths. (Huntingdon, who was absent from the county at the Revolution, later claimed he was 'always steady to the religion of the Church of England'): Hastings MSS, Reel 14, Box 49, HA 1791, Reel 14, Box 50, HA 12520, Reel 15, Box 52, HA 12563; Duckett, i. 4-5; HMC *7th Report, Appen. Pt. i., Sir F. Graham MSS*, p. 412; HMC *Hastings MSS*, iv. 355. Lord Teynham (Kent) and Lord Molyneux (Lancashire) both discovered that the restored deputy lieutenants would not serve under a Catholic lord lieutenant. They, along with Lord Fairfax (North Riding), Lord Petre (Essex) and Lord Waldegrave (Somerset) were replaced by the King in October and November 1688. Restored Protestant JPs refused to serve with their Catholic counterparts in Norfolk, while at the lower social level, the militia refused to muster under Catholic officers in Leicestershire: *CSPD*, 1687-9, pp. 297, 302-3, 320, 322-3, 342; B. Cozens-Hardy, ed., *Norfolk Lieutenancy Journal, 1676-1701* (Norfolk Record Society, xxx, 1961), pp. 88-9; R.O.L.L.R., *Letters of the Hastings family. III Political Letters*, 14D32/493.

⁶⁸ *CSPD*, 1687-9, p. 142; B.L., Add. MSS 34,510, fo. 114; Kenyon, *Sunderland*, p. 188; Ailesbury, *Memoirs*, vol. i, pp. 163-4. There is some evidence that Lord Jeffreys did not visit Buckinghamshire either: Morrice, ii. fo. 216.

In most cases the lord lieutenants summoned the gentry to a central location, usually the county town. Hence Lord Preston summoned the gentry of Cumberland and Westmorland to Penrith in January 1688; the Earl of Huntingdon, likewise summoned the gentry of Leicestershire to attend him at Leicester on January 12, 1688, and the gentry of Derbyshire to meet him at Derby six days later. Most striking of all the Duke of Beaufort summoned all the deputy lieutenants and justices of Wales to Ludlow in December 1687, thereby virtually ensuring a high rate of absenteeism.⁶⁹ More sensibly, some lord lieutenants in larger counties summoned the gentry to two locations: the Duke of Norfolk put the questions to the justices and deputy lieutenants at both King's Lynn and Norwich, while Lord Thomas Howard summoned the gentry of the West Riding to Skipton and Pontefract.⁷⁰

Other lord lieutenants toured their counties, meeting small groups of the gentry at different places. If gentlemen ignored the summons they might receive a visit from the lord lieutenant. The roving lord lieutenants included Lord Teynham in Kent, Lord Aston in Staffordshire, who certainly did not believe it beneath his dignity to visit an elusive justice, and Lord Petre, who when Sir John Bramston failed to answer his summons, pursued him to his London house, and finding him not at home, summoned him to the nearest inn the next day. Such determination was, however, the exception rather than the rule.⁷¹

The methods of recording the answers also varied. Lord Jeffreys and the Earl of Bristol followed the Royal instructions to the letter, simply recording whether those interrogated consented, refused or were doubtful. As a result, the returns from Shropshire, Buckinghamshire and Dorset reveal nothing of the thinking behind the

⁶⁹ HMC *Le Fleming MSS*, p. 208; Hastings MSS, Reel 14, Box 50, HA 6061; Rawl. MSS, A 139a, fos. 118, 120; Morrice, ii. fo. 191; B.L., Add. MSS 34,510, fo. 73.

⁷⁰ Cozens-Hardy, *Norfolk Lieutenancy Journal, 1676-1701*, p. 84; Rawl. MSS, A 139a, fos. 85, 88, 234, 236.

⁷¹ Rawl. MSS, A 139a, fos. 59-69, 124-8; B.L., Add. MSS 33,923, fo. 430; Bramston, *Autobiography*, pp. 306-7.

answers of the gentry from these counties.⁷² The Duke of Beaufort in his canvass of Herefordshire, Gloucestershire, Monmouthshire and Wales generally followed this course, occasionally elaborating on a single-word answer, especially if he thought individuals could be won over by argument or pressure or if they said anything out of the ordinary, such as supporting repeal of the Tests but not the penal laws. However, Beaufort included an analysis of his canvass in his return, explaining why, in general, gentlemen felt unable to support the King's policies.⁷³

Some, like the Earl of Huntingdon, in Leicestershire and Derbyshire, listed those canvassed under different headings; and here again details are sparse. Some of those canvassed in Leicestershire answered by letter, so the earl was privy to more information about men's thinking on the issue of repeal than he recorded in his return.⁷⁴ Lord Teynham in Kent diverged slightly from this method in his return: most of the 57 squires who supported the King are simply listed as agreeing to the Three Questions, while the answers of the refusers are given in more detail.⁷⁵

However, at least half the lord lieutenants recorded the answers of the gentry in some detail. This is particularly true of the Earl of Ailesbury in Bedfordshire and Huntingdonshire, Lord Aston in Staffordshire and Lord Carrington in Worcestershire, where the answer of one of the deputy lieutenants, Sir John Packington, runs to more than 240 words. One result of the Duke of Newcastle's canvass of Northumberland by letter is that most of the answers are longer than elsewhere, even those consenting to repeal. Intriguingly, Lord Jeffreys, despite canvassing Shropshire by post, presumably reduced each answer to a simple 'consent' or 'dissent' (there were no doubtful answers).⁷⁶

Where replies were dictated they were taken down by a secretary, although in

⁷² HMC *Beaufort MSS*, p. 91; Rawl. MSS, A 139a, fos. 41-3, 190, 216-7.

⁷³ Rawl. MSS, A 139a, fos. 145-75.

⁷⁴ *Ibid.*, fos. 118-21; Hastings MSS, Reel 12, Box 42, HA 10330; Reel 15, Box 51, HA 6939.

⁷⁵ Rawl. MSS, A 139a, fos. 59-68.

⁷⁶ Rawl. MSS, A 139a, fos. 111-2, 115, 124-8, 134-5, 181-2, 215-7, 262-3, 316-43; Duckett, ii. 182 note.

some cases they were amended by the lord lieutenants in their own hand. One lord lieutenant, however, the peripatetic Lord Aston, appears to have written down the answers himself.⁷⁷ The Earl Ailesbury prepared ‘a list [...] with three columns for the three questions [...] and by reason I mistake what each answered by failure of memory, I desired that they would put their answers in writing by each their names, in the list that lay before them [...]’⁷⁸

Where there was collusion between squires one of two things happened. In Devon, where 49 squires followed the lead given by Sir Edward Seymour, they are simply recorded as answering the same as Sir Edward. (The situation was mirrored in Cornwall where 30 squires followed the lead given by Sir John Carew, whose answer was almost identical to Sir Edward Seymour’s). However in Cumberland and Westmorland, the 17 squires who followed Sir John Lowther’s standard answer all provided individual replies, which while not differing in essentials, do bear the stamp of the individuals providing them. We know from Sir Daniel Fleming’s account of the canvass that the Protestant and Catholic squires retired to different rooms at the George Inn at Penrith to compose their answers, and Lord Preston appears not to have edited them, but simply forwarded them to the Government.⁷⁹

Despite the problems attendant on the exercise, the first counties - Northamptonshire, Lincolnshire, Nottinghamshire, Middlesex, Dorset, Lancashire, Huntingdonshire and Hertfordshire - were canvassed in November 1687, although, in a pattern that was to be repeated throughout the process, there was sometimes a delay between the date of the canvass and the submission of the lord lieutenant’s report. (Perhaps, understandably, the lord lieutenant was often in no hurry to return to Court to deliver bad news to the King.)⁸⁰ In December there was a burst of activity with

⁷⁷ Bramston, *Autobiography*, p. 307; Rawl. MSS, A 139a, fos. 37, 124-8, 181; Duckett, i. 31 note, ii. 195 note.

⁷⁸ Ailesbury, *Memoirs*, i. 163.

⁷⁹ Rawl. MSS, A 139a, fos. 224-5, 346-407; Lonsdale, *Memoir*, p. 458; Nicolson and Burn, *Westmorland and Cumberland*, i. p. 169.

⁸⁰ Morrice, ii. fos. 190-1, 199, 200-1, 207, 214; Rawl. MSS, A 139a, fos. 33, 37, 104, 108, 111; B.L., Add. MSS 34,512, fos. 63, 66; HMC *Le Fleming MSS*, pp. 205-7. Northamptonshire was the first county to be canvassed, a process that might even have begun before the end of October 1687, but the Earl of

Buckinghamshire, Gloucestershire, Herefordshire, Monmouthshire and Wales, Somerset, Cambridgeshire, the East Riding of Yorkshire and Norfolk canvassed, while the process of eliciting the opinions of the gentry was begun in both Staffordshire and Kent.⁸¹

In January the North Riding of Yorkshire, Leicestershire, Oxfordshire, Derbyshire, Cumberland and Westmorland and Berkshire were canvassed. Interestingly two of James's most loyal Protestant supporters, the Earl of Huntingdon (Leicestershire and Derbyshire) and Lord Preston (Cumberland and Westmorland) who, it had been rumoured, had been reluctant to carry out the King's orders, did their duty; and, in fact, Huntingdon had been preparing for the canvass for several weeks before he set out for the Midlands.⁸² The Earl of Bath, likewise, seemed reluctant to journey to Cornwall and Devon and, although he did set out on his mission in February, he took his time canvassing the gentry and did not return to Court with his report until April.⁸³ February also saw the young Duke of Berwick's rather uncomfortable visit to Hampshire to canvass the gentry there.⁸⁴

Although most of the counties of England and the whole of Wales had been canvassed within little more than three months, the reluctance by this stage of some lord lieutenants to visit their counties can be attributed to the rumours circulating at Court that the response to the Three Questions had been overwhelmingly negative. Certainly, by April 1688 this perception was so strong that when the Marquess of Powis, the Earl of Sunderland and Lord Thomas Howard, lord lieutenants of Cheshire, Warwickshire

Peterborough's return is dated 20 December. The canvass of the Huntingdonshire gentry appears to have started in December 1687, but the Earl of Ailesbury's return is dated 30 March 1688. Dorset was canvassed by the Earl of Bristol in November 1687, but his return is dated May 1688: Morrice, ii. fos. 190-1, 201-2; B.L., Add. MSS 34,510, fo. 63; Rawl. MSS, A 139a, fos. 14, 190, 265.

⁸¹ Morrice ii. fos. 191, 216-8; Rawl. MSS, A 139a, fos. 4, 59-69, 124-8; HMC *Le Fleming MSS*, p. 208; B.L., Add. MSS 34,510, fos. 66, 73-5.

⁸² Rawl. MSS, A 139a, fos. 75, 118, 120; Wood, *Life and Times*, iii. 254; HMC *Le Fleming MSS*, p. 208; B.L., Add. MSS 34,515, fo. 33; Morrice, ii. fos. 191, 201, 234; Hastings MSS, Reel 14, Box 50, HA 10669.

⁸³ Kenyon, *Sunderland*, p. 173; Morrice, ii. fo. 236; Luttrell, i. 432; B.L., Add. MSS 34,510, fo. 112.

⁸⁴ B.L., Add. MSS 34,510, fos. 82-3.

and the West Riding of Yorkshire respectively, delayed their visits (presumably with the approval of the King), it must have seemed as though the canvass was dying of inertia.⁸⁵

In fact, the canvass slowly moved towards completion in the six months after February. The canvass in Essex and Wiltshire was delayed by the removal of the Earl of Oxford as lord lieutenant of the former and the sidelining of the Earl of Pembroke in the latter, both in February. It seems that the King only asked Oxford's opinion on the eve of his departure for Essex; the earl was prepared to canvass the gentry but could not support repeal nor ask men to support what he could not. He was replaced by the Catholic Lord Petre.⁸⁶ In the same month, the arch-loyalist, the Bishop of Durham, set off to canvass his palatinate; likewise Lord Carrington for Worcester. Illness in March and April forced Lord Jeffreys to abandon plans to visit Shropshire, which he canvassed by post. Lord Petre did not complete the canvass of Essex until April, while Sussex was not canvassed until May; the delay was due to the new lord lieutenant, the Catholic Viscount Montague's having being abroad.⁸⁷

The canvass was not completed until August 1688, when Lord Thomas Howard finally put the Three Questions to the gentry of the West Riding of Yorkshire.⁸⁸ By that time, the political situation had changed since the previous October. If the King thought the prize of a subservient parliament was within his grasp - he was finally to issue the writs at the end of the month - the political nation had in reality become alienated from the Crown.⁸⁹ The trial of the Seven Bishops, the birth of the Prince of Wales and the canvass itself had helped to create a situation where, when the King had to rely on the traditional supporters of the Crown, he would find that that loyalty had evaporated.

⁸⁵ B.L., Add. MSS 34,510, fo. 110.

⁸⁶ Morrice, ii. fo. 236; B.L., Add. MSS 34,510, fo. 85; Add. MSS 34,512, fo. 66; *CSPD*, 1687-9, pp. 142, 149.

⁸⁷ Morrice, ii. fo. 236; B.L., Add. MSS 34, 510, fos. 87, 114; Rawl, MSS, A 139a, fos. 182, 251; Duckett, ii. 182 note; Bramston, *Autobiography*, p. 307; *CSPD*, 1687-9, p. 131.

⁸⁸ Rawl MSS, A 139a, fos. 234, 236.

⁸⁹ Luttrell, i. 457.

Until quite recently, historians when they have considered the canvass at all, have dismissed it as not only a failure - and the answers of the gentry almost universally hostile to repeal - but as what today would be called a public relations disaster. In this they can be forgiven, because almost all contemporary accounts of, or comments on, the canvass and, for that matter, the wider campaign to secure a subservient parliament, paint the process as doomed. This is particularly true of the despatches of the States General ambassador, Van Citters, the letters of leading politicians like the Marquess of Halifax and the Earl of Nottingham, and on a more modest scale, the observations of the Presbyterian minister, Roger Morrice, who appears to have been well informed about political events as they unfolded in the winter of 1687-8. What all these commentators have in common is the certainty that the vast majority of those questioned were opposed to repeal of the Test Act and penal laws.⁹⁰ Both Van Citters and Morrice follow the progress of the canvass in some detail, and as information emerged, it seemed clear to both men that the inquisition had gone awry. In some important respects their reports and analyses of the canvass were remarkably accurate, despite the fact that information was not readily forthcoming from the government. Both chart the inauspicious start to the canvass, the delays, the reluctance of many lord lieutenants to follow the King's orders, the changes in personnel, and the general feeling that the whole campaign had met with stern resistance.⁹¹

Because contemporary accounts paint such a negative picture of the canvass and, if taken at face value, they do suggest that the overwhelming majority of the deputy lieutenants and justices were hostile to repeal, historians have deduced from them that the King's policies were doomed. But how accurate were these contemporary reports?⁹²

⁹⁰ Most of the influential politicians, including the Earl of Danby, the Earl of Nottingham, the Marquess of Halifax, the Earl of Clarendon and the Earl of Shrewsbury, who had correspondence with William of Orange, considered the King's campaign had little chance of success: Browning, *Danby*, vol. ii. pp. 119-21; H. Horwitz, *Revolution Politicks: The Career of Daniel Finch, Second Earl of Nottingham, 1647-1730* (Cambridge, 1968), pp. 47-9; J. Dalrymple, *Memoirs of Great Britain and Ireland* (2 vols., London, 1771-3) ii. pt. i, 116-7; *CSPD*, 1687-9, pp. 63, 118, 166.

⁹¹ B.L., Add. MSS 34,510, fos. 52-3, 58-9, 63-6, 68-9, 73, 75, 77, 82-3, 85, 87, 99, 102, 110-4; Add. MSS 34,512, 62, 64-6; Morrice, ii. fos. 170, 187, 190-1, 198-9, 201-2, 206-7, 210-4, 216-9, 226, 234, 236, 246.

⁹² The accuracy of Van Citters's despatches in general has been challenged: Miller, *James II*, p. 133; Jones, *Revolution*, p. 133.

Two things stand out about them. One is that in general only counties where the results were bad for the King are mentioned; the results of the canvass in counties like Essex, Northumberland and Worcestershire, where support for repeal was respectable, are not alluded to, quite possibly because they were unknown to those outside the inner circle of the Court. The second is that both Van Citters and Morrice were either mistaken or misinformed about the results from some counties.⁹³ For example, Lord Teynham is said by Morrice to have laboured in vain in the King's cause in Kent; in fact the return from that county showed the greatest support in numbers for repeal.⁹⁴ Likewise both dismiss the Duke of Beaufort's efforts in Wales and the adjoining counties, yet the returns show substantial support for repeal in Herefordshire and a small group of Anglicans supporting repeal in Gloucestershire.⁹⁵ According to Van Citters, only six or seven squires out of sixty questioned in Wiltshire answered in the affirmative, whereas, in fact, it was 12 out of 47 (admittedly after a little cajoling from the lord lieutenant, Lord Yarmouth), while Morrice's information from Staffordshire is even less accurate.⁹⁶ In Hampshire and Lincolnshire, the impression is given that support was negligible if not non-existent, when this was not the case. Even though in several counties - Kent and Hampshire are the obvious examples - the number of those endorsing repeal was artificially swelled by Catholics, military men or office-holders, support, as clearly demonstrated by the returns, was notably stronger than contemporary accounts would suggest.⁹⁷ And in Lancashire, according to Morrice, opposition to repeal was universal;

⁹³ Their information on the canvass in Dorset, Nottinghamshire and Cornwall does tally with the returns, but in counties like Huntingdonshire, Berkshire, Buckinghamshire, Norfolk and Devon, where, admittedly, support for the King was weak, they either ignore or are unaware of the fact that there was a small group of Anglican squires willing to endorse royal policy: Morrice, ii. fos. 201-2, 214, 216, 234; B.L., Add. MSS 34,510, 63,66, 73, 112; Rawl. MSS, A 139a, fos. 41-3, 85-91, 102-8, 190, 224-5, 256-8, 262-3.

⁹⁴ Morrice, ii. fo. 234; Rawl. MSS, A 139a, fos. 59-69.

⁹⁵ Morrice, ii. fo. 211; B.L., Add. MSS 34,510, fo. 73; Rawl. MSS, A 139a, fos. 145-9.

⁹⁶ B.L., Add. MSS 34,512, fo. 66; Morrice, ii. fo. 234; Rawl. MSS, A 139a, fos. 124-8, 192-4.

⁹⁷ B.L., Add. MSS, 34,510, fos. 63, 82; Rawl. MSS, A 139a, fos. 33, 37, 39, 196-9.

yet it is clear from other accounts written at the time that this was not the case.⁹⁸ As the analysis of the returns in the next chapter will show, support for the King in the English counties for which detailed information survives was nearly 30 per cent of those questioned - hardly a negligible figure. This was not the impression given by contemporary accounts.

Finally, it is worth noting that the confidence of Morrice about the failure of the canvass is undermined by doubts most clearly expressed in the following entry:

This refusall is very considerable, and may become a great snare to this Kingdome, because it is most certain it is such a piece of gallantry now that many refuse to make an open formall promise that will certainly do as they are bid to all intents and purposes when they are chosen, and by their refusall they get such great reputation in the countrey that they are very like to be chosen, some have not only refused to concur, but also taken the Test at the last sessions, whereby they have got such an interest that they are very like to be chosen, and as like in all things to do as they are bid, as any man in England, and that sort of man are yet very likely to be the ruin of this nation for no considerable numbers of any other sort will concur to it.⁹⁹

Memoirs, diaries or letters from those canvassed or who witnessed the canvass also survive; and in almost all cases they reveal both the suspicions of those opposed to the King and the unease of those who could generally be accounted his supporters.

One of the most considered appraisals of the whole enterprise comes from Sir John Lowther, of Lowther, who gave the lead to the gentry of Cumberland and Westmorland by drawing up the standard, doubtful answer, which in reality was a negative. Lowther in his *Memoir of the Reign of James II* begins by stressing the novelty of asking what men would do in Parliament, 'there being no president [sic] for anie such thing, - and all new things are suspected'. It was, says Lowther, also against the 'methods of parliament to have debates fforeclosed'. The King had united the Kingdom

⁹⁸ Morrice, ii. fo. 207; HMC *Le Fleming MSS*, pp. 205-7; Nicolson and Burn, *Westmorland and Cumberland*, vol. i, pp. 167-8. Interestingly Van Citters thought there might be substantial support for the King in Lancashire, 'where they are for the most part Catholics and Phanatics'; but later he reported that the people had voted more than 2 to 1 against repeal: B.L., Add. MSS 34,510, fos. 63-4; Add. MSS 34,512, fo. 66.

⁹⁹ Morrice, ii. fos. 234 (4 February 1687[8]).

against him and ‘a new confidence was created where suspicions were highest and the multitude of opposers created an assurance in manie that were otherways wavering, to be of that number; and, what was more, manie who approved the thing, were yett of the number of those that denied compliance, that they might not dissent ffrom their ffriends.’ Furthermore many men chose ‘to loos their places, which were beneficiall, rather than submitt themselves to the censure of their countries, by whom they had been trusted in fformer parliaments’. These very men, says Lowther, if left alone, would in all probability have voted for repeal in Parliament, ‘ffor which they would have ffound excuses of various sorts’.

But perhaps the strongest indictment of the Three Questions follows:

Besides the displacing of men upon that account, was a contradiction to its self; to make a question about repealing tests, and to make that very question a penall test on those that refused to consent to it; to issue out a declaration ffor libertie of conscience, and to punish those whose consciences could not complie with it.

There is, of course, an element of sophistry in Lowther’s views - King James could equally have asked what moral right had men to claim liberty of conscience for themselves when denying it others - but it is doubtful that these views were his alone.

Lowther goes on to say that the methods pursued created fear, when the way ‘to obtain of others, what in anie construction may be prejudicial to the parties granting, must be by creating a confidence and security in them’. Once the people were alarmed, persuasion was rendered ineffectual and force perceived the only recourse. Lowther concludes:

And never was an action lesse popular, if that saying be true, that he that putts many men in ffear, makes many enemies: ffor the rigorous execution of this resolution, in displacing all men, not onlie of the King’s meniall servants, but also the Lord lieutenants, Deputie Lieutenants, Justices of the peace, Officers of the Custome hous and Excise, made men apprehensive that there wanted power only ffor the operation of greater severitie.¹⁰⁰

More familiar, perhaps, is the Yorkshire loyalist Sir John Reresby’s summing

¹⁰⁰ Lonsdale, *Memoir*, pp. 458-60.

up of the process and the consequences - dismissal from office - of not complying with the King's wishes:

This certainly was pushing the point too far, nor could men forbear wondering to what purpose it could be meant; for what answer could any gentlemen pretend to give, till he had heard the reasonings and debates of the house? And who could pretend to answer for the man he voted to be a member; or pretend to be sure of what sort of a mind he would be when he got to his seat in the house? If the general inclination had been to deceive the king, how easy was it for men to express themselves one way and resolve another? Besides, it was striking at the very foundation of parliaments, thus to pre-engage the members, who, according as things, upon their meeting, appeared to them, are by the laws of the land allowed freedom of speech, and freedom of judgment.

Reresby claimed that most Anglicans, in answer to the questions, said that if elected they would vote 'as the reasons of the debate should prevail with them' - a response common in Yorkshire. He then adds:

About this time there were great removes of officers, civil and military, and most corporations were purged of their church-of-England aldermen, and papists or dissenters appointed to succeed them. The king, however, soon after seemingly abated the rigour of this scrutiny, though the lord-lieutenants continued the inquiry in most counties, but with very little success.¹⁰¹

Reresby, much to his own relief, avoided interrogation and retained the favour of the King. Perhaps James thought he could rely on Reresby to vote for repeal if he were elected to Parliament, because he did not put the questions to Reresby when the two men met in August 1688. Reresby's summing up was that the 'method lately taken had most assuredly been of no advantage to his majesty, most of the principal and powerful gentlemen in every county, having been thereby thrust out of employment'.¹⁰²

The Kentish squire, Sir John Knatchbull, was interrogated twice, first by the lord lieutenant, Lord Teynham, in January 1688, and then by an unnamed Dissenter in the following April. To Teynham he answered that he could not consent to repeal without first hearing the debates in the house, nor elect any man who was pre-engaged, though

¹⁰¹ Reresby, *Memoirs*, p. 296.

¹⁰² *Ibid.*, pp. 299-300, 305-7.

he was willing to live peaceably with all men. Teynham gently pressed him for a more positive answer:

My L^d used some arguments to draw a positive answer from me but upon my insisting on the indecency of any person being preengaged that was to appeare in so great assembly and the reproach I should incur by soe doing his L^dship tooke all this in good part & dismiss me with expressions much civility.¹⁰³

Knatchbull's second interrogator was far more persistent, keeping his host from his bed for most of the night and continuing the debate for most of the following day, but Knatchbull remained steadfast. His summing up is interesting:

The conjecture I make upon the whole behaviour of this Gentleman is that the returns of the L^d Lieutenants doe not answer expectation, that some jealousnes may arise from them of the sincerity of the Dissenters, that they have been Challenged with double dealing, therefore bestir themselves the more to gain better credit, and perhaps are charged & com~issioned for this purpose & the whole Kingdom is comeing under this second scrutiny in this private & close manner by chosen men of the least parts and dexterity sent into all countyes & and for the final estimate of their strength which be the reason my friend tooke his dissapointment so heavily being to answer for itt to ye King or Lords Commissioners for this affair.¹⁰⁴

Knatchbull was right: the canvass had not answered expectations and the campaign had entered a new phase with the King's electoral agents completing the task begun by the lord lieutenants. Knatchbull was approached this second time almost certainly because he was considered a moderate and therefore possibly amenable to persuasion. And he was still considered a moderate in the following September when the agents reported that he would 'consent to repeal the penall Laws, but [was] reserv'd as to the Test'. It is indicative of the realism of the agents that they say of Knatchbull and his fellow candidate for the shire, Sir William Twisden, that it was 'not probable their Interest can be Opposed, and that if any others should stand[, t]hey may be more Doubtfull'.¹⁰⁵

Lowther, Reresby and Knatchbull presumably had time to consider their verdicts

¹⁰³ B.L. Add. MSS 33,923, fo. 430.

¹⁰⁴ Ibid., fos. 430-4.

¹⁰⁵ Duckett, i. 364.

on the canvass, but other, more spontaneous, responses echo some of their views and those of Van Citters and Roger Morrice, who drew a broader picture.

Samuel Saunders, who kept the Earl of Huntingdon abreast of happenings in the north Midlands, was a supporter of the King's ecclesiastical policies - he was to be recommended as one of the court candidates for Nottingham in September 1688.¹⁰⁶ But he had misgivings about the canvass. Writing from Normanton, Notts, in December 1687, he offered this advice to Huntingdon about his forthcoming canvass of Leicestershire and Derbyshire:

I humbly conceive the managing of the queries to the lieutenancies and justices so publicly has been greatly to his Majesty's disservice in many counties, if the general non-concurrence be as true as we hear, as that in this county [Nottinghamshire] but three justices concur, and those of no considerable interest. I humbly beg that in your lieutenancies you would rather lay aside only some particular stiff men that would be most like to influence others, lest you should find too general a non-concurrence. I am confident many if queried single or not at all would concur as much as needs, which in company would refuse.¹⁰⁷

In fact, the return from Nottinghamshire revealed that only one Protestant squire canvassed supported repeal, and this despite the lord lieutenant, the Duke of Newcastle, living in the county, being possessed of great political influence and interest there (as was generally acknowledged) and also having personally exhorted the gentry to trust the King and support repeal.¹⁰⁸ Bound by the orders of the King, Huntingdon, whose interest in Leicestershire was in decline and in Derbyshire was negligible, was unable to act on Saunders's advice. Predictably the returns from both counties were disappointing for the King, although not as bad as those from Nottinghamshire.¹⁰⁹

More good advice came Huntingdon's way from the Derbyshire Whig collaborator George Vernon, who writing after the canvass but before the lieutenancy

¹⁰⁶ *CSPD*, 1687-9, p. 273.

¹⁰⁷ *Hastings MSS*, Reel 14, Box 50, HA 10669.

¹⁰⁸ *Rawl. MSS*, A 139a, fos. 102-3; *Morrice*, ii. fos. 199, 214.

¹⁰⁹ *VCH Leicestershire*, ii. 119-20, iv. 110-119; Hosford, *Nottingham*, p. 70; *Rawl. MSS*, A 139a, 118-21.

and commission of the peace were purged of the King's opponents, said that though the local gentry were cautious about supporting the King, he was

morally certaine, that if some of the moderate [...?] men be kept in and others added toe them whome I need not particularise, your lordship havinge a list of them; that though they may not give such answers if they wer att present askt the questions, as would give sattisfaction, yett when in authoritye, will be encouraged by others and by the visible change they will see by this alteration; that they will then comply to sattisfaction, and had this beene donn, without any questions askt, itt had beene better advise to his maiesty: such a Parliment would have beene chosen.¹¹⁰

Contemporary accounts also reveal the dilemma in which the canvass placed both opponents and supporters of the King. The letter book of the respected Norfolk squire and Parliamentarian, Sir John Holland, reveals how uncomfortable he felt about the process. At 84, Holland was, by any standards, an old man and naturally concerned about his health, which the journey from his home in Quidenham to Norwich, where he was to attend the Duke of Norfolk, in the middle of winter, could put at risk. In the end he was prepared to risk his health and travel to Norwich to answer in person, until he obtained leave from a sympathetic Duke of Norfolk to remain at home and reply to the Three Questions by letter. Even so, as he had explained to the duke's secretary, Francis Negus, he would have liked to have consulted with his fellow justices before giving his answers.¹¹¹ Negus, after showing Holland's answers to two like-minded former MPs, Sir William Cooke and Sir Neville Cateline, was able to assure him that he was not out of step with those opposed to repeal.¹¹² The episode clearly shows how squires colluded over their answers and how important opponents of the King felt it was to present a united front. But inevitably no one's answer - even one contained in a private letter - remained secret for long. Holland's negative answer brought an angry letter from the

¹¹⁰ Hastings MSS, Reel 15, Box 51, HA 12974. For Vernon's career: *Commons*, iii. 636-7.

¹¹¹ Tanner MSS, 259, fos. 52-3. For Negus see Cozens-Hardy, *Norfolk Lieutenancy Journal, 1676-1701*, pp. 40ff. Henry Negus (c.1664-1716), of Hoveton St Peter, Norfolk, a captain of militia, who was recommended to be added to the commission of the peace in 1687/88, is listed as being the Duke of Norfolk's secretary in two reference books: Rawl. MSS, A 139a, fo. 81; *Alumni Cantab*, pt. i, vol. iii, p. 239; W. Rye, *Norfolk Families* (Norwich, 1913), p. 585.

¹¹² Tanner MSS, 259, fo. 54.

Catholic squire, Sir Henry Bedingfield, of Oxborough, who mocked the former's expressed desire to die in Charles II's service, when he was willing to turn himself out of King James's service, 'who studyes the ease & quiet of all his subjects'. Bedingfield added that Holland should 'read the Bishop of Oxford's book [extolling religious toleration] and alter y^r minde'. Holland's dignified response can in no way disguise the passions that were aroused by the question of repeal.¹¹³ Holland was removed from local office, while Negus questioned how three of the new deputy lieutenants, the Whigs Roger Potts, Sir Henry Hobart and William Wyndham, could be considered willing to repeal the Tests and penal laws when they had not even been asked the Three Questions. Holland replied that the government was driven out of necessity to appoint them since there was no-one else it could call upon.¹¹⁴

Those Anglicans that supported or acquiesced in the King's policies were often put on the defensive. Dennis Granville¹¹⁵, Dean of Durham (and brother of the Earl of Bath), was an arch-loyalist, the epitome of those Anglicans that preached the virtues of passive obedience to their King.¹¹⁶ As a Justice of the Peace, he had answered in the affirmative when the Three Questions were put to him by his bishop and lord lieutenant, Nathaniel Crewe. Granville felt the need to justify himself when his advice to young members of the clergy on the Three Questions had been made public without his consent. (Granville's position was made more awkward in the light of the publication by rumours that the Bishop of Durham was going to canvass the clergy of the Palatinate and what that could have meant for incumbents and private patrons with livings in their gift.) Granville justified his support for repeal with three propositions. First, that a man

¹¹³ Ibid., fo. 55.

¹¹⁴ Ibid.; Rawl. MSS, A 139a, fo. 81. Most of those recommended to be added to the lieutenancy or commission of the peace did in some way indicate support for the King. Hobart was recommended as a court candidate for Norfolk after his Presbyterian chaplain said he was 'right by inclination' on repeal. Not surprisingly, Hobart's 'commitment' to James II's cause evaporated at the Revolution: *Commons*, ii. 551-2.

¹¹⁵ Although born with the name Grenville, both Dennis and his kin came to prefer the spelling Granville from about 1685 onwards: *Oxford DNB*, 23, 357.

¹¹⁶ *DNB*, xxiii. 112-3; Cruickshanks, 'The Revolution in the Localities', pp. 37-41; 'A seasonal Reflection on y^e present times and Generacon', February 23, 1687/8, Rawl. MSS, D 851, fos. 23-4.

ought to comply with the 'Lawfull Commands & reasonable Intimac~ons' of his prince 'where he was not, in Conscience, bound to y^e contrary'. Secondly, even if the measures desired by the King were prejudicial to the Established Church, a man might comply with a lawful king, even one of a different religion, provided such measures did not destroy the Church. And thirdly, that since the 'Reformed Church of England' was an established church before the enactment of the penal laws - and if so therefore they only contributed to its 'flourishing Condico~n', rather than its survival - 'a man can wth good Conscience consent to y^e abrogating of y^m rather than provoke y^e K^s (on whose favour next under God we now depend) since such Provocac~on may tend to the Destruc~on of its Being'.¹¹⁷

These propositions hardly represent a wholehearted endorsement of the King's policies: there is a tacit acknowledgement that repeal of the penal laws could well be detrimental to the Established Church. However, it is clear that the dean believed that men should obey the King, except where the Church of England's very existence was threatened, which obviously Granville did not believe was the case, or where obedience was contrary to an individual's conscience. The dean was willing to give the King the benefit of the doubt, to trust his promises about security for the Church of England. Granville had originally considered two other propositions. One, regarding the Test, asked, no doubt rhetorically, whether men could not more readily consent to its abolition, bearing in mind that it was 'of late date and no part of our establishment'? He also pondered whether 'those who believe & Rely on his Mat^{ies} promises can wth out sin oppose y^e King & their Superiors under him if they should Comand them to Elect such as they probably conjecture may answer y^e ends of y^e K^s Declara~con'.¹¹⁸

The dean denied that either he or the Bishop of Durham had put or intended to put the Three Questions to the clergy; rather his propositions had been communicated 'to some Young Clergy, who depended on him, in the Nature of Curates, or y^e like, in a private way, for their Informac~on, some of them, beginning to run counter to him,

¹¹⁷ Rawl. MSS, D 851, fos. 34-6.

¹¹⁸ Ibid., fo. 24.

both in their Principles & Practices, in his own Parishes'.¹¹⁹ This is a revealing admission. Although the north east of England was one area of the country where there was support among the clergy for the King, it is clear that in Durham not all clergymen were willing to take the Bishop's and dean's lead.¹²⁰

Granville's devotion to his Church could not be doubted; he was a caring pastor and took his duties and responsibilities seriously. Yet he felt able to support the King and never wavered from that position. At the Revolution he stayed loyal to the King, raising money for his cause, attempting to call out the militia and courageously preaching against the invader. He followed King James to France and died in exile.¹²¹

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As these contemporary accounts demonstrate, most men, whether ally or enemy of the King, believed the canvass had been a political mistake, alienating loyalists and uniting the opposition. Add to this the general perception of the time that those canvassed had overwhelmingly rejected the King's policies, and it is little wonder that most historians have dismissed the canvass as a disastrous failure. However, as the following chapters will show, contrary to this perception, support for the King, in England at least, was by no means as negligible as was once thought.

¹¹⁹ Ibid. fo. 34.

¹²⁰ For an example of fulsome support for the King's policies, see a letter from two clergymen who published the King's Declaration of Indulgence, William Kendall, Curate of Elwick, and George Saunders, Curate of Hartlepool, dated September 1688: Duckett, i. 437-9.

¹²¹ Cruickshanks, 'The Revolution in the Localities', pp. 37-41.

Chapter IV

Analysis of the Returns I

The purpose of this and the two following chapters is to analyse in some detail the returns from the counties canvassed and try to establish whether they reveal any pattern of support for James II's ecclesiastical policies.

The extent of the canvass

The answers to the Three Questions - as preserved in the Rawlinson manuscripts - survive from thirty-one English counties and the whole of Wales. The missing English counties are Cambridgeshire, Cheshire, Hertfordshire, Lancashire, Middlesex (including London), Suffolk, Surrey, Rutland and Warwickshire, although in some instances the revised lists of magistrates for these counties, when compared with the names in previous commissions of the peace, may give some indication of the extent of the support for the King. Some idea of the response in Lancashire, where Catholics probably accounted for a quarter of the gentry, can be garnered from a couple of surviving contemporary accounts.¹

The number of magistrates canvassed by James II is 1,630 (1,357 in England and 273 in Wales).² This would have been approximately ten per cent of the landed classes - lords, baronets, knights, esquires and gentlemen - as estimated by Gregory King in the 1690s. (If it were possible to include the names of those canvassed in the missing counties, the number of answers would probably exceed 2,000, or nearer fifteen per cent of the landed classes.)³ Few men below the rank of esquire were actually questioned by the lord lieutenants in the initial phase of the canvass, though more must

¹ HMC 12th Report, Appendix, pt. vii, *S.H. Le Fleming MSS*, pp. 205-7.

² The figures include urban justices in York and Ripon, but not members of corporations, which lie outside the scope of this study. In any case, the returns from only a handful of corporations survive.

³ J. Carswell, *The Descent on England* (London 1969), Appendix A, p. 239. Carswell's figures have been amended in the light of my research.

have been questioned at later date since they are better represented in the new commissions of the peace that followed the purges of deputy lieutenants and JPs which had, in turn, been prompted by the results of the canvass. Those canvassed, therefore, represent a reasonable sample of the most politically influential men in the kingdom.

There are a number of difficulties in analysing the returns. Although the lord lieutenants were instructed to list the answers under three headings, 'consent', 'refusal' and 'doubtful' - and some did just that - not all the answers fall neatly into these categories.⁴ Many answers are vague and evasive, especially where magistrates, though opposing the repeal of the Tests and penal laws, were reluctant to defy the King. In many instances support for repeal is conditional on an equivalent protection being guaranteed to the Established Church. In many others gentlemen refused to pre-engage themselves to vote for repeal, insisting that they hear the debates in the House of Commons first. The repetition, often in identical language, of this type of answer in the returns from several counties demonstrates collusion on the part of like-minded squires, who were often influenced by a leading member of their community, such as Sir Edward Seymour in Devon or Sir John Lowther, of Lowther, in Cumberland and Westmorland. Such answers do tend to stifle the individual voice, but in many cases this collusion was but a polite way of saying no to the King.⁵ In any case, most qualified answers were treated as negatives by the government, but in a few instances, most obviously where the lord lieutenant perceived that support for the Crown was weak, such answers, especially those referring to protection of the Church of England (and especially those using language manifestly suggestive of the King's magnanimity and honour), were treated as affirmative. Occasionally apparently positive answers were treated as negative, which suggests that subsequent interrogation revealed the true feelings of the JP in question. In fact, some of the more moderate opponents of repeal

⁴ HMC *Duke of Beaufort MSS*, p. 91.

⁵ Rawl. MSS, A 139a, fos. 225, 349ff; John Lord Viscount Lonsdale, *Memoir of the Reign of James II*, reprinted in A. Carrel, *History of the Counter-Revolution in England, for the Re-establishment of Popery under Charles II and James II etc* (London 1857), pp. 458-60.

were approached a second time by the King's agents during the course of 1688 to see if they could be persuaded to change their minds.⁶

Many of the answers are, therefore, open to interpretation, and although, as the revised commissions of the peace clearly demonstrate, doubtful answers, amounting to about a fifth of all replies, were generally accounted by the government as being negative, it is impossible to escape the conclusion that the government's rather cavalier methods of interpretation allowed some potential supporters to slip through the net. This reluctance by the government to make allowances for the tender consciences of so many squires, lends weight to the suspicion that the canvass was primarily a vetting process by which a list of pro-Court parliamentary candidates could be drawn up.⁷

A further problem is posed by the answers of the Catholic justices. By the autumn of 1687 there were more than 200 Catholics in the commission of the peace. Most of these, naturally, answered in the affirmative when the Three Questions were put to them; and even where they did not give specific answers, or their answers were not recorded, they were assumed to consent.⁸ Although some Catholic justices may have had doubts about the King's policies, the assumption of support is not unreasonable.⁹ Since Catholics were not going to be allowed to sit in James's proposed Parliament, their positive response to the first question was of negligible value to the King.¹⁰ On the strength of this it is tempting to remove Catholics from the list of JPs supporting the King. However, the answers of Catholics to the second question were relevant since, although they were ineligible themselves to sit in Parliament, they might control

⁶ Sir John Knatchbull's Diary, B.L., Add. MSS., 33,923, fos. 430-481.

⁷ J. R. Jones, *The Revolution of 1688 in England* (London, 1972), p. 135.

⁸ L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979), pp. 72-4. Glassey says there were 498 local inclusions in 1687, about 64 per cent of whom were Catholics, although this included gentlemen who were in commission in more than one county. About 200 Catholic deputy lieutenants and justices are mentioned in the returns to the Three Questions.

⁹ Catholic caution was exemplified by Sir Henry Hunloke, a Derbyshire deputy lieutenant: Hunloke to the Earl of Huntingdon, 14 July 1688, Hastings MSS, Reel 15, Box 52, HA 6949.

¹⁰ J. Miller, *James II: A Study in Kingship* (London, 1989), p. 181.

boroughs and therefore be able to ensure that members agreeing to repeal were returned. Catholic influence on Parliamentary boroughs was limited and could evaporate in times of political crisis, but the issue had been raised in the Cavalier Parliament by a leading opposition member during the debate on the enfranchisement of Newark in 1677.¹¹ Though Catholic support for James II is problematic, it should not be ignored altogether.

If Catholic justices can be seen as artificially swelling the 'yes' camp, that cannot necessarily be said of the 350 or so additional names - many of whom were Whigs and Dissenters - added to the commissions of the peace after the canvass or recommended as court candidates. Most of these gentlemen - described in the language of the time as 'right' by the lord lieutenants or the King's electoral agents - may at some stage have endorsed the King's policies.¹² James's wider casting of his net for support landed not merely the minnows of traditional perception, but some big fish: as well as minor Catholic squires, like Robert Beaumont, in Derbyshire, or obscure gentlemen, like a Mr Gibbon in Kent, whose Christian name appeared to be unknown to lord lieutenant and government alike, there were 67 former Whig or Country opposition MPs.¹³ These included such illustrious names as Sir Christopher Vane, son of the republican martyr, Sir Henry Vane; Sir Edward Dering, although he was soon to change his mind; the leading Exclusionist William Sacheverell; the noted Parliamentarian William Garraway; the extreme Whig Edward Nosworthy; and, most spectacularly of all, Sir William Williams, the Exclusionist lawyer who was appointed solicitor-general by James. Many of these men were at best luke-warm allies of the King, though some, like Vane, only

¹¹ Boroughs where Catholics could influence elections in this period included Winchester and Castle Rising, Norfolk, (the Howard family), Ludgershall, Wiltshire (the Browne family), Liverpool (the Molyneux family) and Mitchell, Cornwall (Sir John Arundell); A. Grey, *Debates of the House of Commons from the Year 1667 to the Year 1694* (10 vols., London, 1763), iv. 298.

¹² Jones, *Revolution*, p. 167; J.R. Jones, 'James II's Whig Collaborators', *Historical Journal*, vol. iii (1960), pp. 65-73.

¹³ Robert Beaumont to the Earl of Huntingdon, 21 July 1688, Hastings MSS, Reel 15, Box 52, HA 673; Rawl MSS, A 139a, fo. 71; Jones, *Revolution*, p. 167.

deserted James at the very last moment, while Nosworthy followed the King to exile.¹⁴ None the less, not all the Whigs approached by the authorities collaborated with James. Despite a charm offensive from the government, men like Richard Hampden, Sir Edward Harley, Paul Foley, Sir Scrope Howe and Hugh Boscawen, all of whom were recommended for inclusion in the revised commissions of the peace, did not waver in their opposition to James and some conspired with William of Orange.¹⁵ Yet the support of these 'Whig collaborators' cannot be dismissed out of hand: without William of Orange's intervention, they may well have had to honour their pledge to vote for repeal.

There is one final problem in trying to estimate the extent of support for the King. It was common for squires with property or mercantile interests in different counties to be on more than one commission of the peace and in some cases their names, and their answers, appear in the returns of more than one county. Most justices, if questioned a second time, refused to repeat themselves (just as courtiers or MPs 'closeted' by James in 1687, avoided answering the lord lieutenants by referring them to what they had already told the King). But some squires showed no such reluctance: Sir Simon Degge, answered - differently - in two counties, Derby and Stafford; John Fitzherbert, MP for Malmesbury in 1685, answered - in the affirmative - no fewer than three times, in Bristol, Herefordshire and Wiltshire. Any tabulation of the answers should, perforce, permit but one answer per squire.¹⁶

Until recent times there had been no attempt to analyse the returns: it was assumed by historians that the landed classes were overwhelmingly opposed to the King's policies. John Carswell's analysis 30 years ago, suggested that support for the King was not as negligible as was once thought: excluding absentees, the answers - for, against, doubtful - divide into three roughly equal groups. These statistics have been

¹⁴ For the careers of these men: *Commons*, ii. 207-8, 373-80, iii. 165-6, 370-6, 622, 731-5.

¹⁵ *Ibid.*, i. 686-90, ii. 336-8, 471-3, 494-7, 611-2.

¹⁶ Rawl. MSS, A 139a, fos. 118, 126, 145, 149, 193.

challenged by John Miller, who feels that Carswell should not have included the (affirmative) answers of the Catholic JPs. Their removal left support for the King reduced to about seventeen per cent of the Anglican gentry.¹⁷

However, mere tabulation of the answers does not give the full picture. Despite the answers revealing strong, and often openly expressed, opposition to the King's policies, they also reveal a substantial body of the squirearchy whose answers, though expressing doubt about repeal of the Tests and penal laws, are vague enough to suggest they come from men who, given time, might have been open to persuasion. This - and the tone of loyalty and deference in which many of the answers, both positive and negative, are couched - would in itself suggest that a closer study of the answers would be worth-while.¹⁸

That said, it may still appear a daunting task to deduce much from the returns in general. And there are other obstacles. Some lord lieutenants, like the Earl of Bristol, in Dorset, and Lord Jeffreys, in Buckinghamshire and Shropshire, simply recorded the answers as per instructions, as consent, refusal or doubtful. Such lists of answers, unadorned by any comment from either interrogator or respondent, make the task of tabulation easier, but can give no more than a general idea of the extent of support for the Crown; and they reveal nothing of the reasoning behind the individual justice's decision to support or oppose the policy of toleration.¹⁹

The return of the Duke of Beaufort, who canvassed Hereford, Gloucester, Monmouth and Wales rather ineffectually, is similar, but he did at least add a letter to his report explaining why the majority of gentlemen questioned were opposed to the King's policies.²⁰ Yet where the answers are more detailed - and in some counties the

¹⁷ Carswell, *Descent*, Appendix A, pp. 238-43; Miller, *James II*, pp. 178-9.

¹⁸ J. R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972), pp. 210-22.

¹⁹ Rawl. MSS, A 139a, fos. 41ff, 190ff, 215ff.

²⁰ *Ibid.*, fos. 140ff; 175.

lord lieutenants were extremely diligent in recording the opinions of the justices - we do get an insight into the religious and political opinions of the landed gentry. Even the action or inaction of a lord lieutenant like the Duke of Newcastle, whose indolence, incompetence or lack of enthusiasm for the whole enterprise allowed him to trust to the reliability of the postal service in carrying out the canvass of Northumberland, provides an unexpected bonus: when JPs were canvassed by letter they were often, though not always, obliged to commit their opinions to paper and these survive for posterity.²¹

The canvass of 1687-8 was undoubtedly a flawed exercise, relying in the first instance on the competence and motivation of the lord lieutenants, many of whom were found wanting. The returns are incomplete; absenteeism was common. Many of the answers are opaque; others merely evasive, vague or irrelevant; some say nothing at all. Yet in spite of these challenges, it is still possible to work out quite accurately the extent of support for the King and also to discern the mood of the political nation at the time. It remains to be seen whether the answers, although in the main expressing opposition to the policy of toleration, reveal the beginning of a weakening of the resolve among the Anglican squires. Attitudes were to harden during the summer and autumn of 1688, when first the government arrested and prosecuted the Seven Bishops and when later it was obvious that the country was facing invasion and the King would probably have to compromise in order to keep his throne. (This hardening of attitude is revealed in the later returns, which date from July and August 1688, where some of those questioned openly challenged the constitutional implications of the Third Question, while others refused to accept the right of the King's agents to question them.)²² But before James II's plans started to unravel, before he surrendered the political initiative to his opponents, the people answering the Three Questions would not have foreseen the events of only

²¹ Ibid., fos. 11, 12, 15, 316-43, *CSPD*, 1687-9, p. 142.

²² The West Riding of Yorkshire, Doncaster, York, Ripon, Leeds and Pontefract were not canvassed until August 1688: Rawl. MSS, A, 139a, fos. 227-43. For those who challenged the validity of the canvass, see Rawl. MSS, A 139a, fos. 232, 236.

a few months later and would not have been sustained by the knowledge that deliverance was at hand. With this in mind, it is not unreasonable or fanciful to look for a 'soft centre' of opinion on which the King could have worked, if invasion and revolution had not been the nation's destiny.

Problems with chronology

There would be some logic in studying the returns in chronological order; after all, that would show how the canvass unfolded. However, the canvass seems to defy mere chronology. It is not always easy to pinpoint exactly when a canvass took place: Kent was canvassed between 18 December 1687 and 28 January 1688, which presents no problem; but in Northumberland the first answer is dated November 1687, while the last is April 1688, indicating a remarkably drawn-out process. Although the Earl of Bristol appears to have canvassed Dorset as early as November 1687, his return is dated May 1688.²³ The date when the returns were endorsed is not, therefore, a reliable indication of when the canvass occurred. The reason for this is probably that the return was in most cases not endorsed until the names of the replacement deputy lieutenants and justices were decided upon, which could be weeks or even months after the canvass. Sometimes, also, lord lieutenants were in no hurry to return to Court after they had canvassed their counties and this caused further delay. Any temptation to treat the three Ridings of Yorkshire as one county is countered by the knowledge that they were canvassed at different times: the East Riding in December 1687, the North Riding in the following January and the West Riding in July and August 1688.²⁴

It would be logical to assume that the longer the process went on the more the opposition to the King's policies grew and that this would be reflected in the returns; but as the following table shows this was not the case. The counties are listed approximately

²³ Rawl. MSS, A 139a, fos. 59, 62, 68; 112, 191, 342; Morrice, ii. fo. 202.

²⁴ HMC *Le Fleming MSS*, p. 208; Rawl. MSS, A 139a, fos. 75, 234, 236.

in the order in which they were canvassed and no such pattern of decreasing support emerges: Nottingham, canvassed in November 1687, revealed barely any support for repeal, while Essex canvassed as late as April 1688, shows reasonable backing for the King's policies. (In the following tables, which show the consents as a percentage of the total number of squires canvassed or intended to be canvassed, all answers have been included: qualified affirmative answers have been added to the 'yes' column, but only where they were accepted as consents by the authorities; vague or evasive answers have been treated as 'doubtful' and only where gentlemen refused or felt unable to respond to the lord lieutenant's questions, are these included in the 'absent' column.)

County	Yes	No	Doubt	Absent	Total	%
November 1687						
Northamptonshire	13	20	1	18	52	25
Lincolnshire	14	13	3	-	30	46.6
Northumberland	14	2	9	-	25	56
Nottinghamshire	1	2	9	7	19	5.3
Dorset	6	26	1	-	33	18.1
Bedfordshire	6	13	9	1	29	20.6
Huntingdonshire	5	9	5	5	24	20.8
December 1687						
Buckinghamshire	12	23	-	20	55	21.8
Herefordshire	23	8	2	18	51	45.1
Gloucestershire	18	20	5	25	68	26.4
Monmouthshire	7	6	1	11	25	28
East Riding	7	-	21	5	33	21.2
Norfolk	9	36	1	19	65	13.8
Somerset	13	16	6	13	48	27
North Riding	11	1	21	-	33	33.3
Staffordshire	15	9	13	14	51	29.4
Kent	57	13	18	19	107	53.2
January 1688						
Leicestershire	7	17	3	15	42	16.6
Oxfordshire	16	12	11	2	41	39
Derbyshire	6	15	1	5	27	22.2
Cumberland/ Westmorland	15	3	23	9	50	30
Berkshire	5	12	8	5	30	16.6
February 1688						
Hampshire	24	27	3	9	63	38
Durham	-	1	2	-	3	-
Devon	14	-	50	8	72	19.4
Cornwall	1	-	31	10	41	2.4
Worcestershire	20	3	3	6	32	62.5
March 1688						
Shropshire	9	24	-	12	45	20
Wiltshire	12	10	12	13	47	25.5
April 1688						
Essex	23	19	20	2	64	35.9
May 1688						
Sussex	15	16	19	6	56	26.7
August 1688						
West Riding	8	3	23	12	46	17.4

One explanation for this may lie in the fact that the canvass was to all intents and purposed completed by May 1688, before the second Declaration of Indulgence and the King's dispute with the bishops - before, in fact, public opinion had begun to harden irrevocably against the King's policies. As will be shown later, although the incidence of collusion between squires increased as the canvass progressed, it did not have a uniform effect on the returns.

More revealing, perhaps, are the following tables which show more clearly the extent of support for repeal in England and Wales. The English counties are listed in order of support for the King, the affirmative answers taken as a percentage of the total number of squires canvassed or intended to be canvassed.

County	Yes	No	Doubt	Absent	Total	%
Worcestershire	20	3	3	6	32	62.5
Northumberland	14	2	9	-	25	56
Kent	57	13	18	19	107	53.2
Lincolnshire	14	13	3	-	30	46.6
Herefordshire	23	8	2	18	51	45.1
Oxfordshire	16	12	11	2	41	39
Hampshire	24	27	3	9	63	38
Essex	23	19	20	2	64	35.9
York N Riding	11	1	21	-	33	33.3
Cumberland/ Westmorland	15	3	23	9	50	30
Staffordshire	15	9	13	14	51	29.4
Monmouthshire	7	6	1	11	25	28
Somerset	13	16	6	13	48	27
Sussex	15	16	19	6	56	26.7
Gloucestershire	18	20	5	25	68	26.4
Wiltshire	12	10	12	13	47	25.5
Northamptonshire	13	20	1	18	52	25
Derbyshire	6	15	1	5	27	22.2
Buckinghamshire	12	23	-	20	55	21.8
York E Riding	7	-	21	5	33	21.2
Huntingdonshire	5	9	5	5	24	20.8
Bedfordshire	6	13	9	1	29	20.6
Shropshire	9	24	-	12	45	20
Devon	14	-	50	8	72	19.4
Dorset	6	26	1	-	33	18.1
York W Riding	8	3	23	12	46	17.4
Leicestershire	7	17	3	15	42	16.6
Berkshire	5	12	8	5	30	16.6
Norfolk	9	36	1	19	65	13.8
Nottinghamshire	1	2	9	7	19	5.3
Cornwall	1	-	31	10	41	2.4
Durham	-	1	2	-	3	-
Total	406	379	334	289	408	28.8

A number of adjustments have to be made to these figures. For a start, the names of at least 48 squires appear in the returns of more than one county; of these two, Sir Henry Littleton and Sir Henry Gough are mentioned in three counties. If the total figure is adjusted accordingly, this would reduce the number of gentlemen canvassed to 1,357. Often a squire was absent in one county but answered in another, although Sir Charles Holte managed to evade answering the questions in three counties. However one squire, John Fitzherbert, answered positively three times - in Bristol, Gloucestershire and Wiltshire - while four more squires, Sir John Collins (Hampshire and Wiltshire), Sir Walter Blount (Hereford and Shropshire), George Hussey (Dorset and Wiltshire) and William Foster (Bedfordshire and Leicestershire) answered affirmatively twice. Two squires Sir William Portman (Somerset and Dorset) and James Herbert (Oxford and Buckinghamshire) answered negatively twice, and one squire, John Stone (Oxfordshire and Berkshire) answered doubtfully twice. Sir Willoughby Hickman answered negatively in Norfolk but evasively in Nottingham, while Sir Simon Degge answered positively in Staffordshire and negatively in Derbyshire, the two answers coming within weeks if not days of each other.

With this in mind, the statistics are revised as follows:

Yes	No	Doubtful	Absent	Total	%
401	376	333	247	1,357	29.5

This is a slightly more impressive amount of support for the King than has traditionally been calculated. What perhaps should be borne in mind is the knowledge that many ‘doubtful’ squires and many absentees were equally opposed to repeal but were, in the case of the former, reluctant to say so outright, or, in the case of the latter, refused to submit themselves to interrogation.

The most striking aspects of the canvass in Wales are the high rate of absenteeism, the low support for the King and the high number of straight refusals when compared with doubtful answers. The figures are as follows:

	Yes	No	Doubt	Absent	Total	%
Anglesey	3	5	1	12	21	14.3
Brecon	3	11	1	8	23	13
Carmarthen	-	12	2	11	25	-
Cardigan	-	3	1	13	17	-
Caernarvon	2	7	-	12	21	9.5
Denbigh	4	13	4	15	36	11.1
Flint	7	6	1	15	29	24.1
Glamorgan	2	1	-	21	24	8.3
Merioneth	2	9	-	16	27	7.4
Montgomery	1	13	1	13	28	3.5
Pembroke	2	6	-	19	27	7.4
Radnor	2	8	-	1	11	18.2
Total	28	94	11	156	289	9.6

The figures need to be adjusted to take account of the deputy lieutenants and justices whose names appear in the commissions of more than one county. Lewis Meyrick, attorney of the Marches, answered in the negative in four counties, while Thomas Bulkeley, brother of Viscount Bulkeley, answered in the negative in two. The aged attorney Lewis Morgan is listed for four Welsh counties as well as Monmouthshire. The names of three other squires, Henry Sumner, Thomas Lane and Thomas Price, also appear in the returns for English counties, and at least four other squires are mentioned in the returns of two Welsh counties. If allowance is made for this, the amended Welsh returns are as follows:

Yes	No	Doubtful	Absent	Total	%
27	90	11	145	273	9.8

If the totals for England and Wales are added together the result is as follows:

Yes	No	Doubtful	Absent	Total	%
428	466	344	392	1,630	26.2

One further element needs to be considered: the Catholics who were in the commissions of the peace. The returns list at least 199 Catholic justices, of whom 179 answered or were assumed to have answered in the affirmative. If Catholics are excluded from the canvass, the number of gentlemen supporting James II falls from 428 to 249, or 17.4 per cent of the 1,431 Protestant JPs canvassed, a far less impressive figure, and significant from the point of view of a future Parliament.

Of the 810 squires who gave negative or doubtful answers, a mere 92 (11 per cent) showed any inclination to part with the penal laws and most of these preferred amendment, revision or selective repeal (especially of the sanguinary laws) rather than a blanket repeal. If these gentlemen can be considered the more moderate of the King's opponents, this statistic reveals how wedded were the vast majority of Anglicans to the idea that the penal laws were the foundation of the Established Church and their maintenance vital if the Church of England was to retain its pre-eminent position in the constitution. Nine squires expressed support for the repeal of the Tests, while refusing to endorse completely or even partially repeal of the penal laws. These were men who felt the royal prerogative should not be restricted, but had no particular sympathy for religious toleration in general. Ironically, all but two of this small group were seen as potential supporters by the government and recommended for retention in local office. This tends to suggest that repeal of the Tests was considered by the King more important than repeal of the penal laws.²⁵

Finally, although the vast majority of those canvassed endorsed with different degrees of enthusiasm the concept of religious toleration by answering in the affirmative the Third Question, six did not. To the sole example usually given by historians of Thomas Boothby in Leicestershire can be added the names of Sir Henry Every in Derbyshire, Thomas Waite and the Dean of Ripon in Yorkshire, and Sir Anthony Eversfield in Sussex. According to the Earl of Ailesbury's memoirs, John Polkington, in Huntingdonshire, also refused to support liberty of conscience, although that is not what was stated in the return.²⁶ Most squires who could not give positive answers to the first two questions, gave a positive response (admittedly sometimes muted) to the third. That only six squires should not is remarkable, given the religious tensions of the times.

²⁵ Significantly the two, Worthley Whorwood and William Randolph, were in Kent, where support, in numbers, at least, among Anglican squires for repeal was greatest: Rawl. MSS, A 139a, fo. 66.

²⁶ W. E. Buckley, ed., *Memoirs of Thomas, Earl of Ailesbury, Written by Himself* (2 vols., London, 1891), i. 163; Rawl. MSS, A 139a, fo. 263.

As already hinted the tabulation of the answers will by the very nature of the material involved fail to give a complete picture of the views of the landed classes on the question of repeal. The different degrees of support or opposition revealed in the answers, together with the idiosyncratic methods of interpretation used by lord lieutenants and the government render the reduction of the answers to simple statistics an imprecise art. To get a better idea of what gentlemen thought - and too see if any patterns of support emerge - it is necessary to look in some detail at the actual answers they gave. The rest of this chapter will deal with the eleven counties in which support for the King was 30 per cent or more of those canvassed or whom the lord lieutenant intended to canvass. In the following chapter, the thirteen counties where support ranged between 20 per cent and 30 per cent will be scrutinised and in Chapter VI the remaining counties, where support was weakest for the King, will be considered, along with Wales. In this way it may be possible to discern why the gentlemen were more inclined to support the King in certain counties than in others.

Counties with the greatest support for repeal

Worcestershire

Worcestershire was the county where the highest proportion of deputy lieutenants and justices supported the King's ecclesiastical policies, although the number of gentlemen canvassed was below the average (42) per county overall. Two things stand out about the returns from Worcestershire: the number of Catholics, twelve, who answered the Three Questions and the tone of deference towards the King, even from his opponents. The county was canvassed by the Catholic Lord Carrington in March 1688, four months after he was appointed lord lieutenant following the Earl of Plymouth's death. There is evidence from the returns that Plymouth, a loyalist, had started to sound

out the gentry about support for the repeal before his death in the previous November.²⁷

Of the 26 deputy lieutenants and justices of the peace questioned, 20 - including 12 Catholics - gave affirmative answers, three negative and three doubtful. But the bare statistics do not tell the full story. Four of the affirmative answers - from Sir Henry Littleton, Sir Edward Dingley, John Holmden and Lt. Richard Greaves - were unconditional. All were presumably loyalists, although Littleton had flirted with the Parliamentary Opposition during the Exclusion Crisis. Three other squires, Sir Thomas Haselwood, Thomas Vernon and Thomas Jolliffe, consented to repeal '[i]f provision were made for Security of the Protestant Religion'. This proviso seems to have been acceptable to the government as all three were recommended for retention on the commission of the peace.²⁸

Sir Henry Jeffreys, while 'fully satisfied that both the Penall Lawes and Test ought to be taken off [...] desired to be excused from making any sollemne promise in regard he did not know how much the Arguments he may heare in the house [...] might change his minde'. In answer to the second Question he said 'he was engaged to promote the Election of S^r James Rushworth [sic], who my Lord Plimouth assured him would satisfie his Ma^{tie}'. Two things are worth noting about this answer. First, it is hardly a cast-iron guarantee of support and leaves Jeffreys with some room for manoeuvre. Second the government had only Lord Plymouth's assurance as regards Sir James Rushout's support for repeal as he seems to have avoided answering the Three Questions himself. Yet despite this Jeffreys was considered a supporter of the King, recommended for retention on the bench and confirmed as a deputy lieutenant the same month.²⁹

William Bromley answered 'much to the same purpose, but more doubtfull' (the last three words appear to be in Carrington's own hand); he was recommended to be

²⁷ Rawl. MSS, A139a, fos. 181-2; *CSPD*, 1687-9, p. 100; Morrice, ii. fos. 176-7.

²⁸ Rawl. MSS, A 139a, Fo. 181; A 139b, fo. 199; *Commons*, ii. 784-5.

²⁹ Rawl. MSS, A 139a, fo. 181; A 139b, fo. 199; *CSPD*, 1687-9, p. 168; *Commons*, iii. 357.

retained in local office by Carrington and, despite not being on the regulators' list of proposed deputy lieutenants, was confirmed in his position in July, the delay suggesting the government had some doubts about his reliability. Since he seized Worcester for the 'Protestant cause' in December 1688, those doubts appear to have been well-founded.³⁰

Samuel Sandys '[m]ade great Declaration of Loyalty [...] and mentioned the Great Losses his ffather had sustained for Assisting his Ma^{ts} ffather' but continued that

he did not knowe his owne minde, found he changed his opinions on other occasions and therefore would not promiss not knowing whether upon heareing the Debates in Parliament, he might not be prevail'd upon to falsifie his promiss; But at present he was of opinion that bothe the penall Lawes and Test ought to be taken off.

Despite this, he added, his health rendered him unfit to stand for Parliament. However, his health had recovered enough for him to be elected to the Convention in 1689. He was dismissed from local office - although the government hesitated - but his answer, for all its circumlocution, appears to concede the principle of repeal to the King.³¹

The old Royalist, Sir Rowland Berkeley, while making a profession of loyalty, said he 'was 70 yeares of Age and Thick of heareing, and therefore was no way fitt for a Parliament man', and desired to be excused from answering the First Question. He, too, was engaged to promote the election of Sir James Rushout, having been 'told by my Lord Plimouth he was a person would comply with his Ma^{tie}'. Berkeley, who had been MP for Worcester in the Cavalier Parliament, was removed from the lieutenancy.³²

Sir Thomas Cookes, the founder of Worcester College, Oxford, had been absent from the county for two years and cited ill-health as disabling him from being a Parliament man. Like Berkeley he was considered doubtful.³³

Among those opposed to the King was another former MP, Sir Francis Russell,

³⁰ Rawl. MSS, A 139a, fos. 181, 184; A 139b, fo. 199; *CSPD*, 1687-9, p. 220; *Commons*, i. 725-6.

³¹ Rawl. MSS, A 139a, fos. 181, 186; A 139b, fo. 199; *Commons*, iii. 389.

³² Rawl. MSS, A 139a, fo. 181; A 139b, fo. 199; *Commons*, i. 633-4.

³³ Rawl. MSS, A 139a, fo. 181; A 139b, fo. 199; *Complete Baronetage*, iii. 302; *DNB* xii. 103-4.

who in an uninterrupted Parliamentary career stretching back to 1673, had had a record of opposition to Popery and had been a cautious supporter of Exclusion, although he 'trimmed' enough to retain local office. Despite this, he began his answer by saying 'he did not pretend to be a Parliament man', but his opposition to repeal was firm: he 'acknowledged he could not consent to the takeing away of the Test because it was cheifely promoted by the late Kings Servants, and those esteemed the Court party'. In the light of his opinion of Catholicism, his answer to the Third Question was suitably terse: that 'he hopes his neighbors could testify his compliance therein'.³⁴

Sir William Keyte politely refused to support repeal and reminded the King that though 'he had spent 100^{li} in the Expedition against Monmouth...he had not Received any of the Kings money'.³⁵ However, the most detailed answer - the longest in the returns - came from a former knight of the shire, Sir John Packington, a strong Tory and devout Anglican. He said:

(1) The principall intent of the Test and Penall Lawes, (amongst which the Act of Uniformity is to be Reconed of the greatest Importance), being to secure the Protestant Religion till I am convinced that it is now in less danger then [sic] when those Laws were Enacted or some better security shalbe proposed then [sic] they offered us, I humbly conceive they cannot be taken off without eminent hazard (if not Ruine) to the Church of England of which I profess my selfe a Member[. I] can neither in conscience nor Honour, (if a Parliament man), Consent to the Releasing a Title that relates to its protection and support.

(2) ffor what is not Justifiable when done in ones own person can certainly never become so, if done by Proxy for which reason neither can I contribute to the Electing of any that shalbe inclined to Abrogate the Penall Lawes that being in effect to promote that Action in another which I myselfe Disapprove.

(3) Liveing ffriendly with men of what perswasion soever is a Doctrine soe suitable both to my Inclinations and constant practice that before I growe Mutenous I must offer all the violence immaginable both to Nature and custome and therefore were superfluous to tell yo^r Lord^{PP} how redily I can concur with this proposall with which if in any circumstance my future behaviour should not perfectly Agree yo^r Lord^{PP} may conclude it my Misfortune not my fault.³⁶

³⁴ Rawl. MSS, A 139a, fo. 181; *Commons*, iii. 361-3.

³⁵ Rawl. MSS, A 139a, fo. 181.

³⁶ Rawl. MSS, A 139a, fos. 181-2.

Packington's answer is a considered verdict on the King's policies, representing at its fullest the concerns of many Anglican squires. The reference to the Act of Uniformity, which punished by fine anyone who refused to attend Anglican services, highlights the contradiction, theoretically, at least, at the heart of the King's policies: if all were free to worship as they wished, how could the Church of England's pre-eminence be preserved? His answer to the second question was to be echoed by many, and unlike the standard, if rather vague, promise to elect 'loyal men', reinforced the negative answer to the first question. The strength of Packington's attachment to Anglicanism cannot be doubted - his family could boast a Protestant martyr from the reign of Mary Tudor - yet even he accepted the principle of peaceful co-existence with those of differing faiths, as his rather prolix and arcane answer to the third question shows. The extent of Packington's tolerance was never put to the test as he died within the month, but his third answer suggests how far James II had managed to drag even the most obdurate squires toward an acknowledgement of the virtues of toleration.³⁷

Absenteeism was often seen as a means of avoiding answering the Three Questions, but this cannot be automatically assumed in Worcestershire. Three of the five absentees - William Ward, eldest son of Lord Ward, Sir John Barnaby, and Dr John Hinkley, a clergyman - were recommended by Lord Carrington two months later for inclusion in the commission of the peace, although there may have been some doubts about Ward's allegiance. Barnaby, a strong loyalist, had indicated support for repeal in Herefordshire, and was retained in commission there, although neither he nor Hinkley is on the list submitted by the King's agents.³⁸ Another absentee, Sir Charles Holte, had already evaded answering the questions in Staffordshire on the pretext of having to remain at home in expectation of a visit from the Earl of Sunderland, while the later political career of Henry Parker, the Tory former recorder and MP of Evesham, suggests

³⁷ *Commons*, iii. 196-7.

³⁸ Rawl. MSS, A 139a, fos. 146, 182, 183-4 186; A 139b, fo. 199; *Complete Peerage*, iv. 484; *Commons*, i. 598-9.

no particular sympathy with the King's religious policies. Neither was recommended for retention in the commission of the peace.³⁹

Others recommended for local office by Lord Carrington included Thomas Coventry, eldest son of Lord Coventry, John Ward, brother of Lord Ward, and the Exclusionist Thomas Foley, whose Presbyterian-leaning family had long competed with the Anglican Sandyses for political dominance in the county. Foley and his brothers, Robert, Phillip and Paul - all former MPs - were courted by the King during the course of 1688; Thomas and Robert, who were added to the Worcestershire commission of the peace, and Phillip who canvassed for Thomas during the election campaign for James II's abortive Parliament, became Whig collaborators, although they adroitly transferred their allegiance to William at the Revolution. All these men must be assumed to have indicated support for the King at some stage, or, at the very least, done nothing to suggest otherwise.⁴⁰ Less certain is the allegiance of the Whigs Richard Dowdswell - mistakenly listed as a Dissenter - and John Somers, who were both recommended for local office. Somers, a barrister who was to make his name as junior counsel for the Seven Bishops, was recommended as a court candidate for Droitwich in September 1688, but the important role he played in drawing up the revolution settlement suggests the future lord chancellor had no great attachment to the King's cause.⁴¹

Finally, Sir Charles Littleton, the brother of Sir Henry, was also added to the new commission of the peace. He had already endorsed the King's policy when canvassed in Kent in the previous December.⁴²

³⁹ Rawl. MSS, A 139a, fos. 127, 182; A 139b, fo. 199; *Commons*, ii. 573-4, iii. 206.

⁴⁰ Rawl. MSS, A 139a, fos. 184, 185; A 139b, fo. 199; *CSPD*, 1687-9, p. 211, 220; *Complete Peerage*, iii. 472; *Commons*, ii. 336-40.

⁴¹ Rawl. MSS, A 139a, 185; A 139b, fo. 199; *Commons*, ii. 223-4, iii. 451-2; *CSPD*, 1687-9, p. 275.

⁴² Rawl. MSS, A 139a, fo. 60; A 139b, fo. 199; *Commons*, ii. 783-4.

Northumberland

Northumberland, it could be argued, provides the perfect example of how not to canvass a county. The lord lieutenant, the Duke of Newcastle, though undoubtedly a loyalist, conducted the canvass by post from his home in Wellbeck in Nottinghamshire. As a result letters were delayed, mislaid or lost and the local clerk of the peace in Northumberland did his best to sabotage the operation, as two squires ruefully related when explaining the reason why it had taken them so long to reply to the duke's letter.⁴³ In the middle of this rather protracted operation, Newcastle, uneasy about the King's policies, laid down his offices, including the lord lieutenancy, but was soon persuaded to change his mind.⁴⁴ In the light of this it is less surprising that the canvass appears to have taken five months - the first three answers, all from Newcastle, are dated November 1687; the last is dated 12 April 1688 - which is in itself testimony to the inadequacy of the duke's methods.⁴⁵ Some leading squires were either not canvassed or never received the duke's letters.⁴⁶

Despite all this the answers revealed a substantial body of support for the King. Out of the 25 replies, 14 supported the King's policies, two opposed them and nine squires were doubtful. Two of the Anglican justices (both former MPs), Sir John Fenwick and William Ogle, refused to answer the duke, partly, as Fenwick said, because they had already told the King their views on repeal and partly because the duke had refused to endorse them as parliamentary candidates for the county. However, there is no doubt that both men supported the King: Fenwick was later executed as a Jacobite,

⁴³ *CSPD*, 1687-9, pp. 87-8, 98, 142; Rawl. MSS, A 139a, fos. 317, 332. For Newcastle's political career: *Commons*, ii. 33-4.

⁴⁴ *CSPD*, 1687-9, pp. 160, 164, 167.

⁴⁵ Rawl. MSS, A 139a, fos. 111-5, 312-43.

⁴⁶ In the Northumberland return there is a list of 56 gentlemen, apparently deputy lieutenants and JPs, but of these only 19 responded to Newcastle's canvass: Rawl. MSS, A 139a, fos. 311-2.

while Ogle became a non-juror after the Revolution.⁴⁷

Yet the figures can be deceptive. The yes camp was swelled by the answers of at least five Catholics in the commission of the peace.⁴⁸ Those canvassed - or rather those who replied - account for just over a third of the deputy lieutenants and justices listed in the returns for Northumberland. Those whose answers are not recorded include undoubted supporters of the King, like the Catholics, Sir Francis Radcliffe (soon to become the Earl of Derwentwater), Lord Widdrington and various members of their families.⁴⁹ There were also at least three squires who had answered the Three Questions in other counties.⁵⁰ And to judge from the revised list of deputy lieutenants, at least another 11 men had promised to support repeal.⁵¹ But overall, the number of answers compared with the number of deputy lieutenants and justices is not impressive.

Also some of the positive answers betray an underlining unease among Anglican justices about complying with the King's wishes. Ralph Milborne takes 'obedience to my Prince' as his guiding principle, stating that 'disobedience to our Supiours is the oldest sinn in the world and the foundac~on of all other wickedness', but adds: '[...] I cannot doe otherwise then [sic] humbly obey his services and deliberated resoluc'ons, Although they were ag^t my owne opinion.' Colonel William Strother while willingly complying with the King's request, adds: 'I doe trust to what his Maj^{tie} declared, that his Maj^{tie} would defend our protestant Religion' - a reminder that religious tolerance cuts both ways.⁵²

The two refusals, from Sir Ralph Carr, a former MP for Newcastle, and Sir Thomas Loraine, are fairly blunt, the latter going so far as to say that repeal of the Tests

⁴⁷ Ibid., fos. 320, 323; *Commons*, ii. 307-9, iii. 169-70.

⁴⁸ Ralph Clavering, Sir Nicholas Shireburn, Charles Selby, Thomas Riddle and Edward Charlton: Rawl. MSS, A 139a, fo. 317, 326; Duckett, i. 127, 131.

⁴⁹ Rawl. MSS, A 139a, fos. 312-2; Duckett, I. 124; *Complete Peerage*, iv. 224, xii. 628.

⁵⁰ Sir Robert Eden (doubtful), in Durham, Sir Edward Blackett (doubtful), in the North Riding of Yorkshire, and John Errington (affirmative), in Cumberland: Rawl. MSS, A 139a, fos. 77, 266, 376.

⁵¹ *CSPD*, 1687-9, p. 220.

⁵² Rawl. MSS, A 139a, fos. 316, 324.

and penal laws would be ‘a deape praejudice to y^e Church of England’.⁵³ On the other hand one of the ‘doubtful’ squires, Sir Cuthbert Heron, considers the penal laws severe and would like a review of them, but interestingly does not commit himself to voting for repeal and makes no mention at all of the Tests.⁵⁴

The Duke of Newcastle’s methods reduced the chance of collusion by magistrates, though some desired to consult with their colleagues before answering.⁵⁵ However, one squire, Thomas Heseltine, replied in words almost identical to those used by his father, Thomas senior, who had been canvassed by Lord Langdale in the East Riding of Yorkshire nearly three months before.⁵⁶

Kent

Kent⁵⁷ was the county which provided the greatest support - in numbers, at least - for the King’s policy of religious toleration. It was canvassed by the Catholic Lord Teynham, who had succeeded the Earl of Winchelsea as lord lieutenant early in December 1687. Teynham wasted no time in putting the Three Questions to the gentry, beginning on December 18, nine days after his appointment, and receiving his last answer nearly six weeks later on January 28. His report to the government is dated 3 February 1688.⁵⁸

Teynham questioned 91 past and present deputy lieutenants and justices of the peace, of whom 57 answered in the affirmative and 34 answered or were deemed to have answered in the negative. Eighteen other gentlemen avoided interrogation due to illness

⁵³ Ibid., fos. 339, 343. *Commons*, ii. 20-1.

⁵⁴ Rawl. MSS, A 139a, fo. 330.

⁵⁵ Ibid., fo. 316.

⁵⁶ Ibid., fos. 299, 334; Duckett, i. 135.

⁵⁷ See Chapter VII.

⁵⁸ *CSPD*, 1687-9, p. 115; Rawl. MSS, A 139a, fos. 59, 62, 74.

or absence. Those listed as supporting the King include 15 Catholic justices, whose answers are not recorded, but for whose opinions on repeal of the Test Acts and penal laws the lord lieutenant could vouch. But even if the Catholics are omitted from the affirmative total, the Protestant squires supporting the King still outnumber those opposing him by eight. And in any case, the 34 'negative' answers covered a range of sentiments on the question of repeal: only 10 gentlemen said no - and these with varying degrees of emphasis; 20 were doubtful and three evasive. Of those giving doubtful answers, 13 squires refused to commit themselves until they had heard the debates in the House of Commons, three were prepared to vote for repeal of the penal laws but not the Tests and two for repeal of the Tests but not the penal laws. And one squire, Daniel White, whose rather uncertain reply was deemed a negative by Lord Teynham, was retained on the new commission of the peace, suggesting the Government thought otherwise.⁵⁹

Lincolnshire

The canvass in Lincolnshire was probably the first to be completed - in the second week of November 1687. The Lord Lieutenant, the Earl of Lindsey, was a loyal and energetic supporter of the Stuarts - as was shown by his ruthless campaign against Whigs and Dissenters during the Tory reaction of 1681-5. But there were limits to his - and the Bertie family's - loyalty and he was to abandon King James at the Revolution. The alacrity with which he canvassed Lincolnshire suggests he still at this stage supported James II (the fact that his third wife was a Catholic convert may have increased his reluctance to oppose the King). He summoned the gentry to Sleaford on 10 November.⁶⁰

In the returns for the county 83 names are listed, of which 30 answered the Three

⁵⁹ Rawl. MSS, A 139a, fos. 59-69; Duckett, ii. 287.

⁶⁰ *Commons*, i. 645-6; *CSPD*, 1683, pp. 180, 258; Rawl. MSS, A 139a, fos. 26-40.

Questions. Of these, 14 answered in the affirmative, 13 in the negative (opposing repeal of the Tests, but consenting to a review, and possible repeal, of some of the Penal Laws) and three were doubtful. Those giving positive answers included two deputy lieutenants (and former MPs), Sir Edward Ayscough and Thomas Harrington, plus five other Protestants, including the High Tory, Sir Christopher Nevile, and two clergymen, Samuel Fuller, the Chancellor of Lincoln, and John Gardiner, the sub-dean. The other seven affirmative answers came from Catholics, including a leading recusant baronet, Sir Philip Tyrwhitt, who had briefly been an MP in 1667.⁶¹

Among the 13 squires refusing to endorse the King's policy were a group of former Exclusionists, of varying enthusiasm for the cause: Sir Henry Monson, Sir Robert Markham and William Hyde. The last named was an opponent of the Berties and against his name appears to have been written, possibly by Lindsey himself, 'This is one of the worst of them, fitt to be turned out' Other opponents included four baronets - the trimmer, Sir Richard Rothwell, and the Tories, Sir Thomas Hussey, his cousin Sir Edward Hussey and Sir Willoughby Hickman, who was also questioned in Nottinghamshire later in the month, when his answer was more equivocal.⁶²

But these were only the men willing openly to defy the King; according to the clerk to the justices, Francis Dale, 'It is suppos'd that if the absent justices and Deputy Lieuten^{ts} had binn p'sent, they would have binn of the same opinion, [and] would almost have doubled the number'. And of the absentees it is certain that the knight of the shire for Lincolnshire, Lord Casterton, and Lord Lindsey's eldest son, Lord Willoughby - both one-time Court supporters - and the arch-Exclusionist, Sir William Ellis, were opponents of the King, although the government must have entertained the hope that other absentees, like Sir Thomas Meres, Sir Thomas Barnardiston, Sir Henry Heron, Sir William York, Sir

⁶¹ *Ibid.*, fos. 34, 37, 39; *Commons*, i. 575-6, ii. 499, iii. 621.

⁶² Rawl. MSS, A 139a, fos. 37, 102; *Commons*, ii. 546, 622-3, 632, iii. 20-1, 78, 351-2.

Richard Cust and John Thorold, were open to persuasion.⁶³ Meres, a moderate Exclusionist and committed Anglican, was probably 'closeted' in the following March and deprived of his offices for 'refusing to be one of the repealers', but was to be endorsed as a court candidate in September 1688; Barnardiston, though removed from the commission of the peace, was later in the year to be recommended as court candidate for Suffolk; while York and Cust, both strong Whigs, and Thorold, a Tory, retained their places on the Commission of the Peace. Heron, a Cavalier of the old school, must have failed to give satisfaction since his name is missing from the final list of those recommended for inclusion on the commission.⁶⁴

It is also possible that Charles Bertie, a younger brother of Lord Lindsey, supported the King, or was spared having to answer the questions, but either way, he was retained on the commission and later recommended as a court candidate for Stamford. Of the three 'doubtful' justices who put their names to a joint answer, one, Christopher Berrisford, was retained on the commission, possibly suggesting that he qualified his answer, to the satisfaction of the government, at a later date.⁶⁵

Among those recommended to be retained or added to the commission of the peace were a Catholic Bertie, Jerome, his co-religionists, Thomas Markham and John Doleman, two ageing squires with strong Dissenting sympathies, the Cromwellian Sir Drayner Massenberd and Sir Goddard Nelthorpe, whose sons appear to have been anathema to the lord lieutenant, and a handful of Anglican squires who, though apparently not questioned by Lord Lindsey in November 1687, may have intimated in some way support for the royal policies.⁶⁶

Lincolnshire can be said to have established a pattern discernable in many other

⁶³ *Commons*, i. 646-7, ii. 262-3, iii. 392-4.

⁶⁴ *Commons*, i. 308, 597-8, ii. 182-3, iii. 48-58, 557-8, 792; *HMC Portland MSS*, iii. 406; *CSPD*, 1680-1, p. 376; 1683, pp. 32, 180; 1687-9, p. 275. *Rawl. MSS*, A 139b, fos. 229-30.

⁶⁵ *Ibid.*; *Commons*, i. 639-42.

⁶⁶ Duckett, ii. 271-3, plus note p. 273; *CSPD*, 1686-7, pp. 66-7; C. Holmes, *Seventeenth Century Lincolnshire* (Lincoln, 1980), pp. 250-1; *Rawl. MSS*, A 139a, fo. 33.

counties. Despite the presence of a tried and trusted lord lieutenant, who exercised great political influence in the county, the results of the canvass seem not to have been particularly encouraging for the King. The Tory/Anglican caucus which came to dominate local politics in the years 1681 to 1685, split over the issue of religious toleration, with a majority opposing the King and being removed from office. This left a coalition of ultra-loyal Tories, Catholics and Dissenters responsible for the county administration.⁶⁷

The problems in trying to establish this new administration are revealed in the original manuscripts. The government realised that the new commission of the peace, to have any credibility, had to contain at least some Anglicans: Catholics, though supporting the King's policies, often showed little inclination to act as JPs when given the opportunity; years of exclusion from public office, inexperience and the spectre of renewed persecution gave them pause.⁶⁸ But even the most loyal of Anglican squires balked at the prospect of being left isolated if they supported what appeared to be a very unpopular Royal policy. In the Lincolnshire returns, the names of two of the Anglican squires who supported the King, Sir Edward Ayscough and Sir Christopher Nevile, appear in the list of magistrates who returned a negative answer, although they are crossed out.⁶⁹ It is not inconceivable that they were persuaded to change their minds and endorse the King's policy. This would be in character for Ayscough, who has been described as 'a lay Vicar of Bray'. Nevile, though a Tory, was a moderate one, refusing to persecute Quakers, and was elected to the Convention as MP for Lincoln in 1689.⁷⁰ Both men, though probably reluctant to commit themselves to the King's policies, were amenable to persuasion, but they are hardly representative of the die-hard loyalism that distinguished

⁶⁷ Holmes, *Lincolnshire*, pp. 250-2.

⁶⁸ Of the ten Catholics added to the Kesteven commission of the peace, only William Thorold attended quarter sessions: S. A. Peyton, *Minutes of Proceedings in Quarter Sessions Held for the Parts of Kesteven in the County of Lincolnshire, 1674-1695*, (The Lincoln Record Society, vol. 26, Lincoln, 1931), pp. 327, 330, 334, 339, 341.

⁶⁹ Their names were added, in a different hand, to the list of those supporting repeal: Rawl. MSS, A 139a, fos. 34, 37.

⁷⁰ *Commons*, i. 575-6; iii. 131.

the small group of James's Anglican allies. This latter quality, however, is to be found in another Anglican deputy lieutenant, Thomas Harrington, a protege of the Berties, who rather looked down on this country gentleman. Harrington had been favoured by James with an army commission at the time of Monmouth's rebellion and he was so firmly committed to the King's cause that he became a Jacobite after the Revolution.⁷¹ At best this was an uneasy coalition and one that would break-up in the wake of William of Orange's invasion.⁷²

Hereford

If political influence is measured purely in territorial terms, that of Henry Somerset, First Duke of Beaufort, could not be rivalled in reigns of Charles II and James II. Beaufort was Lord Lieutenant of the Counties of Gloucester, Hereford and Monmouth - then part of England - the Cities of Bristol and Gloucester and Lord President of the Council of Wales and the Marches. He has been described as the last of the feudal lords. He was a courtier and a friend of James. He was the first of his family to conform to the Established Church and though his Protestantism was never reasonably in doubt, his closeness to the Catholic James and his continued protection of recusants within his fiefdom left him vulnerable to the canards of his enemies that his true religious attachments were uncertain. His loyalty was undoubted.⁷³ However, his influence was in decline, and his high-handedness and religious antecedents had been the catalyst for much of the political tension within his fiefdom in the years before and during the Exclusion Crisis. And, by the 1680s, his friendship with James had cooled.⁷⁴

⁷¹ *Commons*, ii. 499; *CSPD*, 1685, p. 215; 1690-1, p. 23.

⁷² Holmes, *Lincolnshire*, pp. 252-3.

⁷³ *Commons*, iii. 454-6; Duckett, i. 17-8; Kenyon, *Sunderland*, p. 173; Rawl. MSS, A 139a, fo. 175.

⁷⁴ P. Jenkins, *The Making of a Ruling Class: The Glamorgan Gentry, 1640-1790* (Cambridge, 1983), pp. 124-31; M. McClain, 'The Wentworth Forest Riot: Property rights and political cultural in Restoration England', in S.D Amussen and M.A. Kishlansky, eds., *Political Culture and Cultural Politics*

He had been issued with the Three Questions personally by the King on 26 October 1687, and in the following December canvassed Herefordshire, Gloucestershire, Monmouth and Wales.⁷⁵ In almost all respects the results were unsatisfactory to James. Beaufort did not help his master's cause. He appears to have canvassed in a rather perfunctory way. He summoned the deputy lieutenants and justices to Ludlow, almost ensuring a high level of absenteeism: the prospect of having to make a long journey from the backwoods in the middle of winter and then having to deliver an answer uncongenial to both Lord President and King, must have been enough to ensure many squires stayed at home; and in fact half the gentry avoided interrogation.⁷⁶ The recorded answers, most of which are either yes, no or doubtful, in no way reveal the thinking behind them. Beaufort's own analysis of the exercise is essentially pessimistic, but at least it gives a general idea of why those who opposed the King did so. He wrote:

I have in this accompt kept my self strictly to y^e words of y^e Instructions, w^{ch} directed I should write downe particularly of every individuall Deputy Leiu^t & Justice of y^e Peace, (whome I tooke singly one by one), whither hee Consented, Refused, or was Doubtfull, w^{ch} I at last reduced all their severall discourses to; Butt I cannot but in Justice say this in generall of all those I have put downe Refusing, or Doubtfull, That there were very few of them, that did not shew to bee much troubled that they could not comply with what y^e King desired; And that did not declare, they would alwaies bee ready to venture Life & Fortune in his service; & would never refuse to comply with any intimation of his, as farr as their Consciences would give them Leave; That, as to this, they did apprehend the consequence of y^e Repeale now desired, would be destructive to y^e Religion they professed, w^{ch} feare they saide (tho possibly groundlesse), yet to them that could not help being posses't with it, made it they conceived, Sin in them to contribute towards it.⁷⁷

Of the 51 squires named in the Herefordshire return, 23 gave affirmative replies, eight negative and two doubtful. Eighteen squires were absent, although four of these - Sir John Hoskins, Thomas Price, Sir Thomas Duppa and Thomas Geers - were probably

in Early Modern England: Essays presented to David Underdown (Manchester, 1995); M. McClain, *Beaufort: The Duke and his Duchess, 1657-1715* (Yale, 2001), pp. 96-8, 107-8, 125-156, 165-85.

⁷⁵ HMC *Beaufort MSS*, p. 91; Rawl. MSS, A 139a, fos. 140-80.

⁷⁶ Rawl. MSS, A 139a, fo. 176.

⁷⁷ *Ibid.*, fo. 175.

‘closeted’ and almost certainly acquiesced in the King’s policies because they were recommended for retention on the commission of the peace.⁷⁸ Hoskins, a Master of Chancery and Fellow of the Royal Society, does not seem to have been much troubled by the political events of the time, although he had been a knight of the shire in 1685; Price, a gentleman of the privy chamber, was heavily in debt and needed the protection of the Court; Duppa, Gentleman Usher of the Black Rod, remained loyal to James to the end of the reign; and Geers, a judge on the Welsh circuit, managed to retain James’s favour, but fell foul of his successor.⁷⁹

Fifteen of the affirmative answers came from Catholics, including Sir Walter Blount, who also features in the Worcestershire and Shropshire returns.⁸⁰ Among the notable Anglicans to support the King were the old Cavalier, Humphrey Cornewall, and his son, Robert. Their support was undoubtedly born of personal loyalty to the King: though Humphrey died seven months later, Robert was to be a Jacobite in the next reign.⁸¹ Support for the King also came from the Tories Sir John Barnaby (although the vagueness of his answer probably explains why he was not confirmed as a deputy lieutenant until four months later), John Powell and Jeremiah Bubb. Barnaby probably became a non-juror after the Revolution, but the careers of Powell, a lawyer, and Bubb, an army officer, were not adversely affected after 1688 by their support for the King now.⁸²

Those in the opposition camp included four former MPs: Sir Herbert Croft, son of the Bishop of Hereford, who though inclined towards the Country Party, had voted against Exclusion; the Tory leaning Herbert Westfalin and John Booth, of Letton, whose resolve to oppose the King may have been stiffened by his Whig son-in-law, John Dutton

⁷⁸ Rawl. MSS, A 139a, fos. 146-7; Duckett, i. 450; *CSPD*, 1687-9, p. 152.

⁷⁹ *Commons*, ii. 383; 583-4, iii. 289-91; *CSPD*, 1685, p. 116, 1687-9, p. 409.

⁸⁰ Rawl. MSS, A 139a, fos. 146-7, 181, 215.

⁸¹ Rawl. MSS, A 139a, 146-7; *Commons*, ii. 132-3.

⁸² Rawl. MSS, A 139a, fos. 146-7; *Commons*, i. 598-9, 740-1, iii. 268-9.

Colt; and the undoubted Whig, Thomas Coningsby.⁸³ The two squires recorded as being doubtful, Thomas Cox, a deputy lieutenant, and William Lamb, were not recommended for retention on the county bench, although Cox may have been reinstated as a justice seven months later in July 1688.⁸⁴

Among those noted as absent by the Duke of Beaufort was Herbert Aubrey, a devout Anglican and Tory, who escaped interrogation by decamping to Ireland; but his appointment as a commissioner for the Irish Revenue - in the same month as Beaufort's canvass - suggests his absence was not viewed with suspicion by the King and, indeed, he was retained in local office.⁸⁵ A justice, Robert Price, a lawyer and close ally of Beaufort's, had already been closeted and had refused to support repeal.⁸⁶

A number of prominent parliamentarians, men like Sir Edward Harley, John Birch, Paul Foley and the aforementioned John Dutton Colt, do not feature in the list of men questioned by Beaufort. All were Exclusionists and opponents of the Court. Birch, who had been the scourge of the Herefordshire Cavaliers during the Civil War, had enjoyed a long career as an MP and office-holder, but was in temporary eclipse, having lost his seat in the Tory landslide of 1685. Colt had been ruined by a huge £100,000 fine for defaming James, when Duke of York. The government must have felt there was little point in attempting to win over Birch, and Colt, despite his desperate situation, refused to co-operate. Approaches were made to Harley and Foley, both of whom were recommended for inclusion on the commission of the peace in the following months. There is no evidence that either collaborated with the King and Harley even refused a seat on the

⁸³ Rawl. MSS, A 139a, fos. 146-7; *Commons*, i. 681-2, ii. 115-7, 171, iii. 692-3.

⁸⁴ Rawl. MSS, A 139a, fos. 146-7; A 139b, fo. 269; Duckett, i. 450.

⁸⁵ Rawl. MSS, A 139a, fo. 146; *Commons*, i. 568-9; *CSPD*, 1687-9, pp. 121-2.

⁸⁶ Rawl. MSS, A 139a, fo. 147; *Commons*, iii. 286.

Privy Council.⁸⁷ Another, less prominent, Whig Charles Baldwyn was added to the bench and probably did collaborate.⁸⁸

Oxfordshire

Oxfordshire must have been the place in England where James II's religious policies caused the most anguish and soul-searching. The city, and more especially the university, had been bywords for loyalty to Church and King during the Civil Wars, although the former had 'succumbed to country pressures' during the Exclusion Crisis. But, ultimately, here, as in most other parts of the realm, devotion to the King, however strong, did not run as deep as attachment to the Church of England. King James's cause had not been helped by his dispute in 1687 with Magdalen College, which resulted in most of the fellows being deprived of their fellowships and expelled for refusing to accept the royal nominee for president. None the less the returns for the Oxfordshire canvass showed a surprisingly high level of support for religious toleration, with more squires acquiescing in repeal than openly opposing it, though with what degree of enthusiasm must be left to conjecture.⁸⁹

The county was canvassed by the lord lieutenant, the Earl of Lichfield, in January 1688, little more than a month after he replaced the Earl of Abingdon, who had refused to support the King's policies. Lichfield was an arch loyalist and was to support James II to the bitter end.⁹⁰ According to the antiquary Anthony Wood, Lichfield met the country gentlemen at the Cross Inn on January 19; 'but 4 or 5 or 6 [were] there' and he 'took each apart in a withdrawing-roome'. None the less, answers of some sort survive from no fewer

⁸⁷ *Commons*, i. 653-60, ii. 110-2, 336-8, 494-7; Rawl. MSS, A 139a, fo. 140; A 139b, fo. 269; *CSPD*, 1687-9, p. 211.

⁸⁸ Rawl. MSS, A 139a, fo. 140; *Commons*, i. 585.

⁸⁹ *Commons*, i. 359-62; Rawl MSS, A 139a, fos. 51-8.

⁹⁰ *Complete Peerage*, vii. 644-5; *CSPD*, 1687-9, p. 106; HMC *Dartmouth MSS*, i. 242.

than 41 deputy lieutenants and JPs, and of those canvassed, 16 supported, or were deemed to support, repeal, 12 opposed it and 11 were doubtful.⁹¹ One former deputy lieutenant, Captain Henry Bertie, brother of the Earl of Abingdon, excused himself from answering on the grounds that he was no longer in the lieutenancy or commission of the peace; but he was undoubtedly an opponent of the King. And Dr John Lamphire, a medical don and Principal of Hart Hall, Oxford, who had stood unsuccessfully for the university in the election to the first Exclusion Parliament in February 1679, was declared ‘not fitt to answer at this time, being not well in his senses’.⁹²

Those answering positively included a couple of former Tory MPs, Sir Littleton Osbaldston and Sir George Pudsey, Recorder of Oxford, and a handful of other squires: Sir Timothy Tyrrell, father of the historian James Tyrrell; the Catholic Ralph Sheldon, uncle of one of James II’s equerries; Sir John Curson, who was probably a Catholic; the ever compliant former Parliamentary officer, Sir Edmund Warcup; the Catholic high sheriff, Sir Harry Browne; a Catholic army officer, Walter Mildmay; and Richard Kilbye.⁹³ There was also support from a couple of Catholic dons: Dr John Massey, the recently appointed Dean of Christ Church, and the Obadiah Walker, Master of University College and friend of Anthony Wood.⁹⁴

Most of those in the ‘yes’ camp are simply noted as supporting repeal, but Osbaldston, obviously a loyal son of the Established Church, does elaborate. After stating that he is a ‘weak infirme person’ unlikely to be an MP again, he says he would ‘consent

⁹¹ A. Clark, ed., *The Life and Times of Anthony Wood, Antiquary, of Oxford, 1632-1695, described by Himself* (3 vols., Oxford Historical Society, 1891-4), iii. 254; Rawl. MSS, A 139a, fos. 51-8.

⁹² Rawl. MSS, A 139a, fos. 51, 55; *Commons*, i. 360-1, 643; *DNB*, xxxii, 30-1.

⁹³ Rawl. MSS, A 139a, fos. 51-2, 55, 57-8; *Commons*, iii. 181-2, 301-2; Duckett, i. 338 (note), *DNB*, lvii. 441-2; Wood, *Life and Times*, iii. 100-1, 260, 281; *Complete Baronetage*, iii. 21, 188-9; A. Wood, *Athenae Oxonienses, an Exact History of all the Writers and Bishops who have had their education in the University of Oxford, to which are added The Fasti, or Annals of the said University*, (ed. P. Bliss, 3 vols., London, 1813-20; reprinted 4 vols., Germany 1969), iv. col. 325; Morrice, ii. fo. 169; *CSPD*, 1685, pp. 391, 395.

⁹⁴ *DNB*, xxxvii, 6, lix, 78-81; Wood, *Life and Times*, iii. 362; Wood, *Athenae Oxonienses*, iv. cols. 437-444.

for taking off such penall Laws and Tests, as doe hinder any sort of Dissenters from the Church of England from exercising their Religion, that they may not be troubled or molested therefore, either in their persons or estates'. Although undoubtedly a supporter of the King - he was nominated as a court candidate for New Woodstock later in the year - his answer puts the emphasis on religious, personal and proprietary emancipation for 'any sort of Dissenters', rather than on the political empowerment desired by the King.⁹⁵ It is a shame that no details of Pudsey's answer are recorded, since the fervent monarchist and High Churchman had not in the past been known as a man of few words.⁹⁶

Two other positive answers are worthy of note. Mr Goodyer in answer to the First Question said he was 'willing to take off the Test, and so many of y^e penall laws as can any way consist with y^e preservac~on of y^e Church of England as now by law Established'. And Mr Pudsey, gave an almost identical answer, except that he used the phrase 'Religion as now by law Established'. These two gentlemen appear to have had no trouble with repeal of the Test Acts, but obviously qualified their endorsement of repeal of the penal laws: their primary concern was not the power of the monarch but the preservation of the Church of England. Despite this qualification both men were recommended for retention in the new commission of the peace.⁹⁷

Those returning negative answers can be divided into two groups. Members of the first group simply could not accede to the King's wishes. Dr Aldworth and James Perrott said their consciences would not allow them to support repeal. While the former tried to soften his refusal by saying he would 'submitt to such laws, and Repeals of such laws, as the King with his Parliam^t shall think fitt', the latter stated more boldly that the Tests and penal laws were 'a Defence and security to y^e Protestant Religion of y^e Church of England

⁹⁵ Rawl. MSS, A 139a, fo. 51; *Commons*, iii. 181-2.

⁹⁶ Rawl. MSS, A 139a, fo. 58; *Commons*, iii. 301-2. Welcoming James II to Oxford on 3 September 1687, Pudsey 'spoke a speech on his knees which tho' accounted by some too long, yet the King gave him thanks and put off his hat': Wood, *Life and Times*, iii. 229.

⁹⁷ Rawl. MSS, A 139a, fo. 51. Pudsey could have been William Pudsey, of Kidlington, who gave advice to the Fellows of Magdalen over the election of the Catholic Mr Farmer as President: J. R. Bloxom, *Magdalen College and King James II, 1686-1688* (Oxford Historical Society, 1886), pp. 20-1.

as by law Established'.⁹⁸ Lord Wenman, Sir Robert Jenkinson, Sir Robert Dashwood and James Herbert - all former or future MPs - returned unambiguous negative replies, though Herbert added that he 'should be ready to serve the King in anything else'. And another refuser and former MP, Sir Edward Norreys, while maintaining that he could not say which way he should vote if elected an MP, added that his 'present sentiment shall not be for taking off the Penall laws and Tests' and, in case there was any doubt in the matter, added, in answer to the Second Question, that he should not be for voting for those who would. Wenman, Jenkinson and Herbert were strong Tories, Dashwood a more independently-minded Tory, while Norreys had flirted with the Exclusionists before going over to the Court in about 1680, but their devotion to the Church was stronger than their loyalty to the King.⁹⁹

The second group - two JPs, Sir Thomas Clayton, Warden of Merton College, and Robert Perrott, and one deputy lieutenant, Sir Fairemedow Penyston - was willing to support repeal of the penal laws, but not the Test.¹⁰⁰ Penyston's answer to the First Question, which expresses the views of a minority of the squires canvassed nationally, is worth quoting in full:

I ever was and still am of Opinion that no humane Lawes whatsoever either ought or can exercise an absolute dominion over the Judgements and Consciences of Men and therefore ought not to inflict any manner of punishment for that over which they neither have nor can have any Jurisdiction, where fore I shall willingly assent to the taking off all such penall Lawes which debarre people from the free exercise of their Consciences in the Religious worship of Almighty God. But the Tests, which I humbly conceive is at present the greatest security the Church of England by Law hath, of which I profess my self an unworthy Member, I cannot consent to repeale without an Equivalent Security for them established in a Parlement.

Penyston's is surely the voice of moderate Anglicanism: throughout the kingdom, a

⁹⁸ Rawl. MSS, A 139a, fos. 51-2. 'Dr Allworth' was possibly Dr Henry Aylworth, Chancellor of the Diocese of Oxford, who was lieutenant of the university troop at the time of Monmouth's invasion: *Alumni Oxon*, i. 49; Wood, *Athenae Oxonienses*, i. ci.

⁹⁹ Rawl. MSS, A 139a, fos. 55, 57-8; *Commons*, ii. 195, 533, 644-5, iii. 147-8, 684-5.

¹⁰⁰ Rawl MSS, A 139a, fos. 52, 56. *Commons*, ii. 87-8.

majority of those squires who opposed James II's policies would not countenance repeal of the penal laws, never mind the Tests. The Tests were the stumbling block for Penyston and his insistence on 'Equivalent Security' for the Church of England - as opposed to a diplomatic trust in the King's good intentions - as the price of voting for repeal was tantamount to doubting the King's word. It is easy to see why, for the King, such an answer was little better than a refusal.

Again those giving what must have been considered doubtful answers divide into two camps: those who refused to commit themselves beforehand and those whose answers were evasive. Two justices, Mr Powell and Dr Edward Masters, and two deputy lieutenants, Sir William Walter and Sir John Doyley, insisted they must hear the debates in the House before deciding which way to vote. To these men can be added George Chamberlain, who though not intending to be an MP himself, said that elections 'are to be free, & therefore he shall not make any preingagem'. Mr Gunne was 'doubtfull in his conscience' whether he could consent, and the aged Sir Thomas Tipping, in a reply by letter, said that 'as to taking away the Test he could say little till he was better inform'd'.¹⁰¹ Masters, a civilian and Chancellor of Exeter, had married into a Whig family and had aspirations to be an MP; Doyley, though of Puritan stock, had married into a Cavalier family and become a Churchman and a Tory; while Tipping's son, a strong Whig, had been outlawed and was an exile in Holland. None probably had particular reason to support the King.¹⁰²

Two of those giving somewhat evasive answers, Dr Henry Beeston, the former headmaster of Winchester and Warden of New College, Oxford, and Mr Lybb, were willing to elect loyal men.¹⁰³ John Stone, a deputy lieutenant, went a step further, saying that though he had 'no designe of standing himself', if he were chosen he would 'endeavo'

¹⁰¹ Rawl. MSS, A 139a, fos. 51-2, 57-8.

¹⁰² *Commons*, i. 362, ii. 229-30, iii. 568-70; *Alumni Oxon*, iii. 985.

¹⁰³ Rawl. MSS, A 139a, fos. 51-2; *Alumni Oxon*, i. 101; Wood, *Athenae Oxonienses*, iv. 224.

as to the penall laws and Test, as well as all other things to create a mutuall confidence betwixt his Maj^{ty} and his subjects'. His words were echoed in the answers of Dr Allworth, a refuser, and Mr Gunne, who was doubtful, both of whom said they would endeavour to try to elect such members as would make the government 'easy' between the King and his loyal subjects.¹⁰⁴ Such conciliatory words - and the almost total and unconditional endorsement of the sentiments in the Third Question - were of no avail. All those deemed hostile to or doubtful over repeal were dismissed from local office.¹⁰⁵

The method used to find their replacements is clearly demonstrated in the Oxfordshire return, which contains a list of 72 gentlemen 'out of the Commission of the Peace', from whom all but two of the new deputy lieutenants and JPs were chosen. The list contains the names of one peer, five baronets and three knights and, perhaps more relevantly, at least six recognised Whigs, six Catholics and one Quaker.¹⁰⁶ Age, obscurity and lack of social standing - six gentlemen on the list do not warrant the title esquire - rather than political disfavour or religious disability may explain the omission of these men from local office, but it was from the ranks of these men that the Earl of Lichfield sought recruits for the lieutenancy and new commission. These included Lord Falkland, treasurer of the Navy, and Thomas Horde, the former Exclusionist knight of the shire, both of whom became deputy lieutenants. The new justices included the six Catholics; the former Whig MP and alderman of Oxford, William Wright, and his 'socially ambitious' son, the deputy recorder, William junior; another former MP, Sir William Glynn, who was the son of the Protector's lord chief justice; and Sir Littleton Osbaldston's son, Lacy.¹⁰⁷ Again the presumption must be that these men signalled acceptance of the government's policies. It is just as likely that those on the list who were not recruited to the King's cause

¹⁰⁴ Rawl. MSS, A 139a, fos. 51, 58. Stone was possibly the same man who also answered the questions in Berkshire; if so he was a Tory and a former MP: Rawl. MSS, A 139a, fo. 257; *Commons*, iii. 490-1.

¹⁰⁵ Rawl. MSS, A 139b, fos. 266-7.

¹⁰⁶ *Ibid.*, A 139a, fos. 53-4.

¹⁰⁷ *Ibid.*, A 139b, fos. 266-7; *Commons*, i. 360, ii. 16-8, 401, 582, iii. 768; *Complete Baronetage*, iii. 293; *CSPD*, 1687-9, p. 153.

either refused to co-operate or avoided interrogation. The latter would have included the former Whig MPs Sir John Cope, Sir Phillip Harcourt and William Lenthall, and the Whiggish former JP John White. And the only Quaker on the list, Bray D'Oyley, of Adderbury, a man of considerable social standing in north Oxfordshire, must also have failed to give satisfaction or, at the very least, avoided committing himself, for his name does not appear among those recommended for inclusion in the new commission of the peace.¹⁰⁸

Hampshire

The Lord Lieutenant of Hampshire at the time of the canvass was the Duke of Berwick, James II's illegitimate son. He had replaced the Earl of Gainsborough and his son Lord Campden, the joint lord lieutenants, whose proven loyalty to the Stuarts did not extend to endorsing repeal of the Test Acts and penal laws.¹⁰⁹ Two problems faced their successor. As a result of the Exclusion Crisis, considerable power and patronage had been concentrated in Gainsborough's hands and any successor was bound to lack his local knowledge and connections. And unbeknown to the Government the changes to the commission of the peace the autumn before had actually increased the number of opponents of repeal on the bench.¹¹⁰ It is a measure of both the King's desperation and the immense trust he placed in his son that Berwick should have been appointed to such an important position at the age of 17; but as befits the distinguished soldier of later years, Berwick, who had already seen military action against the Turks in Hungary, appears to have been undaunted by the refractory gentry of Hampshire - or the county of

¹⁰⁸ Rawl. MSS, A 139a, fos. 53-4; A 139b, fos. 266-7; *Commons*, ii. 126-7, 489-90, 733-4. HMC *House of Lords MSS, 1678-88*, p. 188. M. Clapinson, ed., *Bishop Fell and Nonconformity: Visitation Documents from the Oxford Diocese, 1682-83* (Oxfordshire Record Society, lii, 1980), pp. xv, xxxviii.

¹⁰⁹ *CSPD*, 1687-9, p. 113; Morrice, ii. 216-7; *Commons*, iii. 144-6.

¹¹⁰ A.M. Coleby, *Central Government and the Localities: Hampshire, 1649-1689* (Cambridge, 1987), pp. 160-1, 172.

Southampton as it was then known - and to have carried out his duties efficiently enough. He canvassed the county in February although his return is dated April 1688. He summoned 64 deputy lieutenants and Justices of the Peace to Winchester and of the 19 that failed to attend, 11 replied to the questions by letter.¹¹¹

Despite the traditional view that Hampshire was particularly hostile to repeal, the results of the canvass were by no means terrible for the King. Of the 64 gentlemen canvassed, 24, including nine Catholics already in the commission of the peace, answered, or were considered to have answered, in the affirmative, 27 answered in the negative, three were doubtful and ten failed to provide answers.¹¹² Of the latter, two, Sir John Godwin, who had given an affirmative answer in Kent in the previous January, and James Rudyerd, had both recently died.¹¹³ A third, the diplomat, Sir Thomas Higgons, wrote to Berwick saying he had already given his answer to the King and had permission to remain in London. Higgons, who remained loyal to James II and whose sons became Jacobites, had probably signalled his support for the King's ecclesiastical policy.¹¹⁴

Two factors would have helped the King's cause in Hampshire. The government would have been able to exercise a strong political influence in Portsmouth, where the naval dockyard provided employment and the potential for business for those whose trade was in naval supplies. And the county does not seem to have been virulently anti-Catholic: in the Anglican stronghold of Winchester, Catholics were represented on the Corporation, while in Lymington, even in the dark days of the Interregnum, the head of the Catholic Tichborne family had been made a freeman.¹¹⁵

¹¹¹ B.L. Add. MSS 34,510, fo. 82; Rawl. MSS, A 139a, fos. 196-202.

¹¹² Duckett, i. 413-5; Rawl. MSS, A 139a, fos. 196-9.

¹¹³ Rawl. MSS, A 139a, fos. 60, 197, 199; *Commons*, ii. 409.

¹¹⁴ Rawl. MSS, A 139a, fo. 198; *Commons*, ii. 546-8.

¹¹⁵ *Commons*, i. 248, 249.

It is not surprising, therefore, that James seems to have had an nucleus of Anglican support in the county. The return shows nine Protestant gentlemen gave affirmative answers. Top of the list was Lord de la Warr, whose family, though once inclined to the Parliamentary cause, was now firmly Tory.¹¹⁶ Allies of the King also included the courtier Sir Charles Wyndham, the high churchman and Court supporter Sir John Collins, who also replied in the affirmative in Wiltshire, and William Legge, a soldier and younger brother of one of the King's staunchest supporters, Lord Dartmouth, soon to be admiral of the fleet. Another military man, the soldier Henry Slingsby, who was the lieutenant governor of Portsmouth, also backed repeal, as did the Tory, Francis Dickens. Three names appear to have been added later in a different hand to the list of supporters: Sir Robert Holmes, who had been a Cavalier as a young man, a naval captain in the Dutch wars, and was now governor of the Isle of Wight; the Tory Sir William Stevens; and Sir Edward Worsley. The indication is that they had been questioned at a different time - Holmes as a Naval man would almost certainly have been 'closeted' - but there is no reason to doubt that they consented to repeal. Wyndham, Collins, Legge, Slingsby, Holmes and Stephens had all been MPs and all save Collins and Legge, seem to have been able to accommodate themselves to the post-1688 regime - and secure re-election - although Slingsby after electoral defeat in 1690 became a Jacobite and died in exile. Worsley's son, the Rector of Gatcombe, on the Isle of Wight, was deprived as a non-juror after the Revolution, suggesting family loyalty to the Stuarts was uninterrupted by the events of 1688.¹¹⁷

All these men gave unequivocal and unembroidered consents. Richard Bishop gave a qualified affirmative answer, consenting 'to the two first [questions] provided there may be no such Laws made against the Protestants'; while Ralph Hastings answered that

¹¹⁶ Rawl. MSS, A 139a, fo. 198; *Complete Peerage*, iv. 161-2; *Commons*, iii. 690.

¹¹⁷ Rawl MSS, A 139a, fos. 192, 198; *Commons*, i. 253, ii. 107-8, 569-71, 727, iii. 439-440, 482-3, 772; *HMC House of Lords MSS, 1678-88*, p. 189; *Alumni Oxon*, iv. 1681; *VCH Hampshire and the Isle of Wight*, ii. 97.

the ‘narrowness of his Estate will not bare being a Parliament Man, but [he] will contribute all that lyes in him, to choose such Members, as may answer the Kings intentions’. Both answers sufficed and both men were recommended for retention, Bishop as a deputy lieutenant and Hastings as a JP.¹¹⁸

None the less, the opposition to the King was strong. Among the 27 gentlemen returning negative answers were seven squires who had been or would become MPs. These included Francis Powlett, the cousin of the Whiggish Marquess of Winchester, and the Presbyterian and former Parliamentarian soldier, Richard Norton, both of whom veered towards the Country Party but had been cautious enough to abstain from voting for Exclusion nine years earlier. Norton, along with one other JP, Richard Cobbe, consented to repeal ‘as farr, as touches the Penal Laws; but not the Test’, but that was not enough for the King.¹¹⁹ Of the others Edward Fleming, Francis Morley, George Vernon and White Tichborne were all probably Tories, Fleming and Vernon having been added to the commission during the Exclusion Crisis. Tichborne, it appears, had given a negative answer to the Duke of Norfolk in Surrey.¹²⁰ The last of this group, Leonard Bilson, who had first become MP for Petersfield in 1677 when over 60, had also had a political career marked by caution, having avoided involvement in the Civil War and, a generation later, abstaining from the vote on Exclusion. Bilson’s answer, however, was unequivocal: ‘[H]e cannot in Conscience consent to y^e two first, and that having made them [the Tests], he will live and dye by them.’¹²¹

Most of the negative answers were unadorned refusals to consent to repeal, although only one squire among the refusers, Charles Wythers, expressed caution about the Third Question, saying he would be ‘upon y^e Defensive not Offensive’. A few did

¹¹⁸ Rawl. MSS, A 139a, fo. 198; A 139b, fo. 209.

¹¹⁹ Rawl. MSS, A 139a, fo. 198; A 139b, Fo. 209; *Commons*, iii. 160-1, 280.

¹²⁰ Rawl. MSS, A 139a, fos. 196, 198; *Commons*, iii. 568, 638; *HMC House of Lords MSS, 1678-88*, p. 189.

¹²¹ Rawl. MSS, A 139a, fo. 198; *Commons*. i. 652.

develop their answers. Vernon said that ‘having beene oftentimes sworne to maintaine the Church of England, he cannot in Conscience comply’; and Richard Chaundler said that he ‘[c]annot be for the taking off any law, that tends to the support of his religion, neither shall he vote for any man, that shall act contrary to this principle’.¹²²

The three doubtful answers came from Gabriel Whistler, George Coldham and Thomas Brocas. Whistler, who as sheriff had supported Exclusionist candidates in 1681 and yet still retained local office, could not ‘tell what he shall doe, till he comes into Parliament’. Coldham’s and Brocas’s answers were evasive but with a reference to loyalty.¹²³ Brocas said that ‘want of health will not suffer him to be a Parliament man’, adding that

if he is at the Election of Knights of the Shire, he will vote for such, as are of knowne Loyalty, but cannot answer for their disposition for takeing away the Test and Penal Laws, when they have heard the Debates in Parliament, it being impossible to know at their Election, what will be their sentiments, when they are in Parliament, but will pray God to direct them to do what is best for the King & Kingdom.

Notable among the absentees was Sir Nicholas Steward, MP for Lymington from 1663 to 1678. His absence may well have been tactical, for although he was generally regarded as a Court supporter in the Cavalier Parliament, he was a strong Anglican and probably opposed to toleration.¹²⁴

Not surprisingly those recommended to be added to the commission of the peace included a group of Navy men, administrators and sailors: Samuel Pepys, who had once sought a Parliamentary seat in Portsmouth, Sir Richard Haddock, Sir Anthony Deane, Sir John Narborough, Sir John Berry (who had answered in the affirmative in Kent) and Pepys’s protege and friend William Hewer.¹²⁵ There were also a couple more Catholics,

¹²² Rawl. MSS, A 139a, fos. 196, 198.

¹²³ Ibid.; HMC *House of Lords MSS, 1678-88*, p. 189. Coleby, *Hampshire*, p.163.

¹²⁴ Rawl. MSS, A 139a, fo. 199; *Commons*, iii. 484-5.

¹²⁵ Rawl. MSS, A 139a, fo. 60; A 123b, fo. 209; *Commons*, i. 254, ii. 200-1, 460-1, 542, iii. 227; *DNB*, iv. 398-9, xl. 90.

Thomas Plowden and John Ayliff, four of whose co-religionists already on the bench, Sir James Philips, Sir Henry Tichborne, Charles Wells and Edmond Perkins, were raised to the lieutenancy, and a couple of Whigs, James Dewey and Sir Richard Stevens, a lawyer reputed to have great influence with the 'fanatic party' in Portsmouth.¹²⁶

It is also interesting to note that three Whigs, all former MPs, who were planning to stand for Parliament when James II should finally decide to call one appear to have come round to supporting repeal: Oliver St John, in Stockbridge, who was reported by the Duke of Berwick to be willing to comply with the King, though he may later have changed his mind, and Richard Holt and Robert Burrard in Lymington, who the King's electoral agents later reported had 'fully declared themselves in yo^r Mat^{es} interest'.¹²⁷

Essex

Essex was a notoriously Puritan county and had given strong support to the Parliamentary cause in the Civil War and later to the Whigs.¹²⁸ Whether James II was hoping that the dissenting tradition of the county would manifest itself in support for his policy of religious toleration is a moot point, but in any case the canvass of the gentry got off to a bad start. The lord lieutenant, the Earl of Oxford, had refused to put the Three Questions to the deputy lieutenants and JPs, and had been dismissed in February 1688.¹²⁹ His successor was the Catholic Lord Petre, who, despite ample evidence of the dangers in which his religion placed him - not least the fact that his brother had died in the Tower after being accused of complicity in the Popish Plot - appears, unlike most of his co-

¹²⁶ Rawl. MSS, A 139a, fo. 199; A 139b, fo. 209; HMC *House of Lords MSS, 1678-88*, p. 226; *Commons*, i. 248, 254.

¹²⁷ Rawl. MSS, A 139a, fos. 200-1; Duckett, i. 433; *Commons*, i. 751-2, ii. 572-3, iii. 382-3.

¹²⁸ *Commons*, i. 228-36.

¹²⁹ Duckett, i. 5; Morrice, ii. fo. 236; Lord Braybrooke, ed., *The Autobiography of Sir John Bramston* (Camden Society, xxxii, London, 1844), p. 306.

religionists, to have eschewed caution. In 1685 during the county election at Chelmsford he had joined the court cavalcade ‘with a great number of gentlemen, his kinsmen, his tenants and other freeholders, his neighbours’, about 300 in all. Despite such bravado Petre had confessed to Sir John Bramston that he did not feel up to the task entrusted to him by the King. So perhaps it is not surprising that the canvass of Essex did not get under way until April.¹³⁰

Despite his reservations, Petre, like his fellow Catholic lord lieutenants, appears to have been determined and thorough: Essex is the only county where there is an answer (of sorts) from everyone questioned. As commanded by the King, Petre toured the county, visiting the corporations with ‘divers gentlemen, Papists, with him in his circuit’. In various parts of the county he summoned the deputy lieutenants and justices and put the questions to them. Those out of the county, like Bramston, himself, were pursued to their London houses and, if absent again - as Bramston was - summoned to the nearest inn the next day.¹³¹

Of the 64 gentlemen canvassed 23 answered, or were considered to have answered, in the affirmative, 19 in the negative and 22 were doubtful. Although eight of the affirmative answers came from Catholics already on the bench - including two of Petre’s kinsmen - the rest came from Anglicans, including Sir Anthony Browne, Sir William Appleton, Sir Richard Browne, and two former MPs, Sir Richard Wiseman, who had organised government support in the Cavalier Parliament, and Sir John Shaw, who had been active against Dissenters.¹³²

Sir Anthony Browne’s answer, that ‘he thincks there is noe good subject but ought to comply with all the three Questions, which he himselfe does heartily’, was more

¹³⁰ *CSPD*, 1687-9, p. 142; *DNB*, xlv. 96-7; *Complete Peerage*, x. 509; Bramston, *Autobiography*, pp. 176, 306-7.

¹³¹ Bramston, *Autobiography*, pp. 306-7.

¹³² *Rawl. MSS*, A 139a, fos. 203-14; *Complete Baronetage*, i. 72-3, iii. 92; *Commons*, i. 732-3, iii. 428-9, 749-50.

effusive than most.¹³³ John Green's affirmative answer suggests a commitment to religious toleration. He said:

y^t his opinion and Judgment was alwayes ag^t the p^rsecutting Persons for Religion sake, and conseq^tly hee is for takeing off the Tests and penall Laws and for his own Religion he Trusts wholly to the Kings Declaracon And he shall give his vote for the Elecon of such p^rsons as hee hopes will mainteyne itt.¹³⁴

On the other hand the answer of Sir Edward Turnor, son of Sir John Bramston's friend, was qualified: after stating that he neither had 'designe nor desire' to stand for Parliament, he said he was 'contented to take off the Penall Laws and Tests Provided the Protestant Religion be secured'. Sir Edward was retained in local office.¹³⁵ And Sir William Scroggs, son of the notorious judge, was vouched for by his brother-in-law, Lord Chief Justice Wright, although it was the King's agents, rather than Lord Petre, who proposed he should be retained on the bench.¹³⁶

Of the nineteen negative answers, most - fifteen - were unambiguous, although several squires said they had no intention of standing for Parliament and John Symonds added that though against repeal himself, he was willing to leave the 'consideracon thereof to the wisdom of a Parliament', though any suspicion of a weakening of resolve was removed by his answer to the second question, in which he stated that 'he knows not of any man who is probably quallified for such an employm^t that will consent to take off the Penall Laws & Tests [and] therefore can~ot make any p^rmise on such account'.¹³⁷ Sir John Marshall and Sir Samuel Husbands viewed the Tests and penal laws as security for their religion, while John Barrington and William Beaumont favoured repeal of the penal laws but not the Tests, although Barrington's answer is a little ambiguous.¹³⁸

¹³³ Rawl. MSS, A 139a, fo. 204.

¹³⁴ Ibid., fo. 209.

¹³⁵ Ibid., fo. 211; *DNB*, lvii. 373; Bramston, *Autobiography*, p. 114; Duckett, i. 403-4.

¹³⁶ Rawl. MSS, A 139a, fo. 211-2; Duckett, i. 404; *DNB*, li. 131.

¹³⁷ Rawl. MSS, A 139a, fo. 204.

¹³⁸ Ibid., fos. 205, 207.

Again most of the doubtful answers were evasive, often stating that squires either had no intention of standing for Parliament or that their candidature was precluded by ill-health. As often as not such answers were accompanied by professions of loyalty. Four 'doubtful' squires answered in such a way as to suggest unhappiness at the pressure they felt they were being put under. Sir Edward Smith, in answer to the Second Question, hoped he should 'manifest himselfe such an obedient subject as never to dislike any Lawe that is made by King Lords & Commons whilst it remains a Lawe' - not a comment that suggests dissatisfaction with the status quo.¹³⁹ Sir Thomas Middleton, MP for Harwich for much of the period between 1679 and 1702 and, during the Exclusion Crisis, regarded as a moderate supporter of the Country Party, said that he would 'give his vote for y^e Church of England men'.¹⁴⁰ Sir Benjamin Thoroughgood, a former Lord Mayor of London, said he could not 'p'mise for any other man'.¹⁴¹ And Nathaniel Lawrence, one of the few Dissenters returned to James's Parliament in 1685, expressed the hope that hee might 'have his liberty of voteing', suggesting that he thought it was at risk.¹⁴²

Only two squires, Francis Mildmay and the moderate Tory, Sir John Bramston, resorted to the answer common elsewhere in the country - not to pre-engage, while two former MPs, the Whig, Sir Gervase Elwes, and the Tory, Sir William Clarges, claimed they had already answered the Questions, rendering repetition unnecessary. Neither Elwes nor Clarges were recommended for retention on the Essex commission of the peace.¹⁴³

All those giving negative or doubtful answers were removed, except for John Tendring, whose answer hardly suggested enthusiasm for the King's cause. After saying that infirmities incapacitated him from serving as an MP, he went on:

¹³⁹ Ibid., fo. 204.

¹⁴⁰ Ibid., fo. 206; *Commons*, iii. 62-3.

¹⁴¹ Rawl. MSS, A 139a, fo. 207; Duckett, i. 397 (note).

¹⁴² Rawl. MSS, A 139a, fo. 210; *Commons*, ii. 714.

¹⁴³ Rawl. MSS, A 139a, fos. 207-9, 212; *Commons*, i. 710-3, ii. 81, 263-4; Duckett, i. 403-5.

...that he cannot comprehend how farr the Repealing of the penall Laws in generall may reach, but in p'ticular that hee is of opinion tis necessary to repeale some and as necessary to reteyne others which he must leave to the wisdom of a Parliament to consult when they meete and that hee shall endeavour to choose such Persons as will seriously consider the honour of God & his true Religion and such as have beene & will bee serviceable to his Majestye in takeing away the Test and for the Peace liberty and property of his People.

His support for repeal of the Test was enough for the government.¹⁴⁴

Both Lord Petre and the King's electoral agents submitted lists of those recommended to be retained or added to the commission of the peace and lieutenancy, which essentially complement each other. All those who answered in the affirmative were retained, plus the 'doubtful' Mr Tendring.¹⁴⁵ Those recommended to be added to the commission included six former MPs: the Whiggishly-inclined Sir William Wiseman, cousin and brother-in-law of Sir Richard Wiseman; the merchant and economist, Sir Josias Childs; Banastre Maynard, son of the 2nd Lord Maynard and, though a government supporter in the Cavalier Parliament, a man with good relations with the Dissenters; Henry Mildmay, the extreme Whig and enemy of Sir John Bramston; another Whig John Lemotte Honeywood, whose political reputation had been damaged by the Rye House Plot; and Colonel Nathaniel Rich a republican, described by Bramston as 'a leveller or at least Commonwealth's man'. Of these, Mildmay and Childs refused to commit themselves to the King's cause.¹⁴⁶ Among others added to the commission were several men with Parliamentary, Dissenting or Whiggish leanings: Sir Gobart Barrington, whose family had dominated the Essex county committee during the Civil War; the lawyer and future MP, John Eldred; Robert Mildmay, Henry Mildmay's nephew; the John Rotherams, father and son; and William Attwood. It is doubtful that most of these men were strongly committed to the King's policies, and the subsequent career of Eldred suggests he was not. However, the involvement of John Rotheram, senior, a local lawyer who was made

¹⁴⁴ Rawl. MSS, A 139a, fos. 210, 212; Duckett, i. 404.

¹⁴⁵ Rawl. MSS, A 139a, fo. 212; Duckett, i. 403-5.

¹⁴⁶ *Commons*, ii. 57-9, 577, iii. 38, 64-5, 750-1; Bramston, *Autobiography*, p. 304.

a judge in July 1688, and his son in the local government of Maldon, suggests more than token support for King James.¹⁴⁷

Interestingly Lord Petre submitted a second list of persons ‘iudg’d very fit’ to serve in the Commission of the Peace. This list, headed by the Catholic peer Lord Hunsdon, may be evidence of the lord lieutenant’s uncertainty about the commitment of those gentlemen originally recommended to the government and be an attempt to bolster royal support. Hunsdon, who had been brave enough openly to criticise the Exclusionists in 1680, was added to the lieutenancy in June 1688, along with Warham Horsemandin, who was, in any case, already a JP and had answered the Three Questions in the affirmative.¹⁴⁸ At the end of the list, in a different hand, Petre asks for Thomas Dawtrey (who had also supported repeal) to be turned out of the commission. Again no reason is given and it is uncertain whether the request was acted upon.¹⁴⁹

The North Riding of Yorkshire

The canvass of the three Ridings of Yorkshire provides evidence of the problems that dogged the exercise. While the East Riding was canvassed in December 1687 and the North Riding in the following January, the West Riding was not canvassed until August 1688, a mere three months before William of Orange’s invasion. Yet, despite this lapse of time, during which opposition towards the King’s policies had grown, the pattern of answers in the West Riding is not dissimilar to that in the other two. Each return reveals a small number of supporters, between seven and ten, hardly any opponents willing to state so bluntly, a majority of doubtful squires, whose replies are phrased in similar

¹⁴⁷ Rawl. MSS, A 139a, fo. 212, Duckett, i. 406 (note); *Commons*, i. 235, 601-2, ii. 258; Bramston, *Autobiography*, pp. 175, 304, 311.

¹⁴⁸ Rawl. MSS, A 139a, fos. 210, 214; Duckett, i. 408; *Complete Peerage*, vi. 631; HMC Appendix to 7th Report, *Sir Henry Verney, Bart. MSS*, p. 479; Bramston, *Autobiography*, p. 304; *CSPD*, 1687-9, p. 216.

¹⁴⁹ Rawl. MSS, A 139a, fos. 210, 214.

language that suggests they really opposed the King's policies, and a few genuinely doubtful answers, either vague, conditional or evasive. This would suggest that even as late as August 1688, few men were privy to Williams's plans and felt in no position to commit themselves to total and public defiance of the King.¹⁵⁰ Another problem is that some squires were canvassed in more than one Riding. On a canvass of this scale and bearing in mind that many men whose property and influence were not confined within the borders of a single county were often in more than one commission of the peace, there was bound to be some duplication. Yet it still smacks of inefficiency that Thomas Heseltine, clerk of the assizes at Pontefract, was asked the Three Questions a second time in August 1688, when eight months before he had answered (doubtfully) in his capacity as JP for the East Riding.¹⁵¹ Toby Jenkins, a deputy lieutenant for the East Riding, failed to answer when the questions were put by Lord Langdale in December 1687. When the justices of St Peter's Liberty in York were canvassed by the King's agents in August 1688, he pleaded illness as a reason for his absence, claiming he had already answered 'very Loyally in the East Ryding'. This suggests evasion, but at some stage Jenkins may have given a satisfactory answer because he was recommended to be retained as a deputy lieutenant in the East Riding and added to the commission of the peace in the North Riding.¹⁵²

The North Riding was canvassed by Viscount Fairfax, another Catholic lord lieutenant, in January 1688.¹⁵³ Twenty-six¹⁵⁴ deputy lieutenants and justices returned answers, of which ten were unambiguously affirmative, one unambiguously negative and

¹⁵⁰ Rawl. MSS, A 139a, fos. 75-8, 234, 236, 274-311.

¹⁵¹ *Ibid.*, fos. 236, 299.

¹⁵² *Ibid.*, fos. 240, 274, 276; Rawl. MSS, A 139b, fos. 203, 247.

¹⁵³ Rawl. MSS, A 139a, fos. 75-8; *Complete Peerage*, v. 235. .

¹⁵⁴ Six York justices, including the Dean of York, were questioned in August 1688 when the West Riding was canvassed. For convenience, their answers are included under the North Riding in the tables above, but are analysed with the answers from the West Riding in Chapter VI.

16 expressive of varying degrees of doubt. Of the latter, 12 were couched in similar terms, expressing on the part of the magistrates a wish not to be committed to repeal until they had heard the debates in the house. Those giving what had fast become a standard reply of non-commitment to the King's cause included a group of five former MPs, Sir Barrington Bouchier, Sir David Foulis, Sir Hugh Cholmely, John Darcy and Thomas Worsley and one future MP, Sir Edward Blackett. Although Bouchier and Foulis had Parliamentary antecedents, all had been accounted loyalists until James's religious policies had forced them into opposition.¹⁵⁵

Foulis's answer, however, did reveal some sympathy for the King's proposals:

...I ever judged divers of the penall Laws very severe, and if I were a Parliam^t man, should hartily press and wish (as I now do) a review were made of them & y^e Tests: & when the debate should be argued in y^e house, for or against them I should faithfully declare my judgem^t according to my Conscience & reason.¹⁵⁶

The answer is striking for its reasonableness, though it did not prevent Foulis from being dismissed from local office. None the less, when restored in the autumn of 1688, as the Dutch invasion loomed, he diligently served the King.¹⁵⁷ Darcy, grandson of the Earl of Holderness, added further doubt to his answer by stating that his 'present opinion is not to repeale y^e penall Lawes & y^e Test'. Darcy, in any case, was an opponent of the King and was to be active in the Revolution. He too was dropped from the lieutenancy.¹⁵⁸

Three other doubtful answers, from Sir Henry Marwood, Sir Metcalfe Robinson - both former MPs - and Thomas Benlowes, offered support conditional on the protection of the Church of England. While Robinson would consent to repeal of both the Tests and penal laws '[w]hen his Majesty will be pleased to lett his gracious promises in his Declaration pass into a Law', Marwood and Benlowes only referred to the easing of the

¹⁵⁵ *Commons*, i. 662, 693, ii. 62-3, 192-3, 349-50, iii. 759.

¹⁵⁶ Rawl. MSS, A 139a, fos. 75-6.

¹⁵⁷ Duckett, ii. 291-2; *CSPD*, 1687-9, p. 144; *Commons*, ii. 350.

¹⁵⁸ Rawl. MSS, A 139a, fo. 76; *Commons*, ii. 192-3; *CSPD*, 1687-9, p. 144.

penal laws. Robinson and Benlowes were retained in local office, Marwood was not.¹⁵⁹

The two remaining doubtful answers are more vague. Sir Thomas Slingsby, son of a Cavalier executed for high treason in 1658, said he should ‘vote to y^e best of my judgem^t & conscience to serve y^e King & Country’, although he did add - with a reference to the loyalty of his predecessors - that in elections he would give his vote ‘to y^e satisfaction of y^e Crowne’. Sir William Dawson said that if chosen as an MP he would ‘shew myselfe a Loyall man in promoting to y^e best of my judgem^t. his Majesties Interest and Government’. To the government Dawson was definitely seen as a supporter (with two crosses by his name!) and became a deputy lieutenant in the new commission of the peace; Slingsby’s answer was rendered irrelevant by his death a month later, although his son appears to have supported the King.¹⁶⁰

One other justice who gave a doubtful answer, subsequently fell into line: next to John Hill’s reply is a note that he ‘has since given another answer to the L^d Lieu^t.’ It must have been positive: Hill was retained in the new commission.¹⁶¹

At the end of the replies there are two short lists of names. On the first list, which includes the ubiquitous Toby Jenkins, the names have crosses next to them indicating support for the King. The seven names on the second list, which included the former MP Anthony Lowther, are all recommended to be added to the commission.¹⁶² These eleven squires were on the list of names recommended for the North Riding commission of the peace. They were joined by the 13 deputy lieutenants and justices who retained their places and nine new men, including the Catholic Sir Roger Strickland, soon to be vice-

¹⁵⁹ Rawl. MSS, A 139a, fos. 75, 76, 78; *Commons*, iii. 27, 344-5; Duckett, ii. 291-2; *CSPD*, 1687-9, p. 144.

¹⁶⁰ Rawl. MSS, A 139a, fos. 76, 77; *Commons*, iii. 440-1; *CSPD*, 1687-9, p. 144, 277.

¹⁶¹ Rawl. MSS, A 139a, fos. 77-8; Duckett, ii. 291.

¹⁶² Rawl. MSS, A 139a, fo. 78. Lowther was the brother-in-law of William Penn, which may explain why he was restored to the bench: *Commons*, ii. 767.

admiral of the fleet, Sir Mark Millbank (both deputy lieutenants), Sir William Bowes, another former MP, and the intriguingly named Abstrupus Danby, of Swinton.¹⁶³

Cumberland and Westmorland

The Lord Lieutenant of Cumberland and Westmorland, Lord Preston, a local man, was one of James II's staunchest Anglican supporters, but even he, it seems, hesitated at the idea of having to interrogate his friends and neighbours. He performed the task in January 1688, requesting the gentry from the two counties to attend him at Penrith on the 24th.¹⁶⁴ Two contemporaneous accounts of the meeting, from the pens of the Tory Sir Daniel Fleming and the more Whiggish Sir John Lowther, of Lowther, survive. According to the former, the squires divided on religious lines, Protestant and Catholic gentlemen retiring to different rooms in the George Inn to compose their answers. It was Lowther who devised the standard answer of opponents of repeal, referring their 'opinion concerning the taking away the penall laws and tests to the reasons that shall arise from the debate of the hous [sic]'. It was the answer 'that, excepting by two or three att most [...] was given verbatim by all the gentlemen that did not complie with the questions, w^{ch} were about 17 or 18...' (Here is evidence that answers that might be interpreted as doubtful were, in fact, negative.)¹⁶⁵

Of the 31 who attended the meeting eleven answered in the affirmative, including at least four Catholics, while the remaining 20 returned 'doubtful' answers, 17 using Lowther's formula. A further eight justices, who could not attend in person sent answers by letter; of these, two were affirmative, three negative and three doubtful. Lord Preston could vouch for the support of two others, William Christian, already a JP, and a Mr

¹⁶³ Rawl. MSS, A 139b, fo. 248; *CSPD*, 1687-9, p. 144; *Commons*, i. 694, iii. 503-4; Duckett, ii. 308.

¹⁶⁴ *Commons*, ii. 429-31; Morrice, ii. fo. 191; B.L., Add. MSS. 34515, fo. 33; J. Nicolson and R. Burn, *History and Antiquities of the Counties of Westmorland and Cumberland* (2 vols., London, 1777), i. 168.

¹⁶⁵ *Ibid.*, pp. 169-70; Lonsdale, *Memoir*, pp. 458-60.

Stevenson. Another nine, including two prominent local politicians, Sir Christopher Musgrave and Sir John Lowther of Whitehaven, Henry Curwen, the high sheriff, and Sir John Otway, vice-chancellor of the Duchy of Lancaster, did not answer.¹⁶⁶

Altogether there were 15 consents, only three outright refusals, 23 doubtful answers (which were little better than refusals) and nine squires failed to reply, in the main because of absence. All who gave negative or doubtful answers were purged from the commission of the peace save one, Sir William Pennington, who said that he supported the 'taikeing away the penall laws and test, soe far as not to prejudice the Church of England': this was a condition, apparently, that the King could live with. The High Sheriff, Henry Curwen, a Catholic, must also have given satisfaction at some stage, because he remained on the commission.¹⁶⁷

A doubtful answer that did not follow the Lowther formula came from Sir George Fletcher, a knight of the shire for much of the period between 1661 and 1700. Fletcher said that the

first Question is more proper for the Consideration of a Parl^t, then [sic] a private meeting of Country Gentlemen, whoe not having liberty to debate, are unable to arrive at a true understanding of the conveniences or inconveniences that may attend this Quest [...]

Although he added that, if elected, he should 'endeavour to discharge my duty to my God, my King, and my Country, as well as my conscience and judgment can direct me', the implication of his answer was that only Parliament had the right to debate such issues and that the rest of the nation must do what it decided.¹⁶⁸ Fletcher, whose loss of office during the Exclusion Crisis probably had more to do with local quarrels than with national politics, was putting a severe limitation on public debate - but it was a stance that would

¹⁶⁶ Rawl. MSS, A 139a, fos. 346-409; *Commons*, ii. 769-771, iii. 116-20, 188-90.

¹⁶⁷ Rawl. MSS, A 139a, fo. 347; *HMC House of Lords MSS, 1678-88*, p. 226; Duckett, i. 435; *CSPD*, 1687-9, p. 201.

¹⁶⁸ Rawl. MSS, A 139a, fo. 346.

have been shared by other Parliamentarians in the late-seventeenth century.¹⁶⁹

One further trend, typical of the canvass as a whole, emerges from Lord Preston's report: the reluctance of squires when face to face with the lord lieutenant to give unequivocal negative replies. We know from Sir John Lowther's account that he and his friends discussed the canvass beforehand and devised a reply. We have it from Lowther that those who used his answer were, in reality, against repeal, but preferred to couch their opposition in less forthright terms when faced with the prospect of having to give their answers to Lord Preston in person.¹⁷⁰

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Support for the King in these eleven counties ranges from 62.5 per cent in Worcestershire to 30 per cent in Cumberland and Westmorland, although Kent, in terms of the number of gentlemen giving affirmative answers, outstripped them all. Two elements in the canvass help possibly to explain these statistics. In most of the counties a significant number of Catholics swelled the 'yes' camp - for example twelve out of 20 in Worcestershire, fifteen out of 23 in Herefordshire - so that support for the King appears statistically respectable. Secondly, collusion between squires opposed to the King is less pronounced in most of these counties, the exceptions being Cumberland and Westmorland, where 15 gentleman returned the same answer, Lincolnshire, where thirteen did so, and the North Riding. As will be shown collusion proved an effective way of opposing the King and it became more evident as the canvass progressed. Interestingly, all the counties bar Hampshire and Essex were canvassed before the end of January, well before the opposition to the King became more concerted and public. It is also worth pointing out that in Essex 24 gentlemen returned a similar answer to the first question,

¹⁶⁹ *Commons*, ii. 333-5.

¹⁷⁰ Lonsdale, *Memoir*, p. 458.

that they were unable or unwilling to stand for Parliament, but their answers to the second question varied substantially.

It is probably not a coincidence that all ten lord lieutenants involved were either Catholics or ultra loyalists, although in the case of the latter that loyalty may well have been to the person of the King rather than to his policies. In the event only the Earl of Lindsey could be said to have deserted James after the Revolution.¹⁷¹ It suggests, too, that Catholics did not find their faith too great an impediment to promoting the canvass with more vigour than some of their Anglican colleagues. Finally support for the King in both Kent and Hampshire was strengthened by the presence of a number of military men and crown servants who owed their livelihood to James and were therefore understandably less inclined to answer in the negative.

¹⁷¹ Holmes, *Lincolnshire*, pp. 252-3.

Chapter V

Analysis of the Returns II

In the following 13 counties the support for James II's ecclesiastical policies ranged from 29.4 per cent of those canvassed in Staffordshire to 20 per cent in Shropshire. This group of counties includes several areas where traditionally Catholicism was strong, such as Staffordshire and Monmouthshire, but also areas renowned for their Puritanism and, later, Whiggism, such as Buckinghamshire, Huntingdonshire, Bedfordshire and Northamptonshire. By studying the returns from these counties it may be possible to establish the nature of the opposition and why, especially in counties where the Catholic presence was ostensibly strong, support for the King was not more substantial.

Staffordshire

The Lord Lieutenant of Staffordshire¹ at the time of the canvass was the Catholic Lord Aston. He had replaced Lord Ferrers, who in turn had, briefly, replaced the Earl of Shrewsbury. Aston canvassed Staffordshire in December 1687 and January 1688 with an enthusiasm and energy unmatched in the whole process.²

Of the 51 squires named in Aston's return, 14 provided affirmative answers, one provided a qualified affirmative answer, nine returned negative answers and 13 could be considered doubtful. Eleven were absent or failed to answer. Nine of those giving affirmative answers, including Aston himself, were Catholics (three other Catholics were absent from the canvass) and four were Anglicans - Sir Simon Degge, Matthew Floyer, William Sneyd and Edward Mainwaring - who all gave unconditional support for repeal. Another squire answering in the affirmative, Alexander Harcourt, was not

¹ See Chapter VIII.

² Duckett, i. 14; Rawl. MSS, A 139a, fos. 124-30.

named as a Catholic but possibly was one.³ Philip Hollins was willing to part with the Test, if an 'Expedient may bee found for securing the Religion hee is of' and his qualified support for repeal was enough for Lord Aston to recommend his retention in the commission of the peace. The influential and moderate Tory Sir Walter Bagot could not support repeal 'unless there might bee an Equivalent for securing the Religion, according to the Church of England' - an answer at best doubtful. Yet Lord Aston still recommended him for retention in local office. Bagot pleaded illness to avoid continuing as a deputy lieutenant.⁴ One squire who initially gave a negative answer, William Chetwyn, two who were doubtful, Thomas Rudyard and William Parker, and five absentees, Thomas Orme, Thomas Kynnersley and the three Catholics, were also retained.⁵

Altogether 26 gentlemen were dismissed, although in the following September the reinstatement of one of these, Sir John Bowyer, was recommended by the King's electoral agents. The purged squires were replaced by a group of Whigs and Catholics. The former included Sir Charles Wolseley, once a member of Cromwell's Council of State; Lord Brandon, who had been sentenced to death for his alleged complicity in the Rye House Plot, but later pardoned; John Swinfin, the veteran Parliamentarian; John Turton, a local Country Party lawyer; and, at a later date, William Leveson Gower.⁶

Monmouthshire

Monmouthshire was canvassed by the Duke of Beaufort, who was also Lord Lieutenant of Herefordshire and Gloucestershire and Lord President of the Council of Wales and the Marches. He was a strong loyalist though his political influence was

³ Rawl. MSS, A 139a, fos. 124-9; HMC *House of Lords MSS, 1678-88*, p. 236.

⁴ Rawl. MSS, A 139a, fos. 125-6; A 139b, fo. 241; *Commons*, i. 583.

⁵ Rawl. MSS, A 139a, fos. 126-8; A 139b, fos. 245-6.

⁶ Rawl. MSS, A 139b, fos. 245-6; Duckett, ii. 252; *Commons*, i. 391, 698-9, ii, 386-8, 736-8, iii. 518-23, 754.

declining. Monmouthshire, which at this time was part of England, had provided the seat, Raglan, of Beaufort's ancestors and the county itself the centre of the Somerset family's power. It had also long been considered a hotbed of Catholicism, a belief in no way gainsaid by the Somerset family's long adherence to the Old Faith or by the fact that a list of no fewer than 189 Monmouth Catholics had been submitted to the House of Lords in 1680. At the time of the Popish Plot and Exclusion Crisis, Beaufort - then still Marquess of Worcester - had been accused in the Commons by his most inveterate enemy, John Arnold, of protecting and even nurturing Catholicism in Monmouthshire. He emerged largely unscathed from this Whig onslaught and, as the Crown gained the political initiative after the Oxford Parliament, he was able to exact revenge on his enemies. But in the light of this episode it is interesting to note that of the 34 squires named in Beaufort's return for Monmouthshire, no fewer than 13 were Catholics.⁷

Beaufort had intended to question 25 deputy lieutenants and justices of the peace - the other nine gentlemen listed, eight Catholics and one Dissenter, were not on the county bench, so their answers are not recorded, although there is little doubt that they supported the King. Of those who did answer, seven consented, six refused and one was considered doubtful. However 11 squires were absent.⁸

Even less encouraging from the King's point of view is the fact that only two Protestant squires, William Herbert and Thomas Herbert, endorsed repeal: the other five affirmative answers came from Catholics. Monmouthshire set the pattern that was to be repeated in Wales - a dearth of Anglican support for the King and high levels of absenteeism. The latter was the midwife to various excuses. William Jones '[c]ame not for feare of y^e Waters', while his fellow deputy lieutenant Robert Gunter was '[i]ll of

⁷ *Commons*, i. 545-6, iii. 456; HMC *House of Lords MSS, 1678-88*, pp. 89, 207-9, 229-30; J. Kenyon, *The Popish Plot*, (London, 1972), pp. 213-5, 226-7; Rawl. MSS, A 139a, fos. 150-1. Beaufort's power and highhandedness, plus the perceived growth in the Catholic threat, alienated otherwise loyal gentry, not just in Monmouthshire but in much of south Wales. Some of his most inveterate enemies, including Arnold, had like Beaufort himself, Catholic antecedents: P. Jenkins, *The Making of a Ruling Class: The Glamorgan Gentry, 1640-1790* (Cambridge, 1983), pp. 124-6.

⁸ Rawl. MSS, A 139a, fos. 150-1,

y^e Gowt'. Of the absent justices, Lewis Morgan, 'Attorney of S: Wales', was 'very old'; Walter Evans was '[n]ot able to come', Richard Leicester lived in Shropshire; while David Evans was '[h]urt in coming, & forc't to stay [away]'.⁹ The excuses were not accepted by the government, indicating strongly that it equated absence with opposition, and all but one of the absentees were removed from the commission of the peace. The exception was John Romsey, Bristol's town clerk, who was also marked absent in the Bristol returns yet was also retained as a justice there. (Romsey also appears in the Glamorgan returns.)¹⁰

Those returning negative answers are headed by two former MPs, Sir James Herbert, a Tory, who in 1680 had been reprimanded by Parliament for his lack of zeal in prosecuting Catholics but who was also a secret correspondent of William of Orange, and Sir Charles Kemys, a Whig 'chiefly remarkable for his addiction to the bottle'. The one doubtful answer came from John Gwynne, whose appointment to the county bench at the height of the Exclusion Crisis suggests he was a Tory.¹¹

Most prominent among the Catholics not in commission was Sir James Morgan, uncle of Sir Edward Morgan, a former Knight of the Shire for Monmouthshire. Whereas Sir Edward, who had died in 1682, had been a Whig ally of John Arnold, Sir James was reputed to be 'a violent zealot' for the Church of Rome. All but one of the other Catholics listed with Sir James are designated 'Mr', indicating they were mere gentlemen rather than esquires. Their support for the King, however, brought instant social advancement: on the revised list of justices for the new commission of the peace,

⁹ Ibid.

¹⁰ Duckett, i. 448; Rawl. MSS, A 139a, fos. 140, 145, A 139b, fo. 260. Romsey, who had been very active in prosecuting Dissenters during the Tory Reaction, was soon to lose his post as town clerk, as a sop to the King's new allies, although James, mindful of his past loyalty, seems to have been anxious to compensate him: Morrice, ii. fo. 239

¹¹ Rawl. MSS, A 139a, fos. 150-1; *Commons*, ii. 534-5, 673; *HMC House of Lords MSS, 1678-88*, pp. 185, 207-8.

they are all given the title 'esquire'.¹² Last of the 34 names in the return is that of Dr Christopher Price, a Dissenter who had presented a loyal address to the King at Gloucester. He and the Catholics were recommended to be added to the county bench. They were joined by eight others, headed by the Earl of Castlemaine and Lord Montgomery, heir to the Catholic Marquess of Powis, another Catholic Henry Benedict Hall and Sir Humphrey Mackworth. Mackworth, a young barrister, appears to have been favoured by James II earlier in the year when he was 'disposed to gratify' Mackworth's and his wife's petition to recover her estate in Monmouthshire and Glamorgan, notwithstanding the fact that she was under age. Mackworth had reason to be grateful to James: the ruling in his favour made him a rich man and laid the foundations for his capitalist empire, although his support for the King at this juncture sits rather uncomfortably with his later incarnation as a High Church Tory and founder of SPCK.¹³

Somerset

The difficulties in interpreting the answers to the Three Questions are clearly illustrated by the Somerset returns, the first in the Rawlinson collection.¹⁴ The results garnered by the lord lieutenant, the Catholic Lord Waldegrave, also illustrate some of the characteristics of the canvass as a whole, including a certain desperation on the part of the lord lieutenant to bolster support for the King and collusion on the part of his opponents. This was all against a background of simmering antagonism between local Whigs and Tories, which would boil over a month after the canvass.¹⁵ Lord Waldegrave

¹² Rawl. MSS, A 139a, fo. 151; *Commons*, iii. 96-7; HMC *House of Lord MSS, 1678-88*, p. 229; *Complete Baronetcy*, ii. 171; Duckett, i. 448.

¹³ Rawl. MSS, A 139a, fo. 151; Duckett, i. 448; *CSPD*, 1686-7, p. 373, 396, 1687-89, p. 152; *DNB*, xxvi, 232, xxxv, 187-9. Henry Benedict Hall also figures in the returns for Gloucestershire and Berkshire: Rawl. MSS, A 139a, fos. 148, 257.

¹⁴ Rawl. MSS, A 139a, fos. 1-11.

¹⁵ *Ibid.*, fos. 5-11.

summoned 46 deputy lieutenants and justices to answer the Three Questions in December 1687. Of these, 14 appear to have answered in the affirmative (including four Catholics already in the commission of the peace), 16 answered in the negative, three were doubtful, three felt unable to answer and ten were absent or ill.¹⁶

Heading the list of those answering in the affirmative were the arch-Tory Lord Fitzharding and the unshakeable loyalist Sir William Bassett.¹⁷ Yet on closer inspection the affirmative answers are not so straight forward. For a start, only four Protestant squires, Bassett, Francis Paulet, William Clark and Henry Walrond, gave unconditional consents, while two others, Peter Reynon (or Roynon) and William Lacy senior, though supporting the King, said they were too old or infirm to stand for Parliament.

More intriguingly, two former deputy lieutenants, Fitzharding and William Helyar, qualified their answers with the proviso that the Church of England be secured (a qualification that in other counties could have rendered their answers as conditional and therefore doubtful), while one JP, Richard Cross, would support repeal so far as it affected Catholics, but not Dissenters, and a fourth, Henry Bull, said he ‘believes he shall give his vote that the Penall Laws & Test should be taken away, but desires not to be engaged before he hears the Debates’. Of the four, Fitzharding and Cross were retained in local office, but Helyer and Bull were not.¹⁸

Fitzharding, though unenthusiastic about repeal, was obviously too powerful a figure in Somerset to be left out of the new commission. Lord Waldegrave bent over backwards to accommodate Fitzharding’s scruples; and it was reported by the High Sheriff, Edward Strobe, admittedly an enemy of Fitzharding’s, that the latter had asserted that he told Waldegrave that the King’s promise to secure ‘all y^e laws to his people as to their liberty and property [...] could not be done unlesse his Ma^{tie} would

¹⁶ *Ibid.*, fos. 1-4.

¹⁷ *Commons*, i. 604-5, 632-3.

¹⁸ Rawl. MSS, A 139a, fo. 1; A 139b, fo. 231; *CSPD*, 1687-9, pp. 116, 144.

hang eleven Judges'. Unlikely as it may seem, King James must not have been too irritated by this answer because he approved it, while 'y^e others y^t answer'd negatively to y^e questions [were] rejected'. The incident reveals a flexibility on the part of the Crown not always apparent during the canvassing of the gentry.¹⁹ Whereas Fitzharding was a Tory and had opposed Monmouth, Strode was from a dissenting background, had lent money to the rebels in 1685 and, after being pardoned, had thrown in his lot with James II. Nothing can better illustrate the shift in allegiances that occurred during the course of James's reign. However, Fitzharding's obvious discomfort with the King's policies and his involvement the following month in an angry clash with Strode at Bruton Quarter Sessions, in which the latter was threatened with having his throat cut, soon led him to lose favour.²⁰

Cross's sympathy for Catholics probably ensured his remaining on the bench, but why Helyar, who appears to have been a loyalist, was dismissed is not clear. Bull's desire not to be engaged before hearing the debates probably sealed his fate, but in any case, his true feelings were soon revealed by the King's electoral agents who reported that he was 'a very ill man [who had] made interest to be chosen on promise that [he] will oppose the taking away of the Test'.²¹

Eleven squires, headed by Sir Edward Phelps, the former MP for Ilchester and future knight of shire, gave the same negative answer, that 'they know not how they may change their opinion upon hearing the Debates, but at present are not for takeing away the Tests and Penall laws', adding that they 'refuse the 2^d quest[ion]'. Of the other ten, nine, Sir William Portman, Sir Edward Wyndham, Sir Halswell Tynte, Sir Francis Warre, Sir John Smith, Francis Luttrell, George Horner, Thomas Wyndham and

¹⁹ Rawl. MSS, A 139a, fos. 5, 10.

²⁰ *Commons*, i. 632-3; *CSPD*, 1685, p. 301, 1686-7, p. 66. The incident at Bruton Quarter Sessions in which Strode attempted to arrest the town clerk of Wells for outlawry, only to have his own bailiff arrested for expressing doubts about the justice of the Bloody Assizes and being fined £100 himself when his bailiff allegedly absconded, is related in some detail by the High Sheriff: Rawl. MSS, A 139a, fos. 5-6

²¹ *Commons*, i. 746-7, ii. 522; Rawl. MSS, A 139b, fo. 183.

Nathaniel Palmer, were former MPs. All, save the ‘trimmer’ Portman and the moderate Whig Tynte, were Tories and Phelips, Warre and Luttrell had reputations for severity against nonconformists.²² Three more gentlemen, John Prowse, John Ashford and James Cade, gave the same negative answer that ‘they do not think themselves sufficient judges in this matter, Therefore will not be any way engaged’, while straight negatives came from Richard Morgan and Edmund Wyndham.²³

Two former MPs, John Hunt and John Sanford, and a future knight of the shire, Edward Gorges, gave the same doubtful answer, ‘that they know not what they shall do till they hear the debates’, though they said they would ‘promote the election of the fittest men they can’.²⁴ John Bayley, Chancellor of Wells, desired ‘not to be obliged to declare himselfe, his subsistance [sic] depending chiefly on the Churchmen’, while Edward Berkeley, who had moved from Exclusionist to dependable ally of the government in the early 1680s, and Joseph Langton both ‘desire[d] time to Consider’ their answers.²⁵

The names of Strode, his kinsman, William Strode, of Street, and their fellow rebels of 1685, John Speke, Warwick Bampffield and Edward Clarke, are in a list of 16 Catholics and Dissenters (in fact, Dissenters in the main) whom Waldegrave recommended to be added to the commission of the peace. As with most other counties there are also two revised lists of people recommended for commissions of the peace, the first dated December 1687, the second almost certainly drawn up the following February. In the first list of 29 names, only 13 remain from the previous commission of the peace, including the four Catholics and one absentee, Hugh Tynt; therefore 32 deputy lieutenants and JPs, who answered or were deemed to have answered in the

²² Rawl. MSS, A 139a, fo. 1; *Commons*, ii. 583, 782; iii. 198, 236-7, 265-7, 443, 617, 671, 775, 779. Thomas Wyndham, MP for Wells in 1685, was the justice who threatened to cut Edward Strode’s throat: Rawl. MSS, A 139a, fo. 5.

²³ Rawl. MSS, A 139a, fos. 1, 2.

²⁴ *Ibid.*, fo. 1; *Commons*, ii. 415, 618-9, iii. 391.

²⁵ Rawl. MSS, A 139a, fo. 2; *Commons*, i. 632.

negative, or refused to answer or were absent or ill, have been purged. They are replaced by 14 of the 16 men recommended for the commission, plus two new names. Unfortunately it is not possible to assume that all the 'new' men gave satisfaction as regards the Three Questions, because in the second revised list of 48 names, six of the names that were on the first list - including unaccountably one of the original deputy lieutenants who answered in the affirmative, Francis Paulet, and the Catholic JP John Brent - are missing. One of the original 16 recommended replacements, Henry Bridges, whose name is missing from the first revised list, is to be found on the second list and he is joined by another three new deputy lieutenants and 21 new justices, the last seven of whom do not warrant the title 'esquire'.²⁶

It would be tempting, here, to surmise that the 48 men in the second list were supporters of the King, but even here there is some confusion. Hugh Tynt, who had gained a knighthood between the time he failed to attend the lord lieutenant to answer the Three Questions and his name appearing on the revised lists of deputy lieutenants, may have been confused by the authorities with Sir Halswell Tynt, Bart., who replied in the negative. There are two Richard Crosses named in the second list, possibly father and son, but again it is difficult to know for certain: simple error cannot be discounted. Many of the new men were obscure members of the gentry; their support for the King doubtless born out of deference. Their influence in the county community was negligible and, after this brief brush with fame, they disappear from the local administration. And of the men in the new commission of the peace - old and new - several, including Lord Fitzharding and Baldwin Mallet, were among the first to join William of Orange when he invaded England in the following November.²⁷ None the less, there is evidence that

²⁶ Rawl. MSS, A 139a, fo. 2; A 139b, fos. 231, 249; *Commons*, iii. 464; L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720*, (Oxford, 1979), p. 86; *CSPD*, 1685, pp. 54, 178; 1686-7, p. 165. Unusually, two sets of deputy lieutenants were approved for Somerset by the government in two months. The first list on 10 December 1687 has 13 names, the second on 11 February 1688 has twelve, but only nine of the names are common to both, suggesting a further weeding out of opposition to repeal: *CSPD*, 1687-9, pp. 116, 144.

²⁷ Rawl. MSS, A 139b, fo. 249; Duckett, ii. 16 (note). Mallet was approved as a deputy lieutenant in December 1687, but dropped by the following February: *CSPD*, 1687-9, pp. 116, 144.

the Whigs who did collaborate did so more wholeheartedly than in other parts of the realm, revenge for the events of 1685 being a powerful motive.²⁸

Sussex

The returns from Sussex present a perfect example of how difficult it is to interpret the answers of the gentry or at least to try to make sense of how the government interpreted them. There is no doubting the pedigree or loyalty of the lord lieutenant, Lord Montague, but his Catholicism and the fact that he had only replaced the Earl of Dorset three months before the canvass, which was conducted in May 1688, would suggest his task was not an easy one.²⁹ Still, as with other Catholic lord lieutenants employed by James II, Montague appears to have been diligent and reasonably thorough. He managed to elicit answers from 50 deputy lieutenants and justices; there were only six absentees. Of the 22 squires that responded in the affirmative, 10 made their support for repeal conditional on the rights and property of the Church of England being secured. There were 16 negative replies and 12 doubtful ones.³⁰

There is strong evidence of collusion between the squires who qualified their support for the King. The former MP John Lewknor answered that he would ‘consent readily to the abrogating of the Penal Laws, & Tests, provided that the Church of England may be secured by Act of Parliam^t in her legal rights & possessions’. His words were also used by William Peckham, Thomas Bickley, another former MP William

²⁸ Eleven, possibly 12, gentlemen whose names feature in the return also appear in the Somerset commission for enquiry into recusant fines. These commissions were an attempt by James II to put pressure on Tories to account for monies extracted from Dissenters during the years 1681-86 for recusancy but not accounted for to the Treasury and they were dominated by Whigs and Dissenters of slightly lower social standing. See: M Goldie, ‘James II and the Dissenters’ Revenge: The Commission of Enquiry of 1688’, *Historical Research*, LXVI (1993), pp. 54-78 .

²⁹ *Complete Peerage*, ix, 101-2; *Calendar of Treasury Books*, 1681-5, pp. 833-4; *CSPD*, 1687-9, p. 131.

³⁰ Rawl. MSS, A 139a, fos. 243-51.

Westbrooke and Edward Dyne.³¹ In general the government viewed gentlemen who expressed anything less than unquestioning support for repeal as doubtful allies, and this is how posterity would have also viewed those who gave qualified answers from Sussex, if all 10 had been removed from the commission of the peace. However, this was not the case: for a start, six squires giving qualified support - Lewknor, Peckham, Westbrooke, John Machell, Sir Edward Selwyn and Roger Shoyswelle - have crosses by their names indicating that the government considered them potential supporters. Lewknor and two other Church of England stalwarts, John Stewart, a former MP, and John Baker, were recommended for inclusion in the new commission of the peace, whereas the other seven were not, although Selwyn was later reinstated as a deputy lieutenant, probably at the instigation of the lord lieutenant.³² The words used by the survivors of the purge do not of themselves provide an answer as to why they and not the others should retain their places on the commission of the peace. If anything Selwyn's answer is more positive than Lewknor's. He says:

[...]that [if] y^e King does persist in giving liberty of conscience, provided his Ma^{tie} does give security for maintaining the Church of England, he shall not be against taking of[f] the Penal laws & Tests [and, in answer] To ye second Q that he shall never oppose the choice of any member of Parliam^t that shall be for y^e taking of[f] y^e Penal laws & Tests, during the Kings reign.³³

Although the limiting of his support to the King's reign may have made him a little suspect in the eyes of the authorities, it is difficult to see why he was left out of the final draft of the list of prospective deputy lieutenants and JPs.

Those giving positive answers - who included the former MPs Sir John Stapeley, a regicide's son, and the crypto-Catholic Sir Cecil Bishop, three Catholic baronets, Sir William Goring, Sir John Shelley and Sir John Gage, and their co-religionist Richard

³¹ Ibid. fos. 245-6, 248; *Commons*, ii. 743-4, iii. 692.

³² Rawl. MSS, A 139a, fos. 245-8; Duckett, ii. 260-1; *CSPD*, 1687-9, p. 222. *Commons*, iii. 484.

³³ Rawl. MSS, A 139a, fo. 248.

Caryll - were recommended by Montague to be included in the new commission.³⁴ These were joined by a distant cousin of the Earl of Dorset, Thomas Sackville, whose support for repeal was probably prompted by his wife's Catholicism.³⁵ But to add to the confusion two squires who had also given unqualified consents, the former MP, Sir Richard May, and Henry Arundel, a Catholic, appear to have been left out, as was Alexander Staples, who answered 'that if His Ma^{tie} thinke it fit for y^e maintenance of his royall Prerogative, government & the Peace of his Kingdome, he shall consent to a free liberty of conscience', which again appears, however reluctantly, to endorse the royal policy, although without mentioning the Tests.³⁶

Among those firmly against the King were John Monke and Sir James Morton, both Tories; Sir William Thomas, a squire who had wavered during the Exclusion Crisis and finally aligned himself with the government; and the Whigs Sir John Pelham, who was probably the most influential squire in the county, his half-brother, Sir Nicholas Pelham, and Thomas Frewen. The latter, though absent from the canvass in Kent four months earlier, had been marked down then as a potential supporter of the King. Another squire to return an uncompromisingly negative answer was Nizel Rivers, who had been an MP in the Convention of 1660 and had since gained a reputation for persecuting Quakers.³⁷ In the doubtful camp were a group of former MPs: Sir Henry Goring, Sir William Morley, George Gunter, Richard Bridger and John Ashburnham. Goring, who would later become a non-juror, Morley, Gunter, who was the son of a famous Cavalier, and Ashburnham were Tories. Bridger had had a more chequered career: he had fought for the King in the Civil War, been considered an ally by Shaftesbury, although he had

³⁴ Ibid., fos. 243, 246-8; Duckett, ii. 260-1; HMC *House of Lords MSS*, 1678-88, p. 232.

³⁵ Rawl. MSS, A 139a, fo. 243; *Commons*, iii. 378-9.

³⁶ Rawl. MSS, A 139a, fos. 246, 248; ii. 260-1; *Commons*, iii. 36-7; HMC *House of Lords MSS*, 1678-88, p. 232.

³⁷ Rawl. MSS, A 139a, fos. 69, 246-9; *Commons*, ii. 368-9, iii. 77, 109, 218-20, 335, 550.

been absent for the vote on the first Exclusion Bill, enjoyed the support of the Sussex Dissenters and had a reputation as a persecutor of Quakers.³⁸

A number of answers stand out. A doubtful Anthony Eversfield, another former MP, could 'give no positive answer to any of the three Questions'. Thomas Briggs, Doctor of Law, said he would assist in the election of any MP 'as may consent to the takeing of[f] the Penal Lawes for not goeing to Church or Serveing God in other manner than according to y^e Church of England out of the church, and not receiving the Sacram^t', but made no mention of the Tests. Thomas Palmer avoided commitment to the King's cause by stating in his answer to the second question that 'being unable to Ride Journeys he shall not be p^rsent at the choice of Knights of y^e Shire'. Thomas Beard, who was 'not for taking of[f] the Tests, but for mitigating the Penal Laws', added in his answer to the Third Question 'that as he has never been a law maker, soe shall not be a law breaker, but shall always demeane himself peacibly & quietly, as becomes a good subject of his Prince' - hardly a ringing endorsement of religious toleration and, in the context of the canvass, highly ambiguous. And John Alford, once a pupil of John Locke and more recently a persecutor of Quakers, pointedly considered the penal laws 'as in force till they should come to be repealed'.³⁹

The six absentees included the Tory Sir Thomas Dyke, who had been closeted by James II the previous year and, despite giving an unsatisfactory reply, had been retained in commission by the King in the hope that he would change his mind; and Denny Ashburnham, an excise commissioner and commissioner for the hearth tax and, naturally, a government supporter. Both were removed from local office, although Ashburnham retained his administrative posts until the Revolution and was recommended as a court candidate for Hastings in September 1688.⁴⁰ Two other absentees, John Smith and

³⁸ Rawl. MSS, A 139a, fos. 243, 245-7; *Commons*, i. 553-4, 719, ii. 418, 424-5, iii. 107.

³⁹ Rawl. MSS, A 139a, fos. 245-7; *Commons*, i. 526-7, ii. 282-3.

⁴⁰ Rawl. MSS, A 139a, fos. 248; Lord Braybrooke, ed., *The Autobiography of Sir John Bramston*, K. B. (Camden Society, 1st Series, xxxii, 1845), p. 269; *Commons*, i. 551-2, ii. 250.

Richard Biddulph, appear to have retained their places on the commission of the peace, so at some stage may have indicated their support for the King.⁴¹

One further aspect of the Sussex return is interesting. Lord Montague appears to have submitted at least three lists to the Government involving the new commission of the peace. As well as a list of people recommended as deputy lieutenants and justices of the peace, there is a second list in the returns of gentlemen whom Montague would have liked to have seen in commission. The latter includes the names of not only those who supported the King but also those who gave qualified affirmative answers and even some of those who were doubtful.⁴² It is tempting to suggest that Montague felt either that many of those men who were about to be discarded by the government were potential supporters or that their loss would weaken the county administration; possibly, he felt some were too important to be left out; possibly some were his friends. Perhaps he felt a commission of the peace made up a disparate group of ultra-loyalists, Catholics and Whig collaborators was not representative of the real power in the county.

Lists submitted by lord lieutenants, or the King's electoral agents, of gentlemen proposed as deputy lieutenants and justices in the new commission were almost invariably acted upon by the government. This was not so in Sussex. Of the 15 squires recommended in May 1688 as deputy lieutenants only 12 were confirmed on the 18th of that month: of those missing the Catholics Gage and Shelley were presumably reluctant to act and the Whig Sir Robert Parker was in no position to do so, having been forced into exile by his mounting debts. In the following month, Lord Montague submitted a third list of deputy lieutenants which included the 15 squires previously recommended, plus another five, Sir William Morley (doubtful), Sir John Stapeley (affirmative), John Alford (doubtful), Sir Edward Selwyn (qualified affirmative) and Richard Cotton (affirmative), who were all Protestants and Tories. These were duly added to the

⁴¹ Rawl. MSS, A 139a, fos. 247-8; Duckett, ii. 260-1; *CSPD*, 1687-9, p. 199.

⁴² Rawl. MSS, A 139a, fos. 252-3.

lieutenancy five days later. This would suggest that in the weeks following the inquisition Montague was working for more balanced commission of the peace and one more representative of where power in the county lay.⁴³

Among those who joined the Whig Sir John Fagg in being recommended for inclusion in the new commission was the noted MP William Garraway, who in two decades in the Commons had invariably opposed the government, yet had also opposed Exclusion and supported toleration for Dissenters and even limited toleration for Catholics. By appearing to endorse the King's policies he was at least acting in character, though, needless to say, he was to distance himself from James II after the Revolution. Both were confirmed as deputy lieutenants.⁴⁴ More surprising support for the King seems to have come from the republican plotter, 'fanatic' and hot Exclusionist, John Braman, and his equally extreme ally John Farrington.⁴⁵ Other 'Whig collaborators' included John Pechey, the former MPs John Cooke and John Mitchell and Sir John Fagg's son, Robert.⁴⁶ Known recusants, including Henry Gage, William Darrell and Phillip Caryll, were also to be added, although Caryll appears to have died at about this time.⁴⁷

The Sussex returns demonstrate the state of flux into which politics had slipped by the summer of 1688. Both Whigs and Tories were to be found opposing and supporting the King, although his Tory allies showed a marked lack of enthusiasm. And, although it is uncertain, to say the least, whether the alliance the Crown had forged with a disparate group of nervous or purblind Tories, moderate and extreme Whigs and Catholics would have held, if William had not intervened in English politics, it should

⁴³ Duckett, ii, 260; Rawl. MSS, A 139a, fo, 252; *CSPD*, 1687-9, pp. 199, 222; *Commons*, iii. 207-8.

⁴⁴ Duckett, ii. 260; *CSPD*, 1687-9, p. 199; *Commons*, ii. 289-91, 373-80.

⁴⁵ Duckett, ii. 261; *Commons*, i. 709-10, ii. 303.

⁴⁶ Duckett, ii. 261; *Commons*, i. 418, ii. 60, 119-20, 291.

⁴⁷ Rawl. MSS, A 139a, fos. 62, 253; Duckett, ii. 260-1; *HMC House of Lords MSS*, 1678-88, p. 232.

be noted that men like Garraway and Thomas Sackville were genuine believers in religious toleration.⁴⁸

Gloucestershire

Gloucestershire, like Monmouthshire, Herefordshire and Wales, was canvassed by the Duke of Beaufort in December 1687. If the seven Bristol justices are included, a total of 68 deputy lieutenants and justices of the peace were meant to be questioned by Beaufort, but of these 25 were absent or did not give answers.⁴⁹ Of the eleven Catholics listed, six are not credited with an answer, although, since all but two were retained on the commission of the peace, it is not unreasonable to assume that silence was consent. One of these, Philip Draycott, Sheriff of Staffordshire, may have been absent but his affirmative answer is recorded in the returns for that county. The two exceptions were Henry Hall, Sheriff of Gloucestershire, whose name is crossed out both in the return and on the list of names of those recommended for inclusion in the new commission, and Thomas Bartlett, who may have been close to death or even dead.⁵⁰

In addition to 10 Catholics, nine other squires gave affirmative answers. As against this, 20 gave negative answers and five can be listed as doubtful.⁵¹ One justice, the merchant John Fitzherbert, who had been MP for Malmesbury in 1685, is recorded as answering in the affirmative in both the Bristol and Gloucestershire returns, and was to make it a hat-trick of affirmative answers when questioned in Wiltshire in the

⁴⁸ *Commons*, ii. 379, iii. 379.

⁴⁹ Rawl. MSS, A 139a, fos. 145, 148-9.

⁵⁰ *Ibid.*, A 139a, fos. 128, 148; Duckett, i. 450-1. Thomas Bartlett is listed as dead in the Montgomeryshire returns in Duckett, but not in the original MSS: Duckett, *op. cit.* p. 284, Rawl. MSS, A 139a, fo. 170.

⁵¹ Rawl. MSS, A 139a, fos. 148-9.

following March.⁵² The only Gloucestershire deputy lieutenant unequivocally to endorse repeal was a former High Sheriff, Sir Charles Winter, who, although not listed as a Catholic, came from a Catholic Cavalier family.⁵³

Undoubted Protestant supporters of the King's policy included Sir William Poole, a former naval captain and now collector of customs in Bristol and a renowned loyalist, and John Chamberlain and Sir Samuel Astrey, Clerk of the Crown in the Court of the King's Bench, both of whom would be recommended as court candidates in the summer of 1688. In fact Chamberlain's answer is fuller than most and expresses a hesitancy hardly unique in the returns as a whole: he was '[n]ot for persecution, & therefore if chosen thinkes hee should be for Repeale, & is for choosing such as would bee so, if otherwise qualified to his minde'.⁵⁴ Another ally of the King was John Wagstaffe, a brewer and alderman of Gloucester, who had had to overcome a certain amount snobbery to be appointed to the county bench in 1680, but had gone on to secure a seat in Parliament as member for Gloucester in 1685. According to Beaufort, Wagstaffe was one of only a handful of the King's supporters within his lieutenancy 'that either have credit enough of their owne, or are in any probabillity to bee chosen parliament men by the assistance of their Friends' and even then not without difficulty.⁵⁵

One more squire who gave an affirmative answer is worthy of note, William Wolesley. This justice may have been the Beaufort loyalist, Captain Wolesley, who along with other Monmouth JPs, had been reprimanded by Parliament in 1680 for his leniency towards recusants; he was also, probably, the same Captain Wolesley who was conservator and supervisor of the Forest of Dean. His support for the King suggests

⁵² Rawl. MSS, A 139a, fos. 145, 149, 193; *Commons*, ii. 326.

⁵³ Rawl. MSS, A 139a, fo. 148; *DNB*, lxii. 213-6.

⁵⁴ Rawl. MSS, A 139a, fos. 145, 149; *CSPD*, 1677-8, pp. 47, 401, 1683-4, p. 182, 1686-7, pp. 185, 209.

⁵⁵ Rawl. MSS, A 139a, fos. 148, 175; *HMC House of Lords MSS*, 1678-88, p. 180; *Commons*, iii. 647-8.

personal loyalty overcoming religious scruples. Certainly at the Revolution he was to rediscover his Protestant zeal.⁵⁶

Those opposing the King were headed by a group of former MPs: the Tories Sir Richard Crumpe and Thomas Master, the Whig Sir John Newton and a squire of less certain political affiliations, Sir Robert Atkins. Newton had been one of the leading Country Party figures in Lincolnshire and a close ally of Sir Robert Carr, in whose company he had once snubbed James, when Duke of York. He had voted for Exclusion but his move to Gloucestershire seems to have coincided with his retirement from politics. Crumpe, a Bristol merchant of yeoman stock, and Master had been loyalists, while Atkins, a scholar of some note, had soon diverged in politics from his more famous father - also Sir Robert - the Whig lawyer, to such an extent that he was to become a non-juror after the Revolution. Crump, Master and Atkins should have been natural supporters of James, but they were forced into opposition by his religious policies.⁵⁷

Two deputy lieutenants - and Gloucester aldermen - John Gytthens and Ben Hyett expressed a dislike of persecution, but rendered their tentative endorsement of the King's policy doubtful by saying they could not support Alderman John Wagstaffe and John Powell, the town clerk, both of whom had consented to repeal and who were soon to be recommended as court candidates for Gloucester. Here is evidence of the local political rivalry that divided the corporation, and it follows a trend; for whereas James II's policies tended to unite in opposition the county gentry, it exacerbated divisions among the urban elites. Gytthen and Hyett were removed from the commission of the peace, although only Hyett was removed as an alderman.⁵⁸

⁵⁶ *CSPD*, 1680-1, p. 600; *Calendar of Treasury Books*, 1681-5, vol. vii, pt. ii, p. 786; 1685-9, vol. viii, pt. iii, p. 1264; *HMC House of Lords MSS*, 1678-88, pp. 207-9. It is likely that this JP was the same William Wolseley, who was the younger brother of the Staffordshire baronet, Sir Charles Wolseley, and made his name as a soldier fighting the Jacobites in the Irish wars: *DNB*, lxii. 323-4; *Commons*, iii. 754; *Calendar of Treasury Books*, 1689-92, vol. ix, pt. v, p. 2010.

⁵⁷ *Rawl. MSS*, A 139a, fos. 145, 148; *Commons*, i. 568, ii. 179, iii. 32-3, 139-41

⁵⁸ *Rawl. MSS*, A 139a, fo. 148; *Commons*, i. 242, iii. 268-9; *VCH Gloucester*, iv. 378; Duckett, i. 450-1. Powell's answer is in the Hereford returns: *Rawl. MSS*, A 139a, fo. 147.

Three other justices who were doubtful, John Dowell, Tracy Catchmaid and Christopher Woodward, were all retained on the bench, probably because Beaufort considered them all as being inclined to support the king.⁵⁹

Most notable among the absentees was the leading parliamentarian Henry Powle, renowned for his Dissenting sympathies and his opposition to both Catholicism and standing armies. However he had also opposed Exclusion. This probably persuaded James II that he could be won over and he was retained on the commission of the peace and recommended as a court candidate for Cirencester. Yet again the King's judgement was at fault: Powle by the summer of 1688 was in correspondence with William of Orange's most trusted servant Bentinck.⁶⁰ Another four absentees were to be retained in local office, including Colonel Henry Chivers, who was to be cajoled into backing repeal by Lord Yarmouth in Wiltshire. But most of those who failed, for whatever reason, to respond to Beaufort's canvass were removed. These included three former MPs, Henry Norwood, Sir Robert Southwell and Robert Price; Sir William Juxon, nephew of the bishop who had accompanied Charles I to the scaffold; and Sir William Keyte, who would return negative answers in Worcestershire.⁶¹ Among those to be added to the commission of the peace was the young Earl of Newburgh, whose reputation for wildness had not prevented his being elected to James II's parliament in 1685, despite his being under age. He, at least, was to prove steadfast in his support for the King.⁶²

⁵⁹ Rawl MSS, A 139a, fo. 149; Duckett, i. 451.

⁶⁰ Rawl MSS, A 139a, fo. 148; Duckett, i. 451; *CSPD*, 1687-9, p. 273.

⁶¹ Rawl. MSS, A 139a, fos. 148-9, 181, 192; Duckett, i. 266 (note), 451; *Commons*, iii. 163-4, 286, 459-60.

⁶² Duckett, i. 450; *CSPD*, 1687-9, p. 152; *Commons*, ii. 753-4.

Wiltshire

Wiltshire was an important county in parliamentary terms, returning no fewer than 34 MPs. Of the 35 squires whose answers survive, 17 had been MPs and an eighteenth was soon to achieve that distinction. The county was also very much a weather vane of political opinion: during the Exclusion crisis the Country Party was triumphant; in the elections of 1685 the Tories no less so. But some of the Wiltshire Whigs were of a moderate stripe, or at least not averse to trimming: by 1685 the lieutenancy included such stalwarts of the Country Party as Sir Thomas Mompesson and Sir Richard Grobham Howe and members of Whiggish Duckett, St John and Baynton families.⁶³

The Three Questions were put to the Wiltshire gentry in April 1688 by Lord Yarmouth, who was joint lord lieutenant with the Earl of Pembroke. Pembroke had been lord lieutenant since the beginning of James II's reign but his support for the King, by this stage, was questionable. However, he retained, at least in form, his lieutenancy, while the appointment in February 1688 of the undoubted loyalist - and Catholic convert - Yarmouth was almost certainly intended to further more robustly the King's interests in the county.⁶⁴ This Yarmouth certainly did, using his powers of persuasion and even a little bullying to get the more indecisive squires to answer in the affirmative, as evidenced by the answer of Henry Chivers, as recorded by the lord lieutenant:

With great intreatys and perswasions I prevaild with Mr Chivers to be for the taking of[f] the penall laws and Tests and will rely solely upon his Maj^{ty}, his chieftest scruple was that he should be hang^d hereafter for what he does at present and desired greater security.⁶⁵

Yarmouth was not easily deflected, and at least one squire, John Young, was not allowed to get away with the fairly standard answer, the common refuge of those who were doubtful or opposed, a refusal to pre-engage: 'He [Young] will not declare his mind till

⁶³ Rawl. MSS, A 139a, fo. 191; *VCH Wiltshire*, v. 161-5; *Commons*, ii. 631-2, iii. 71-3; *CSPD*, 1685, p. 147-8.

⁶⁴ *CSPD*, 1687-9, pp. 149, 226; Morrice, ii. fo. 210; *Commons*, ii. 535-6, iii. 213; Luttrell, i. 449.

⁶⁵ Rawl. MSS, A 139a, fo. 193.

he comes into Parliament, and upon discourse I found he was ill inclined to y^e taking of[f] Penal laws and Tests.’⁶⁶

Whether such an aggressive mode of interrogation was counter-productive is a moot point: the results of the canvass in Wiltshire were not markedly different from those in many other counties. Of the 35 gentlemen questioned, twelve gave affirmative replies, although three of these, John Wyndham, Richard Chandler and William York, qualified their answers with reference to the security of the Church of England, while the aforementioned Henry Chivers can hardly be said to have been enthusiastic about the King’s policies. Ten gentlemen replied in the negative and twelve were doubtful. One, John Dean, absented himself from the inquisition on the grounds that he had already given his (negative) answers to the Duke of Berwick in Hampshire. Twelve others were absent.⁶⁷ Those giving unqualified affirmative answers included the ultra loyalists Sir Gilbert Talbot, Sir John Collins (who answered ‘yes’ in Hampshire), Sir Henry Coker and John Fitzherbert (who had already answered ‘yes’ in Bristol and Gloucestershire) and a couple of Catholic justices.⁶⁸ The former MP for Malmesbury, Sir James Long, endorsed the policy of toleration with the proviso that a clause be inserted against atheism and blasphemy, ‘and for the repealing of the Tests he totally relys upon the Kings sence in parliament’.⁶⁹

Those opposed to the King included the Whig Sir Richard Grobham Howe, the one-time supporter of Exclusion turned loyalist John Young and the Tory Robert Hyde, cousin of the Earl of Clarendon. All three, plus one other squire, refused to commit themselves before coming into the House of Commons - the similarity of the words each used is indicative of collusion - but it is Young’s answer that reveals their deep-seated

⁶⁶ Ibid.

⁶⁷ Ibid., fos. 192-4, 198.

⁶⁸ Ibid., fos. 145, 148, 192-3, 198; *Commons*, i. 437, ii. 107-8, 326, iii. 523-5.

⁶⁹ Rawl. MSS, A 139a, fo. 192; *Commons*, ii. 757-8.

opposition.⁷⁰ Six other gentlemen returned blunt negatives, while one, a Mr Hungerford, whose ‘father lost all he had for y^e old King’ would have supported the repeal of the penal laws, but would not part with the Tests.⁷¹

Listed among the doubtful squires were seven former MPs: the Tories Richard Lewis, Thomas Penruddock, son of the ill-starred leader of the disastrous rising against Cromwell in the 1650s, Thomas Lambert, Walter Grubb and Henry Baynton; the former Whig MP Maurice Bockland, whose father, Walter, also an MP, had been a crypto-Catholic; and the independently-minded Sir Charles Rawleigh, who had stood against the Exclusionist Bockland at Downton in 1678, yet had also at times opposed the Court and by the summer of 1688 was reported by James II’s electoral agents as ‘being att great odds with the Church Men’. Of the doubtful answers, eight, in some form, expressed support for liberty of conscience but no firm commitment on repeal of the Tests, while a couple expressed a refusal to pre-engage.⁷²

In Lord Yarmouth’s return there is a list of a further 12 names of people who, for a variety of reasons, did not provide answers. Three peers - Lord Coleraine and the Tories Lord Stawell and Lord Stirling - lived outside the county, while the Marquess of Worcester, who was to prove less loyal than his father, the Duke of Beaufort, was at Wanstead.⁷³ Lord Weymouth, who had differed from his Whig cousin Thomas Thynne over the issue of Exclusion, but was not an uncritical supporter the Court, left Wiltshire just before Lord Yarmouth arrived. Francis Swanton, son of an Exclusionist but himself a Tory and later a Jacobite, the Whig Sir Thomas Mompesson and a couple of Tory High Churchmen, Sir Edmund Warneford and Henry Clarke, were probably keen to avoid interrogation. Three others, Oliver Nicholas, a member of James II’s household, the Whig

⁷⁰ Rawl. MSS, A 139a, fos. 192-3; *Commons*, ii. 610-1, 631-2, iii. 792-3.

⁷¹ Rawl. MSS, A 139a, fos. 193-4.

⁷² Rawl. MSS, A 139a, fos. 192-4; *Commons*, i. 610, 672-3, ii. 450, 706-7, 740-1, iii. 223-4, 310-1; Duckett, i. 224.

⁷³ Rawl. MSS, A 139a, fo. 194; *Commons*, i. 128-9, ii. 479-80, 491, iii. 453. Lord Stirling’s answer is in the Berkshire returns: Rawl. MSS, A 139a, fo. 256.

and former Green Ribbon Club member John Smith, and a Mr Maskelyne, ignored the lord lieutenant's summons.⁷⁴

All of those who gave positive answers, including the waverers, were recommended to retain their places on the commission of the peace. They were joined by nine Catholics, including Lord Stourton, Sir John Webb and Sir Anthony Browne, and 15 Dissenters. The latter were headed by the Baptist merchant Sir John Eyles and Sir William Pynsett, both of whom had been courted and honoured by the King the year before. They also included the Exclusionist William Trenchard, the Whig 'trimmer' Lionel Duckett, who was described as a 'favourer of Dissenters', a couple of Cromwellians, James Healey and Lionel Holton, and Robert Groves, a strong Presbyterian, whose father Thomas, would, despite his venerable age, be recommended as a court candidate by James II in the late summer of 1688.⁷⁵ Those not questioned in Wiltshire, but presumably elsewhere, who were recommended for the commission included the former MPs Sir John Talbot, a strong supporter of the Court; Sir Stephen Fox, the financier and lord of the Treasury; and Sir John Ernle, Chancellor of the Exchequer.⁷⁶ Another financier and former MP, Richard Kent, receiver-general of customs, must have given a satisfactory answer by July, because in that month the regulators recommended he be added to the commission of the peace.⁷⁷

⁷⁴ Rawl. MSS, A 139a, fo. 194; *Commons*, ii. 90-1, iii. 71-3, 143-4, 442-3, 518, 565-6, 671; R. Sedgwick, ed., *The History of Parliament: The House of Commons, 1715-54* (2 vols., London, 1970), ii. 458.

⁷⁵ Rawl. MSS, A 139a, fo. 195; Duckett, i. 220 (note), ii. 267-9; *Commons*, ii. 238-9, 285-6, 449-50, iii. 307, 600; *CSPD*, 1671-2, pp. 552, 555, 568.

⁷⁶ Duckett, ii. 267-8; *Commons*, ii. 271-4, 356-9, iii. 525-9.

⁷⁷ Rawl. MSS, A 139b, fo. 269; *CSPD*, 1687-9, p. 276; *Commons*, ii. 676-7.

Northamptonshire

Northamptonshire is the county where canvassing commenced. Although the return of the lord lieutenant, the Earl of Peterborough, is dated 20 December 1687, he actually began his canvass at the beginning of the previous month.⁷⁸ Clarendon had described Northamptonshire as being of ‘very eminent disaffection to the King throughout the war’ and during the Restoration period the Government had to employ great artifice to ensure the return of court candidates.⁷⁹ To judge from the returns from the county, the gentry maintained this tradition of opposition, although what support the King did receive came in the main from Anglicans, Catholics there being few in number.⁸⁰

The Earl of Peterborough was a Catholic and there is no doubting his commitment to the King’s cause, his determination or his capabilities, but by the time of the canvass in December 1687 he was an old man and physically decrepit.⁸¹

In the Rawlinson manuscripts there are two lists of answers from Northamptonshire (both contain the same 52 names, though one Christian name is different) which give a hint of Peterborough’s method of working. Since the first list contains the names of 13 squires consenting to repeal, 20 opposing it, one doubtful answer and 18 absentees, while in second the figures for the same categories are 12, 14, one and 25, it is reasonable to assume that the first list is the later one. Peterborough after carrying out the canvass must have been able to whittle down the number of absentees before sending in his return.⁸² However, the second list does have some additional

⁷⁸ Rawl. MSS, A 139a, fo. 14; Morrice, ii, fo. 191.

⁷⁹ Edward Hyde, Earl of Clarendon, *History of the Rebellion* (ed. W. D. Macray, 6 vols., Oxford, 1878), iv. 212; *Commons*, i. 335.

⁸⁰ Rawl. MSS, A 139a, fos. 13-19.

⁸¹ Duckett, ii. 81-3; *DNB*, xxxviii. 403-5; T.B. Macaulay, *The History of England from the Accession of James II* (ed. C.H. Firth, 6 vols., London, 1913-15), ii. 848. Peterborough appears to have been undermining the Bruce interest in neighbouring Bedfordshire: Rawl. MSS, A 139a, fos. 20-1.

⁸² Rawl. MSS, A 139a, fos. 13, 14, 18, 19.

information missing from the first. For example, the Tory Sir Roger Norwich, a former knight of the shire, is simply recorded as refusing in the first list, but in the second it is stated that he 'refused sharply'; and in the first list next to the name of another Tory, Sir Justinian Isham, MP for Northampton in 1685, is written 'does not stand', while in the second the words 'and is doubtful' are added.⁸³

The 13 squires consenting to repeal are headed by Sir Lewis Palmer, MP for Higham Ferrers in 1661 and 1685, who had been active against the local Whigs during the Tory reaction. Though an Anglican, his commitment to James II can be gauged by the fact that he raised a troop of horse for the King in 1688 and was a non-juror after the Revolution.⁸⁴ Other supporters of repeal included Sir John Robinson, whose merchant father, a former Lord Mayor of London, had been part of the City group that paved the way for the Restoration; the courtier and boon companion of James II, Edward Griffin, who would later become a Jacobite; the Cavalier Goddard Pemberton; and another soldier, Charles Orme, a high Anglican and ultra-loyalist, who was to lay down his commission at the Revolution.⁸⁵ They were joined by the Whig Sir Matthew Dudley and three Catholics: Henry Hind, one of Peterborough's nominations for sheriff, Ralph Sheldon, one of James II's equerries, and George Holman, who had married into the family of the Catholic martyr Lord Stafford, but whose commitment to his new faith had been questioned in Parliament during the Popish Plot by his Whiggish younger brother, John, MP for Banbury from 1661 to 1681. Dudley's consent was clouded by Peterborough's note that to his fellow squires he had denied supporting repeal. Robinson and another squire, Sir Charles Neale, consented to repeal but neither was willing to do

⁸³ *Ibid.*, fos. 13, 18; *Commons*, ii. 638-9, iii. 162-3.

⁸⁴ Rawl. MSS, A 139a, fo. 13; *Commons*, iii. 197-8.

⁸⁵ Rawl. MSS, A 139a, fo. 13; Duckett, ii. 84-6 (notes); *Commons*, i. 338, ii. 444, iii. 179-80, 340-3.

more, while Griffin was certainly more enthusiastic, saying he would ‘doe whatever y^e king Com~ands’.⁸⁶

Most prominent among those joining Sir Roger Norwich in opposing the King’s policies were the Whig Lord Fitzwilliam, the lawyer Sir Thomas Pinford, and two Tories and former MPs, Gilbert Dolbin, the son of the late Archbishop of York, John Dolbin, and naturally a staunch Anglican who would later wholeheartedly support the Revolution, and Richard Rainsford, son of a former Lord Chief Justice.⁸⁷

The absentees included six former MPs, all Tories or, at least, court supporters - Lords Huntingtower and Wenman, John Beaumont, William Montagu, Sir William Farmer (or Fermor) and George Clerke - and a Tory JP, William Alston. Interestingly, Huntingtower and Wenman, who was to return a negative answer in his capacity as an Oxfordshire deputy lieutenant, were later to be linked to Jacobitism. Beaumont, a soldier and equerry to James II, was to be cashiered for refusing to accept Irish officers into his regiment and was, perhaps not surprisingly, active in the Revolution. Montagu, a younger son of Lord Montagu of Boughton, had been dismissed as chief baron of the Exchequer only the year before for refusing to support the dispensing power, but as one of the judges at the trial of the Whig Lord Russell and at the Bloody Assizes, he would not find the post-Revolution regime comfortable. Farmer and his son, Henry, had still managed to avoid giving answers to Lord Peterborough by the time the King’s electoral agents had sent in their list of the gentlemen recommended for inclusion in the new commission of the peace at the end of December 1687.⁸⁸ All those who were unable to endorse repeal were removed from local office, as were all the absentees, except Montagu, Sir Robert Clerke, another lawyer, and Walter Littleton, the implication, at least, being that the last

⁸⁶ Rawl. MSS, A 139a, fos. 13, 14, 16; Duckett, ii. 88 (note); *Commons*, i. 338, ii. 240, 567-8; HMC *House of Lords MSS, 1678-88*, p. 228.

⁸⁷ Rawl. MSS, A 139a, fos. 13, 14; *Commons*, ii. 217-9, 328-9, iii. 310; Duckett, ii. 84 (note).

⁸⁸ Rawl. MSS, A 139a, fos. 13, 14; A 139b, fos. 233, 234; *Commons*, i. 614, ii. 89-90, 310, iii. 90-2, 575-6, 684-5, HMC *House of Lords MSS, 1678-88*, p. 187.

three had given satisfaction at some stage.⁸⁹ Lord Peterborough also included in his return a list of 23 gentlemen, mainly Whigs, who were not in commission, but who were offered as possible replacements for those dismissed.⁹⁰ Top of the list was the unscrupulous Ralph, Lord Montagu, the former ambassador to Paris, whose revelations about the secret subsidy negotiations between Danby and Louis XIV in 1678 had hastened the political crisis of the late 1670s and early 1680s. His repeated efforts to ingratiate himself with James II met with no success, however, and his name was not included among those recommended for local office.⁹¹ Other Whigs were recommended - including another member of the Montagu clan, this time Edward, grandson of the First Earl of Manchester and more of a Trimmer than an out-and-out Whig, Sir Thomas Samwell, Thomas Andrews and Edward Harby, the last three all future MPs. Montagu, Samwell and Andrews were later confirmed as deputy lieutenants, but events were to show that none of them was committed to the King's cause.⁹² A Catholic, Ferdinando Poulton, one of Peterborough's recommendations for sheriff, was also added to the bench, and a squire not on the list, Bernard Walcott, was also made a JP.⁹³ The search for more gentlemen willing to support the King must have continued, because in the following summer Thomas Elms, of Lilford, was made a deputy lieutenant. Elms, a former sheriff, had probably been a Whig because he had been removed from the bench at the height of the Exclusion Crisis in 1680. James II must have been keen to show his appreciation, for nine days after the announcement of his appointment, Elms was knighted.⁹⁴

⁸⁹ Rawl. MSS, A 139b, fo. 233; Duckett, ii. 88 (note).

⁹⁰ Rawl. MSS, A 139a, fo. 15.

⁹¹ *Commons*, iii. 86-9.

⁹² Rawl. MSS, A 139b, fos. 233, 234; *Commons*, i. 534, ii. 489, iii. 85-6, 585-6; *CSPD*, 1687-9, p. 116.

⁹³ Rawl. MSS, A 139a, fo. 16; A 139b, fo. 233.

⁹⁴ *CSPD*, 1687-9, p. 231; *HMC House of Lords MSS, 1678-88*, p. 187; *Alumni Cantab*, pt. i, vol. ii, p. 99. Elms was also a member of the commission of enquiry into recusant fines for Leicestershire - another sign of a willingness to co-operate with the King: Goldie, 'Dissenters' Revenge', p. 82.

Derbyshire

Derbyshire was one of two counties - the other was Leicestershire - for which the Earl of Huntingdon was lord lieutenant. Huntingdon, a one-time Whig, had switched allegiances within months of the dissolution of the Oxford Parliament and was to remain loyal to the Stuarts after the Revolution. Both Derbyshire and Leicestershire were canvassed in January 1688 and in both cases the returns are not particularly revealing and occasionally confusing.⁹⁵

If the influence of the once-powerful Hastings family had long been in decline in Leicestershire, it appears to have been moribund in Derbyshire, where there is a strong impression that the new lord lieutenant - Huntingdon had replaced the unco-operative Earl of Scarsdale only the month before - was not particularly knowledgeable about the county gentry. By his own admission, one squire listed in the returns, William Barker, did not exist.⁹⁶

Of the 28 deputy lieutenants and justices summoned by Huntingdon to meet him at Derby on 18 January, three, Sir Henry Hunloke, a Catholic, Thomas Gladwyn and Thomas Eyre, of Rowter, answered in the affirmative to all Three Questions. Three other Catholics, Thomas Eyre, of Hassop, and Basil and William Fitzherbert, of Norbury, were absent but Huntingdon could vouch for their support. Two other justices Arthur Warren and Roland Okeover answered, but in neighbouring counties: Warren, affirmatively in Nottinghamshire and Okeover doubtfully in Staffordshire, where he lived. Three other justices were also absent, one of whom, John Stanhope, an army officer, appears to have retained his place on the commission of the peace, suggesting that he may have supported the King's policies.⁹⁷

⁹⁵ Rawl. MSS, A 139a, fos. 118-23.

⁹⁶ *VCH Leicestershire*, ii. 119-20, iv. 110-119; Duckett, i. 4-5; Rawl MSS, A 139a, fo. 119. Huntingdon's only recorded visit to Derbyshire as lord lieutenant was to put the Three Questions: D. H. Hosford, *Nottingham, the Nobles, and the North: Aspects of the Revolution of 1688* (Connecticut, 1976), p. 70.

⁹⁷ Rawl. MSS, A 139a, fos. 102, 118-9, 126; A 130b, fo. 250.

Fifteen squires are listed as returning negative answers. They were headed by the Tory Sir Henry Every, who replied negatively to all three questions. Fourteen others, including Sir William Boothby, Sir Simon Degge, the high Tory recorder of Derby, and the former Tory MPs Sir Gilbert Clerke, Robert Burdett and William Allestry - were marginally less hostile in their answers, tempering their refusal to the first two questions with affirmative answers to the third. One squire, Robert Wilmot, was doubtful.⁹⁸

Unfortunately these answers - six consents, 15 refusals and one doubtful reply - are not quite what they appear. A few lines later in Huntingdon's report, two squires listed among the refusers - Henry Every and Henry Balgay - are reported as not returning their answers at all, the reason being that they had never acted a justices. Careful scrutiny of the return shows that their names were added to the list of refusers later, suggesting that they did not support the King. However this appears to have been missed by the administration and both Every and Balgay were included in the list of justices recommended for the new commission. Also, rather confusingly Sir Simon Degge, a deputy lieutenant, had already answered positively in Staffordshire, so his answer here appears to contradict that. He must, however, have made his position clear, because he was retained on the commission of the peace. Wilmot, who appears to have had the support of the Dissenters, seems also to have been retained in commission, his doubtful reply notwithstanding.⁹⁹

Among the others recommended to be retained on, or added to, the commission of the peace were five Catholic gentlemen, Hunloke, two Eyres of Hassop, and two Fitzherberts of Norbury; the Whigs Antichell Grey, Sir John Gell, his son Philip, and George Vernon, a former MP for Derby; and the Dissenters John Spateman and Samuel Saunders, Junior, Huntingdon's local informant. Henry Kendall, who answered in the negative but whose name bears a cross next to it in the returns, was also recommended

⁹⁸ Rawl. MSS, A 139a, fo. 118; *Commons*, i. 189, 530, 750-1. ii. 82; *DNB*, xiv. 293-4.

⁹⁹ Rawl. MSS, A 139a, fos. 118-9, 125; A 139b, fo. 250. The extent of Degge's commitment to religious toleration can be gauged by the fact that in October 1688, he had to be told by the King to stop harrying Dissenters in Derby: *CSPD*, 1687-9, p. 329.

to be added, suggesting that he modified his original answer at some stage. Of these, Grey, the famed reporter of Parliamentary debates, must have been the least enthusiastic of the King's new supporters: although recommended as parliamentary candidate for Derby by Huntingdon, he was replaced by Degge in the following September. The Gells only abandoned James after William's invasion, while Vernon, once an extreme Whig, appears to have become a moderate voice in support of the King's cause.¹⁰⁰ Vernon even toasted the birth of the Prince of Wales in June. His actions were to destroy his political interest in the town at the Revolution and he would not recover his seat until 1698.¹⁰¹

Buckinghamshire

Buckinghamshire¹⁰² had a long tradition of opposition to the Stuarts. It was a political stronghold of two of the leading Parliamentarian (and later extreme Whig) families, the Whartons and Hampdens. More moderate or independent Whigs, like the Lees, in Aylesbury, and the Drakes, in Amersham, dominated elections in this period. Not surprisingly, all through the Restoration period the government candidates struggled to get elected. Even at the height of the Tory reaction in 1685, the Lord Chief Justice, Lord Jeffreys, who had recently acquired an estate in the county, failed to impose a court candidate, Thomas Hackett, on the Buckinghamshire electorate. And even in a borough not dominated by the Country Party, like Buckingham, the controlling interest of Sir Richard Temple, a politician notorious for his tergiversations, proved unshakeable, even to the extent of his being elected on one occasion while imprisoned for debt. His only defeat in this period, in the first election of 1679, came at the hands of a Whig, and then

¹⁰⁰ Rawl. MSS, A 139a, fo. 119; A 139b, fo. 250; *Commons*, ii. 384-5, 439-41, iii 636-7; *VCH Derbyshire*, ii. 139; Hastings MSS, Reel 14, Box 50, HA 10667, 10668, 10669; Reel 15, Box 51, HA 12974; *CSPD*, 1687-9, p. 273.

¹⁰¹ *Commons*, i. 189, iii. 367.

¹⁰² Although the return for Buckinghamshire is dated 29 February 1687/8, the canvass commenced in previous December: Rawl. MSS, A 139a, fo. 49; Morrice, ii, fos. 216-7.

by only one vote.¹⁰³ With this in mind, it is hard to believe that the Government held out any great hopes for the county regarding support for repeal of the Test and penal laws. The lord lieutenant, Jeffreys, who had replaced the unco-operative Earl of Bridgewater, in November 1687, appears to have carried out the King's instructions to the letter, doing no more than listing deputy lieutenants and justices as either consenting or dissenting, when he canvassed the county at the beginning of the following month. Only two answers deviate from this.¹⁰⁴

Of the 55 gentlemen listed, twelve answered, or were deemed to have answered, in the affirmative, 23 refused to co-operate with the King's policy and 20 were absent or failed to answer.¹⁰⁵ Two deputy lieutenants, Sir Richard Anderson and Sir Dennis Hampson, both strong Tories, backed repeal, though Hampson, who had a reputation as a persecutor of Quakers, said he would 'take off the Tests but will not trust the Fanaticks' - an answer that may not have been deemed wholly satisfactory by the authorities, since there is a question mark by his name on the revised list of deputy lieutenants.¹⁰⁶ The justices consenting to repeal included seven more Anglicans, headed by Sir Caesar Wood, Sir James Etheridge, soon to become recorder of Wycombe, two former MPs, the moderate Tory, James Backwell, son of the Commonwealth's principal banker, and Richard Anderson junior, considered an extreme Tory, and Robert Hart. Hart, whose quaint answer that he '[u]nderstands not the Tests or Penall Laws, but will give his voice for such moderate men as he hopes will comply with the King in every thing' may have satisfied the Government, although, like Hampson, there is a question mark by his name on each occasion it appears in the returns.¹⁰⁷ Two Catholic baronets, Sir Robert

¹⁰³ *Commons*, i. 135-45, iii. 536-44.

¹⁰⁴ *Morrice*, ii. fo. 191; *Duckett*, i. 3; *Rawl. MSS*, A 139a, fos. 41-3.

¹⁰⁵ *Rawl. MSS*, A 139a, fos. 41-3.

¹⁰⁶ *Ibid.*, fos. 43, 45, 47; *Duckett*, ii. 296; *Commons*, i. 533, ii. 473-4.

¹⁰⁷ *Rawl. MSS*, A 139a, fos. 41-2, 46, 49; *Commons*, i. 533-4, 579; *Duckett*, ii. 279.

Throckmorton and Sir Edward Longueville, and their co-religionist Henry Palmer also supported repeal.¹⁰⁸

Opponents of the King's policy were headed by Sir Richard Temple and his fellow Buckingham MP, the moderate, Sir Ralph Verney. The Tory James Herbert, another former MP, also dissented, an answer he would repeat when canvassed in Oxfordshire in the following January. Another opponent of the King's policy was the historian and friend of Locke, James Tyrrell, whose father, Sir Timothy, was to consent to repeal when questioned in Oxfordshire. Other refusers included Temple's cousin Alexander Denton; two Tories, Edward Baldwin, who was soon to be removed as recorder of Wycombe, and Richard Atkins; the Whig John Proby; and four of Wycombe's aldermen, Sir William Bowyer, son of a former knight of the shire, John Chase, Stephen Chase and Nicholas Slater. It is difficult to escape the conclusion, despite the paucity of detail, that the opposition to the King was concerted.¹⁰⁹

Among the notable absentees were the former MPs William Cheyne, Sir Anthony Chester, Sir William Drake, Henry Bertie, Sir Humphrey Winch and Sir Thomas Clayton. Only Drake had been an Exclusionist, although Cheyne, the son of Lord Newhaven, was soon to desert his Tory principles and become an ally of Thomas Wharton. Bertie, a brother of the Earl of Abingdon, had moved into opposition over the issue of employing Catholic officers in the army, while Winch, a former lord of the Admiralty, had retired from active politics. Chester had returned a negative answer in Bedfordshire and Clayton, hitherto the rather compliant Warden of Merton College, Oxford, would do likewise when questioned by Lord Lichfield in Oxfordshire.¹¹⁰ Others who failed to answer included Sir Polycarpus Wharton, another Wycombe alderman, and two loyalist squires Thomas Piggot and Thomas Hackett, who had been defeated in three elections, most

¹⁰⁸ Rawl. MSS, A 139a, fos. 41, 45.

¹⁰⁹ Rawl. MSS, A 139a, fos. 41, 43, 48-9, 57-8; *Commons*, i. 142, 584, 699-700; ii. 533, iii. 634-5; *DNB*, lvii. 441-2; *Complete Baronetage*, iii. 59.

¹¹⁰ Rawl. MSS, A 139a, fos. 41, 52, 134; *Commons*, i. 643, ii. 47-8, 52-3, 87-8, iii. 742-4.

resoundingly in the county election of 1685.¹¹¹ All who returned negative answers, or failed to answer, for whatever reason, were removed from local office, including, rather surprisingly, two non-resident Catholics, Thomas Abingdon and Henry Farmer.¹¹²

Two lists - one from Jeffreys, the other from the King's agents - of gentlemen recommended to be continued in or added to the lieutenancy and commission of the peace survive for Buckinghamshire. The only difference is that the second list, from the King's agents, contains the names - added in another hand - of two Catholic peers, Lord Clifford, son of Charles II's Lord Treasurer, and the Earl of Salisbury, head of the Cecil family and one of the most prominent Catholic converts of the reign.¹¹³ Jeffreys' list is headed by three Catholic squires, Richard Minshall, John Howes and John Webb, followed by 22 Whigs or Dissenters - actual or alleged - including, most notably, the former MPs Richard Hampden, Sir Peter Terryll and Richard Winwood and two squires soon to achieve that distinction, Edmund Waller, son of the Cavalier poet, and Richard Beke, a soldier whose career had been promoted by Cromwell and who was considered dangerous enough by the authorities to be arrested at the time of Monmouth's rebellion. Although restored to local office and although the King's electoral agents reported he was 'willing to part with the Penall Laws and Tests upon a settlement of Libertie of Conscience', Hampden did not commit himself to the King's cause; in fact he was one of William of Orange's chief contacts among the Whigs. The others may have collaborated, although most of them later embraced the Revolution. Interestingly, the political career of Waller, who after 1688 was considered a Country Whig, was ended when he became a Quaker in 1698.¹¹⁴

Other notable apparent recruits to the King's side were two sons of regicides,

¹¹¹ Rawl. MSS, A 139a, fos. 41, 48; *Commons*, i. 136, 140; HMC *House of Lords MSS*, 1678-88, p. 174.

¹¹² Duckett, ii. 296-7; Rawl. MSS, A 139a, fo. 42.

¹¹³ Rawl. MSS, A 139a, fos. 45-6; Duckett, i. 296-7.

¹¹⁴ HMC *House of Lords MSS*, 1678-88, p. 233; *Commons*, i. 616-7, ii. 471-3, iii. 620, 657, 748-9; Duckett, ii. 240.

Simon Mayne and Richard Ingoldsby.¹¹⁵ One of the new justices, John Crispe, of Chesham, must have proved unworthy of the trust placed in him by the King - he was recommended for removal from the bench five months later.¹¹⁶

East Riding of Yorkshire

At the time of the canvass in the East Riding of Yorkshire, in December 1687, the lord lieutenant was the Earl of Mulgrave, minor poet and courtier, who despite supporting James II's policies and being suspected later of Jacobite sympathies, was to secure a marquise under William and a dukedom under Queen Anne. By this stage of James's reign, however, Mulgrave may have been trying to distance himself from the administration and that probably explains why the task of canvassing the gentry was given to a much stronger supporter of the King, the Governor of Hull, Lord Langdale, the son of a famous Cavalier and a Catholic.¹¹⁷ Of the 33 deputy lieutenants and JPs in the commission of the peace, only seven answered in the affirmative. None gave an unambiguous, negative answer, but of the 21 doubtful answers, 19 were phrased in almost identical language, confirming that there was collusion between these squires and inviting the conclusion that they were in reality opposed to the King's policies.¹¹⁸

Those who supported the King included at least three Catholics, Sir Philip Constable, George Metham and Philip Langdale, son of Lord Langdale.¹¹⁹ To judge from his answer, another squire, Henry Constable, was also a recusant. He said:

¹¹⁵ *Commons*, i. 139, ii. 633-4; Duckett, ii. 152 (notes).

¹¹⁶ Rawl. MSS, A 139b, fo. 269.

¹¹⁷ *Complete Peerage*, ii. 398-400; vii. 431; *CSPD*, 1687-9, p. iii. 49; P. K. Monod, *Jacobitism and the English People, 1688-1788*, (Cambridge, 1989), p. 288; 'Some Account of the Revolution', *The Works of John Sheffield, Earl of Mulgrave, Marquis of Normandy, and Duke of Buckingham*, (2 vols., London, 1726), ii. 62-3; HMC *Le Fleming MSS*, p. 208.

¹¹⁸ Rawl. MSS, A 139a, fos. 278-311.

¹¹⁹ Rawl. MSS, A 139a, fos. 308, 310, 311; Duckett, i. 71.

I served King Charles y^e first with all fidelity, from y^e yeare 1642, against y^e English, & Scottish Rebels, according to my duty, & besides y^e tye of duty, I own that of inclination, & gratitude to our present King, James y^e Second, for his declaration of liberty of Conscience, & therefore doe answere affirmatively...¹²⁰

However, for sheer fervour for the King's cause and devotion to the concept of monarchical power, few answers could outshine that of Lionel Copely, who said:

The Kinge is y^e Heade and springe from whence all our lawes do flow, and consequentley the most proper judg of y^e conveniency and tendency of all our lawes, as well penall as others, therefore do thinke myselfe ingaged in duty (when it shall be in my power) to endeavor to my best ability, the making voide the penall lawes and tests; they being by his Mais^{ty} esteemed, affrontive to him selfe, and injurious to his subjects.¹²¹

Such answers could not disguise the fact that most of the East Riding squires had no such enthusiasm for the King's policies. James Heblethwaite, who had been MP for Malton in 1678, answered:

If I shall be chosen a Member of Parliament, I conceive my selfe obliged to give my vote according to the reason of the debate in the house, and not other wayes[...]If I doe concerne my selfe in the election of any to serve, as a member of Parliament, I shall give my vote for such, as (to the best of my judgment) will serve the King, and whole kingdome, faithfully, and honestly[...]I thinke my selfe obliged to live peaceably with all men, as becomes a good Christian and a loyall subiect.

Eighteen other squires followed this answer, almost word for word.¹²² These included the former MPs, Sir Ralph Warton and William Osbaldeston, who were both Tories, the future MP, Matthew Appleyard, and Sir Jonathan Atkins, a soldier and former governor of Guernsey and Barbados and the Windward Islands.¹²³

¹²⁰ Rawl. MSS, A 139a, fo. 307.

¹²¹ Ibid., fo. 298. This squire may have been related to Sir Godfrey Copely, the former MP for Aldborough, who was an Exclusionist and considered an opponent of King James: Duckett, i. 67; *Commons*, ii. 127; A. Browning, *Thomas Osborne, Earl of Danby and Duke of Leeds, 1632-1712* (3 vols., Glasgow, 1944-51), vol. iii, Appendix iv, p. 162.

¹²² Rawl. MSS, A 139a, fos. 278-87, 289-93, 296, 299, 300, 302-4; *Commons*, ii. 520.

¹²³ Ibid., fos. 282, 290, 293, 300; *Commons*, i. 539, iii. 182, 674; Duckett, i. 66 (note).

Two of the ‘doubtful’ answers, from Sir William Cobb, a deputy lieutenant, and Robert Buck, a justice, were genuinely evasive.¹²⁴ Three deputy lieutenants - Michael Warton, the Exclusionist brother of Ralph Warton, Toby Jenkins and Toby Hodson - and two justices - Viscount Dunbar and Francis Collingwood - failed to answer, in Hodson’s case because he was said to be mad.¹²⁵ Dunbar, the elusive Jenkins and Collingwood were recommended for retention in local office. Dunbar was a Catholic and almost certainly supported the King, while Jenkins and Collingwood may, at some stage, have given satisfaction on the question of repeal.¹²⁶

These men and the seven who answered in the affirmative, were joined by 27 other squires on the new commission of the peace drawn up in March.¹²⁷ The new names in the revised commission included Lord Langdale himself, his son Marmaduke (another son, Philip, was already a JP), a member of the well-known Hotham family and Captain Thomas Condon, a firm supporter of the King, who became a deputy lieutenant and later the court candidate for Scarborough.¹²⁸ But most interestingly of all is the inclusion of five men - Sir Watkinson Taylor (or Paylor), Sir William Strickland, Sir James Bradshaw, William Boynton and William Thompson - who, at the time of Monmouth’s rebellion, had been listed as disaffected to the government.¹²⁹

¹²⁴ Rawl. MSS, A 139a, fos. 288, 297.

¹²⁵ Ibid., fos. 274-5, 294; *Commons*, iii. 672-3.

¹²⁶ Rawl. MSS, A 139b, fo. 203; *HMC House of Lords MSS, 1678-88*, p. 232.

¹²⁷ Rawl. MSS, A 139a, fo. 276.

¹²⁸ Rawl. MSS A, 139a, fo. 295, A 139b, fo. 203; Duckett, ii. 102. *Commons*, i. 487; *CSPD*, 1687-9, p. 275. Captain Condon has earned a footnote in literary history by having the first volume of Aphra Behn’s *Love-Letters Between a Nobleman and His Sister* (1684-7) dedicated to him. (Penguin edition, 1996, pp. 3-7.)

¹²⁹ Rawl. MSS, A 139b, fo. 203; *CSPD*, 1685, p. 228; *Commons*, i. 703-4, iii. 214, 506-7, 544-5.

Huntingdonshire

The Lord Lieutenant of Huntingdonshire at the time of the canvass was Thomas Bruce, 2nd Earl of Ailesbury, who was to prove one of James II's most loyal servants, becoming a Jacobite after the Revolution and dying in exile. Ailesbury, who was to convert to Catholicism years later, was at this stage still a Protestant and he had deep reservations about the King's ecclesiastical policy: that 'most damnable project' as he called it.¹³⁰ None the less, he carried out his duties with reasonable efficiency.

However, the Bruce interest in the county was not strong. Rather it was the Montague family, who, until their eclipse during the years of the Tory reaction, had traditionally been the most politically influential in Huntingdonshire. As in Bedfordshire, where he was also lord lieutenant, Ailesbury had to report that support was not strong for the King's ecclesiastical policy. However, many of the negative or doubtful answers were expressed in a moderate tone and most squires, if their answers to the Third Question are any indication, seem to have embraced the general concept of religious toleration with some enthusiasm.¹³¹

Of the 24 squires listed to be interrogated by Ailesbury, five answered in the affirmative or, at least, had already satisfied the government that they would support repeal; nine answered in the negative; five were doubtful; three were noted as having given their answers in other counties - Sir John Cotton and Sir Edmund Gardiner in Bedfordshire, and Sir Matthew Dudley in Northamptonshire - and two, Henry Stoner and Charnock Heron, were absent and failed to respond to the lord lieutenant's letters.¹³²

Of the five giving assent, four - Oliver Montague, Sir Lionel Walden, his son Lionel junior and Samuel Pepys, Secretary to the Admiralty - had already given the King satisfaction. Montague, a younger son of the 1st Earl of Sandwich, was solicitor-general

¹³⁰ W. E. Buckley, ed., *Memoirs of Thomas, Earl of Ailesbury. Written by Himself* (2 vols., London, 1890), i. 163.

¹³¹ Duckett, i. 6; *Commons*, i. 272-3; Rawl. MSS, A 139a fos. 261-5.

¹³² Rawl. MSS, A 139a, fos. 262-4.

to the Queen. Walden senior had fought for Charles I and, despite some dubious financial practices during his time as farmer of excise and receiver of taxes, had always been a Court supporter and after the Revolution would, like his son, become a Jacobite. Pepys was a native of Huntingdonshire, a cousin of the Montague Earls of Sandwich and both a deputy lieutenant and justice of the peace in the county. His career at the Admiralty had brought him into close contact with the King, whom he respected and to whom he remained loyal, though his support for repeal of the Test Act and penal laws would hasten the end of both his political and administrative careers.¹³³ The answer of Samuel Fortrey though affirmative was hardly enthusiastic. After saying he had ‘little estate or Interest in y^e countrey and so cannot be elected’, he added the ‘he shall alwaies be ready to give his vote for such as shall be approved of by the King’.¹³⁴

Of those squires returning negative answers three, Charles Sheppard, John Conyers and John Bigg, who would be MP for Huntingdon in the Convention in 1689, did not elaborate, although Conyers, in consenting to the Third Question, mentioned that his wife was a Catholic. Richard Naylor and William Naylor said they needed to be better informed before consenting, believing repeal would not be for the benefit of the King, the Protestant Church and the country.¹³⁵

John Pocklington, who would later be a judge in Ireland, answered along similar, if more critical, lines, saying that

[i]t seems[...]not very regular, to resolve to repeal any acts of parliament, (w^{ch} are allwaies supposed to be made upon mature consideration) without first hearing what may be offered either for or against them by men whose judgment the nation relies on[...]and therefore at present he does not think it adviseable to vote for such members, as shall beforehand so resolve.

Pocklington’s answer appears to have particularly upset Ailesbury, who described him as ‘an obscure lawyer...and little worthy’, labelled his words impertinent and turned him

¹³³ *Commons*, iii. 86, 226-8, 649-51.

¹³⁴ Rawl. MSS, A 139a fo. 262.

¹³⁵ Rawl. MSS, A 139a, fos. 262-3; *Commons*, i. 651.

out of his chamber. In his memoirs Ailesbury appears to link Pocklington with those few squires who returned negative answers to the Third Question, describing them as ‘snarling persons of very little character’, although the latter’s answer to that question that he ‘shall alwaies be so great a friend to peace & quietness as to endeavour never to be uneasie to any fellow subjects of what perswasion soever’, though not as effusive as other answers, is perhaps more evasive than hostile. It is difficult to see why Ailesbury took such exception to Pocklington’s answer, although the lord lieutenant was always acutely aware of his social status and quick to detect even the merest hint of disrespect.¹³⁶

Of the other refusers, John Ferrar added that if Parliament should ‘think fitt to repeall [the penal laws and Tests], he shall most readily acquiesse therein’, while Castle Sherrard and Robert Pulleyn were willing to allow an easing of the penal laws. Pulleyn’s answer to the Third Question is a model of reasonableness in which he states that ‘he would be heartily glad that a provision should be made, that such as are Loyal to their prince & live peaceably wth their neibours might be exempt from the penalty of our Laws in y^e exercise of their religion’. And he goes on to add that he has defended Catholics from prosecution, that his father died in the King’s service and ‘lost his estate for adhering to King Charles y^e first’ and that he himself was ‘active in y^e late elections in opposing y^e factious party being chosen & that he will ever be ready to serve his Maiesty wth his life and fortune’. Expressions of loyalty do not come much stronger than that, but the fact that he dared not promise to assist the election of those who favoured repeal meant it counted for nothing.¹³⁷

Two of those returning doubtful answers, the Whigs Sir Thomas Proby and Robert Apreece, refused to commit themselves before hearing the debate in the House. Apreece’s uncompromising answer must have disappointed the government. Though an Anglican himself, he came from a recusant family - in his answer to the Third Question

¹³⁶ Rawl. MSS, A 139a, fo. 263, Ailesbury, *Memoirs*, i. 163; *Alumni Cantab*, pt. i, vol. iii, p. 375.

¹³⁷ Rawl. MSS, A 139a, fo. 293.

he refers to most of his family being Romanists - and his father, despite being a prisoner of war, had been murdered by his Parliamentary captors for owning his Catholicism. Though removed from local office, Apreece was nominated as a court candidate for the shire for James II's abortive Parliament, which suggests that the government still entertained some hope that he would support repeal.¹³⁸ John Dryden, a cousin of the poet, would yield to the King's wishes if he 'heares more satisfactory reasons' for repeal, though he 'humbly & quietly' acquiesced in the King's Declaration, and promised to 'venture his life & fortune for y^e preservation of his Maiesties person Crown & dignity, & prays that y^e King may reign long & happily over y^e nation'. Charles Caesar said he would give his vote 'for those worthy persons, that have allwaies been Loyall to their prince & true sons of the Church of England'; while Sir John Hewet said he was 'allwaies ready to serve the King as farr as he can wth the safety of y^e Act of Uniformity, and the established Church of England'.¹³⁹

Among those recommended to be added to the commission of the peace were the Whigs Sir Robert Bernard, Sir Charles Caesar, nephew of his namesake, and Silas Titus. The latter, who was in turn a Parliamentarian, royalist agent and propagandist and Exclusionist, had recently changed sides again and expressed support for repeal of the Test Act and penal laws. He would soon be sworn in as one of James II's Privy Councillors. Unable, perhaps unsurprisingly, to reinsure himself with William of Orange, his political career was virtually ended by the Revolution, though he managed to get elected once more, as a Whig at Ludlow, in 1691.¹⁴⁰

¹³⁸ Rawl. MSS, A 139a, fo. 262; *Commons*, i. 540-1, iii. 292-3; *CSPD*, 1687-9, p. 273.

¹³⁹ Rawl. MSS, A 139a, fos. 262-3; Duckett, ii. 69.

¹⁴⁰ Rawl. MSS, A 139a, fos. 261, 264; *Commons*, i. 638, ii. 1, iii. 570-4; Duckett, ii. 71.

Bedfordshire

Bedfordshire¹⁴¹ should have provided more congenial territory for the lord lieutenant, the Earl of Ailesbury. During the Restoration period the Bruces enjoyed real political influence in both the shire and Bedford town, the one parliamentary borough in the county. Throughout the Exclusion Crisis they were eclipsed in the county by their main rivals, the Russell family, whose name was virtually synonymous with Whiggism. In the town, the Whiggish leaning St John family, headed by the Earl of Bolingbroke, held the recordership for many years and that helped to ensure that Bolingbroke's brother, Paulett St John, was returned for one of the town's seats continually from 1663 until 1681. The Bruce interest revived during the years of the Tory reaction and they were able to control the elections to James II's Parliament, but even before it was destroyed by the Revolution it was being undermined by the Catholic Earl of Peterborough.¹⁴²

Ailesbury's efforts on behalf of the King do not seem to have been appreciated by the regulators. The reason for this is that the results of the Bedfordshire canvass were very disappointing for the King, and the lord lieutenant appears to have been unable to bring much influence to bear on how the deputy lieutenants and justices answered.¹⁴³ The answers are very difficult to interpret, since similar answers appear to have been interpreted differently by the authorities. Even so, overall support for the King was poor.

Of the 29 squires canvassed only one, Dr William Foster, commissary for the archdeaconry of Bedford and a man with a reputation as a persecutor of Dissenters, answered with an unqualified affirmative; five other squires gave qualified assents, although one of these appears not to have satisfied the government; thirteen answered in

¹⁴¹ Although part of the return for Bedfordshire is dated 3 February 1688, we know that Ailesbury started his canvass of both this county and Huntingdonshire, at the same time. Van Citters, although not mentioning Bedfordshire, notes as early as 25 November 1687 that the response from the Huntingdonshire gentry is negative on repeal: Ailesbury, *Memoirs*, i. 163; B.L. Add. MSS 34,510, fo. 63.

¹⁴² Duckett, i. 3; *Commons*, i. 125-8, 739-40, iii. 383; Rawl MSS, A 139a, fos. 20-1. In his memoirs, Ailesbury admitted that by 1688 he was becoming 'very insignificant in the Counties where I was Lord Lieutenant': Ailesbury, *Memoirs*, i. 176.

¹⁴³ Ailesbury, *Memoirs*, i. 162, 164-7.

the negative; nine were doubtful; and one squire, St John Thomson, was not asked for his opinion, having never been sworn in as a justice, and, as Ailesbury reported, having a ‘very mean estate and was to have been left out Last Assizes, but by a mistake kept in[;] a person of no interest either to be chosen, or to assist any other’.¹⁴⁴

In the five answers indicating qualified support for toleration, there are differing shades of commitment. The most straightforward answer came from Sir James Astrey, a Master in Chancery, who said

If he were elected he should consent to repeall y^e sanguinary part of all Laws made on y^e accompt of religion, & y^e penalties of all others of y^e same nature & y^e tests so far as may be consistant wth the Oaths & declarations he has taken & subscribed to.

Astrey added, in answer to the Second Question, that he would ‘endeavour to elect such members as are of Loyall principles & true to his Maiesties interest’. The qualification over oaths was not considered by the authorities as an impediment to supporting repeal and Astrey was retained on the bench and later made a deputy lieutenant.¹⁴⁵

The answer of Thomas Christie, MP for Bedford in 1685, was not that different. He said he would

comply wth the Kings inclination so farr as he can wth a good conscience & wth the safety of y^e protestant religion of the Church of England & that he has allwaies been civill & moderate both towards the Catholicks & to y^e protestant dissenters & has often argued wth Parliament men & others of y^e unreasonablenesse & unlawfullnesse of y^e exclusion for religion.

He too would vote for those of ‘fixed & steady Loyalty’ but the qualifications he placed on his support may have rendered him doubtful in the government’s eyes, and, despite being a close ally of Ailesbury’s, he was not recommended for retention on the bench.¹⁴⁶ However, his language suggests a genuine wish for tolerance.

Four squires, Thomas Bromsell, Ralph Bromsell, John Ventriss and William Daniel all supported repeal of the Test, which they seem to have objected to quite

¹⁴⁴ Rawl. MSS, A 139a, fos. 134-5; *Commons*, i. 127.

¹⁴⁵ Rawl. MSS, A 139a, fo. 135; *Alumni Oxon*, i. 39; Duckett, ii. 281; *CSPD*, 1687-9, p. 209.

¹⁴⁶ Rawl. MSS, A 139a, fo. 135; *Commons*, ii. 66-7; Duckett, ii. 281-2.

strongly, but were less sure about the penal laws. For Thomas Bromsell the Test was ‘made onely for to put the King when Duke of York out of his employments & not to preserve religion’, while for Ventriss the Test was ‘made onely to destroy the King when Duke & to put him out of his Employments & interest wth his brother’. These and the similar words uttered by the other two suggest that all four had agreed beforehand what they would say to the lord lieutenant.¹⁴⁷ However, Thomas Bromsell could not willingly consent to the repeal of the penal laws ‘because then it gives phanatiques to [sic] much liberty who are y^e utter enemies to y^e King & to Monarchy’. In the way the Three Questions were phrased, this must strictly speaking have counted as a negative answer, but Bromsell was recommended to be continued as a justice by both Ailesbury and the King’s electoral agents. Ventriss, for his part, consented to repealing the penal laws ‘if the R. Catholicks were onely to be eazed by it, for y^e phanatiques will get to [sic] much strength by it & they are utter enemies to y^e Kings person y^e Crown & his Monarchy’. This sentiment was hardly within the spirit of toleration as embraced by the King in his Declaration of Indulgence, but it is possible to see why it would have appealed to James. Ralph Bromsell and William Daniel consented to repeal of the penal laws, provided the laws that preserved the Church of England, and more specifically the Act of Uniformity, were retained. Ralph Bromsell, Daniels and Ventriss were recommend to be retained on the bench by both the lord lieutenant and the electoral agents and Bromsell was later added to the lieutenancy.¹⁴⁸

Most of the negative answers were unambiguously, if politely, expressed. Sir Anthony Chester, the MP for Bedford in 1685 and a strong Tory and Churchman, said he could not ‘consent to take away such Laws as doe support the Church of England’; this view was followed by the two knights of the shire in 1685, Sir Villiers Chernock and William Boteler, and three other justices, Richard Orlibeer, William Ferrars and William

¹⁴⁷ Rawl. MSS, A 139a, fo. 135.

¹⁴⁸ *Ibid.*; fo. 132; Duckett, ii. 281-2; *CSPD*, 1687-9, p. 209.

Ferrars junior. Strangely, both Boteler and Orlibeer were recommended for retention in the commission of the peace by both Ailesbury and the King's electoral agents; in Boteler's case it may be because his name appears as Butler in the return and this could have caused some confusion.¹⁴⁹ Similarly John Osborne was against repeal because the Test Acts and penal laws were for 'y^e preservation of his King & Countrey'.¹⁵⁰

More direct negative answers came from Sir William Gostwick and William Simcotts, although Gostwick in answer to the Third Question said he 'was ever for Liberty of Conscience & submitts it to y^e Law to support or not to support the same & is desirous to live frendly wth all persons of what perwasion soever, as becomes a good Christian'. Another justice Gaius Squire could not consent to the First Question and was doubtful as to the second, and although he wholeheartedly consented to the third, he should have been removed from the bench like his fellow refusers. However, he was retained.¹⁵¹

Five of those giving 'doubtful' answers - Sir John Cotton, Sir George Blundell, Richard Abbott, Sir Edmund Gardiner and Thomas Docwra - refused to pre-engage, although in his memoirs, Ailesbury emphasises Docwra's loyalty, his willingness not to pre-judge the issue and his determination to act according to his honour and conscience (an answer Sunderland called impertinent).¹⁵² The most ingenious answer came from Cotton, grandson of the famous antiquary, who said that, if chosen, he would 'come into y^e house wth a design to be convinced wth the best arguments w^{ch} he hopes may be given for y^e repealing the Laws'. Gardiner's answer that 'upon debate of the Questions [in Parliament] & due consideration had of y^e reasons Pro & Con, he shall vote according to his conscience & judgment' must have been disappointing to the government: the

¹⁴⁹ Rawl. MSS, A 139a, fos. 132, 134; *Commons*, i. 692, ii. 47-8; Duckett, ii. 281.

¹⁵⁰ Rawl. MSS, A 139a, fo. 134.

¹⁵¹ *Ibid.*; Duckett, ii. 281.

¹⁵² Rawl. MSS, A 139a, fos. 134-5; Ailesbury, *Memoirs*, i. 164. Docwra, MP for St Albans in 1685, was a friend of Ailesbury's and stayed loyal to James II after the Revolution, becoming a non-juror: *Commons*, ii. 217.

previous November the dissenters of Bedford thought that if elected he would vote for repeal.¹⁵³

Charles Leigh, uncle of Lord Leigh, would only 'give his vote for such as have approved themselves to be of the most constant & unshaken Loyalty', which tellingly, he 'takes to be those that are y^e truest sons of the Church of England', but after endorsing the principle of toleration enshrined in the Third Question, added that 'as to y^e repealing part, he leaves it to the judgement of a Parliament'.¹⁵⁴

Three squires, while refusing to repeal the Tests, were more forthcoming on the penal laws. John Harvey replied:

The King declaring the Church of England to be for Monarchy he cannot contribute to any thing that may thereby endanger that Church, but for the penall Laws had they been particularized, & an assurance given of the Act of Uniformity its being preserved [for the] government of the church, he could then have given more satisfaction. And he is of the opinion that y^e King may & ought to dispense wth his servants (whom he thinks best to employ) from taking y^e test, w^{ch} was the resolution of my Ld Ch: Justice Herbert in y^e Kings bench.¹⁵⁵

(Here is a rare thing: a clear endorsement of the dispensing power.) Another squire, Humphrey Fish agreed with Harvey, while a third, Samuel Rhodes, said that it was 'neither against his conscience or disposition to have the sanguinary Laws that concerns religions repealed'. After agreeing to the Third Question, Rhodes adds that

it is not for want of inclination if he complys not wth what the King desires. This suddain answer being not intended for a fixed opinion or resolution, for if he be resolved of any thing it is, that he will be convinced of anything, where ye argument to y^e contrary shall be more forcible.¹⁵⁶

The tone of these answers is one of compromise and a willingness, perhaps, to meet the King half way. But preservation of the Established Church was uppermost in most men's

¹⁵³ Rawl. MSS, A 139a, fos. 134-5; *Commons*, i. 127; ii. 139-40.

¹⁵⁴ Rawl. MSS, A 139a, fo. 134; Ailesbury, *Memoirs*, i. 182.

¹⁵⁵ Rawl. MSS, A 139a, fo. 134.

¹⁵⁶ *Ibid.* fos. 134-5.

minds. It is encapsulated in the answer of Arthur Humphrey, a clergyman, who in response to the Third Question states that

[h]e desires not only to live peacably wth all men but will endeavour to preach it to others, approving of passive obedience, And that those that y^e King employs that are not qualified for employments may be indemnified not onely by y^e Kings pardon but by a special act & wishes some way might be found out to gratifie y^e King in his demands & at y^e same time preserve y^e Church of England.¹⁵⁷

All those giving doubtful answers were not recommended for retention in the lieutenancy or commission of the peace. In Ailesbury's return there is a list of 49 gentlemen not in the commission of the peace, headed by Paulett St John and a number of other Whigs, including Sir John Napier, Sir William Becher, William Duncombe, Thomas Hillersden and Samuel Ironside, and ending with some more obscure members of the gentry, three of whom do not even warrant the title esquire. All the aforementioned Whigs, except St John, were eventually recommended for inclusion in the lieutenancy or on the bench.¹⁵⁸ They were joined by two more gentlemen worthy of note: John Eston, whose father had been one of the founders of John Bunyan's Baptist congregation in Bedford, and Robert Audley, who had been deputy recorder of Bedford when the Earl of Bolingbroke had held the recordership, and who had been accused in 1681 of favouring Dissenters. Both became JPs and Eston, along with Dr William Foster - whom Bunyan once likened to Judas - would eventually be confirmed as court candidates for James II's abortive Parliament.¹⁵⁹ It is also possible that Sir Edmund Gardiner changed his mind over repeal; he was added to the lieutenancy four months later.¹⁶⁰

¹⁵⁷ Ibid., fo. 135.

¹⁵⁸ Duckett, ii. 281-2; Rawl MSS, A 139a, fos. 132, 138; *Commons*, i. 615-6, ii. 247-8, 550-1, iii. 126-7; HMC *House of Lords MSS, 1678-88*, p. 173.

¹⁵⁹ Duckett, i. 282; *Commons*, i. 127-8; G. Offor, ed., *The Works of John Bunyan* (3 vols., Blackie and Son, 1890), i. 52-4; *CSPD*, 1687-9, p. 273.

¹⁶⁰ *CSPD*, 1687-9, p. 209.

Shropshire

Throughout the Restoration period Shropshire was dominated politically by Viscount Newport, who, despite being an active Royalist during the Civil War and Interregnum, was to end his days a Whig. A strong hint of this political evolution had been given in 1680 when Newport had supported Exclusion. None the less he had retained his offices - he was comptroller of the King's household - and the lord lieutenancy until he refused to promise to vote for repeal of the Test Act and penal laws in the summer of 1687. He was replaced by Lord Jeffreys, who lacked Newport's standing and influence in the county. The results of the canvass were not encouraging for the government.¹⁶¹

In fact, illness forced Jeffreys to canvass Shropshire by post in March 1688, although the justices and deputy lieutenants may have been sounded out earlier. His absence must have had an adverse effect on the results of the canvass: it is impossible to imagine that Jeffreys' rather intimidating presence would not have persuaded some gentlemen to acquiesce in the King's policies. As in Buckinghamshire, the other county where Jeffreys was lord lieutenant, the deputy lieutenants' and justices' answers are recorded merely as 'consents' or 'dissents' and the written replies of two absent squires - almost identical in wording - do not elaborate on the reasons for refusing to support repeal.¹⁶² Of the 45 gentlemen Jeffreys intended to question, nine answered in the affirmative, 24 in the negative and 12 were listed as absent. The support for the King was further weakened by the fact that no fewer than seven of the affirmative answers came from Catholics, headed by Sir Walter Blount.¹⁶³

Among those opposing repeal were five former MPs: Sir Francis Edwards, Sir Robert Owen, Edward Kynaston, of Albrightlee, John Walcot and George Weld. All had

¹⁶¹ *Commons*, i. 362-3; Duckett, i. 12-3, ii. 177.

¹⁶² Duckett, ii. 177-8, 182; Rawl. MSS, A 139a, fos. 215-20; *Commons*, ii. 703.

¹⁶³ Rawl. MSS, A 139a, fos. 215-7.

Royalist backgrounds and, save for Edward Kynaston, were strong Tories; but he, too, had rallied to support the government in the years following the Exclusion Crisis, only to become, like the others, alienated by what they saw as James's Catholicising policies. The only deviation from this pattern was provided by the Welsh squire Sir Robert Owen, who despite his strong Anglicanism - and the many rebuffs he received from the Court - remained a strong supporter of monarchy, even to the extent of his offering to raise 500 men to resist William of Orange. But even Owen, who had been absent when the Duke of Beaufort had canvassed the Caernarvon gentry, accepted the Revolution.¹⁶⁴

Other opponents of repeal were Sir Edward Acton, a Churchman and a more flexible Tory, who would represent Bridgnorth in the Convention of 1689; two other future MPs, Humphrey Briggs and Richard Mitton; and Richard Cressett, whose removal from the bench in 1680 strongly suggests he had been an Exclusionist. All those refusing to support repeal were removed from local office.¹⁶⁵

The absentees included six former MPs: Sir Henry Littleton, Sir Charles Holte, Sir Francis Lawley, Sir Henry Gough, Robert Foley and Edward Kynaston, of Oteley. Littleton had answered in the affirmative in Worcestershire. He was retained in local office there, but not in Shropshire. Holte, knight of the shire for Warwickshire in 1685, failed to answer in Worcestershire, Staffordshire and Shropshire; evasion on such a scale strongly suggests a lack of sympathy with the King's aims. Lawley, Gough, who returned a doubtful answer in Staffordshire, and Kynaston were all Tories whose loyalty was eroded by the King's policies, while Foley's politics had diverged from that of his Whig cousins, after he had married into the strongly loyalist North family. He had already been added to the Worcestershire commission of the peace, though like Holte, Lawley, Gough

¹⁶⁴ *Ibid.*, fos. 215-6; *Commons*, ii. 254, 702-3, iii. 192-3, 648, 680-2.

¹⁶⁵ *Rawl. MSS*, A 139a, fo. 215; *Commons*, i. 524; Duckett, ii. 181 (notes), 265-7; *HMC House of Lords MSS*, 1678-88, p. 188.

and Kynaston, he did not survive the purge of Shropshire magistrates.¹⁶⁶

Among the 30 gentlemen recommended to be added to the lieutenancy and commission of the peace were five former MPs: Roger Pope, Francis Charlton, Sir John Trevor, Richard Carew and Richard Moore. Pope, whose talents as a gentleman jockey made him well-suited for the Court post of Commissioner of the Royal Stables, had been active against Whigs during the Tory reaction and had raised a troop of horse to fight Monmouth. None the less he deserted James at the Revolution. It is safe to assume that Charlton, the son of Sir Job Charlton, a former Speaker of the Commons in the Cavalier Parliament, had probably inherited his father's loyalist politics. Sir John Trevor, Master of the Rolls and an unashamed careerist, was soon to be made a Privy Councillor by James, in which role he would be strongly involved in regulating the commissions of the peace. Carew, who shared the politics of his brother Sir John Carew, the leader of the King's opponents in Cornwall, and Moore, who was considered a timeserver, were probably both Exclusionists and possibly Whig collaborators. Of these men, only Charlton's parliamentary career was finished by the Revolution.¹⁶⁷

Francis Herbert, a Tory, was added to the bench on the recommendation of his cousin, the Catholic Marquess of Powis; his association with James's campaign did no harm to his future political career - he represented Ludlow in the Convention and thereafter intermittently until his death in 1719. The new justices also included three minor gentlemen worthy of note: Edward Gonsell, of Rostell, a former Mayor of Shrewsbury, who was to be recommended as a court candidate by Jeffreys but would

¹⁶⁶ Rawl. MSS, A 139a, fos. 125, 127, 128, 181-2, 215; A 139b, fos. 199, 245; *Commons*, ii. 339, 421-2, 573-4, 703, 713-4, 784-5; Duckett, ii. 265-7.

¹⁶⁷ Rawl. MSS, A 139a, fos. 217-8; Duckett, ii. 265-7; *Commons*, ii. 15, 43-6, iii. 95-6, 262-3, 604-7.

decline that dubious honour, and the sons of two Parliamentary colonels, Rowland Hunt, of Boreatton, who was a Presbyterian, and George Clive, of Walford.¹⁶⁸

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Overall the results of the canvass in the above counties would not have been very encouraging for the King. Apart from Huntingdonshire and Bedfordshire, where no Catholics figured in the canvass, what would otherwise have been weak support for repeal was bolstered by the affirmative answers of Catholics. This was most noticeable in Staffordshire, where eight of the 15 affirmative answers came from Catholics, Monmouthshire, where it was five out of seven, Shropshire, where it was seven out of nine, and Gloucestershire where it was 10 out of 18. In four counties, Staffordshire, Somerset, Sussex and Wiltshire, the energy and determination of the lord lieutenants must have helped to ensure an improved result, although in the strongly Protestant counties of Huntingdon and Bedford, the efforts of the Earl of Ailesbury counted for little. By the same token, the lack of enthusiasm for the project on the part of Beaufort, Huntingdon and Jeffreys would have done nothing to persuade wavering squires to back repeal. A measure of the opposition to the King is the fact that in nine of the 13 counties, outright negative answers outnumbered doubtful ones. Interestingly collusion among opponents of the King was only a significant element in three of the counties, Somerset, the East Riding of Yorkshire and, possibly, Derbyshire.¹⁶⁹

¹⁶⁸ Rawl. MSS, A 139a, fos. 217, 219; Duckett, ii. 265-7; *Commons*, i. 368, ii. 529-30.

¹⁶⁹ The Earl of Huntingdon's return for Derbyshire suggests collusion among opponents of repeal, but that may be simply because of the way it is set out; the evidence is inconclusive: Rawl. MSS, A 139a, fo. 118.

Chapter VI

Analysis of the Returns III

In the succeeding pages the returns from the nine English counties where gentlemen showed the least inclination to support James II's ecclesiastical policies are analysed in declining order, save for Devon and Cornwall. Although support for repeal among those canvassed in Devon ran at 19.4, as compared with only 2.4 per cent in Cornwall, it makes sense to treat the two counties together. The canvass in both was conducted by the same lord lieutenant, the Earl of Bath; and the results revealed great similarities between the counties. At the end of the chapter the returns for Wales will be considered. The results in the Principality, so far as the King was concerned, were uniformly bad.

Devon and Cornwall

The lord lieutenant of both Devon and Cornwall was the Earl of Bath. The son of a famous cavalier, he too had fought for King Charles I and been wounded at the age of 16 at the second Battle of Newbury in 1644. His public life had been devoted to service to both Church and Crown. With the Duke of Beaufort he was the only royal servant to enjoy large electoral interests, but whereas by 1687 Beaufort's influence in Wales and the Marches was in decline, Bath's in the geographically smaller but more heavily represented West Country was still unassailable. Bath was the court's electoral manager in the west country and he had strengthened his power and influence during the Tory reaction in 1681-5, when seventeen of the eighteen Cornish boroughs received new charters, under most of which Bath was named recorder. Potential rivals, like the independently-minded Tory, Edward Seymour, in Devon, or outright enemies, like the extreme Whig, Edward Nosworthy, in Cornwall, had seen their interests decline or be wiped out during this period. Bath's stewardship brought unprecedented electoral

success for the Court in 1685. However, by the time the canvass was first mooted at Whitehall in the autumn of 1687, Bath's loyalty was already being severely tested by James II's religious policies,¹ and soon the King, aware of this, would be looking at ways of bypassing Bath's influence: by the summer of 1688 the King's electoral agents would be trespassing in Bath's political domain, while his old enemy Nosworthy, who had thrown in his lot with James, would be mounting his own electoral challenge. Bath insured himself politically by keeping in touch with William of Orange and at the crucial moment in November 1688 betrayed James and secured Plymouth, where he was governor, for the invaders, an act of treachery that helped to demoralise James. Like for so many of his stamp the crisis of the Revolution proved that his loyalty to his Church was greater than that to his King.²

But that still lay in the future. In the winter of 1687-8, Bath, the staunch Anglican, was still the loyal servant of the Catholic King. None the less he seems to have been reluctant to canvass Devon and Cornwall and did not leave for the west country until the beginning of February 1688.³

The returns from the two counties must have been disappointing for the government. In Devon there were 13 affirmative answers, of which four were qualified, 50 doubtful answers and eight gentlemen were absent. (One gentleman who returned a doubtful answer, Sir Arthur Northcote, died shortly afterwards.)⁴ In Cornwall the results were even worse: only the crypto-Catholic sheriff, Humphrey Borlase, answered in the affirmative, while 31 gentlemen were doubtful and 10 were absent. (Again one

¹ Bath not only nursed a grudge against the King (he felt he had lost out in the division of the spoils at the commencement of the reign, losing his post of Groom of the Stole and a pension of £5,000pa) but it also appears that he was a grasping individual: W. A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988), p. 192-3 and note.

² *Complete Peerage*, ii. 20-1; *DNB*, xxiii. 120-2; *Commons*, i. 154-183; J. P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702* (Longman, 1958), p. 173; J. R. Jones, *The Revolution of 1688 in England* (London, 1972), pp. 160-3.

³ Kenyon, *Sunderland*, p. 173; R. Morrice, ii. fo. 236.

⁴ Rawl. MSS, A 139a, fo. 224.

gentleman who returned a doubtful answer, the former MP Sir Richard Edgcumbe, died before he could be removed from local office.)⁵

Bath's lack of enthusiasm for the enterprise possibly transmitted itself to the gentlemen canvassed. His dominant political position may also have worked against him. Some leading Cornish families resented his influence, fearing they were being 'reduced to the level of vassals', while ordinary gentry families had been unhappy at having Bath's relatives and outsiders imposed on constituencies in 1685. Even if the gentlemen of Devon and Cornwall had not been unwavering in their Protestantism, what better way to administer a rebuff to an over mighty lord lieutenant than return uncompromising answers to the Three Questions?⁶

There was not only collusion between the gentry but between the counties. All the doubtful answers are identical - in both Devon and Cornwall. In Devon 49 squires followed the lead given by Sir Edward Seymour (father of Bath's great rival) who answered

doubtfull to the first and second Questions, till it be debated in Parliament, how the Religion by Law established may be otherwise secured, And further declares to the second Question, that he will assist, and contribute his utmost endeavours to the Election of such members of Parliament, and no other but such only as he either knows or believes to be Loyal Subjects, and who will most faithfully serve his Majesty in all things, with security to our said Religion; And consents fully to the third Question.⁷

Sir Edward, whose long Parliamentary career had been overshadowed by that of his son, was an old Cavalier, a strong Tory and a man of unimpeachable loyalist credentials.⁸ In Cornwall the lead was given by Sir John Carew, whose answer (spelling aside) was identical: thirty squires followed suit.⁹ Carew's background was very different. His

⁵ Ibid., fo. 225; *Commons*, i. 682-3, ii. 253.

⁶ Jones, *Revolution*, p. 162.

⁷ Rawl. MSS, A 139a, fo. 224.

⁸ *Commons*, iii. 420-1.

⁹ Rawl MSS, A 139a, fo. 225.

father had initially opposed Charles I in the Civil War but had tried to change sides and been executed. Carew himself was a Presbyterian, had allied himself with the Country opposition, voted for Exclusion and been removed from local office in 1680. Strangely it was James who had restored him to the commission of the peace, but his answers were to render his restoration to local office short-lived.¹⁰

Among those following Seymour's lead in Devon were 19 former MPs, including Tories like Sir Courtenay Pole (who had dreamed up the Hearth Tax), Sir Coplestone Bampfylde, Sir Peter Prideaux, who was a brother-in-law of the Earl of Bath, Sir Bouchier Wrey and Sir Nicholas Slanning, son of a Cavalier hero; and moderate Country Party supporters, like Sir John Rolle, one of the richest men in the county, Samuel Rolle, Sir John Davie and John Kelland.¹¹

In Cornwall the picture was the same. Of those following Sir John Carew's lead, nineteen were former MPs. These included the Tories Sir John Coryton, Sir Vyell Vyvyan, Sir Joseph Tredenham, brother-in-law of Edward Seymour and political ally of Lord Bath, and John Speccot; the Independently-minded Charles Trevanion; the Whiggish or Whiggishly-inclined Humphrey Courtenay, Jonathan Rashleigh and John Connock; and those whose political allegiance was unsteady, like Sir Richard Edgcumbe and Nicolas Glyn.¹²

This meeting of minds between Cornishmen and Devonians, between Whigs and Tories, even between Bath's allies and enemies, highlights the apparent unity of opposition to the King, for although the answer was officially 'doubtful', rather than an out and out refusal, and although it contained a pledge to contribute to the election of members loyal to the King, it was in effect a negative answer and was recognised as such by the government.

¹⁰ *Commons*, ii. 11-2.

¹¹ *Ibid.*, i. 587-9, ii. 198, 670, iii. 253-5, 289, 348-50, 437-9, 763-4.

¹² *Ibid.*, ii. 117, 137, 147, 253, 399, iii. 314-5, 462, 583-6, 600-1, 646-7.

But what of the support for the King? In Devon nine gentlemen consented fully to the Three Questions. Of these five, John Rowe, High Sheriff, Sir John Southcote, John Chichester, Edward Carey and John Berry, of Berrynarbor, were Catholics, and of these only Southcote, the former Cavalier plotter and ‘hot-headed’ zealot, was politically active.¹³ These were joined by two Tories, both former MPs, John Beare, the leading Tory collaborator in Devon, and Roger Pomeroy. Their support for the King was to end both their political careers after 1688.¹⁴

Qualified consents were given by four others. Another former MP, Thomas Reynall, a Whig described as a Presbyterian and dangerous Commonwealthman, answered that ‘[h]e consents conditionally to the first and second Questions, provided that the Protestant Religion be secured, And to the third Question he consents fully’. More or less the same answers were given by Dr Richard Burthogge, a patron of dissent, Sir William Bastard, a former Exclusionist MP, and Richard Duke (either the father or the son - it is not clear which - both of whom in any case were strong Whigs). Such qualified answers were obviously good enough for the government because all four were recommended for retention in the commission of the peace.¹⁵ It was with such an unlikely alliance of Catholics, Dissenters, Whigs and renegade Tories that the King hoped to challenge the political establishment in Devon.

However, the picture is rendered slightly more confusing by the fact that 18 of those squires who had answered doubtfully were recommended for retention as deputy lieutenants or JPs in May 1688, and, of these, 13 survive on a list of Devon justices dating from the following July.¹⁶ It is not obvious why. In some cases family connections might have helped: Sir Simon Leach and Sir Thomas Berry had married

¹³ Rawl. MSS, A 139a, fo. 224; HMC *House of Lords MSS, 1678-88*, pp. 236-7; *Commons*, i. 209-10, iii. 458-9.

¹⁴ *Commons*, i. 612-3, iii. 261-2.

¹⁵ Rawl. MSS, A 139a, fo. 224; *Commons*, i. 210, 605-6, ii. 241-2, iii. 325-6; Duckett, ii. 263-5, 298-9.

¹⁶ Duckett, ii. 263-5, 298-9.

into the Catholic Clifford family and Leach seems to have been politically close to his brother-in-law, the 2nd Lord Clifford, after the Revolution. But otherwise it must be assumed that either they modified their views on repeal or that the Government clung to the hope that they would.¹⁷

Among those recommended to be added to the commission of the peace in May were a group of Whigs, including the leader of the country party in Devon, Sir William Courtenay, his son, Francis, Sir Walter Yonge, Thomas Bampffield, the Presbyterian lawyer and uncle of Sir Coplestone Bampfylde, the notorious rebel Hugh Speke, and the Exclusionist MP Richard Hillersdon and his son, also called Richard. Of these all save Speke were still listed as JPs in the following July.¹⁸

At first glance support for the King in Cornwall seems very sparse. Humphrey Borlase apart, only the Catholic Sir John Arundell, who was absent from the canvass, probably supported the King, although four other absentees, Captain Henry Trelawney, Captain Sidney Godolphin, Captain John Arundell and the lawyer and former MP, Nicholas Courtenay, were retained as justices.¹⁹ All of the gentlemen following Sir John Carew's lead, save three, were removed from the commission of the peace. The exceptions were William Godolphin, John Nicholas and John Manley.²⁰ Ironically the latter's father, also John, was a die-hard opponent of the Stuarts, who had escaped to Holland after the defeat of Monmouth's rebellion. By contrast John the younger, a lawyer, was a strong Tory, and his name is on a list of eight gentlemen 'to be enquired of from the Earl of Bathe' on the revised list of deputy lieutenants and justices. Presumably these men, including the Tory John Waddon, an ally of Bath, the Whig Humphrey Courtenay and a couple of former MPs John Vivian and John Conock, were

¹⁷ *Commons*, i. 639, ii. 716-7.

¹⁸ Duckett, ii. 263-5, 298-9; *Commons*, i. 586-7, ii. 144-6, 551, iii. 789-90; *DNB*, liii. 322-4.

¹⁹ Rawl. MSS, A 139a, fo. 225, A 139b, fo. 225; HMC *House of Lords MSS*, 1678-88, p. 231; *Commons*, ii. 147-8, 406-7, iii. 590-1.

²⁰ Rawl. MSS, A 139b, fo. 225.

considered as potential supporters, open to persuasion from the Earl of Bath, but in the event only Manley appears to have given satisfaction on the question of repeal.²¹

Two other absentees, Sir William Godolphin, brother of Lord Godolphin and a former governor of the Scilly Isles, and Colonel Charles Trelawney, brother of both the Bishop of Bristol and the aforementioned Henry, were named as deputy lieutenants in the following July, even though neither had been originally recommended for retention in the lieutenancy. Godolphin, who had retired from public life, was a man who thought deeply about religious matters and had had scruples about the Test Act, and he may have been seen as a potential supporter of the King. Trelawney, however, though like most of his family a Tory, sided with William at the Revolution.²²

Those added to the Cornish commission of the peace included a number of Whigs and dissenters - Edward Herle, Humphrey Nichols, Robert Rouse, Edward Nosworthy, William Harris, John Kendall, John Verman, William Syllly and Hugh Fortescue - and a Catholic, Peter Trevillian. The young Tory baronet, John St Aubyn, and the former Whig and future Jacobite Samuel Rolle were also added to the bench. However the noted Whigs Hugh Boscawen and John Buller did not join the King's camp, while another Whig, Sir Walter Moyle, appears eventually to have been unable to support repeal.²³ Less than a month later Nosworthy's rehabilitation was complete when he was added to the lieutenancy.²⁴

²¹ *Commons*, i. 180, ii. 117, 147, iii. 13-4, 645, 647; Rawl. MSS, A 139b, 225.

²² Rawl. MSS, A 139b, fo. 225; *CSPD*, 1687-9, p. 226; *Commons*, ii. 408-9, iii. 590.

²³ Rawl. MSS, A 139a, fo. 225, A 139b, fo. 225; *Commons*, i. 686-90, 749-50, ii. 348-9, 500, 536-7, 674, iii. 114-5, 144, 165-6, 349-50, 352, 380-1, 435; *HMC House of Lords MSS, 1678-88*, pp. 176, 231.

²⁴ Rawl. MSS, A 139b, fo. 269; *CSPD*, 1687-9, p. 241.

Dorset

The return from Dorset is among the shortest and least revealing in the Rawlinson MSS.²⁵ The canvass was carried out in what can only be described as a perfunctory manner by the Earl of Bristol, who appears to have had little or no sympathy for James II's ecclesiastical policy, despite the fact that his father, the second earl, had been a convert to Catholicism.²⁶ Bristol canvassed the deputy lieutenants and justices of the peace of Dorset in November 1687, yet his return is dated May 1688, the six-month time lapse being possibly further evidence of the earl's foot-dragging. His return contains only the minimum amount of information. Those questioned are listed as either refusing or consenting to repeal - there is no elaboration - and only six consents and one doubtful answer break the monotony of refusals.²⁷

His report on the Dorset corporations is strikingly unhelpful:

I have made the best Enquiry I can, and doe not find that there is a person in any of them who will comply with these Measures that hath Estate and Interest enough to be chosen Parliament man, most of them being Tradesmen, &c

And again he is unable to recommend anyone to be added to the list of deputy lieutenants or to the commission of the peace, save the four Catholic JPs who are fit to be added to the lieutenancy and one dissenter who is qualified (presumably in terms of estate) for both.²⁸ When ordered to dismiss the recalcitrant squires, he asked to be excused from acting as lord lieutenant. He appears to have been replaced by the Catholic Lord Arundell of Wardour in July, but took up his post again in the autumn - on his own terms. However, he led the gentleman of Dorset over to William of Orange in the following November and supported the Revolution.²⁹

²⁵ Rawl. MSS, A 139a, fo. 190.

²⁶ *Commons*, ii. 213-4.

²⁷ Morrice, ii. fo. 202; Duckett, ii. 39; Rawl MSS, A 139a, fo. 190.

²⁸ Rawl. MSS, A 139a, fo. 190.

²⁹ *CSPD*, 1687-8, pp. 213, 229, 287, 293-4, 302; *Commons*, ii. 214.

Of the 33 squires who answered the Three Questions, six consented to repeal, 26 refused to support repeal and one was doubtful. The six supporters of the King's policy included four Catholics: Sir John Webbe, Sir John Arundell (who is also mentioned in the Devon and Cornwall returns), George Penne (or Penny), a member of a stalwart Cavalier family, and George Hussey.³⁰ The two Protestants who signalled support for the King - Gregory Alford, a customs official and Tory mayor of Lyme Regis under the new charter of 1684, and John Fitch - were of no great political weight in the county. The one doubtful answer was provided by James Long, who had married into the politically influential Stangways family but whose Parliamentary aspirations had been sacrificed to the needs of the latter.³¹ All the six who gave affirmative answers were retained on the bench and the four Catholics added to the lieutenancy, as was the one Dissenter mentioned by Bristol, Michael Harvey, an Independent who had represented Weymouth in the three Exclusion Parliaments. Long was removed.³²

No fewer than fifteen of those opposed to repeal were former MPs. Of these seven - Sir Henry Butler, Thomas Strangways, George Ryves, Thomas Chafe, Francis Mohun, Richard Fownes and Edward Mellor - were Tories. Three were Whigs - Sir John Morton, who had been the rather vindictive henchman of the Earl of Shaftesbury, Thomas Freke, knight of the shire from 1679 to 1701, and Thomas Erle. The independently-minded Sir William Portman and the dilettante Sir Nathaniel Napier had both supported Exclusion, but later veered towards the Court Party, while Francis Luttrell may have followed the same course. Robert Coker, though he had fought for Parliament in the Civil War, was a highly respected figure in Dorset, and Robert Culliford, a member of the Cavalier Parliament, had stopped supporting the Government after his kinsman, Lord Clarendon, had fallen from power. Of the other

³⁰ Rawl. MSS, A 139a, 190, 221ff; HMC *House of Lords MSS, 1678-88*, pp. 231, 235.

³¹ *Commons*, i. 217, 224.

³² Duckett, ii. 262-3; *CSPD*, 1687-9, p. 201; *Commons*, ii. 509-10.

refusers, William Constantine and William Strode can also be accounted Tories.³³

Since more information is lacking it is difficult to speculate on why the Dorsetshire gentry answered the way they did, although it was reported that Strangways, Freke and Luttrell, three of the largest owners of former monastic lands in the county, feared that the King's religious policy could threaten their estates.³⁴ However, what is perhaps more surprising is that six of the refusers were recommended for retention in local office, including the Whigs Morton and Freke and the Tory Butler, with the first two being confirmed as deputy lieutenants in May.³⁵

Undaunted by the lord lieutenant's inability to recommend gentlemen fit to be added to the lieutenancy and commission of the peace, the King's electoral agents were able to supply a list of 36 persons, mainly Whigs and Dissenters, 17 of whom had been MPs or would achieve that distinction after 1688. Most notable among them was Henry Trenchard, who had been imprisoned for his political activities, and Thomas Bennett, the Earl of Shaftesbury's close ally and a decade before one of the most outspoken Whigs. Other Whigs apparently recruited to the King's cause included Nicholas Gould, Nathaniel Bond, John Michell, Henry Henning, Thomas Moore, Henry Henley and Thomas Grove, most of whom were either Dissenters or had strong Dissenting connections.³⁶

Also, rather surprisingly, two Tories were included in the list, the loyalist lawyer Anthony Ettrick, who with his son, William, had helped to undermine the ecclesiastical and administrative independence of Poole during the years of the Tory reaction, and William Churchill, who had been MP for Dorchester in 1685.³⁷

³³ *Commons*, i. 218, 753-4, ii. 102-3, 180-1, 268-9, 354, 365-6, 782, iii. 47-8, 70-1, 109-11, 127-8, 265-7, 369-70, 499-500; *HMC House of Lords MSS, 1678-88*, p. 178.

³⁴ Morrice, ii, fo. 202.

³⁵ Duckett, ii. 262-3; *CSPD*, 1687-9, p. 201.

³⁶ *Ibid.*; *Commons*, i. 627-9, 676, ii. 422-3, 449-50, 524-6, iii. 59-60, 94-5, 596-7.

³⁷ *Commons*, i. 219, ii. 70, 276-8.

Again it is difficult to gauge the extent of these men's commitment to the King's cause: most reverted to type after James II had been driven from the throne. Bennett died in May 1688 before he could become seriously involved in the election campaign for James's abortive Parliament; but Trenchard's apparent wholehearted support - he became Recorder of Poole in the late summer of 1688 and a court candidate - did nothing to injure his political reputation: he finished top of the poll at Poole in the election to the Convention in 1689. Churchill's loyalty to James II may have been more durable - it is thought he became a non-juror after the Revolution.³⁸

West Riding of Yorkshire

The West Riding was not canvassed until August 1688. By this time the lord lieutenant was Lord Thomas Howard, Catholic brother of the Duke of Norfolk.³⁹ Of the 43 members of the gentry summoned to appear at either Skipton on 14 August or Pontefract on the 20th, eight gave affirmative answers, none refused outright to comply, 22 gave doubtful answers, and 13 were absent. Most of the doubtful answers were similar, withholding a commitment to support repeal until the matter had been debated in the House of Commons.⁴⁰

At Skipton three captains of militia, Thomas Fairfax, grandson of the famous Parliamentary general, Thomas Fawkes and Henry Hitch signed the same answer, that they would 'give our voats upon heareing the debates of the house, according to the best of our judgem^{ts} as becomes loyall subjects & honest men'. Fairfax had been MP for Malton in 1685 and would be knight of the shire in 1689, while Fawkes would be

³⁸ Ibid., i. 219, 629, ii. 70, iii. 597.

³⁹ Howard replaced the Earl of Burlington in March 1688: Duckett, i. 17; A. Ivatt, ed., *The Memoirs and Travels of Sir John Reresby, Bart.* (London, 1904), pp. 298, 309-10.

⁴⁰ Rawl. MSS, A 139a, fos. 234, 236.

elected for Knaresborough in 1689. Both were probably Whigs. Three other squires returned similar answers at Skipton.⁴¹

At Pontefract, 15 of the justices, including the former MPs Viscount Downe, Sir Henry Goodricke, Sir Thomas Yarborough, Sir Michael Wentworth, John Ramsden and Sir John Kaye and a future MP, Christopher Tancred, put their names to the same answer. To the first question, they refused to pre-engage themselves, adding, ominously for the King, that they were ‘further senceable that y^e Protestant Church may be deeply concerned herein as to its security which Church wee are bound to support by lawfull means’. A further warning came in their answer to the second question that ‘[u]ntill such penall Laws & Tests may be made [to?] appeare to be repugnant to the Protestant interest wee cannot contribute to any such Election’. Even their answer to the Third Question had a note of caution:

Wee will live peaceably with all men, as its every good Christians duty to doe & in what may be required of us wee shall endeavo^r to acquit our selves with a due regard to the Lawes & the discharge of good Consciences.

It is safe to say that those who gave doubtful answers were opposed to the King, but what lends distinction to the answer is its preamble in which the signatories state that they do not feel under any legal obligation to answer the questions, although they added that they would do so ‘to show our willingnesse to express our obedience wherever, and by whomsoever the Kings name is made use of’.⁴² All were probably Tories, though Downe and his son-in-law Ramsden were trimmers, while Goodricke was a rigid opponent of Catholicism. Goodricke, Yarborough, who was a nephew of Downe, Tancred, Wentworth and Kaye were all involved in the northern rising against James, although with differing degrees of enthusiasm.⁴³

Those giving affirmative answers included the Catholics Sir Miles Stapleton and

⁴¹ Ibid., fo. 234, *Commons* ii. 293-4, 305-6.

⁴² Rawl. MSS, A 139a, fo. 236.

⁴³ *Commons*, ii. 199-200, 410-12, 668-9, iii. 312, 530-1, 685-6, 785.

John Ryder, as well as Sir John Boynton, Serjeant at Law, who, at the Pontefract Quarter Sessions in the previous April, had been responsible for sending an address thanking the King for his Declaration of Indulgence, despite the fact that most the Protestant justices had opposed this.⁴⁴

Of the absentees, Jasper Blythman and Thomas Heseltine had already answered (doubtfully) elsewhere, while Sir John Reresby, whatever his misgivings about the King's religious policies, was a loyalist. He avoided giving an answer to the Three Questions, but was accepted by the Court as a candidate for York and, a month later, was described as 'undoubtedly right' by the King's electoral agents. He along with the Catholics Sir Walter Vavasour, Sir Miles Stapleton, John Middleton and John Ryder, and the Anglicans Boynton and Sir Henry Slingsby, son of the late Sir Thomas, were confirmed as deputy lieutenants for the West Riding in September 1688.⁴⁵

The returns for the city of York and the boroughs of Leeds, Pontefract, Ripon and Doncaster, which were canvassed by the king's agents in July, August and September of 1688, also survive. The corporations of Doncaster, York, Leeds and Ripon all replied in doubtful, conditional or evasive terms; almost certainly they were against the King's policies and were purged. Even the Mayor of York, who, according to Reresby, was married to a Papist, equivocated. Only in Pontefract was there a nucleus of support for the King. Here, while the mayor, recorder, seven aldermen and the town clerk refused to be pre-engaged, three alderman gave qualified and one unqualified support.⁴⁶

More interesting, however, are the answers of the urban justices. In St Peter's

⁴⁴ Rawl. MSS, A 139a, fo. 236; Duckett, i. 89 (plus note); HMC *House of Lords MSS, 1678-88*, p. 235; Reresby, *Memoirs*, pp. 298-9.

⁴⁵ Rawl. MSS, A 139a, fos. 235-6, 299; Duckett, i. 102; Reresby, *Memoirs*, pp. 305-6; *CSPD*, 1687-9, p. 277; *Commons*, iii. 440.

⁴⁶ Rawl. MSS, A 139a, fos. 227-33, 235, 237, 238-42. Duckett, i. 78 (and note).

Liberty in Ripon, which was canvassed in the second week of August 1688, the answers reveal a growing hostility on the part of justices to the inquisition. One justice was doubtful, one refused to support the King, two had already answered in the North Riding in January, and two, Sir Jonathan Jennings and Sir Edmund Jennings, refused to accept the King's agents' commission altogether.⁴⁷ But, most significantly, the Dean of Ripon, Christopher Wyvill, said that 'to give his answer to support the Kings Declaration was ag^t his Conscience'.⁴⁸ Some justices had earlier expressed doubts about the validity of the Declaration of Indulgence and a handful had refused to give an affirmative answer to the Third Question - and one of these, Thomas Boothby, of Leicestershire, has been dismissed as an eccentric. None the less, however much the gentry objected to the King's policies, most had felt obliged to answer positively to the Third Question, even if it implied tacit acceptance of the legality of the King's Declaration of Indulgence: by doing so they did not necessarily surrender the political initiative and, in any case, to be seen to oppose religious toleration *per se* smacked of bigotry. No doubt the Dean of Ripon had been influenced by what was perceived in Anglican quarters as the persecution of the seven Bishops and his courage had been reinforced by their acquittal and the subsequent adverse publicity for the government, but his answer represented a significant change in attitude.⁴⁹

In St Peter's Liberty in York (canvassed on 25 August 1688), of the three clergymen justices questioned, the Dean, Tobias Wickham, gave guarded support for the king, saying he would vote 'for such p[er]sons, as I verily beleive are the likeliest

⁴⁷ Rawl. MSS, A 139a, fos. 77-8, 232-3. Sir Edmund Jennings refused to commit his (negative) answer to paper and even wondered 'whether an endeavouring an alteration of government [which he suggested repeal would be] be not criminal?': HMC *Franklin-Russell-Astley MSS*, pp. 66-7.

⁴⁸ Rawl. MSS, A 139a, fo. 232; Wyvill had succeeded the ultra-loyalist Dr Thomas Cartwright on the latter's elevation to the bishopric of Chester in 1686: *CSPD*, 1686-7, p. 284.

⁴⁹ Rawl. MSS, 139a, fo. 121; L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720*, (Oxford, 1979), p. 81; J. Carswell, *The Descent on England* (London, 1969), Appendix A, p. 238; J. R. Western, *Monarchy and Revolution: The English State in the 1680s*, (London, 1972), p. 219. Sir Henry Every, in Derbyshire, and Anthony Eversfield in Sussex also answered negatively or doubtfully to all three questions: Rawl. MSS, A 139a, fos. 118, 246.

to answer the ends of his Ma^{ties} writ for that purpose'; while the Precentor, Thomas Cumber, and the Rev William Stamford answered virtually identically - and rather evasively - that they would vote for persons 'truly Loyall to his Ma^{tie}, and intirely faithfull to the interest of the Government in Church and State, as now by Law established'. All three answered the Third Question positively, as did two other justices, Thomas Heskit and Henry Squire, who nevertheless refused to be pre-engaged.⁵⁰ A sixth justice, Thomas Waite, refused to commit himself to repeal and challenged the notion of pre-engagement, but it was his answer to the Third Question, which denied the validity of the King's Declaration of Indulgence, which was singular:

[...] as a Justice I have sworne to observe Law and Justice, the neglect whereof is fineable and punishable, and by the 20th of K: Ed: 3: I: noe Justice is to neglect or deferr it for the King's Letters, writs, or com~ands, which if he doe, he is to be at the King's will for body, Lands and goods and by 22: K. Char: 2: 4: a Justice is to act upon Conventicles, contrary to the Litergy and practice of the Church of England upon paine of 100^{li}: and the Test is ordained by the 29th of K: Charles the Second: 2: therefore I cannot with Safety publicly declaire to support any Declarac~on out of Parliam^t, that is contrary to these Laws Yet I shall carefully keep the peace, though I may dislike some mens pswasions for themselves as well as for their prohibition.⁵¹

In the light of this rebuff it would be easy to overlook the fact that the last York justice to be canvassed, Robert Medley, answered in the affirmative.⁵²

Leicestershire

The Lord Lieutenant of Leicestershire⁵³ at the time of the canvass was the Earl of Huntingdon, who had replaced the unco-operative Earl of Rutland in August 1687.

⁵⁰ Rawl. MSS, A 139a, fos. 238-9.

⁵¹ Ibid., fo. 240.

⁵² Ibid.

⁵³ See Chapter VIII.

Despite once being a Whig, Huntingdon was one of James II's most trusted servants.⁵⁴ He canvassed the county, along with Derbyshire, where he was also lord lieutenant, in January 1688. He summoned Leicestershire's deputy lieutenants and justices of the peace to Leicester on 12 January. The earl's report shows that 27 gentlemen either attended the meeting or responded in some way to the Three Questions. Seven deputy lieutenants and justices answered in the affirmative, three were considered doubtful, 16 replied in the negative to the first two questions but positively to the third, and one squire, Thomas Boothby, answered negatively to all three questions. A further 16 squires listed in the return were absent or did not live in the county.⁵⁵

Those supporting repeal tended to be Huntingdon loyalists, and included his henchman, Sir Henry Beaumont, his chaplain, Dr John Gery, and Dr William Foster, who also answered in the affirmative in Bedfordshire.⁵⁶ Beyond the opposition of the majority (absence was generally taken by the Government to indicate hostility towards repeal), few details of what Leicestershire's ruling elite thought about the King's policy emerge from the return, though two doubtful squires, Thomas Pochin and Sir Geoffrey Palmer, in effect, asked for more time to consider their position, and the former agreed to the repeal of the penal laws.⁵⁷ Those giving negative answers - and they included Lords Beaumont, Cullen and Sherard, a Dixie, a Hasilrigg, a de la Fontaine, a Verney and a Babington - were purged, as were the Protestant absentees, except for the soldier John Beaumont, one of James II's equerries.

The five Catholic JPs absent were included in the new commission of the peace and they were joined by three more of their co-religionists, plus the Whig, Sir John

⁵⁴ P. Walker, 'The Political Career of Theophilus Hastings (1650-1701), 7th Earl of Huntingdon', *Transactions of the Leicestershire Archaeological and Historical Society*, vol. 71 (1997), pp. 60-71; Duckett, i. 7.

⁵⁵ Rawl. MSS, A 139a, fos. 120-3.

⁵⁶ *Commons*, i. 613; *Alumni Cantab*, pt. i. vol. ii, p. 203; *VCH Leicester*, iv. 114; Rawl. MSS, A 139a, fo. 137.

⁵⁷ Rawl. MSS, A 139a, fo. 120; Pochin to Huntingdon, Hastings MSS, Reel 12, Box 42, HA 10330.

Hartopp, Nathan Wright, the deputy recorder of Leicester, and John Oneby, bailiff of Leicester and, like Hartopp, a Dissenter.⁵⁸

Berkshire

The Lord Lieutenant of Berkshire was the Seventh Duke of Norfolk, the Protestant head of the Catholic Howard family. The duke's conversion to Anglicanism had occurred about ten years before and as in the case of the Duke of Beaufort - another Protestant head of an influential Catholic family - there was speculation as to where Norfolk's true religious allegiances lay.⁵⁹ None the less, it might have been expected that Norfolk would have had some sympathy with the King's desire for repeal of the Test Acts and penal laws, but if anything the opposite was true. He showed little enthusiasm for the enterprise, and that may well have transmitted itself to the gentry, whose answers were generally negative. (The duke is famously reported as saying that in the three counties where he was lord lieutenant - Norfolk, Berkshire and Surrey - he could have brought all those in favour of repeal up with him in his coach, 'without the least harm to his horses'.)⁶⁰

Berkshire was canvassed by Norfolk in January 1688.⁶¹ Of the 30 gentlemen on the duke's list, only five answered in the affirmative, while thirteen answered, with varying degrees of boldness, in the negative, and seven were doubtful. Five squires did not provide answers. Two of these, Sir Anthony Craven and Richard Lybbe, referred the lord lieutenant to their answers in Middlesex and Oxfordshire respectively: Craven's

⁵⁸ Rawl. MSS, A 139b, fo. 251; *Commons*, i. 614, ii. 503; Duckett, ii. 101 (notes).

⁵⁹ *Complete Peerage*, ix. 28-30. Sir John Reresby, at least, was convinced Norfolk was a Protestant: Reresby, *Memoirs*, p. 305.

⁶⁰ Rawl. MSS, A 139a, fos. 83-96; J. P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702* (London, 1958), p. 173. '[The duke] seems to have sat on the fence with masterly firmness' and later developed whiggish tendencies: J. M. Robinson, *The Dukes of Norfolk* (Oxford, 1982), pp. 141-5.

⁶¹ Morrice, ii. fo. 234.

answer presumably was not hostile to repeal since he was retained in the Berkshire lieutenancy; we know Lybbe's was doubtful and, as in Oxfordshire, he was removed from the bench. Only three squires, Francis Piggott, Henry Benedict Hall, a Catholic, and the Whig, Sir George Willoughby, were listed as living elsewhere, although five others who failed to attend Norfolk replied by letter.⁶² Those supporting the King's religious policy were not the most prominent of the Berkshire gentry. They included at least one recusant, Francis Perkins, who had been named as a Catholic in Parliament at the height of the Popish Plot. And another squire answering in the affirmative, George Eyston, belonged to an old county family.⁶³

Those opposed to repeal were headed by the Earl of Sterling, who hitherto had been a strong loyalist. His answer set the tone for the other refusers. He said that

hee shall bee very willing to have the penal Laws reviewed, and many of them repeald and altered, but cannot consent to repeal them all, nor the Tests, unless hee bee convinced by farther Arguments then [sic] he yet knowes

To the second question he said he could not 'in honour nor Conscience desire that of another that he does not think fitt to do himselfe'. To the third, he said that

his Religion teaches him Loyalty and Charity, and hee shall always serve his Majesty with his Life & Fortune in all active and passive Obedience, and ever live Charitably and peaceably with all People.⁶⁴

The reference to passive obedience marks Sterling out as a strong Tory. All the same, the answer is moderate in tone (the willingness to part with some of the penal laws is a concession not all Tories would have made), but the chances of his being 'convinced by further arguments' were, it was obvious to the government, remote.⁶⁵

The former MP Sir Humphry Forster, a Whiggishly-inclined moderate, could not

⁶² Rawl. MSS, A 139a, fos. 52, 256-60; *Commons*, iii. 740. Hall is mentioned in the Gloucestershire and Monmouth returns: Rawl MSS, A 139a, fos. 140, 148.

⁶³ Rawl. MSS, A 139a, fo. 256; HMC *House of Lords MSS, 1678-88*, p. 233; Duckett, ii. 167 (note).

⁶⁴ Rawl. MSS, A 139a, fo. 256.

⁶⁵ *Commons*, i. 128-9.

be for repealing the Tests, 'but as for the penal Laws that are not absolutely necessary for the support of the Church of England, hee is willing to have them repeal'd, having been sixteen years in Commission without ever having persecuted any one for their opinion'. Another former MP, Sir John Stonehouse, who like Forster had voted for Exclusion, also thought the penal laws could be reviewed and amended but was firm on the Test, which he thought 'was made for the support of the Church of England...and cannot give his consent to repeal it wthout doing a great deal of Injury to his Religion'.⁶⁶

Similar views were expressed by three other squires, Thomas Fettiplace, John Whitfield, who was against 'repealing some of the penal Laws especially those which concern the Test', and John Hippisley. After stating that he did not intend being a Member of Parliament, Hippisley said in answer to the Second Question that

Being already convinced of the reasonableness of his Ma^{ties} Royall Maxim, that Conscience ought not to be forced, hee shall readily concurr in the choice of such persons as shall bee for taking off the Penall-Laws, so as no person may suffer for matters meerly concerning Religious Worship: But as to the Tests, hee is not (as yet) sattisfyed they can bee abrogated, without danger to the Religion of the Church of England[...]

Rather surprisingly Hippisley was recommended for retention on the Berkshire commission of the peace by James's electoral agents. It is possibly that he qualified his answer at a later stage (although both Norfolk's return and the revised list of deputy lieutenants and JPs are dated March 1688) and admittedly his answer shows more than usual deference to the King's views on religious toleration, but, without further evidence, it is difficult to understand why Hippisley should have escaped dismissal when fellow squires who gave similar answers did not.⁶⁷

Six gentlemen, Sir Jonathan Raymond, who was an alderman of London, Boulton James, Edmund Wiseman, Robert Jennings and Charles and Thomas Garrard,

⁶⁶ Rawl. MSS, A 139a, fo. 256; *Commons*, ii. 347-8, iii. 492.

⁶⁷ Rawl. MSS, A 139a, fos. 257-8, 260; A 139b, fo. 205.

gave straight negatives.⁶⁸ However the answer from Lord Francis Powlett, half-brother of the leading Whig, the Marquess of Winchester, was intriguing. Powlett said that ‘hee had taken the Oaths and Tests before a whole session, and having done it hee cannot (at Least wth Credit), bee openly for taking away those things’. The inference, rather surprisingly, was that he was secretly in sympathy with the King’s aims.⁶⁹

Of those giving what may classed as doubtful replies four, Sir Thomas Draper, Sir Henry Henne, Humphrey Hyde and John Smith, were evasive; presumably they did not support repeal but tried to avoid giving offence. Three squires, John Stone, John Whitwick and David Bigg, would not commit themselves until the matter had been fully debated. Even then Whitwick would only consent to repeal if ‘satisfissied it will be no p^rjudice to the Protestant Religion’. Bigg’s answer was more conciliatory in that he was willing to repeal the penal laws rather than any ‘should suffer barely for differences of opinion’.⁷⁰ Stone, the former Tory MP for Wallingford, came up with the classic formula of non-commitment. He answered that

tho’ hee might at p^rsent perhaps bee willing to have the penal Laws and Tests Abrogated upon safe compensations and Cautions, yet since his minde may alter upon a free debate therefore hee does not make a previous promise.

2. That hee shall contribute (as farr as hee can undertake for others) to the Election of such Members as are Loyal and well affected to cause a Mutuall Confidence betweene his Ma^{ty} and his subjects.

3. That hee shall endeavour to support liberty of Conscience with our Civill liberties and since wee are commanded to have peace wth all men especially with those of the household of ffaith, yet it was ever his Nature to live friendly with any that have dissented from his own way of Worship.⁷¹

There is a strong hint in Stone’s answer to the Third Question that, despite a natural inclination on his part towards toleration, he thinks religious liberty is only acceptable when compatible with civil liberty, which many seventeenth century squires, deep

⁶⁸ Ibid., A 139a, fos. 256-7; Duckett, ii. 166 (note).

⁶⁹ Rawl. MSS, A 139a, fo. 258; Duckett, ii. 171 (note).

⁷⁰ Rawl. MSS, A 139a, fos. 256-8.

⁷¹ Ibid., fo. 258.

down, doubted. This could be the same John Stone, a deputy lieutenant, canvassed in Oxfordshire in January, whose answer was as follows:

To the First, That he has no designe of standing himself, but in case he should be chosen, he shall endeavo^r as to the penall laws and Test, as well as all other things to create a mutuall confidence betwixt his Maj^{ty} and his subjects.

2^d. That he will give his vote as far as he can undertake for those that shall doe the like.

3^d. As to y^e question concerning a Tolerac[~]on, he was ever a friend to it and peace: therefore he shall always live peaceably with any that Dissent from his own way of worship.

The answers are not identical but a similar phrasing suggests they could have been from the same man. If so, it suggests a slight hardening of attitude on the part of Stone between his being questioned by Lord Lichfield in Oxford, and when Norfolk canvassed Berkshire days later.⁷²

All those who gave negative or doubtful answers - except John Hippisley - were removed from local office. Those answering in the affirmative were retained along with Sir Anthony Craven and the absent Henry Benedict Hall, plus two other justices, James Bridgeman and Charles II's page of the bedchamber, William Chiffinch, who were not questioned by Norfolk but were, presumably, closeted by the King.⁷³ Those recommended for local office - 17 in all - included at least four Catholics, Sir John Yate, John Dancastle, Thomas Wollascott and Ralph Sheldon. They were joined by a couple of Whigs, both former MPs, Thomas Horde and Richard Southby, and John Loder, who had been a strong supporter of the Protectorate but whose son, Thomas, was a Tory. Horde was also added to the Oxfordshire lieutenancy, which may suggest a certain degree of commitment to the King's cause.⁷⁴

⁷² Ibid., fo. 58. John Stone, of Brightwell Baldwin, Oxon., was MP for Wallingford in the first Exclusion Parliament and James II's Parliament and was a JP in both Oxfordshire and Berkshire: *Commons*, iii. 490-1.

⁷³ Rawl. MSS, A 139b, fo. 205; *Commons*, ii. 57.

⁷⁴ Rawl. MSS, A 139b, fos. 205, 266; HMC *House of Lords MSS, 1678-88*, p. 233; *Commons*, ii. 582, 757, iii. 458.

Norfolk

The Duke of Norfolk summoned 65 members of the gentry to two meetings in December 1687, at King's Lynn and Norwich. In all, only nine deputy lieutenants and justices supported the King's policies, while 36 opposed them and nineteen were absent, ill or failed to reply.⁷⁵ The answer of one squire, Sir Robert Kemp, was construed as doubtful by the government, although its tenor was supportive of repeal. Kemp, a former knight of the shire and one-time Country Party supporter, had Dissenting sympathies. He answered to the First Question that he would be 'for taking away the penal Laws or Test so far as shall be consistent wth. the safety of the Church of England'; and to the Third he answered that he 'is for living friendly with all Mankind so long as they continue Loyall, And is for liberty of Conscience so far as the Church of England may be supported'. Kemp's religious and political sympathies had led to his being dismissed from local office towards the end of Charles II's reign but he appears to have been favoured by James II, who restored him to the bench. The authorities obviously hesitated. Kemp's name was originally added to the list of those JPs to be retained in office but later crossed out. Ultimately Kemp's qualified support for repeal was not enough for the government.⁷⁶

The nine supporters of repeal were headed by Lord Richardson, who came of a strong Royalist family. His father had been an ally of the loyalist Paston family, whose rivalry with the Whiggish Lord Townshend for dominance in Norfolk had characterised the politics of 1670s. He was joined by three baronets, Sir Augustine Palgrave, son of a noted Parliamentarian soldier, and two Catholics of strongly royalist backgrounds, Sir Henry Bedingfield and Sir Francis Jerningham.⁷⁷ The other supporters included Robert

⁷⁵ Rawl. MSS, A 139a, fos. 85-92.

⁷⁶ Ibid., fos. 81, 88; *Commons*, ii. 671-2.

⁷⁷ Rawl. MSS, A 139a, fos. 85, 88; *Complete Peerage*, iii. 491; *Complete Baronetage*, i. 171, ii. 90, iii. 151-2; *HMC House of Lords MSS, 1678-88*, p. 234. For Lord Richardson's father's political career, see *Commons*, iii. 330-2.

Long Jnr, son of a moderate Whig and a justice whose attitude to repeal must have been influenced by his having a Catholic wife, and Burrage Martin, a Thetford alderman and tenant of the Catholic Howard family. But by no means could these men have been accounted as the most politically influential in the county.⁷⁸

By far and away the most important political figures - both Whig and Tory - opposed repeal. Tory opponents were headed by Sir Nicholas Lestrangle, MP for Castle Rising in 1685, Sir Thomas Hare, MP for Norfolk in 1685, and Sir Christopher Calthorpe, knight of shire briefly in the second Exclusion Parliament: all three became non-jurors after the Revolution.⁷⁹ They were joined by more pragmatic Tories, such as Sir Jacob Astley, knight of the shire for much of the period from 1685 to 1715; Sir Neville Catelyn, MP for Norfolk in the first Exclusion Parliament and later MP for Norwich; Thomas Knyvett, MP for Dunwich in 1685 and Eye in 1689; and Sir William Cook, MP for Great Yarmouth both before and after the Revolution.⁸⁰ To these can be added the rank and file Tory/loyalist squires John Harbord, John Houghton and John Jay, who had replaced the Whigs purged from the commission of the peace at the height of the Exclusion Crisis in 1680, and Dr John Hilyard, chaplain to the Dowager Countess of Yarmouth.⁸¹

The Whig - or at least Country leaning - opponents were led by the highly influential and much-respected 84-year-old Sir John Holland, a former MP and a moderate supporter of Exclusion, and Robert Walpole, the future MP of Castle Rising and father of the famous eighteenth-century Prime Minister.⁸² The negative answers are of two types. A minority, eleven, would not entertain repeal of either the Tests or penal

⁷⁸ *Alumni Cantab*, pt. i, vol. iii, p.103; *HMC House of Lords MSS*, 1678-88, p. 186; *Commons*, i. 333.

⁷⁹ *Commons*, ii. 3-4, 492, 734.

⁸⁰ *Ibid.*, i. 563-4, ii. 32-3, 118-9, 702.

⁸¹ *HMC House of Lords MSS*, 1678-88, p. 186; *Commons*, i. 321.

⁸² *Commons*, ii, 556-60, iii. 663-4. Holland defies political categorisation: J. Miller, 'A Moderate in the First Age of Party: The Dilemmas of Sir John Holland, 1675-85', *English Historical Review*, cxiv (1999), pp. 844-74.

laws. Those taking this view included the Tories Lestrangle and Calthorpe and the independently-minded Holland. However, most opponents of repeal, 24 squires in all, while refusing point blank to support repeal of the Tests, were willing to countenance a review and/or amendment of the penal laws. Those taking this line included the Tories Hare and Astley, who attended the meeting at King's Lynn, and Cook, Catelyn and Knyvett, who answered in Norwich. Only two squires, Robert Houghton and John Hyde, added that any amendment of the penal laws was conditional on the Church of England not being adversely affected, while only one, Edward Wodehouse, was willing to elaborate on why he could not endorse repeal of the Tests - because 'Religion lyes too much at stake'. However the similarity of many of the answers suggests an element of collusion.⁸³

Only one of the negative answers, that of Robert Walpole, implied a tacit acceptance of repeal of the penal laws: 'He will not opose [sic] an Act to confirme the King's Declaration for libertie of Conscience, but cannot consent to the taking of the Tests till hee is convinced of the necessity of itt.' His refusal to support court candidates confirmed he was no ally of the King.⁸⁴ All the squires answered the Third Question positively, although two, Robert Day and Robert Houghton, used a wording that avoided endorsing the legitimacy of the King's Declaration of Indulgence.⁸⁵

One squire, Francis Guybon (or Gibbon), a future MP for Thetford, wrote to the lord lieutenant that he was 'resolved not to declare his oppinion'; but it is not unreasonable to assume that he opposed repeal.⁸⁶ And the government made the same assumption about all but four of the other 18 squires that failed, for whatever reason, to give a reply. The four - who were all retained in the new commission of the peace -

⁸³ Rawl. MSS, A 139a, fos. 86, 89, 92.

⁸⁴ Ibid., fo. 96.

⁸⁵ Ibid., fos. 87, 89.

⁸⁶ Ibid., fo. 86, *Commons*, ii. 455.

were the young baronet, Sir Edward Doyley; the lawyer and former recorder at Great Yarmouth, Sir Robert Baldock; the Catholic squire John Tasburgh and the former Recorder of Norwich, John Norris. Doyley's relative youth and financial problems may well have made him less able to resist the Court, while Baldock's support for the regime was to be most conspicuous when he acted as one of the prosecution counsel in the trial of the Seven Bishops, and, as a reward, was made a judge.⁸⁷ The name of one JP who had answered in the negative, John Houghton, was added to the list of those recommended for inclusion in the new commission, suggesting that at some time between the canvass and the following February he had been persuaded to change his mind on repeal. As mentioned before he was a Tory, but being of modest estate, and a client of the ultra-loyalist Earl of Yarmouth, was perhaps more susceptible to government pressure.⁸⁸

Among those recommended for inclusion in the new commission of the peace were a group of Whigs, Sir Henry Hobart, Sir Roger Potts, William Windham, Sir Peter Gleane, Thomas Bacon and Riches Browne; at least three Catholics, Edward Bedingfield, John Bedingfield, and Beaumont Tasburgh; and at least one apparent loyalist former JP Robert Doughty. As always, it is difficult to gauge how committed the Norfolk Whig collaborators were to the King's cause: Windham, Gleane, Hobart's father and Bacon's brother, who had been Recorder of Norwich, had all been allies of Lord Townshend, and the suspicion lingers that animosity towards the admittedly declining Paston interest in the county had led these men into an unlikely alliance with the King. Hobart's political acumen did not desert him: as late as September 1688 the King's agents appeared to be endorsing his candidature for the county, yet he still

⁸⁷ Duckett, ii. 279-81; *Complete Baronetage*, ii. 282; *DNB*, iii. 29; *HMC House of Lords MSS, 1678-88*, p. 234; *Alumni Cantab*, pt. i, vol. iii, p. 264, *CSPD*, 1687-9, p. 153. Both Doyley's grandfather, who sat on the excise appeals board, and his father, a teller of the exchequer, were dogged by financial problems, and in the father's case, scandal: *Commons*, ii. 230-3.

⁸⁸ Duckett, ii. 281; *HMC House of Lords MSS, 1678-88*, p. 186.

managed to be elected for both Norfolk and Thetford (he chose to sit for the county) in January 1689.⁸⁹

There was one belated convert to the King's cause, the Whig, Sir James Johnson, of Great Yarmouth, a former MP for the port who had suffered both politically and financially during the Tory reaction and who probably seized the opportunity, under James II, to gain revenge on his enemies. He was appointed to the bench in July 1688 and he was recommended as court candidate for Yarmouth.⁹⁰

Nottinghamshire

Nottinghamshire was canvassed by the Duke of Newcastle in November 1687 but the results from the 'most factious county in England' were disappointing.⁹¹ Of the 19 deputy lieutenants and justices listed to be questioned, only one, Arthur Warren, answered in the affirmative. Two of those questioned, Viscount Chaworth and Thomas Charleton, answered no; nine were doubtful or evasive and seven were absent or failed to reply.⁹² Of the latter, two, John Moore and Thomas Markham, were Catholics and must be presumed to have supported repeal of the Tests and penal laws, since they were retained on the bench and added to the lieutenancy.⁹³

Of the two returning negative answers to the first two questions, Lord Chaworth was hardly enthusiastic about the third, saying he would be willing to 'live friendly wth those of all perswasions, if they will do soe with him'. Charleton, however, endeavoured to support the King's 'Declaracon for Liberty of Conscience', and, generally, most

⁸⁹ Duckett, ii. 279-81; *Commons*, i. 322, 330-1, ii. 397-8, 551-2; HMC *House of Lords MSS*, 1678-88, pp. 185-6, 234; Rawl MSS, A 139b, fo. 189.

⁹⁰ *Commons*, ii. 654-5; Rawl. MSS, A 139b, 190, 269.

⁹¹ *CSPD*, 1685, p. 105.

⁹² Rawl. MSS, A 139a, fos. 102-3.

⁹³ *Ibid.*, fo. 100; Duckett, ii. 288-9.

squires gave support to the concept of religious tolerance as expressed in the Third Question.⁹⁴

Among those who must be classed as 'doubtful', the Whig Sir Willoughby Hickman and the Tory Sir William Stanhope merely answered that they would do their duty. Francis Sandys, a moderate but ineffectual court supporter, said he would 'doe his endeavour to Chuse Loyall men', while another Tory, Reason Mellish, a man of fairly modest means, but a former knight of the shire, said he would act according to his conscience. Sir Thomas Parkins, while believing that his youth (he was 26) made him unsuitable to serve in Parliament, was willing to support those who would 'be for ye takeing off some of ye Penall Lawes'. Edward Lee's answer, that he would 'endeavour to Chuse Loyall Persons to serve his Ma^{ty} in Parliam^t and has never been a persecut^r of Dissenters', was followed by two other squires, Lawrence Sturtivant and William Cartwright, of Normanton.⁹⁵

The one answer of note came from William Cartwright, of Ossington, who neatly disposed of the first two Questions by claiming that in his youth he had never had the ambition to be an MP, 'and intend it not now in my decripet Age', and that now his 'great Age and many infirmityes disables me from being anyways concerned in Elecons'. Significantly, he goes on to say:

I highly Honour y^e King for his Gracious declaracon for Liberty of Conscience, and wish all fforaigne Princes would imitate him in that perticular. And I always have, and God willing, will live freindly and peaceably with my neighbours of what Religion soever.

This thinly disguised reference to Louis XIV and the excesses occurring in France since the Revocation of the Edict of Nantes two years before should not have been lost on the government.⁹⁶

The absentees included Lord Lexington, who was in Italy, Sir John Molyneux,

⁹⁴ Rawl. MSS, A 139a, fos. 102-3.

⁹⁵ Ibid.; *Commons*, i. 350, 352, ii. 546, iii. 48, 473-4, *Complete Baronetage*, iv. 116.

⁹⁶ Rawl MSS, A 139a, fo. 102; Duckett, ii. 124.

who had been MP for Wigan in the Convention of 1660, and Sir Thomas Williamson, whose staunchly royalist family had suffered much financial hardship in the Civil War. Sir Ralph Knight, who had been an officer in the Parliamentary army but who, like many Presbyterians, had favoured the Restoration of Charles II, avoided answering the Three Questions on the grounds that he was no longer in the commission of the peace. And Penniston Whalley, whose debts had mounted with each unsuccessful election campaign in the 1670s, to such an extent that he had been imprisoned, may, unbeknown to the government, have been already dead for some time.⁹⁷

Apart from the two Catholic squires, Moore and Markham, all those who avoided answering the questions joined those who answered in the negative or were doubtful in being removed from the lieutenancy and commission of the peace, except for Molyneux, who, being in London at the time of the canvass, may have given satisfaction at a later date.⁹⁸

The list of the 18 gentlemen recommended by the King's electoral agents to replace those dismissed from local office included two Catholics, Sir Edmond Goulding and George Willoughby, and no fewer than ten Whigs. The latter were headed by the former MPs, Sir Scrope Howe and William Sacheverell, both of whom were recommended as deputy lieutenants.⁹⁹ Howe had been one of the Whigs that encouraged the Middlesex Grand Jury to indict the Duke of York as a Popish recusant in 1680, he had stood bail for the Earl of Shaftesbury, had risked an action of *scandalum magnatum* for calling James a Popish dog, and had offered to place his wealth at Duke of Monmouth's command. Only the threat of ruinous prosecution had tamed this wildest of Whigs, but his attitude towards James had barely softened: he

⁹⁷ Rawl. MSS, A 139a, fo. 102; *Commons*, i. 353-4, ii. 697-8, iii. 71, 705; Duckett, ii. 124-5.

⁹⁸ Duckett, ii. 288-9.

⁹⁹ Rawl. MSS, A 139a, fos. 98, 100.

refused to commit himself to supporting the King's policies and was to be active in the Revolution.¹⁰⁰

By contrast Sacheverell, who rather ironically could be considered the originator of the Test Act and the first Exclusionist, did become a Whig collaborator, endorsing the King's policy. As the regulators reported to the King:

Mr Sachaverell has been Open and Free with our Agents, and Declared himself Hearty to Your Ma^{ties} Interest, And Assured them, there were Severall persons of Quality that yet concealed themselves to his knowledge were so too, a List of which had come, but they Durst not trust the Postmaster there.

Historians have been mystified by such an apparent fall from grace on the part of man who was essentially a pragmatic politician. Perhaps he thought James's campaign had a real chance of success; perhaps he believed that any dominance over the legislature achieved by the Crown would be only temporary; perhaps he felt that the opportunities for local and municipal office afforded Dissenters by the King's abandonment of the Tories would help the Whigs; or perhaps the King had a hold over him: he had been fined for his part in the riot in Nottingham that had followed the surrender of the town's charter in 1682 and, thereafter, may have felt vulnerable. Whatever the reason, this most able of Whigs was to be recommended as court candidate for Nottinghamshire in 1688 and played no part in the military phase of the Revolution. In the Convention he reverted to type.¹⁰¹

The other Whigs recommended for local office included four former MPs, Richard Slater, John White, Thomas Lewis and Antichell Gray, and three future MPs, John Thornhaugh, Charles Hutchinson, half-brother of the famous Parliamentarian Colonel John Hutchinson, and Francis Molyneux, brother of Sir John Molyneux. Like Sacheverell, Slater, Hutchinson and another squire on the list, George Gregory, had all been involved in resisting Nottingham's new charter in 1682, while White and

¹⁰⁰ *Commons*, ii. 611-2.

¹⁰¹ *Commons*, iii. 370-6; Duckett, ii. 244-5; J. R. Jones, 'James II's Whig Collaborators', *Historical Journal*, iii. (1960), pp. 69-70.

Thornlaugh had been two of the ringleaders in Nottinghamshire ‘arms plot’ - allegedly purchasing 200 blunderbusses to use against Papists - and had only escaped conviction because of the reluctance of the government’s informer to give evidence in court.¹⁰² All these men were probably susceptible to pressure from the government to comply with the King’s policies. Also on the list was Samuel Saunders, the son of a republican colonel and a local informant of the Earl of Huntingdon’s, who would be recommended as court candidate for Nottingham in September 1688.¹⁰³

Newcastle also canvassed the three Parliamentary boroughs in the county. In Nottingham town, the mayor and six aldermen endeavoured to elect two ‘Loyal Persons’. In East Retford, the mayor, deputy recorder and 11 aldermen, deferred to Newcastle’s advice and assistance, adding that ‘it shalbee our utmost endeavoure to chuse such members as wee thinke shalbee the most ready to serve his Ma^{tie}’. However, in Newark the two justices, John Hobman and Thomas Farr, refused to support repeal.¹⁰⁴ During the course of 1688, Nottingham and Newark were purged and in East Retford, Newcastle and the deputy recorder, John Millington, were reduced to threatening the corporation with regulation if they did not elect candidates opposed to the Tests. Millington, a lawyer, henchman of the Duke of Newcastle’s and East Retford’s MP in 1685, had been removed from the county bench in 1686, but his loyalty, continuing long after most Tories and parted ways with the King, ensured his being reinstated in the commission of the peace in May 1688.¹⁰⁵

At the end of his list of gentlemen recommended to be added to the lieutenancy,

¹⁰² Rawl. MSS, A 139a, fo. 98; Duckett, ii. 115-5, 121, 288-9; *Commons*, ii. 624, 738-9, iii. 71, 439, 556-7, 738-9; *CSPD*, 1682, pp. 437-8.

¹⁰³ Rawl. MSS, A 139a, fo. 98; *Commons*, i. 356; for correspondence between Saunders and Huntingdon, see Hastings MSS, Reel 14, Box 50, HA 10667-8-9. Another indicator of the Nottinghamshire Whigs’ willingness to collaborate with James is that ten of those recommended for local office are also among those named as commissioners to enquire into recusant fines: M. Goldie, ‘James II and the Dissenters’ Revenge: The Commission of Enquiry of 1688’, *Historical Research*, lxvi (1993), pp. 80-8.

¹⁰⁴ Rawl. MSS, A 139a, fos. 104, 106, 108.

¹⁰⁵ *Commons*, i. 352, 355, 356, iii. 66-7.

Newcastle added: 'As for Dissenters in this county, there is noe Gentleman but such as goes to Church and heares Common Prayer'. As Nottingham was considered a hotbed of Presbyterianism, it must be assumed that most of the local gentry - and this is probably true of men like Sir Ralph Knight, Thomas Lewis and John White - must have conformed - partially, at least - to the established Church, despite their nonconformist antecedents.¹⁰⁶

Durham

Only three answers survive from Durham¹⁰⁷, from a former MP for the county, Robert Eden, and from Cuthbert Carre and Henry Lambton, both of whom had been prominent in the campaign to secure parliamentary representation for the county and city of Durham in the years following the Restoration.¹⁰⁸ Two of the answers, from Eden and Carre, are doubtful, both men refusing to pre-engage. Eden's answer to the Second Question, that he 'will vote for those who I hope will consent to such matters as will be for y^e Hon^r & Safety if his Maties Royall Person & y^e Good & welfare of y^e Governm^t both in Church & State', is less pointed than Carre's which says he will vote for 'faithfull & Loyall subjects, & true members of the protestant church of England'. Both endorse the sentiments contained in the Third Question.¹⁰⁹

Lambton's answer, though negative, is more interesting. He is willing to take away the penal laws, 'most of my relations haveing beene great sufferers by them both by personall imprisonments and in there [sic] Estates', but he cannot agree to the repeal of the Tests. The answer suggests that Lambton, the son of a Royalist killed at Marston

¹⁰⁶ Rawl. MSS, A 139a, fo. 100; *Commons*, ii. 698, 739, iii. 705.

¹⁰⁷ The lord lieutenant, the Bishop of Durham, set out for his Palantinate in February 1688: B.L. Add. MSS 34,510, fo. 87.

¹⁰⁸ Rawl. MSS, A 139a, fos. 266, 268, 270; Duckett, i. 13-4 (and notes); *Commons*, i. 251-2, ii. 707.

¹⁰⁹ Rawl. MSS, A 139a, fos. 266, 268.

Moor, had Catholic relatives and therefore some sympathy with their plight, but his answer to the Third Question is hardly a ringing endorsement of the King's Declaration of Indulgence: '[...] I shall behave my selfe as becomes a Loyall subject of the same Prince, and as a good Christian ought to doe.'¹¹⁰ The three were not recommended for inclusion in the new commission of the peace for Durham.¹¹¹

The lord lieutenant, the Bishop of Durham, Nathaniel, later Lord Crewe, an arch-loyalist, elicited a more positive response from the mayor, aldermen and common councilmen of the City of Durham - 34 names in all - who promised to give their 'own votes, & use all our interest with others, for such persons onely, as shall be recomended by the Lord B^{pp} of Durham, to serve as Burgesses for the Citty [...]'. As a reward for such loyalty the mayor, Robert Delavall, and two aldermen, Sir John Duck and Charles Montague, were recommended as deputy lieutenants in the new commission, while the Recorder, John Jeffreyson, was recommended as a justice.¹¹²

Also recommended for the new commission were a Catholic baronet, Sir Thomas Haggerston; four former MPs, Charles Montagu, who was a nephew of the bishop, Sir Ralph Cole and John Tempest and his son, William; the grandson of a former Archbishop of York, Sir Richard Neile; and two clergymen, the Dean of Durham, Dr Dennis Granville, and Dr John Montagu, another nephew of the bishop. The support of the bishop and two leading divines, suggests a stronger than usual Anglican acquiescence in the King's policy. In fact, Granville, unlike his brother, the Earl of Bath, was to show exemplary loyalty to King James, following him into exile. William Tempest, though more hesitant in his support, was also to remain loyal and,

¹¹⁰ *Ibid.*, fo. 270; *Commons*, ii. 707.

¹¹¹ *Rawl. MSS*, A 139b, fo. 270.

¹¹² *Ibid.*, A 139a, fo. 272, A 139b, fo. 270; *Commons* i. 227-8.

like his father who became a non-juror, was suspected of Jacobite activities in the next reign.¹¹³

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A number of characteristics stand out in the returns from these nine counties and help to explain why they provided the least support for the King. For a start the numbers of Catholics were not high: the greatest numbers were five each in Devon and Leicestershire and in the latter county none of them answered the Three Questions. So there was no swelling of the 'yes' vote by Catholics in these counties. Secondly, collusion between gentlemen was noticeable, especially in Devon, Cornwall, the West Riding of Yorkshire, Norfolk and, possibly, Leicestershire: in other words opposition - whether it be in the form of negative or doubtful answers - was organised, effective and representative of the political class. As a result of this it would appear that the lord lieutenants and later the King's electoral agents did not find it easy to recruit suitable replacements for the gentlemen removed from local office. Only in Nottinghamshire, where a group of noted Whigs appears to have collaborated with the King does there seem to have been an effective alternative 'local regime', and this must to some degree be put down to the lead given by the politically influential William Sacheverell.

Finally, none of the lord lieutenants, except perhaps Lord Thomas Howard in the West Riding, were particularly enthusiastic about the King's policies - some like Bristol, Bath and Norfolk were actually hostile - so it is hard to believe that their attitudes did not translate themselves to some degree to the gentlemen they were canvassing and thereby stiffen the resolve of those interrogated not to co-operate with the King.

¹¹³ Rawl. MSS., A 139b, fo. 270; *Commons*, ii. 104-5, iii. 534-5; Duckett, i. 122 (note); E. Cruickshanks. 'The Revolution and the Localities: Examples of Loyalty to James II', in E. Cruickshanks, ed., *By Force or By Default? The Revolution of 1688-89* (Edinburgh, 1989), pp. 37-41. There are other examples of loyalty to James from the clergy of the north-east; see a letter from William Kendall, Curate of Elwick, and George Saunders, Curate of Hartlepool, dated 18 September 1688: Duckett, i. 437-9.

Wales

Wales was canvassed by the Duke of Beaufort in December 1687. He summoned all the deputy lieutenants and justices of the Principality to Ludlow, thereby ensuring a high level of absenteeism.

Anglesey

In the return from Anglesey Beaufort appears to have countenanced questioning 21 deputy lieutenants and justices, of whom 12 were absent. Of the remainder only three endorsed the King's policy, one of whom in any case was a Catholic, while five opposed it and one squire was doubtful.¹¹⁴ Those opposed to repeal of the Tests and penal laws were headed by members of the Bulkeley clan, the richest and most powerful family on the island, but one with a history of loyalty to the Crown. Although the head of the family, Viscount Bulkeley, was too ill to respond to Beaufort's summons, his brother, Thomas, and his son and heir, Richard, would not consent to repeal. Lord Bulkeley's illness was genuine - he was to die within a year - but that did not prevent his being dismissed from local office. Two other Bulkeleys, Francis, who was in Ireland, and Henry, another brother of Lord Bulkeley, who was at court, were considered 'right', although Henry, later a Jacobite, was not an Anglesey JP and had little to do with his native county, except at election time.¹¹⁵

The name of one other notable absentee stands out, that of Nicholas Bagnall, MP for Anglesey in the Cavalier Parliament. His claim that he was '[i]ll of y^e spleene to so high a degree that hee could not come' was not taken at face value by the Government. As a result, Bagnall was dismissed from the commission of the peace.¹¹⁶

¹¹⁴ Rawl. MSS, A 139a, fos. 152-3.

¹¹⁵ *Ibid.*; *Commons*, i. 742-3, 745-6; Duckett, i. 448.

¹¹⁶ Rawl. MSS, A 139a, fo. 153; *Commons*, i. 581-2; Duckett, i. 448.

Richard Bulkeley was one of only two squires to elaborate on their answers. He said he was 'at present in Judgment agst y^e first, but says Hee knows not how it may be altered by y^e debate in y^e House if chosen a member, & consequently cannot comply in y^e second; but consents to y^e 3^d'. The other was another deputy lieutenant, John Grosvenor, who said he was

[f]or taking of y^e penall Laws & Test, provided there bee at y^e same time a sufficient Security by Law to his satisfaction, for y^e maintenance of y^e Protestant Religion. He will give his vote in Anglesey for y^e Sollicitor[-General, Sir William Williams], & consents to the 3^d.¹¹⁷

Richard Bulkeley's answer, while not completely ruling out support, was treated as a negative, and like his father and uncle he was removed from the bench. Grosvenor's answer, at best a qualified consent, was good enough for the Government and he was retained in local office. The Government had little choice, since the other two affirmative answers came from the lawyer Owen Hughes, whose name has been crossed out in the return, which strongly suggests the authorities had doubts about his reliability, and Thomas Price, a Catholic JP and the agent of Lord Powis. Grosvenor and Price were joined on the new commission of the peace by a clergyman John Ellis, who was reported by Beaufort to be '[d]oubtfull but inclinable' and another Catholic, Owen Owens, described as the 'onely Papist in the county' but who was not already in commission. Five further names were added, including Lords Castlemaine and Montgomery and Sir William Williams, solicitor-general and the most noted Whig collaborator of the reign. Of the other two gentlemen added to the commission, David Williams was described as 'a Drover of Catle' - a phrase suggestive of the anger felt at lesser men replacing their social betters in local office - and Thomas Price, of Bryn-y-pys, is worthy of mention, if only because he was also added to the Flintshire and Merionth commissions. Even so the new commission of the peace numbered a mere

¹¹⁷ Rawl. MSS, A 139a, fo. 152.

11 - evidence of the difficulty the Government was having in getting people to serve on the bench.¹¹⁸

Breconshire

The return from Breconshire was even more disappointing for the King. Not a single Anglican squire returned an affirmative answer on repeal, although one of the absentees, John Jeffreys, the former MP for Brecon, who was in Ireland when the questions were put, was a supporter of James. Jeffreys, an old Cavalier whose loyalty to the Stuarts had left him in straitened financial circumstances, soon made sure he was still in favour with the King, which he was: he was recommended as Court Candidate for his old seat in 1688. Of the 31 squires Beaufort hoped to question, the six Catholics and four Dissenters listed presumably supported repeal and were recommended for the new commission of the peace. Eleven Anglican squires answered in the negative, one was doubtful, eight were absent and one had recently died.¹¹⁹

Among those supporting the King was Sir Thomas Williams, a physician and Charles II's chemist, who had recently apparently converted to Catholicism. Pressing financial problems made him cleave fast to the Court but he had no political influence. His second son, Sir Edward, was to be added to the lieutenancy. Marriage to an heiress brought him the important Breconshire estate of Gwernyfed and he was to be knight of the Shire in the late 1690s and from 1705 to 1721, and, until the Hanoverian succession at least, was considered a Tory. Though not a Catholic, at this time he may have had

¹¹⁸ Ibid., fos 152-3; Duckett, i. 448; *Commons*, iii. 731-5; *CSPD*, 1687-9, p. 152; 'An Account of such Justices of the peace and Deputy Lieutenants as were turned out of Commission upon the Regulation made in the late Reigne, after the 3 questions about the penall Laws & Test had been proposed in the several Counties of Anglesey, Carnarvon & Merioneth' [1689], R.O.L.L.R., Finch MSS, Law 15. Thomas Price, of Bryn-y-pys, was presumably a Protestant since he attended Cambridge University: *Alumni Cantab*, pt. i, vol. ii, p. 398.

¹¹⁹ Rawl. MSS, A 139a, fos. 154-5; *Commons*, ii. 641-2; *CSPD*, 1687-9, pp. 152, 276.

Dissenting sympathies because his name in the returns is marked with a 'D'.¹²⁰

Opponents of repeal included the Tory lawyer and former MP, Edward Jones, and another former loyalist JP William Powell. The only answer of note came from Edward Williams, who was '[f]or taking away y^e Test, But as to y^e Penall Laws Doubtfull'. Williams was one of a small group of squires who saw the Test as unnecessary restriction on the Royal Prerogative, but who were not as yet convinced of the merits of religious toleration. His answer was enough to ensure that Beaufort recommended him for retention on the commission of the peace, in itself evidence of the difficulty the administration was having in Wales in finding support.¹²¹

Among those added to the lieutenancy and/or commission of the peace in the following February were Owen Wynne, King's Attorney, and Lords Castlemaine and Montgomery. Although absenteeism generally suggested opposition to the King's policies, it was not always so. One of the deputy lieutenants, Edward Games, who at the time of the canvass had been '[a]t Scarborough wth his Company', probably gave satisfaction on the issue of repeal in the spring or early summer of the following year because he was restored to the lieutenancy in June.¹²²

Carmarthen

The return for Carmarthen reveals that of the 25 squires in commission not one questioned by the Duke of Beaufort supported repeal of the penal laws and Tests. Twelve squires opposed the King's policies outright, two were doubtful and eleven

¹²⁰ Rawl. MSS, A 139a, fo. 155; *Commons* ii. 726-7; R. Sedgwick, ed., *The History of Parliament: The House of Commons, 1715-1754* (2 vols., London, 1970), ii. 541.

¹²¹ Rawl. MSS, A 139a, fos. 154-5; *Commons* ii. 658-9; HMC *House of Lords MSS, 1678-88*, p. 174; Duckett, i. 448-9.

¹²² Duckett, i. 448-9; *Commons*, iii. 783; *CSPD*, 1687-9, pp. 152, 220.

were absent.¹²³ Only the two doubtful squires elaborated on their replies. Sir Rice Williams said that he was

[n]ot fond neither of y^e Penall Laws nor y^e Test, The first not according to primative Christianity, The other introduced by ill men for a very ill purpose, But doubtful 'till hee sees what will be don for preservation of y^e Protestant Religion, at y^e same time, if that w^{ch} hee thinks will support it; In ye affirmative.

His answer was deemed sympathetic enough to the King's aims to allow him to be retained as a deputy lieutenant.¹²⁴ However Richard Vaughan, Deputy Recorder of Carmarthen and the former MP for the borough, said simply that he was '[d]oubtfull 'till hee sees an equivalent Security for the Protestant Religion'. This was not considered positive enough and he was removed from local office.¹²⁵

Beaufort noted that there were '[n]oe Catholicks nor dissenters of any note or Estate in this County' which meant it was even harder to find replacements for the 23 deputy lieutenants and justices dismissed. The two who survived the purge, Sir Rice Williams and the Sheriff of Carmarthen, John Philips, who had been absent from the canvass, were joined on the new commission by ten names, headed by Lords Castlemaine and Montgomery.¹²⁶

Cardiganshire

In the Cardiganshire return no deputy lieutenant or justice gave affirmative answers. There were three negative replies and one doubtful reply. Thirteen squires were absent or ill and three had recently died.¹²⁷ The King was opposed by the most prominent local politician, the Whig Hector Philipps, MP for the Cardigan boroughs

¹²³ Rawl. MSS, A 139a, fos. 156-7.

¹²⁴ *Ibid.*, fo. 156; *CSPD*, 1687-9, p. 152.

¹²⁵ Rawl. MSS, A 139a, fo. 157; *Commons*, iii. 631-2; Duckett, i. 449.

¹²⁶ Rawl. MSS, A 139a, fo. 157; Duckett, i. 449.

¹²⁷ Rawl. MSS, A 139a, fos. 158-9.

since 1679.¹²⁸ Two loyalists, Morgan Herbert and Thomas Price, who had been added to the bench during the Exclusion Crisis, avoided interrogation, as did Henry Sumner, who lived in Buckinghamshire, and John Lewis, of Coedmorg, MP for the shire in 1685, who resided permanently in Berkshire. The absentees joined the refusers in being dismissed from the commission of the peace.¹²⁹ The only squire to retain his place on the bench was John Herbert, whose doubtful reply was the best Beaufort could elicit from a rather recalcitrant magistracy. There were no Catholics or Dissenters ‘of any note or Estate’ to co-opt on to the bench and the new commission of the peace was headed by Lords Castlemaine and Montgomery and included Sir John Powell, the judge, and Sir Carbury Price, on whose land were soon to be discovered mines that would later to be exploited by a consortium led by Sir Humphrey Mackworth.¹³⁰

Caernarvonshire

The picture was little better in Caernarvonshire, where of the 23 squires listed in Beaufort’s return only two, William Pugh and Maurice Wynne, who were both Catholics, answered in the affirmative. There were no waverers over the King’s policies - no-one is listed as doubtful - while seven were opposed, 12, mostly absentees, failed to reply, one deputy lieutenant, John Griffiths, of Lleyrn, MP for the Caernarvon Boroughs in 1685, had recently died, and one, John Wynne, the second of that name in the return, did not, apparently, exist!¹³¹

Most notable among the gentlemen who opposed the King was the brother of

¹²⁸ Ibid., fo. 158; *Commons*, i. 509, iii. 238-9.

¹²⁹ Rawl. MSS, A 139a, fos. 158-9; A 139b, fo. 257; HMC *House of Lords MSS, 1678-88*, p. 174, *Commons*, ii. 739-40.

¹³⁰ Rawl. MSS, A 139a, fo. 159; A 139b, fo. 257; *CSPD*, 1687-9, p. 152; *DNB*, xlv. 244; *Complete Baronetage*, ii. 125.

¹³¹ Rawl. MSS, A 139a, fo. 160; *Commons*, ii. 445.

Lord Bulkeley, Thomas Bulkeley, who is also listed as answering in the negative in the Anglesey returns.¹³² Among the squires who failed to answer was Sir Robert Owen, another former MP, who was a devoted Anglican and ‘strong upholder of the monarchy’ and had opposed Exclusion. Despite being pricked as Sheriff in the following month to prevent him standing for James II’s abortive Parliament and being removed from the lieutenancy in February, Owen still offered to raise 500 men for the King when William of Orange invaded England.¹³³ Another absentee was William Griffiths, father of John, who was too aged and infirm to travel. Although the reason was probably genuine - he died the following July - he was removed from the bench.¹³⁴

A Catholic, Francis Griffith, and a Dissenter, the ‘furious Independent’ [sic] Richard Edwards, whose names appear in the return, but who were not justices, were added to the new commission, as were Lords Castlemaine and Montgomery and Sir William Williams, 6th baronet, of Vaynol. The 19-year-old Sir William, nephew and son-in-law of Lord Bulkeley, was, despite his youth, much feted by the administration, succeeding his father-in-law as vice-admiral of North Wales. Despite this he was able to accept the new regime after the Revolution. Also added to the commission of the peace were three more Catholics: Owen Salisbury, who features in the returns for other counties; Thomas Price, Lord Powis’s agent; and Edmund Williams, who like Salisbury became a deputy lieutenant.¹³⁵

¹³² Rawl. MSS, A 139a, 152.

¹³³ *Ibid.*, fo. 160, *Commons*, iii. 192-3.

¹³⁴ *Commons*, ii. 445.

¹³⁵ Rawl. MSS, A 139a, fo. 160; ‘An Account of such Justices of the peace and Deputy Lieutenants as were turned out...’ [1689], Finch MSS, Law 15; Duckett, i. 444; *CSPD*, 1687-9, p. 152; *Commons*, iii. 735-6.

Denbighshire

Of the 38 Denbighshire squires summoned by Beaufort, four answered in the affirmative, thirteen in the negative, four were doubtful, fifteen were absent and two were dead.¹³⁶ Those supporting the King were the lawyer Owen Wynne, another Anglican, Bevis Lloyd, and two Catholics, John Parry and Maurice Wynne. Bevis Lloyd had been suspended from his position as Surveyor for South Wales, but his support for the King here and his continuance in local office after the Revolution suggests that the regime of the day commanded his loyalty.¹³⁷ Beaufort assumed that one of the absentees, the Catholic Owen Salisbury, also supported the King's policies. Another absentee, the former MP, Sidney Godolphin, a distant cousin of Lord Godolphin, and Sir Griffiths Jeffreys, who was 'not sworn', were retained in local office, suggesting that at some stage they had given satisfaction on the issue of repeal.¹³⁸

Yet again most of the most prominent gentry were either against the King or at best extremely doubtful allies. However, some, at least, of the answers reveal a little of the way the squires' minds were working. Two deputy lieutenants, Sir Evan Lloyd, the son of a Cavalier, and Sir Richard Middleton, who was elected knight of the shire for Denbigh in every Parliament from 1685 to 1715, and a justice, Ellis Lloyd, desired to hear the debates in the Commons before committing themselves, though Middleton prefaced his comments by saying he was 'at present in Judgment against the First [question]'.¹³⁹ A future MP, Sir Roger Puleston, answered 'much to y^e same purpose' as Middleton. Another former MP, John Wynne, of Melai, refused the first two questions, saying otherwise 'hee could not perswade 10 men to vote with him'; while his son William, Steward and Recorder of the courts within the Lordship of Denbigh,

¹³⁶ Rawl. MSS, A 139a, fos. 161-3.

¹³⁷ Ibid., fo. 162; *Commons*, iii. 783; *CSPD*, 1687-9, p. 19, *Calendar of Treasury. Papers, 1557-1696*, pp. 221, 292-3.

¹³⁸ Rawl. MSS, A 139a, fo. 162; *Commons*, ii. 406-7; Duckett, i. 444; *CSPD*, 1687-9, p. 152.

¹³⁹ Rawl. MSS, A 139a, fos. 161-2; *Complete Baronetage*, ii. 246; *Commons*, iii. 122-4.

also refused to co-operate saying ‘otherwise his endeavours would bee to no purpose’. The long-serving MP, Sir John Wynne, of Wynnstay, a Tory, was also among the refusers. All were dismissed from the bench.¹⁴⁰

The absentees included another past MP and the former governor of Chester Castle, Sir Geoffrey Shakerley, and the future MP Edward Brereton. Both were removed from the Denbigh commission of the peace, although in Shakerley’s case age - he was 68 - may have played a part in the decision; certainly, his son, Peter, who succeeded him as Governor of Chester, remained loyal to James II after the Revolution.¹⁴¹ In at least one other case, absenteeism may not have been a ruse to avoid interrogation: Cadwallader Wynne is described in Beaufort’s return as being ‘[s]o much in debt [he] does not appear any where’.¹⁴² Two Catholics not in commission and three Dissenters were recommended for the new commission of the peace, along with the Master of the Rolls, Sir John Trevor, who in a long career managed to tack with every prevailing political wind, the Solicitor General, Sir William Williams, the latter’s son, also William, and the Lords Castlemaine and Montgomery.¹⁴³

Flintshire

In Flintshire the return looks, on the face of it, slightly more promising for the King, with seven squires answering in the affirmative, six in the negative and one doubtful, while 15 - more than half the names on Beaufort’s list - were absent or did not reply. One squire, the MP for the Denbigh Boroughs from 1661 to 1681, Sir John

¹⁴⁰ Rawl. MSS, A 139a, fos. 161-2; *Commons*, iii. 302, 781-3; *CSPD*, 1685, p. 47; Duckett, i. 444.

¹⁴¹ Rawl. MSS, A 139a, fo. 162; *Commons*, i. 714, iii. 426-7; *CSPD*, 1689-90, pp. 104, 110, 114, 242; 1694-5, p. 233.

¹⁴² Rawl. MSS, A 139a, fo. 161.

¹⁴³ Duckett, i. 444; *CSPD*, 1687-9, p. 152; *Commons*, iii. 604-7; ‘An Account of such Justices of the peace and Deputy Lieutenants as were turned out...’ [1689], Finch MSS, Law 15; *Complete Baronetage*, iv. 149.

Salisbury, was dead. However, all the squires who answered - or were presumed to have answered - positively were Catholics: the answers of two of them, Sir Edward Mostyn and George Pennant, are not recorded but Beaufort, reasonably enough, considered them supporters of repeal and they were recommended for retention on the Flintshire commission of the peace. According to Beaufort, apart from those in the commission of the peace, there were no other Catholics of note in the county - and no Dissenters of 'note or Estate'.¹⁴⁴

One of the deputy lieutenants, Sir Roger Mostyn, was unable to attend Beaufort 'by reason of his age & infirmities' but replied by letter. His answer, that 'I have & shall serve [the King] Loyally & faithfully with my life & fortune' was evasive and therefore doubtful; and, as with so many other squires, his positive answer to the Third Question did not prevent his being dismissed from the commission of the peace. Nowhere is the King's ruthlessness and lack of tact more clearly demonstrated than in his treatment of Mostyn, a man who had raised 1,500 men for Charles I and is said to have expended £60,000 - virtually ruining himself in the process - in the royalist cause during the Civil War.¹⁴⁵

The names of three absentees, the soldier and former MP Sir John Hanmer, who was with his regiment, Richard Parry and Thomas Edwards, have crosses next to them, which suggests that they were considered supporters of repeal, and all three were recommended for retention on the commission of the peace. In Hanmer's case it is unlikely that he had any great commitment to the King's cause: he captured Hull for 'the Protestant interest' at the Revolution and later fought against James at the Battle of the Boyne.¹⁴⁶ In the new commission, two Catholic justices, Sir Edward Mostyn and Edward Pennant, became deputy lieutenants. Among those added to the commission

¹⁴⁴ Rawl. MSS, A 139a, fos. 164-5; *Commons*, iii. 385.

¹⁴⁵ Rawl. MSS, A 139a, fos. 164, 176; *Complete Baronetage*, iii. 102; *DNB*, xxxix. 190-1; Duckett, i. 445.

¹⁴⁶ Rawl. MSS, A 139a, fos. 164-5; Duckett, i. 445; *Commons*, ii. 474-6.

were Lords Castlemaine and Montgomery, John Grosvenor, an Anglesey deputy lieutenant who had given a qualified affirmative answer, and Thomas Price, of Bryn-y-pys, who had also been added to the Anglesey bench.¹⁴⁷

Glamorgan

Not one deputy lieutenant from Glamorgan summoned by Beaufort attended the meeting in Ludlow. The former knight of the shire, Sir Edward Mansell, was 'not able [...] to ride; not having rid 10 miles this 4 four years'. Sir John Aubrey had a 'crazy Body as hee sayes [and was] not able to undertake the Journy'. David Jenkins was '[v]ery infirme', while David Evans had come 'parte of y^e way & having a dangerous fall, [was] forced to returne'. Evans later complied with the King's wishes, which suggests his excuse was genuine. Sir Richard Bassett and William Herbert were absent without explanation, although Bassett was away in the army.¹⁴⁸ As if needing to explain this dismal response, Beaufort states that Sir Edward Mansell had acknowledged receipt of his summons and had notified the deputy lieutenants and justices that were in the county. Of the nineteen justices listed only four appear to have been present, and of these only one, William Herbert, of Killbibby, is recorded as having given an answer, which was in the negative. Of the other three, Francis Gwynn, a former clerk to the Privy Council and until recently a Treasury minister, was not sworn - as had been the case in Breconshire, where his name also appears in the returns - while Richard Carne and Sir Thomas Stradling, a soldier favoured by James II, were both Catholics and can be assumed to have supported the King. Against the name of Rowland Dawkins, Beaufort has noted: 'Not able to ride, but I suppose consents to all, because a

¹⁴⁷ Duckett, i. 445; *CSPD*, 1687-9, p. 152.

¹⁴⁸ Rawl. MSS, A 139a, fos. 142, 166; *Commons*, iii. 16-7.

dissenter'; but it is difficult to claim him as an ally of the King with any certainty.¹⁴⁹

The bare statistics show that three squires were in favour of repeal, one was against and 21 were absent, a majority of whom were almost certainly opposed to the King's policies, as is strongly evidenced by their names being left out of the new commission of the peace.¹⁵⁰ What the statistics do not show is the recent turbulent past of the county. As in Monmouth, the Lord President's power and high-handedness had come to be resented by some of the gentry in the late 1670s: even the politically cautious Sir Edward Mansell had felt it necessary to complain about his behaviour. The Somerset family's Catholicism and the Lord President's protection of recusants rendered him vulnerable to attack and the Popish Plot provided his enemies with a chance to strike back. Even though Catholics were few in number in the county, Glamorgan was seized by a frenzy of anti-Catholicism. As the Crown regained the initiative in the early 1680s, political differences were patched up. However, it is unlikely the justices that had been prominent for their anti-Catholic zeal and in hunting down priests, men like Sir Richard Bassett and Richard Lougher, who were still on the bench when Beaufort carried out his canvass, would have looked too kindly on the King's religious policies. Yet Bassett was restored to the lieutenancy in the following June, along with his fellow absentee deputy lieutenant David Evans. There is a slight mystery over the delay in this - the new commission of the peace was issued in February - because it is obvious that Beaufort wanted both men retained.¹⁵¹

Four other absentees survived the purge: Thomas Carne, of Nash, possibly the Protestant head of a Catholic family, was promoted to deputy lieutenant, while another Carne, John, and two Catholic Turbervilles, both named Christopher, were retained as

¹⁴⁹ Rawl. MSS, A 139a, fos. 154, 166-7; *Commons*, ii. 455-7; *CSPD*, 1687-9, pp. 2, 132, 156; I. G. Jones, 'Glamorgan Politics from 1660 to 1688', *Glamorgan County History* (Cardiff, 1974), iv. 390.

¹⁵⁰ Rawl. MSS, A 139b, fo. 260.

¹⁵¹ Jones, 'Glamorgan Politics', pp. 385-90; *HMC House of Lords MSS, 1678-88*, pp. 229-31; *CSPD*, 1678, p. 525; 1687-9, p. 220; Duckett, i. 445-7; Rawl. MSS, A 139a, fo. 142. 'Whig loyalties were closely allied to anti-popery, and to a Catholic past': P. Jenkins, *The Making of a Ruling Class: The Glamorgan Gentry, 1640-1790* (Cambridge, 1983), p. 125

JPs. The latter were not merely absentees but exiles, one living in Berkshire, the other away in France. This again suggests that local anti-Catholicism had been virulent enough to drive these two gentlemen out of the county.¹⁵² Beaufort's return lists five Dissenters, headed by the Whig merchant, Sir Humphry Edwyn, and including Martin Button, a former JP and member of the anti-Worcester, anti-papist faction in the late 1670s. They were all recommended for inclusion in the new commission, as was Sir Humphrey Mackworth, who may or may not have been in commission when the questions were put, but was made a deputy lieutenant the following February. Mackworth, who also features in the Monmouthshire returns, was later known for his staunch Anglicanism, but may at this time have had Dissenting sympathies, for his name was added later to the list of justices submitted by Beaufort and has a 'D' next to it.¹⁵³

These men were joined by 12 others in the new commission of the peace, including Lords Castlemaine and Montgomery, John Romsey, the former town clerk at Bristol, the lawyer Owen Wynne and yet another Turberville, Charles.¹⁵⁴

Merioneth

The return for Merioneth highlights Beaufort's impotence in the face of what looks suspiciously like a boycott of the canvass by deputy lieutenants and justices. All bar one squire failed to attend the Lord President at Ludlow and he, Robert Price,

¹⁵² Rawl. MSS, A 139a, fo. 167, A 139b, fo. 260.

¹⁵³ Ibid.; *CSPD*, 1687-9, p. 152; *DNB*, xvii. 135-7; Luttrell, i. 41, 457, 468, iv. 303; Jones, 'Glamorgan Politics', p. 387.

¹⁵⁴ Rawl. MSS, A 139b, fo. 260; *CSPD*, 1687-9, p. 152.

refused to consent to the repeal of the Test Act and penal laws. As Beaufort reported:

The Pretence is, That y^e Letter was not communicated, being sent to Coll: William Price, who it seems Lives in another county with y^e B^{pp} of St Asaph, But Affirmed by Mr Robert Davis to have bin seene notwithstanding: Besides very few in com[~]ission for this county, but have estates, & are in com[~]ission in some other counties in Wales, and consequently must have had notice by y^e sum[~]ons that were owned to come into other counties.¹⁵⁵

However Beaufort was able to add that he had received an answer by letter from some of the gentlemen who had failed to attend.¹⁵⁶ This letter, dated 20 December and from four deputy lieutenants and four justices, provides the most considered answer to be found in the returns from the Principality. After stating that Beaufort's letter of summons was not forwarded to them, they say that the Test should not be abrogated because it is the

sole support and defence, (together with his Maj^{ties} gracious assurances of p^rtection), of the established religion and Church, whereof wee are all members; to the abolishing of w^{ch} should wee assent, we thinke that thereby we tacitly condemne one of the greatest tenants [sic] our Church maintaines, and that in the Blessed Sacram^t.

They go on to say that, so far as the laws enacted 'at the first establishing of this nationall Church, and some later Acts concerning dissenters fro[m] the same Church' are concerned, they will leave it the 'wisdom of Parliament [...] to determine' their fate. And in reference to the Second Question, they say they hope to choose a member 'of whose loyalte and concurrence with his Maj^{ties} desires & safety of the established religion, there shall be noe doubt'. Having politely, but emphatically rebuffed the King, their positive response to the Third Question - that they will '[l]ive peaceably with our fellow subjects' and 'in peace and charity with those that p^rfesse Christianity; though of different p^rswasions, as long as they live obediently under his Maj^{ties} government' - ends with the predictable expressions of deference toward monarch and Lord President.¹⁵⁷

¹⁵⁵ Rawl. MSS, A 139a, fos. 168-9.

¹⁵⁶ Ibid., fo. 169.

¹⁵⁷ Ibid., fos. 179-80.

Of the other justices, three Catholics, Gabriel Salisbury, Owen Salisbury and Thomas Price, who was Lord Powis's agent, retained their places on the bench, so at some stage may have indicated assent to Beaufort. Although there were no other Catholics 'of note or Estate out of ye Com~ission', one Dissenter, Ellis Davis, of Bedweni, later described as an Independent 'of no considerable Estate or quality' was added to the commission, along with fourteen others, including Lords Castlemaine and Montgomery, Sir William Williams and his son, William, John Jones, 'whose Father was one of the Murtherers of K. Charles 1', and Thomas Price, of Bryn-y-pys.¹⁵⁸

Montgomery

The attendance of deputy lieutenants and justices from Montgomery was more impressive: of a total of 33 squires on Beaufort's list, 14 appear to have travelled to Ludlow and a fifteenth answered by letter. Absenteeism was high, with 13 squires failing to respond to Beaufort's summons. Three men on the list, Sir Richard Corbett, Sir Thomas Price, and James Palmer, were dead. And of the two Catholics in commission, Thomas Bartlett and Thomas Price, both of whom were presumed to have answered in the affirmative, the former, who is also listed in the Gloucestershire return, may also have died or been close to death. Thirteen squires answered in the negative and one was doubtful.¹⁵⁹

The 'no' camp was headed by Edward Vaughan, of Llwydiarth, whose family represented the chief independent interest in the county. Vaughan, who was knight of the shire from 1679 to his death in 1718, was a Tory and had voted against Exclusion. His answer suggested little sympathy with the King's wishes: he was '[n]ot for taking away y^e Test [and a]s for y^e Penall Laws, [was] content with what Alterac~on thought

¹⁵⁸ Rawl. MSS, A 139a, fo. 169; A 139b, fo. 260; 'An Account of such Justices of the peace and Deputy Lieutenants as were turned out...' [1689], Finch MSS, Law 15.

¹⁵⁹ Rawl. MSS, A 139a, fos. 148, 170-1; Duckett, i. 268

fitt by his Ma^{tie} & the Parliament'. Yet his answer was to be viewed as too conciliatory by some of his fellow squires and he would be challenged, albeit unsuccessfully, in the elections to the Convention of 1689. One other squire, John Matthews, was '[m]uch y^e same wth Mr Vaughan', yet unlike the latter, he retained his position in the lieutenancy, which suggests he may have changed his mind at a later date.¹⁶⁰

One of the JPs, Henry Newton, was '[d]oubtful as to ye Test; Consents to ye rest by letter', but this answer was not good enough for him to avoid dismissal.¹⁶¹ The absentees include three former MPs, Charles Herbert - the brother of the judge, Sir Edward Herbert, and Admiral Arthur Herbert - William Oakley and Robert Leighton. Herbert, a soldier, had lost his commission for opposing the introduction of Catholic officers into the army, so is unlikely to have supported the King. Oakley, though a government supporter in the Cavalier Parliament, had not been a political force in recent years, while Leighton, once a Whig, had made his peace with the government, and presumably, at a later date, gave satisfaction on repeal because he became a deputy lieutenant in the new commission of the peace.¹⁶²

Beaufort noted that there were '[n]o Catholicks of note or Estate in this county, but what are already in Com[m]ission of y^e Peace', adding: 'Nor no Dissenters in y^e County y^t has over a hundred pounds p ann^m. Except M^r Charles Lloyd, of Dolobran, a Quaker.' Lloyd, who had spent several years in Welshpool jail before being released under the terms of the King's Declaration of Indulgence, was added to the commission. He was joined by the now familiar names of Lords Castlemaine and Montgomery, the Williamses, father and son, Sydney Godolphin and the former Whig MP Matthew Price. Only three members of the previous commission of the peace - Matthews, who had been removed from local office in 1680, Thomas Price and Leighton - survived the

¹⁶⁰ Rawl. MSS, A 139a, fo. 170; *Commons*, i. 516, iii. 626-7; *CSPD*, 1687-9, p. 152.

¹⁶¹ Rawl. MSS, A 139a, fo. 171; A 139b, fo. 261.

¹⁶² *Ibid.*; *Commons*, ii. 528, 731, iii. 166-7; *CSPD*, 1687-9, p. 152.

purge, and the absence of the Catholic Thomas Bartlett's name strongly suggests that by February 1688, when the new commission was drawn up, he was dead.¹⁶³

Pembroke

The return for Pembroke reveals a familiar picture: of the 27 deputy lieutenants and justices summoned by Beaufort, only eight appear to have attended, and of these only two justices, William Barlow and Walter Middleton, answered in the affirmative, while the other six refused to endorse the King's ecclesiastical policy.¹⁶⁴ Barlow, knight of the shire in 1685, is marked as a Catholic in the return, but it would be more accurate to describe him as a 'Church Papist', since he would, at the very least, have had to conform outwardly to the Established Church to be nominated by the government as a court candidate, as he was, for Haverfordwest, in September 1688. Barlow, who came from a strongly royalist background, was one of the few candidates pledged to support the King's policies who Beaufort thought stood a chance of being elected, and then only if the corporation was remodelled and purged.¹⁶⁵

The reasons for failure to attend the Lord President at Ludlow were varied, but can be reduced to age, illness, injury (the deputy lieutenant Lewis Wogan, of Bulston, was '[h]urt by a Fall') and bodily incapacity (the deputy lieutenant Thomas Lloyd is described as a 'cripple') but in most cases, it is safe to assume, that the absentees were opposed to the King.¹⁶⁶ This would probably be the case with members of the two most important political families in Pembrokeshire, the Philippses, of Picton Castle, and the

¹⁶³ Rawl. MSS, A 139a, fo. 171; A 139b, fo. 261; Duckett, i. 285 (note); *Commons*, iii. 294-5; HMC *House of Lords MSS, 1678-88*, p. 185; *CSPD*, 1687-9, p. 152.

¹⁶⁴ Rawl. MSS, A 139a, fos. 172-3.

¹⁶⁵ *Commons*, i. 595; Rawl MSS, A 139a, fo. 175.

¹⁶⁶ Rawl. MSS, A 139a, fos. 172-3.

Owens, of Orielson.¹⁶⁷ Less easy to assess is the thinking of Sir John Barlow, of Slebech, brother of William: the family's Catholic and royalist sympathies would have marked him out as a potential supporter of repeal, but he too pleaded ill-health as a reason for not journeying to Ludlow. Two members of another well-known Pembrokeshire family and cousins of the Owens, the Langhernes (or Laughharnes) are listed by Beaufort but neither gave satisfaction: Rowland, the son of a prominent Parliamentary soldier, was not sworn and Arthur answered in the negative.¹⁶⁸

One other justice is worthy of note, the Archdeacon of St David's, Dr George Owen, next to whose name is written: 'Absent, but y^e B^{pp} of St David's can give an acco^t: of him, & Dr Ellis'. The bishop, Thomas Watson, was a loyalist and supported James's ecclesiastical policy, but presumably he could not vouch for the archdeacon's loyalty, since he was removed from the commission of the peace. (Dr Ellis was retained on the Anglesey bench, despite his being doubtful about repeal.)¹⁶⁹

Predictably all those who replied in the negative or failed to reply at all were dismissed from the commission of the peace. Those that replaced them included George Lort, possibly the son of the republican Samson Lort; the former MP Thomas Owen, a whig lawyer and strong supporter of measures to relieve the hardships of dissenters; William Barlow, jnr.; and Lords Castlemaine and Montgomery.¹⁷⁰

Radnorshire

The return for Radnorshire shows that ten of the twelve squires on Beaufort's list travelled to Ludlow; of the two who failed to do so, one, Richard Fowler, was dead

¹⁶⁷ Rawl. MSS, A 139a, 172-3; *Complete Baronetage*, i. 176; *Commons*, iii, 190-2, 240.

¹⁶⁸ Rawl. MSS, A 139a, fos. 172-3; *Commons*, i. 595, ii. 712; *Complete Baronetage*, iv. 88; Sedgwick, *House of Commons, 1715-1754*, ii. 200.

¹⁶⁹ Rawl. MSS, A 139a, fo. 173; A 139b, fos. 261-2; *Alumni Oxon*, ii. 1099; *DNB*, lx. 38-40.

¹⁷⁰ Rawl. MSS, A 139b, fo. 261; *Commons*, i. 519, iii. 193.

while the other, Edward Davis, '[d]urst not come for debt'. The answers were no more encouraging for the King than anywhere else in Wales. Two Catholic JPs, James Baskerville and Anthony Lochard, presumably consented to repeal, although their answers are not recorded, while six deputy lieutenants and two justices refused to co-operate.¹⁷¹

Most prominent among the opponents of the King's policies was Sir John Morgan, a career soldier and a former MP for both the New Radnor Boroughs and Herefordshire. Though probably an opponent of Exclusion and an erstwhile supporter of the government, his refusal to back repeal was already well known to the King, who earlier in the year had asked Beaufort to sound him out again. Morgan's answer here reveals he had not changed his mind. He was forced to resign his commission and lost his local posts and, perhaps not surprisingly, was to take up arms for William of Orange at the Revolution.¹⁷² Another former MP, Richard Williams, who had represented both Radnorshire and Breconshire, was a Whig and, despite being considered 'disaffected' in 1682, had retained his place in the commission of the peace. His refusal to endorse repeal was not surprising. Two other refusers, Edward Price, who had opposed Williams in the 1677 Radnorshire byelection, and William Probert who was to do the same in the election of 1689, were not weighty political figures.¹⁷³

Two other Catholics and five Dissenters, none of whom was in commission, are listed by Beaufort. All must have been lesser men since they were not deemed worthy of the title esquire. They were all recommended for inclusion in the new commission of the peace and one of them Richard Vaughan, of Courtfield, a Catholic, was made a deputy lieutenant. The honour was accompanied by an immediate elevation in the social scale to esquire. Joining them were ten others, headed by Lords Castlemaine and

¹⁷¹ Rawl. MSS, A 139a, fo. 174.

¹⁷² *Commons*, iii. 98; HMC *Portland MSS*, iii. 385; HMC *Beaufort MSS*, p. 90; HMC *Downshire MSS*, i. 242.

¹⁷³ *Commons*, i. 520, 522, iii. 725-6,

Montgomery and including the lawyer Owen Wynne and two brothers Samuel and Littleton Powell. Samuel Powell, who was almost certainly a Whig, was made a deputy lieutenant, while his brother would achieve that distinction many years later in 1701.¹⁷⁴

In total, Beaufort had intended to question 273 Welsh squires, but in the event more than half, 145, were absent and/or failed to reply. Of the rest 27 consented to repeal, 90 opposed repeal, and 11 were doubtful. There were about 80 squires - in the main rather obscure gentlemen - who replaced those purged from the commissions of the peace. It is reasonable to assume that the vast majority of these had endorsed the King's policy.

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In the three chapters following, the canvass in Kent, Staffordshire and Leicestershire will be looked at in greater detail. All three had characteristics that throw more light on the political and religious background of the canvass.

¹⁷⁴ Rawl. MSS, A 139a, fo. 174; A 139b, fo. 256; *CSPD*, 1687-9, p. 152; 1700-2, p. 254; *Commons*, i. 520; *Alumni Oxon*, iii. 1192, 1194.

Chapter VII

Kent

Kent was the county where the gentry - and especially the Anglican gentry - apparently showed the greatest support for King James II's policy of religious toleration. The lord lieutenant, Lord Teynham, a Catholic, appears to have carried out his duties enthusiastically and effectively. He questioned 91 magistrates (another 18 were either ill or absent), of whom 57 answered in the affirmative. Of the other 34, thirteen answered in the negative, eighteen could be construed as doubtful and three were either evasive or unco-operative. At first glance, these figures show a large majority of JPs in favour of repealing the Test Acts and penal laws; and even if the 18 magistrates who, for whatever reason, failed to respond to Lord Teynham's questions, are added to the negative replies, there is still a majority of affirmative answers. (However, at least two of the absentees may, at some stage, have satisfied the King of their support, because their names appear on the list of proposed justices drawn up by the lord lieutenant.)¹

Fifteen Catholics, including the lord lieutenant, answered the Three Questions in the affirmative, which means that the 42 Protestant deputy lieutenants and justices who supported the King outnumbered their co-religionists who opposed him by eight. It is also clear that the opposition was by no means united. At least one justice deemed by Lord Teynham to have answered in the negative - Daniell White - retained his place on the commission, which suggests that the Court felt it could rely on his support. The answers of several others were so nebulous as to suggest they came from potential supporters, who only needed a little coaxing to join the King's camp. One squire demanded protection for the rights and privileges of the Established Church as a condition for support; some, who obviously supported the royal prerogative, said they would vote to repeal the Tests but - revealing a hostility towards Catholics and Dissenters - not for the repeal of the penal laws; and some would not commit themselves until they had heard the debates in the

¹ J. Carswell, *The Descent on England* (London, 1969), Appendix A, pp 240-1; Teynham replaced the Earl of Winchelsea as Lord Lieutenant of Kent in December 1687, *CSPD*, 1687-9, p. 115; Rawl. MSS, A 139, fos. 59-74; A 139b, fo. 241.

House of Commons. In other counties where support for the King was much weaker some of the justices giving qualified answers would have been included in the 'yes' camp. In Kent, where the King had a reasonable measure of support, it was unnecessary to 'massage' the figures. Why was it here that the King appeared to have such strong support?²

Two themes recur in the history of Kent in the seventeenth century. The first is that Kent was often the touchstone of political opinion in the nation as a whole; the second is the moderation - religious and political - of the county.³ In 1640, it was the Kentish trained bands that refused to cross the county border and march north against the Scots, so demonstrating unequivocally their opposition to the Second Bishops' War. It was the first act of overt rebellion against the Crown.⁴ In the early days of the Long Parliament, petitions from Kent - opposing the arbitrary use of power by the Crown and the secular power of the bishops - were in tune with the mood of the political nation. But when Parliament moved to abolish bishops and began to arrogate to itself powers generally understood as belonging to the Crown, petitions from Kent opposed this, defending episcopacy and the King's right to control the militia.⁵

Again in 1648, when men felt that the power and political influence of the Parliamentary army was growing at an alarming rate, Kent was in the van of the opposition which erupted in the Second Civil War. Kent appears to have been moderately royalist throughout the Civil Wars and Commonwealth period, although its proximity to London ensured that Parliament acted swiftly and effectively to snuff out opposition both

² Rawl. MSS, A 139a, fos. 62-8; A 139b, fo. 241.

³ These themes are developed in C. W. Chalklin, *Seventeenth Century Kent: A Social and Economic History* (London, 1965), pp. 212-217, and A. M. Everitt, *The Community of Kent and the Great Rebellion 1640-1660* (Leicester, 1986), *passim*.

⁴ *VCH Kent*, iii. 308; *CSPD*, 1640, p. 148.

⁵ Everitt, *Kent*, pp 85-96.

at the beginning of the Civil War in 1642 and in 1648. This geographical element was crucial: it meant a small group of committed Parliamentarians were able to control the county, while the equally small group of diehard royalists were forced to leave and join the King at Oxford.⁶ The vast majority of the gentry remained in the county, either giving support to the Parliamentary cause by serving on the county committee or, in most cases, remaining neutral and tending their estates.⁷

During the Interregnum, most of the gentry, like the nation as a whole, came to terms with the Commonwealth regime and some avowed royalists even accepted local office.⁸ Still, most moderates - and most men in Kent - welcomed the Restoration. Despite periods of political eclipse, it was the old established gentry families - and those that had adopted a moderate stance during the years of conflict - that best weathered the political and economic storm. That was demonstrated in the elections of 1660 when all but three of the 18 members returned to the House of Commons by Kent came from local families. But within a year that had changed: in the elections of 1661, three-quarters of the members elected were thoroughbred Cavaliers and half were strangers to the county. The lure of the Court had proved easily resistible to the moderate, older gentry, who remained in Kent and devoted their energies to the humdrum task of local administration:

As many as two thirds of Charles II's new deputy lieutenants were selected from the older gentry of the shire, such as the Twysdens, Derings and Knatchbulls, whilst most of the remainder had been seated in Kent for at least a century...Such men were not appointed to local office because they were specially agreeable to the new government; quite the contrary. They had supported the Restoration because they wanted stable government but they had little sympathy with the Cavalier Court. They were appointed to office because they alone had the power to govern the community.⁹

Despite all the political upheavals of the next quarter of a century, these were to be the

⁶ *VCH Kent*, iii. 307-11; Everitt, *Kent*, pp 14, 110-11, 117-9.

⁷ Everitt, *Kent*, 107-8, 121-2, 277-8.

⁸ *Ibid.*, p. 297 (note).

⁹ *Ibid.*, pp. 311-22; 324-5.

same men (or their sons) from whom James II was to seek support for the repeal of the Test Acts and penal laws.¹⁰

Even during the Exclusion Crisis, Kentish moderation was not extinguished. The Whigs dominated the elections but failed to oust all Court supporters. In the county, where there was a convention that one Member was returned from the eastern part of the shire and the other from the western part, two Exclusionists - Sir Vere Fane and Edward Dering - were returned at all three elections (February 1679, September 1679 and 1681), although in the two elections of 1679, Dering was strongly opposed by the Tory, Sir William Twysden.¹¹ However, Court supporters put up a good showing in the boroughs. In Canterbury the loyalist Edward Hales was returned at both the elections of 1679, his success being complemented by the royalist Thomas Hadres in the second poll of that year.¹² In Maidstone, the moderate Sir John Tufton held one of the seats in all three elections, although the other was held by Exclusionists.¹³ In Queenborough, the loyalist James Herbert retained his seat in both elections of 1679, though he was unseated on petition by a Whig on 8 January, 1681, two days before the dissolution of the second Exclusion Parliament. He was joined in the first two Exclusion Parliaments by another supporter of the Court, Sir Edward Hales, of Tunstall, 2nd Baronet, father of the Edward Hales elected at Canterbury, though two Whigs were elected, probably unopposed, in the 1681 election.¹⁴ In Rochester the court candidate Sir John Banks was returned twice in 1679 and again in 1681, and of his fellow MPs, Sir Richard Head, Francis Barrell and Sir Francis Clerke, the first, a former mayor of the town who inclined towards the Country Party, was absent for the vote on the first Exclusion Bill, the second, a loyalist,

¹⁰ *Ibid.*, p. 14.

¹¹ *Commons*, i. 274-6.

¹² *Ibid.*, 276.

¹³ *Ibid.*, 278.

¹⁴ *Ibid.*, 279-80.

died the month after he was elected and the third was a Tory.¹⁵ Although the Country Party was triumphant in Dover, Hythe and Sandwich, at New Romney a Court supporter, Paul Barrett, held one of the seats throughout the Exclusion Crisis, while the mercurial Sir Charles Sedley, man of letters, reformed libertine, father of the Duke of York's mistress, one-time habitue of the Court, but now a supporter of the opposition, held the other (though he was absent for the division of the first Exclusion Bill).¹⁶ And when the Exclusionists overreached themselves, Kent was among the counties to petition in support of King Charles and his brother, James, 'abhorring' the tactics of Shaftesbury and the Whigs, who had organised a petitioning campaign of their own to pressurise the King into allowing the Parliament elected in the autumn of 1679 to sit.¹⁷

In the elections for James II's Parliament in 1685, the Tories were triumphant in Kent - as they were in the rest of the kingdom. The Whigs were in total disarray and most of the elections in the county appear to have been uncontested. Only in Hythe did a member of the Country Party secure election, the maverick Julius Deedes taking advantage of his position as mayor to return himself. (Deedes was in trouble, having falsified evidence at the inquest into the death of a smuggler killed by a customs officer and he was desperate to secure Parliamentary privilege.) However, Deedes's election was declared void before he could take part in the proceedings of the House and he was replaced by a treasury official, William Shaw, at the by-election.¹⁸

Kent's moderate royalism, therefore, may go some way towards explaining why so many of the county's Protestant gentry answered in the affirmative to the Three Questions: the innate loyalty of the squires in many cases overcoming their natural scruples about the King's policies. Even those counted among the King's opponents

¹⁵ Ibid., i. 280-1; 600; ii. 88-9, 517-8.

¹⁶ Ibid., i. 493-5, 496-8, 501-2, 498-9; iii. 409-10.

¹⁷ Chalklin, *Seventeenth Century Kent*, p. 216.

¹⁸ *Commons*, i. 275, 277-8, 280-1, 495, 498, 498-9, 501-2.

show little of the belligerence occasionally encountered in the answers from independently-minded squires.¹⁹ Another reason may be that there was no dominant family in the county. In counties where one family was pre-eminent, the influence of that family could be decisive: where a local magnate or influential and respected squire led, the rank and file members of the gentry would invariably follow. In Devon 49 squires took their cue from the leading magnate, Sir Edward Seymour, whose answer to the Three Questions they endorsed without qualification. No one had such a dominant political interest in Kent - a situation that would persist into the next century.²⁰

Religious attitudes may also have helped James II's cause in Kent, whereas in almost every other county they worked against him. To begin with Catholicism was not perceived as a threat in Kent. There was only a handful of recusant gentry families, led by the Ropers, whose head was Lord Teynham, and including the Nevills (Lords Abergavenny), Guildfords, Whetenalls and Petits and branches of the Finch, Darrell and Hales families. Lower down the social scale Catholics were not numerous: in the Compton census of 1676, 'papist freeholders' numbered 143 in the diocese of Canterbury and 64 in the diocese of Rochester.²¹ Although Kent was 'deeply permeated by Anglicanism', it was a moderate Anglicanism, neither Laudian nor Puritan, and certainly on the eve of the Civil War nonconformists comprised only a small fraction of the indigenous population, their numbers being swelled by the large congregations of Walloons and other immigrants, who tended to be self-contained and confined to towns like Canterbury, Sandwich and Dover. As a result there was 'neither the same fear nor

¹⁹ The only belligerently negative answer is that of Sir Thomas Taylor: Rawl. MSS, A 139a, fo. 64. William Andrewes, did, however, appear to cast doubt on the validity of the King's Declaration of Indulgence: Rawl. MSS, A 139a, fo. 66.

²⁰ *Commons*, i. 275; Everitt, *Kent*, pp. 35, 69-70, 327; Rawl. MSS, A 139a, fo. 224; R. Sedgwick, ed., *The History of Parliament: The House of Commons, 1715-1754* (3 vols., London, 1970), i. 265; Sir L. Namier and J. Brooke, eds., *The History of Parliament: The House of Commons, 1754-1790* (3 vols., London, 1964), i. 312.

²¹ Everitt, *Kent*, p. 95 (note); *VCH Kent*, ii. 87, 92 (note); the results of Compton Census are printed in *CSPD* 1693, pp. 448-9. On the accuracy of these figures see: A. Whiteman, ed., *The Compton Census of 1676: A Critical Edition* (London, 1986), pp. lxxvi-lxxvii. A list of Kentish recusants appears in *CSPD*, 1685, p. 380.

the same oppression of recusants as in Puritan counties like Essex and Suffolk'.²² Of course, the twenty years of freedom of worship between 1640 and 1660 allowed Protestant nonconformists of every hue - Presbyterians, Independents (Congregationalists), Baptists and Quakers - to put down roots in the county and they were not to be extirpated by the persecution that followed the Restoration. By the time of the Compton census in 1676 nonconformists were more numerous in the diocese of Canterbury than in any other diocese in the province, including London. Nonconformity was strong in the towns and in the Weald, dominated as it was by the cloth industry, and a legacy of this in the Restoration period was the continued strife between Anglicans and Dissenters in the boroughs. But Dissent was almost exclusively the preserve of tradesmen, craftsmen, artisans and small farmers: most of the Kentish gentry remained Anglican in sympathy and those members of the ruling class that had been of a Presbyterian bent generally conformed to the Established Church after the Restoration.²³ But while Kent's religious moderation may help to explain its support for the King's policies, it also ensured that for once the county was out of step with most of the political nation, where religious toleration towards Catholics was an anathema.

Finally, it is a mistake to ignore the human element. Men supported or opposed King James's policies often for obvious reasons, political and religious; but in seventeenth century England where the landed classes had intermarried, political and family loyalties were invariably entwined. Where there were different branches of the same family in the county the ties between these branches were close: it may well be dismissed as enlightened self-interest, but in Kent during the Civil Wars and Interregnum the older gentry families stuck together, often helping their kinsmen in times of need,

²² Everitt, *Kent*, pp. 49, 53-4, 95n; *CSPD*, 1693, pp. 448-9. The number of convictions for recusancy in Kent in the reign of Charles II up until 1671 (25) does not seem to have been very high: *Catholic Record Society*, vii. 77.

²³ Chalklin, *Seventeenth Century Kent*, p. 225-8; *CSPD*, 1693, pp. 448-9; C. Lee, 'Fanatic Magistrates: Religious and Political Conflict in Three Kent Boroughs, 1680-4', *Historical Journal*, 1992, pp. 50-1, 59-61. The figures of the census have to be treated with some caution since it tended to identify schismatics rather than partial conformists (Presbyterians): Whiteman, *Compton Census*, pp. lxxvi-lxxix.

and this in no small way contributed to their long-term survival and continued prosperity.²⁴ Although it was not unknown for fathers and sons, or, more often, cousins, to take different sides on the question of repeal of the Test Acts and penal laws, it was uncommon, except where one branch of the family had clung to the old religion (like the Darrells and the Finches in Kent). Where most squires were united in opposition to the King - as happened in many counties - the reasons are not difficult to discern; but where, as in Kent, support appeared to be strong for James II, it is necessary to try to discover the motives for that support. After all, the King's opponents gave their reasons; by and large, his supporters did not.²⁵

The man chosen by the King to canvass Kent was a Catholic, Charles Roper, the 5th Lord Teynham. He had replaced the Earl of Winchelsea, who, in his own words, had loyally served the Stuarts with 'much hazard of my life and great expense' since 1647, as lord lieutenant in December 1687. It was not a slight that Winchelsea was to forgive.²⁶ Teynham was not the typical obscure and bucolic recusant landowner as described by Macaulay. He had travelled abroad, had represented Charles II's queen, Catherine of Braganza, on a mission to Lisbon in the winter of 1666/7 to compliment the King of Portugal on his marriage, and had sat in the House of Lords until the Catholic peers had been expelled at the height of the Popish Plot in 1678. So it is reasonable to assume that he had some knowledge of the ways of the world.²⁷

The canvass took six weeks: the first reply is dated 18 December 1687 and the

²⁴ Everitt, *Kent*, pp. 14, 324-6.

²⁵ The Earl of Winchelsea, and his second son, Heneage Finch, took opposing views on the Three Questions. The father's opposition led to his replacement as lord lieutenant by Lord Teynham, while the son was retained on the commission of the peace. The Catholic Charles Finch, presumably a distant cousin, also answered in the affirmative. *CSPD*, 1687-9, p. 115; Rawl. MSS, A 139b, fo. 241; Rawl. MSS, A 139a, fo. 62. The Masters and the Toke clans were also divided on the issue: Rawl. MSS, A 139a, fos. 60, 66-8.

²⁶ *CSPD*, 1683, p. 299; 1687-9, p. 115. Winchelsea was to support the Revolution, *DNB*, xix. 11.

²⁷ T. B. Macaulay, *The History of England from the Accession of James II*, (C. H. Firth, ed., Macmillan, 1913-15), ii. 980-1; *CSPD*, 1666-7, pp. 155, 277, 299, 318, 523; 1670, p. 347; 464; *Calendar of Treasury Books*, 1669-72, p. 1330; *Lords' Journal*, xii. 634.

last 28 January 1688. Like most of the Catholic lord lieutenants, he seems to have acted conscientiously. No mass meeting of the justices appears to have been called, but justices seem to have been interviewed personally by the lord lieutenant, which explains why the process took so long. There appears to have been less collusion than in some other counties between those opposed to the King's policy, something individual questioning would have restricted. The canvass was fairly comprehensive. Some leading squires and former - and future - MPs were not questioned; men like Edward Hales, of Chilston, Boughton Malherbe, Sir Vere Fane, of Mereworth, Sir James Oxenden and Sir Basil Dixwell, whose great uncle had been a regicide, were known Whigs, presumably implacable in their opposition to the King, and not in the commission of the peace.²⁸ The number of absentees, 13, was small; several lived outside the county; and, in any case, at least two, Heneage Finch, a younger son of the Earl of Winchelsea, and Sir Thomas Seyliard, may well have given satisfaction at a later date, because their names appear on the lord lieutenant's list of proposed JPs. Only five gentlemen avoided interrogation because of illness.²⁹

The list of deputy lieutenants that endorsed the King's policy is headed by Philip Smyth, 2nd Viscount Strangford, whose answer is an enthusiastic profession of loyalty to James II. He said he would comply with all three questions, 'and not only soe, but in all things which the King shall judg for his service'. Strangford, who had been an MP in 1660, was related to the Whiggish Sidney family, but over the years had alienated them with his royalism and perpetual drunkenness. His weakness for drink and bad company had brought him to the verge of ruin and his attempt at a political comeback during the Exclusion Crisis had been wrecked by his second wife's Catholicism. That his support for the King was a product of both his loyalty to the Stuarts and his religious toleration,

²⁸ *Commons*, ii. 217, 464, 296-7; iii. 194-5. Oxenden's father, Sir Henry, despite once being a supporter of the Parliamentary cause, was a deputy lieutenant until his death in 1686; his son survived on the commission of the peace until 1687: *CSPD*, 1685, p. 165; *Commons*, iii. 194.

²⁹ Rawl. MSS, A 139a, fo. 69; A 139b, fo. 241.

rather than desperation resulting from his dire financial situation, is indicated by the fact that he lost local office after the Revolution and that the son who succeeded him to the peerage was brought up in his mother's religion and did not conform to the Established Church until 1714.³⁰

The reply of Henry Thornell (or Thornhill) was even more enthusiastic. He said he would 'totally comply wth his Mat^e. in them all, as likewise in all other things the King shall judg may conduce to his service'. Thornhill was the son of the notorious Colonel Richard Thornhill, of Olantigh, a drunken and debauched Cavalier. Henry Thornhill was a loyalist (as, incidentally, was his younger son, also called Henry). Henry senior died shortly after the Revolution, but his son appears to have had little difficulty coming to terms with the Williamite regime, retaining his post of general receiver.³¹

The rest of the affirmative answers, in the main, are less effusive. Sir Charles Bickerstaff, of the Wilderness, in Searle, near Sevenoaks, came from a royalist family - his father had been a page to Charles I - and he had been involved in Lord Mordaunt's plans for a Surrey uprising in 1659. At the Restoration, he had settled in Kent, becoming clerk of the Privy Seal. Although his younger brother, Philip, a soldier and courtier, fell foul of James II over his religious policy and took part in the Revolution, Sir Charles appears to have been a loyalist, though more than just a 'yes man'. His answer, that in 'matter of conscience' the penal laws and Tests should go, suggests an endorsement of the King's policy. None the less, he remained a deputy lieutenant after 1688.³²

Sir Charles Littleton, governor of Sheerness, hailed from Worcestershire, so like Bickerstaff was an outsider, though in 1688 he had inherited the Sheene estate from his old comrade in arms from forty years before, the disreputable Henry Brouncker. His long

³⁰ Rawl. MSS, A 139a, fo. 59; *Complete Peerage*, xii. pt. i, p. 359; *Commons*, iii. 449-50.

³¹ W. Berry, *County Genealogies: Pedigrees of the Families of the County of Kent* (London, 1830), p. 466; Everitt, *Kent*, pp. 119, 244, 278; *Calendar of Treasury Books*, vol. vii, pt. i, 1681-5, p. 976; vol. ix, pt. i, 1689-1692, pp. 166, 184, 201; *CSPD*, 1684-5, p. 268; 1685, p. 150. One of Henry Jnr's sureties when he applied to retain the post as general receiver in 1689 was provided by his father: *Calendar of Treasury Books*, vol. ix, pt. i, 1689-92, p. 184.

³² *Commons*, i. 649; Rawl. MSS, A 139a, 60; *CSPD*, 1694-5, p. 20.

military career had begun in the Second Civil War. Despite some reservations about the regime, he - and his regiment - remained loyal to King James to the last (though he doggedly held on to the governorship of Sheerness until July 1690, when ordered to disavow his former master in writing, which he refused to do). He would not reappear in public life until the reign of Queen Anne.³³

Robert Smyth, of Sutton, was a cousin of Viscount Strangford. Like Strangford, his mother had been a Sidney, but unlike his cousin he continued in office after the Revolution, becoming Governor of Dover Castle.³⁴ Sir William Rook, Sheriff of Kent and the first Mayor of Canterbury under its new charter in 1684, was an undoubted Tory. (His son, George, the celebrated admiral, inherited his father's political principles, if not his loyalty.)³⁵ Sir Anthony Aucher was a veteran Royalist, having fought for the King in both Civil Wars and suffered financially for the cause. Though a Tory, he appears to have been out of favour with James II - although an alderman under the new charter for Canterbury, his election as mayor in 1686 was quashed by the Privy Council - so it is difficult to tell for certain with what enthusiasm he supported the King's religious policy. He remained on the commission of the peace after the Revolution.³⁶ Archibald Clinkard had a royalist background but he became associated with the opposition in 1678 when he signed the protest against government support for Sir John Banks in the Winchelsea by-election of that year and was removed from the commission of the peace. This, it appears, was an aberration: he quickly recovered favour and was MP for Maidstone in 1685. Although his son served in Ireland against King James, Clinkard did not continue in local office after 1689, so he may have not have supported the Revolution.³⁷ Thomas Fane, of Burston, a

³³ *Commons*, i. 783-4.

³⁴ Berry, *Pedigrees*, p. 251; Hasted, *History*, ii. 334, 350; *CSPD*, 1694-5, p. 20.

³⁵ *DNB*, xlix. 204-5; Hasted, *History*, xi. 25, xii. 250.

³⁶ *Commons*, i. 569-70.

³⁷ *Ibid.*, ii. 97.

nephew of the 1st Earl of Westmorland, had come to politics relatively late in life (in 1677 when he was over 50) and had sided with the opposition, though there is no evidence that while MP for Maidstone in the second and third Exclusion Parliaments he voted with the Country Party. He trimmed enough to be restored to local office in 1685, but rallied to the Williamite regime after the Revolution.³⁸ Sir Robert Filmer, 2nd Bart., of East Sutton, was the grandson of the celebrated defender of the divine right of kings. The Filmers had suffered much for their royalism during the Civil Wars and their name was a byword for loyalty. Sir Robert, a lawyer, was the last Sheriff of James II's reign, but after the Revolution ceased to be a deputy lieutenant, possibly indicating that he became a non-juror.³⁹ Sir Oliver Boteler's father, Sir William, had, with the poet Richard Lovelace, presented the famous Kentish Petition to the Commons in 1642 - for which act of defiance he had been imprisoned - and he had died fighting for the King at Cropedy Bridge in 1644. There is no reason to doubt that his son, who succeeded to the baronetcy aged about 10, should have been any less loyal to the Stuarts.⁴⁰

The justices answering in the affirmative are headed by Sir John Godwin, of London and Chatham, who had served at sea and in the victualling office during the Dutch Wars. Undoubtedly a loyalist, he had been MP for Queenborough in 1685, and was approved as court candidate in February 1688, but died in London in the following month.⁴¹ Godwin's London neighbour was another naval man, Sir John Berry. The son of an impoverished vicar, Berry had found fame and fortune at sea. He had seen action against the Dutch and in Tangiers and his career had been promoted by James (even the fact that Berry had been in command of the ill-fated Gloucester which sank off Yorkshire while carrying the then Duke of York to Scotland in 1682 had not held back his

³⁸ *Ibid.*, ii. 296.

³⁹ *Complete Baronetage*, iv. 68; Hasted, *History*, v. 378-80; Everitt, *Kent*, pp. 101, 171; *CSPD*, 1694-5, p. 20; 1702-3, p. 394.

⁴⁰ *Complete Baronetage*, ii. 96; Hasted, *History*, ii. 447, v. 132-3.

⁴¹ *Commons*, ii. 409.

advancement). Such a man should have been unwavering in his loyalty to his royal master, but as often happened, James's faith in his officers was dangerously misplaced. Some time between giving affirmative answers to the Three Questions in December 1687 and the autumn of 1688, when he was second-in-command to Lord Dartmouth in the fleet, he turned traitor and plotted to kidnap his commanding officer, even while ostensibly preparing to fight the Dutch invasion force. The probable reason for this was that he had recently purchased former monastic lands in Kent and feared he might lose them if James's religious policies prevailed.⁴²

Nathaniell Hornby was a goldsmith banker with excise interests. He lent money to the government and became an excise commissioner and had demonstrated loyalty to both Charles II and his brother: he was party to the 'legal fiction' - a new, but forged, Excise 'farm' allegedly granted to three courtiers by Charles II the day before he died - by which the Crown was able to continue to collect excise duties after the King's death but before the meeting of James II's Parliament, which was meant to sanction this. He was obviously loyal to the King as long as personal financial interest permitted. Like many Crown servants, he was re-employed after the Revolution, so he must have found the political changes of 1688-9 acceptable; but within five years he appears to have fallen under a cloud and been dismissed.⁴³

Edward Took (or Toke), a member of a famous Kentish family with no fewer than seven branches in the county, was probably the son of Nicholas Toke, of Dartford. The Tokes appear to have remained neutral during the Great Rebellion. His answer may be taken as evidence of the instinctive loyalty to the Crown so prevalent in the county.⁴⁴

⁴² *DNB*, iv. 398-9; David Davies, 'James II, William of Orange, and the Admirals', in E. Cruickshanks, *By Force or By Default? The Revolution of 1688-89* (Edinburgh, 1989), pp. 85-6, 90-2, 94, 95, 98, 101.

⁴³ C. D. Chandaman, *The English Public Revenue 1660-88* (Oxford, 1975), p. 73; *Calendar of Treasury Books*, vol. viii, pt. i, 1685-9, pp. 10-11; vol. ix, pt i, 1689-1692, pp. 9-10, 190; vol. x, pt. ii, 1693-96, pp. 739, 903; *CSPD*, 1695, p. 272.

⁴⁴ Sir G. J. Armytage, ed., *A Visitation of the County of Kent begun Anno Dni. MDCLXIII, Finished Anno Dni. MDCLXVIII.* (Harleian Society, 1906), p. 167; Everitt, *Kent*, pp. 42, 160. An Edward Toke was a commissioner for sewers in Dartford: S. K. Keyes, *Dartford: Some Historical Notes* (Dartford, 1933), p. 309.

No such obscurity surrounds the next justice, Sir Richard Head, of Rochester. He came of a yeoman family, was a royalist in the Second Civil War and successive marriages had brought him a fleet of merchant ships and substantial property - and political interest - in Rochester, where he was mayor three times. He was elected MP for Rochester at a by-election to the Cavalier Parliament in 1667, and, though his politics were uncertain, he veered, if anything, towards the Country Party (the Earl of Shaftesbury considered him 'worthy'). But failure to vote for the Exclusion Bill cost him his seat in the second election of 1679. Again it is difficult to say with what enthusiasm he supported the King's religious policy and in any case he died the year after the Revolution. In December 1688, he was to play host to the fugitive James II - both after his capture at Faversham and before his second flight.⁴⁵

Thomas Manley, of St Margaret's, near Rochester, was a lawyer who held minor public office both in the town and county. His political principles appear to have been fairly flexible.⁴⁶ Likewise Roger Payne, of Otterden, who, despite his support for the King, was to retain his place on the county commission after the Revolution.⁴⁷ John Kennet had been named as Mayor of Faversham and town clerk for life under the new charter of November 1685, so presumably was a firm loyalist. After this brief brush with fame he slips into obscurity.⁴⁸

Sir Edward Masters, of Canterbury, came of a family with five branches in the county (a distant cousin, also Edward, had been elected to the Short and Long Parliaments as a moderate). Masters appears to have remained neutral during the Civil War, but like a lot of moderate Kent gentry rose against Parliament in 1648. He was MP

⁴⁵ *Commons*, ii. 517-8.

⁴⁶ Berry, *Pedigrees*, p. 463; Hasted, *History*, iv. 175; *CSPD*, 1672, p. 632; Nigel Yates and James Gibson, eds., *Traffic and Politics: The Construction and Management of Rochester Bridge, AD43-1993* (The Boydell Press, 1994), p. 296; *Calendar of Treasury Books*, vol. vii, pt. iv, 1685-9, p. 2028. He survived the Revolution: *CSPD*, 1689-90, p. 540; 1690-1, pp. 121, 169-70.

⁴⁷ *Visitation 1663-1668*, p. 128; Hasted, *History*, vi. 442; *CSPD*, 1685, p. 384; 1689-90, p. 122.

⁴⁸ *CSPD*, 1685, p. 384.

for Canterbury in the Cavalier Parliament, during the course of which he gravitated from being a 'Country Cavalier' to a Court supporter. His parliamentary record shows he shared the beliefs and prejudices of many of his fellow squires. Age (he was born in 1610) and infirmity hastened his withdrawal from politics after 1678. His support for the King seems to have been genuine; after the Revolution he ceased to be a JP and was probably a non-juror. Other members of the Masters clan were to oppose the King.⁴⁹

Joseph Roberts, of St Thomas Hill, near Canterbury, was a member of another family with many branches in Kent; in this case four. He was considered a champion of religious conformity and was named an alderman under the city's new charter granted by Charles II in 1684, which is proof enough of his loyalty. There is some evidence that his family did not view the Revolution with total equanimity.⁵⁰

Gracianus Lynch (or Lynch), of Groves, in Staple, provided an affirmative answer that suggests more enthusiasm for the King's service than that perhaps shown by his fellow squires. After agreeing to the Three Questions, he adds, 'that although he is very infirme himselfe and by that means incapable of serving his Mat^{ie}. he has a son whome he shall care to Principle in all respects to his Mat^{ies}. service'. The son referred to may have been his younger son, also called Gracianus, who died in the same year as his father, 1690, since his heir, John, who was to live until 1733, appears to have had little trouble coming to terms with the post-Revolution regime, becoming a deputy lieutenant, colonel of militia and sheriff of the county.⁵¹

Nordish Rand married into property; through his wife, the widow of William Crayford, he became the owner of the Mongham estate. He was one of the justices

⁴⁹ Berry, *Pedigrees*, p. 25; *Commons*, iii. 31-2. Both James Masters, of Yokes, and James Masters, of Langdon, answered in the negative: Rawl. MSS, A 139a, fos. 67, 68.

⁵⁰ *Visitation 1663-1668*, p. 140; Everitt, *Kent*, p. 42; Hasted, *History*, xi. 25; C. Lee, 'Fanatic Magistrates', p. 51. This Joseph Roberts was a captain of militia c.1681: *CSPD*, 1680-1, p. 506. Warrants were issued in August 1693 for the arrest of Joseph Roberts jnr, of Canterbury, possibly a son, who was accused of "treasonable practices". A Joseph Roberts, of Canterbury, was admitted to Oxford University in June 1684, aged 17: *CSPD*, 1693, pp. 266, 283; *Alumni Oxon*, ii. 1263.

⁵¹ Berry, *Pedigrees*, p. 282; Rawl. MSS, A 139a, fo. 60; *CSPD*, 1700-2, p. 292; Hasted, *History*, ix. 187.

appointed by James II to hold the Court of Loadmanage within the Cinque Ports to 'inquire into all offences, misdemeanours and disorders committed by seafaring men concerning loadmanage', a position to which he was not reappointed after the Revolution, suggesting he may have been out of favour after 1688. If so, it did not last long. In January 1695 he was made a deputy lieutenant for Kent, a position he continued to hold after the accession of Queen Anne.⁵²

Thomas Took was almost certainly the head of the Tokes of Westbere. Like his cousin, Edward above, he does not elaborate on his support for the King, but their answers put them at odds with another cousin and most prominent member of the family, Sir Nicholas Toke, of Godinton.⁵³ Richard Bretton, of the Elms, Hougham, had married into the Crisps of Quex, like his fellow JP and brother-in-law, Edwin Wyatt. He held local posts under both King James and his successors, ending up as collector of customs at Dover in the reigns of William and Anne, so his support for the policy of religious toleration - for Catholics, at least - may not have been deep-rooted.⁵⁴

Thomas Tyddiman (or Teddeman) came from an old Dover family: his father had been Admiral Thomas Teddeman, who had been Mayor of Dover three times during Charles I's reign and had had a distinguished naval career both under the Protectorate and during the early years of the Restoration; his uncle, Henry Teddeman, also a naval captain, had stood unsuccessfully as a court candidate in the two elections of 1679. Thomas the younger had been involved in local administration for some years, becoming a jurat and later mayor of the port in 1684-5.⁵⁵ His name is linked with that of Edward Roberts, fellow jurat and mayor (briefly) in 1688. This man may have been the Mr

⁵² Berry, *Pedigrees*, p. 131; Hasted, *History*, ix. 569, 572, 576; *CSPD*, 1687-9, p. 250; 1689-90, p. 210; 1694-5, p. 380; 1702-3, p. 394.

⁵³ Berry, *Pedigrees*, p. 167; Rawl. MSS, A 139a, fos. 61, 66.

⁵⁴ Hasted, *History*, x. 301, 421; *CSPD*, 1685, p. 384; 1687-9, p. 250; 1689-90, p. 210; 1694-5, p. 167; 1699-1700, p. 7; 1700-2, p. 530.

⁵⁵ J. B. Jones, *Annals of Dover* (Dover, 1938), pp. 329, 333; *DNB*, lvi. 2-3; *Commons*, i. 494-5; *CSPD*, 1682, pp. 164-5; 1685, p. 10; Rev. S. P. H. Statham, *History of the Castle, Town, and Port of Dover* (London, 1899), p. 129.

Roberts who stood against the successful Whig candidates in the Dover election for the Oxford Parliament in 1681. He, along with Teddeman, was appointed commissioner for the government of the port of Dover towards the end of Charles II's reign and he certainly enjoyed royal confidence late into James's reign, being made lieutenant of the Trained Bands for Dover in October 1688. Both he and Teddeman disappear from the pages of history after the Revolution.⁵⁶ Thomas Gomeldon, of Sommerfield Court, Sellindge, came of merchant stock and was the son of William Gomeldon, sheriff of the county in 1674, who was wealthy enough to commence the rebuilding of Sommerfield, though it remained unfinished at his death. His son was obviously trusted by the King: he was one of the private treasurers and managers to James in his mercantile capacity, both before and after he ascended the throne. But, according to the historian of Kent, Edward Hasted, after James's flight, in a singular act of treachery, Gomeldon and his fellow managers refused to hand over the funds to the King, keeping the money for themselves. With his ill-gotten gains Gomeldon was able to finish the rebuilding of Sommerfield. It is not unreasonable, therefore, to question the genuineness of his support for the King's religious policies.⁵⁷

Walter Braemes was the son of Arnold Braemes, of Bridge, an ardent royalist in both Civil Wars and MP for Dover in the Convention of 1660. Walter had been a tireless royalist plotter during the Commonwealth, even to the extent of being involved in the assassination of Dr Dorislaus, the Dutch-born Parliamentary envoy and lawyer who had helped to draw up the indictment against Charles I. He was a Tory, active both as a JP and militia officer before and after the Revolution, which suggests that, despite his background, he was not completely wedded to the cause of the last Stuart king.⁵⁸

⁵⁶ Statham, *Dover*, pp. 129, 169; Jones, *Annals*, p. 333; *Commons*, i. 494; *CSPD*, 1682, pp. 164-5; 1687-9, p. 320.

⁵⁷ Hasted, *History*, viii. 214, 299, 309-10; *CSPD*, 1673-5, p. 199.

⁵⁸ Hasted, *History*, xii. 288; *Commons*, i. 707; Everitt, *Kent*, pp. 235, 282, 286; *CSPD*, 1649-50, p. 133; 1683-4, p. 330; 1685, pp. 231, 384; 1687-9, p. 250; 1689-90, p. 210.

Walter Hooper and his father, Thomas, were of Stockbury, where the family had for many years rented the parsonage and its land from the dean and chapter of Rochester. There is some evidence to suggest that the Hoopers had once had Puritan sympathies. Although Thomas (born c.1614) had attended Oxford University, he had, in the 1650s, sent his son to Sidney Sussex, Cambridge, generally considered a centre of Puritanism and a college that boasted among its illustrious alumni Oliver Cromwell. Walter was a barrister.⁵⁹

Edwin Wyatt, of Maidstone, was descended from the poet, Sir Thomas Wyatt. He was a strong Tory and as counsel to the Maidstone Corporation had played an important role in the surrender of the charter in 1682. Under the new charter he was nominated recorder and in the following year was made a serjeant at law. He was returned to James's Parliament at a by-election in November 1685, but probably never sat, the prorogation coming days after his election. He was made a judge on the Welsh circuit and was recommended as a court candidate for Maidstone in September 1688, but lost his interest when James reinstated the old charter weeks later. His loyalty to the King was never in doubt and he became a non-juror after the Revolution.⁶⁰

John Smith, was the owner of Lested-lodge, in Boughton-Monchelsea, where he was baptised in October 1615. His burial at nearby Chart Sutton in 1693 suggests a life as circumscribed socially and politically as it was geographically.⁶¹

Sir Henry Selby, serjeant-at-law, was the second son of George Selby, of the Moat, Ightham, who had been Sheriff of Kent in 1649. There can be little doubt of his loyalty. He had been knighted in 1685 and appointed by James II Steward of the Court of Chancery for the Cinque Ports, a post he had also held under Charles II, but was to

⁵⁹ *Visitation 1663-1668*, p. 83; Hasted, *History*, v. 583-4; *Alumni Oxon*, i. 742; *Alumni Cantab*, pt. i, vol. ii, p. 404.

⁶⁰ Berry, *Pedigrees*, p. 295; *Commons*, iii. 770; *CSPD*, 1687-9, pp. 273-4.

⁶¹ Berry, *Pedigrees*, p. 12; *Visitation 1663-68*, p. 151. This branch of the Smith, or Smythe, family originated from Maidstone: Hasted, *History*, v. 358-9.

lose after the Revolution. In September 1688, he was nominated by the Earl of Sunderland as court candidate for Rochester.⁶² Thomas Pettley, of Filston, in Shoreham, came of an ancient, if minor, gentry family. He may have had royalist sympathies during the Civil War period, though if he had he does not seem to have suffered greatly for them. By 1688 he was a very old man.⁶³ William Maddocks, of Maidstone, had been a justice for many years, which would suggest, in the shifting political landscape of the Restoration period, an inherent loyalty to the Crown.⁶⁴ George Evans, though also a JP in Surrey, remains an obscure figure, as does Robert Seyliard, who was possibly a member of Edenbridge branch of the Seyliard family.⁶⁵

Sir Nicholas Crisp, of Squerryes, was the son of a Guinea merchant who had spent a fortune in the cause of Charles I during the Civil Wars, a drain on resources from which the family's fortunes would never completely recover. In the 1680s, Sir Nicholas had sold his father's house in Hammersmith and rebuilt Squerryes, but he must have relied greatly on the remuneration from the post of collector of customs, which he had inherited from his father in 1665, to ease his financial situation. It is difficult to escape the conclusion that his support for the King's policy was, in part at least, influenced by financial necessity. After the Revolution he continued as collector of customs, but after his death in 1698, his son sold Squerryes and the family left the county.⁶⁶

The merchant Sir Edward Deereing (or Dering), of Doddington, was the half-brother of the moderate Whig Sir Edward Dering, 2nd Baronet, of Surrenden Dering, and,

⁶² G. W. Marshall, ed., *Le Neve's Pedigrees of the Knights made by King Charles II, King James II, King William III and Queen Mary, King William Alone, and Queen Anne* (Harleian Society, 1873), pp. 397-8; Hasted, *History*, v. 43; *Alumni Cantab*, pt. i, vol. iv, p. 41; *CSPD*, 1682, p. 283; 1685, p. 68; 1687-9, pp. 273-4; 1689-90, p. 355.

⁶³ Berry, *Pedigrees*, p. 232; *Visitation 1663-68*, p. 131; Hasted, *History*, ii. 91; M. White and J. Saynor, *Shoreham: A Village in Kent* (The Shoreham Society, 1986), pp. 91-2.

⁶⁴ He had been a JP since at least 1663: *Visitation 1663-68*, p. 101.

⁶⁵ L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979), p. 72 (note). For the Seyliards of Edenbridge, see Hasted, *History*, iii. 186.

⁶⁶ *DNB*, xiii. 95-7; *Commons*, ii. 169-70; *Complete Baronetage*, iv. 11; Chalklin, *Seventeenth Century Kent*, p. 205; *Calendar of Treasury Books*, vol. iii, pt. ii, 1669-72, p. 803; *Calendar of Treasury Papers, 1557-1696*, pp. 426, 529; 1697-1702, pp. 310, 360.

therefore, uncle to the more whiggish 3rd Baronet. He himself had been knighted at the height of the Exclusion Crisis in 1680, which suggests either a reputation for loyalty or an indifference to politics. There was a branch of the Dering family at Doddington, although Sir Edward probably cemented his connection with this parish when he married the widow of a local landowner, Sir William Delaune. Sir Edward was also receiver general for the counties of Suffolk and Cambridge, which had led to at least one brush with the authorities, and in his mercantile capacity had furnished supplies for the navy for many years. However, Pepys appears not to have trusted him. Sir Edward had been petitioning unsuccessfully since 1680 for the payment of £2,666 13s. 4d., owed to him by the government for naval supplies. This situation may have influenced Sir Edward's answer. The debt was still unpaid in Queen Anne's reign.⁶⁷

Percy Goring, of Parham, Sussex, and Maidstone, Kent, was the fifth son of Sir William Goring, 1st Baronet, of Burton, Sussex. He had royalist connections in both counties through his first marriage to a daughter of the 1st Earl of Thanet and had been MP for Bramber in Sussex in the Cavalier Parliament and supported the Government. However his political career was dogged by money problems and the conversion to Catholicism of his nephew, the 3rd baronet. He made way for a cousin in the first election of 1679 and withdrew from the second, and although he recovered his seat in 1681, his financial situation had worsened by 1687-8, and it is difficult not to suspect that this had some bearing on his decision to support the King's policies. Financial problems appear to have been behind Goring's attempt to secure the post of muster master in the Sussex militia after the Revolution.⁶⁸ The last of the Protestant justices to reply positively to the Three Questions was William Broome, a young barrister. This JP was probably the son

⁶⁷ Berry, *Pedigrees*, p. 398; *Le Neve*, p. 334; Duckett, ii. 287; Hasted, *History*, v. 434, vi. 309, 417; *Calendar of Treasury Books*, vol. iv, 1672-5, pp. 486, 614, 618; *CSPD*, 1660-1, p. 212; 1661-2, pp. 426, 480; 1664-5, pp. 133-4, 137; R. Latham and W. Matthew, eds., *The Diary of Samuel Pepys*, (11 vols., London, 1970), v. 330-1; *Calendar of Treasury Papers*, 1557-1696, pp. 18-19; 1702-7, pp. 216, 261, 286.

⁶⁸ *Commons*, ii. 420-1.

of Thomas Broome, of Farnborough, a serjeant at law in Charles II's reign.⁶⁹

The fifteen Catholics who endorsed the King's policies are headed by Lord Teynham and include Sir Edward Hales, privy councillor, Governor of the Tower of London and Lieutenant of Dover Castle, and one of the most notable converts of the reign, who figured in the famous *Godden vs Hales* case which tested the validity of the King's dispensing power.⁷⁰ Some of the most famous Kentish recusant families are represented - Whitenall, Darrell and Finch. Sir Robert Guildford, of Hempstead, was created a baronet by James II and after the Revolution he was suspected of Jacobite activities. Although most Kentish recusant families had remained neutral during the Civil War, the Ropers, Nevills, Guildfords and Finches had supported the royalist cause.⁷¹ The Catholic JPs swelled the numbers of supporters for the King, but in some ways they were irrelevant to the exercise: it was the opinions of the Protestant gentry that held the key.

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Of the twelve Protestant deputy lieutenants who answered - or were deemed to have answered - in the negative, eight were former MPs, the exceptions being Sir Henry Palmer, Sir Thomas Colepeper, Sir Thomas Taylor and William Campion, and the last three were to sit in Parliament after 1688. Although all but William Campion, of Combwell, Goudhurst, a one-time member of the Green Ribbon Club, could be called Tories, most had not particularly strong royalist backgrounds.⁷²

Top of the list of refusers was the financier Sir John Banks, whose father had been

⁶⁹ William Broome was born c.1663: *Alumni Oxon*, i. 186; *Calendar of Treasury Books*, vol. ii, pt. i, 1669-72, p. 545, pt. ii, p. 722; Hasted, *History*, ii. 51, ix. 246-7.

⁷⁰ Rawl. MSS, A 139a, fo. 62; *Commons*, ii. 465-6. Hales had had Catholic leanings long before his official reconciliation with Rome in December 1685. His father had also possibly died a Catholic.

⁷¹ *VCH Kent*, ii. 87, 92n; *CSPD*, 1689-90, p. 270; Everitt, *Kent*, p. 118.

⁷² Rawl. MSS, A 139a, fo. 63, 64; Sedgwick, *Commons, 1715-1754*, i. 566; *Commons*, iii.533-4; ii. 5.

a member of the county committee during the Great Rebellion. Banks himself had prospered under the Protectorate, sitting for Maidstone in all three Protectorate Parliaments. He quickly ingratiated himself with Charles II at the Restoration, embarking on a profitable career lending money to the Government. Despite his strong support for, and backing from, the Court, his parvenu status and Protectorate past made him unpopular with the Kentish gentry and hindered his political career: it was not until 1678 that he got back into Parliament, when his undoubted spending power overcame electors' scruples. He remained a Tory after the Revolution, but that did not prevent him lending the Government upwards of £360,000 in ten years. His answer to the first two questions was a short and emphatic negative.⁷³

Sir Henry Palmer, of Wingham, the third baronet, did come from a royalist family; both he and his father had been zealous in their support for the Stuarts and the family had suffered financially for its loyalty. His answer, though taken as a refusal, was less direct than Sir John Banks's.⁷⁴ Sir William Honeywood, Henry Lee, the recently deposed Mayor of Canterbury, and Sir William Twysden had all entered Parliament for the first time in 1685. Honeywood's answer was a straight forward negative, while Twysden's answer to the first question - that he would have to hear the debates in the Commons before deciding (generally taken as a temporising 'no') - was offset slightly by the evasive nature of his answer to the second, which was a profession of loyalty. Lee, a strong Tory and Anglican, provided a surprisingly conciliatory answer, expressing a private opposition to the penal laws and Tests, but insisting that he should wait until he had heard the debates in the House before committing himself to repeal. His answers were treated as a refusal.⁷⁵ The answer of Sir Thomas Colpeper, of Preston Hall, third

⁷³ Although unseated on petition the month after his success at the Winchelsea by-election in 1678, he was returned for Rochester throughout the Exclusion Crisis and at the election of 1685: *Commons*, i. 590-1; Rawl. MSS, A 139a, fo. 63.

⁷⁴ *Complete Baronetage*, i. 166; Rawl. MSS, A 139a, fo. 63.

⁷⁵ *Commons*, ii. 577-8, 717-8; iii. 616-7; Rawl. MSS, A 139a, fo. 63.

baronet, is no more enthusiastic towards the King's policies than those of Palmer or Honeywood. Like Palmer, Colepeper came from a royalist background, but by the time he first entered Parliament in 1705 he was a Whig.⁷⁶ Sir Thomas Taylor provided one of the more defiant answers to the King, saying

....if he were himselfe a Parliament man nothing should prevaile with him to take of the Penall Lawes and Test, unless att the same time secure provisions were made that all Benefices and Fellowships of Colledges and what else belongs to Eccleseasticall preferrments might be enjoyd by those of the Church of England and none else.

Underlying his words was the belief that the King's policy of toleration was an attack on the Established Church, its property, rights and privileges. Despite such strong Tory/Anglican sentiments Taylor would be elected to the Convention in 1689 as a Whig.⁷⁷

William Campion refused to be bound until he heard the debates of the House, while Sir Roger Twisden, cousin of Sir William, agreed to the removal of the penal laws - except for conventicles (thus betraying a particular animus towards Dissenters), while refusing to support the repeal of the Tests. In the next reign Twisden was to be suspected of Jacobite sympathies and was to lose local office.⁷⁸ The remaining deputy lieutenants, Sir John Knatchbull, Caleb Banks (son of Sir John) and Sir John Heath, who came from a legal family and like his father had served Charles I, all refused to pre-engage themselves, although Heath was willing to support candidates that would vote to repeal the 'Sanguinary Lawes, but not the Penal Lawes and Tests in Generall'.⁷⁹

The 22 justices who gave negative answers are headed by Sir Joseph Williamson, a former Secretary of State under Charles II. He was a staunch Anglican and his answer

⁷⁶ Rawl MSS, A 139a, fo. 63; Everitt, *Kent*, p. 246; Sedgwick, *Commons, 1715-1754*, i. 566.

⁷⁷ Rawl. MSS, A 139a, fo. 64; *Commons*, iii. 533-4.

⁷⁸ Rawl. MSS, A 139a, fo. 64; *Commons*, iii. 615-6.

⁷⁹ Rawl. MSS, A 139a, fos. 64, 65; *Commons*, i. 590; ii. 518-20, 691-2; Knatchbull kept a diary during this period: B.L. Add. MSS 33,923, fos. 430-81. Heath was probably a non-juror after the Revolution: *Commons*, ii. 520.

is a simple refusal to comply with the King's request.⁸⁰ Similar answers were given by another five justices: Edward Nutt, John Cason, Sir Nicholas Toke, of Godlinton, William Boys and James Masters, of Langden.⁸¹ Christopher Mills could not commit himself to the repeal of the Test Acts and penal laws and in answer to the second question said he was already engaged to support the last two knights of the shire, Sir William Twysden and Sir John Knatchbull, who were, in any case, against repeal.⁸² Another six - George Elcock, William Andrewes, Sir John Marsham, Thomas Dollitson, Sir Humphrey Miller and John Sherman - said they could not give an undertaking to support the King until they had heard the debates in the House of Commons, although Andrewes's answer is the only one that obliquely challenges the King's Declaration of Indulgence. Sherman tempered his answer by adding that he 'shall assist to the Election of such as would be for easing of Penalties as much as may be'.⁸³

Two squires, Worthley Whorwood and William Randolph, supported the repeal of the Tests, but not the penal laws, although Randolph was sympathetic to a 'mittigation of the penallties as to the penall lawes'. Both, presumably, believed the royal prerogative should not be restricted by the Tests, while having little liking for religious toleration beyond a general acceptance of the King's Declaration of Liberty of Conscience.⁸⁴ In contrast, two justices, James Masters, of Yokes, and Francis ffarnaby, said they would support the repeal of the penal laws but not the Tests, which shows an inclination towards toleration.⁸⁵

The rest of the answers are vague, evasive or couched in platitudes of loyalty to the Crown. Sir William Hooker, a former Lord Mayor of London, said he would 'searve

⁸⁰ Rawl. MSS, A 139a, fo. 65; *Commons*, iii. 736-40.

⁸¹ Rawl. MSS, A 139a, fos. 65, 66, 68.

⁸² *Ibid.*, fo. 66.

⁸³ *Ibid.*, fos. 65, 66, 67, 68.

⁸⁴ *Ibid.*, fo. 66.

⁸⁵ *Ibid.*, fo. 67.

his Mat^{ie}. in what he is able'. Since his name is missing from the revised list of JPs, further questioning may well have revealed that Sir William was opposed to repeal.⁸⁶ Christopher Mason's answer - that he 'will not give any assistance to such as oppose his Mat^{ies}. intentions in this' - was treated as doubtful or evasive, as was the financier Sir John Cutler's that 'when it comes to a tryall he shall show himselfe to be an honest man to all intents & purposes'; and William Lambert's, that he could give no answer.⁸⁷ However, Daniell White's extremely hesitant answer was adjudged a positive reply by the authorities: he retained his place on the Commission of the Peace.⁸⁸

Three deputy lieutenants - Sir John Henden, of Biddenden, Sir Stephen Leonard, of West Wickham, and Cresheld Draper, of May Place, Crayford - and two justices of the peace - Sir John Shaw, of Eltham, and Charles Amherst, of Bayhall, a brother-in-law of Sir Henry Selby - were too ill to answer the Three Questions. Henden 'was rendered very infirme by a Paralettical distemper, and not likely to recover'. For the rest, the authorities must have harboured the suspicion that they were unwilling or unable to respond positively to the questions and they were all removed from local office.⁸⁹ However, this is not necessarily so of Draper. By the winter of 1687-8, Draper was a bitter man close to ruin. For both personal and political reasons he had opposed the Court candidate, Sir John Banks, in a by-election at Winchelsea in 1678, but the price of victory - possibly as much as £10,000 - had come high. He held the seat throughout the Exclusion Crisis and was considered by Shaftesbury as an ally. But by 1682 he was a Court supporter and retained Winchelsea at the general election of 1685. There is nothing to suggest that he was a potential supporter of the King's religious policies, but, whether for political or financial reasons, he proved equally uncongenial to the post-Revolution regime and was

⁸⁶ Ibid., fo. 65. Berry, *Pedigrees*, p. 358. Hooker was one of five City of London aldermen turned out of office in April 1688: Luttrell, i. 437.

⁸⁷ Rawl. MSS, A 139a, fos. 67, 68.

⁸⁸ Ibid.; Rawl. MSS, A 139b, fo. 241.

⁸⁹ Ibid. fo. 69; A 139b, fo. 241.

not reappointed to the deputy lieutenancy or Commission of the Peace in 1689.⁹⁰

Of the 13 absentees, two, Heneage Finch, second son of the Earl of Winchelsea, and Sir Thomas Seyliard, 2nd Baronet, of Delaware, Brasted, must have given satisfaction at a later date because they were retained on the Commission of the Peace.⁹¹ Finch, a courtier and soldier, married a maid of honour of Mary of Modena, and was devoted to King James, becoming a non-juror after the Revolution.⁹² A cross next to the name of Thomas Frewin, a former MP who was also a JP in Sussex, suggests the authorities thought he would support the King, and he was retained on the Commission of the Peace. He was certainly antipathetic towards the Whigs, but like many Tories his support for the King could not be assumed; and when the Lord Lieutenant of Sussex, Lord Montague, put the questions to Frewin in May 1688, he answered in the negative and a couple of months later was removed from the Sussex bench. For the others, including the Whig Sir John Austin, another former MP, and Sir Robert Marsham, the brother of Sir John Marsham, their absence was taken as refusal to comply.⁹³

Despite a majority of the Kentish magistracy - or at least a majority of those questioned - appearing to support the King's religious policies, there are a number of factors that should have put the Government on its guard. For a start, many of the most important, long-established and most influential gentry families were opposed to the King: to the Twysdens, Knatchbulls, Honeywoods and Palmers can be added known Whigs like the Oxendens, and those of less consistent principles, like the Sedleys. The

⁹⁰ Draper's animus towards Banks may have been because the latter had used his influence over Draper's father-in-law, Sir Dennis Gauden, surveyor general of victualling, to impose stringent legal separation conditions, including alimony of £300 a year, on Draper when his marriage broke down. When he died, Draper, though worth about £1,000 a year, was found to owe £13,000 in mortgages on his estate: *Commons*, ii. 732.

⁹¹ Rawl. MSS, A 139b, fo. 241.

⁹² *Commons*, ii. 324. His wife Anne was a noted poet: M. Drabble, ed., *The Oxford Companion to English Literature* (5th ed., Oxford, 1989), p. 1073.

⁹³ Rawl. MSS, A 139a, fos. 69, 248; 139b, 212, 241; *Commons*, ii. 368-9.

more important branches of several families, such as the Tokes, were also in the opposition camp. Families like the Finches and the Fanes were divided. And the leading representatives of certain prominent families - the Boyeses and the Scotts, of Scott's Hall - do not, for whatever reason, appear to have been canvassed at all.⁹⁴ Add to that the fact that the King's support was drawn from representatives of families in decline - temporary or otherwise - soldiers, sailors and other outsiders and a number of members of the minor gentry, who may, perhaps, have been more easily persuaded to support the Crown than some of their more influential brethren, and the King's position looks less impressive. Finally, it is indicative of what must have been the less than enthusiastic nature of the support the King received that many who answered the Three Questions in the affirmative were later to have few scruples in accepting the post-Revolution regime.

However, in the winter of 1687-8 the political upheaval of the Revolution was almost a year away; the King's position looked unassailable and the political blunders of the summer of 1688 were yet to come. This is why the support for the King's policies must be taken at face value - but for William of Orange's intervention in English politics these loyal squires would almost certainly have found themselves having to fulfil their pledge of support. And this is why, as the King's agents broadened the canvass, more support was attracted, often from unexpected quarters.

Among the names on the revised lists of deputy lieutenants and justices are those of the prominent Whigs Christopher Vane - son of the Republican Sir Henry Vane - and Sir Edward Dering, of Surrenden Dering, and Sir John Darrell, both of whom had voted for Exclusion.⁹⁵ There are former Parliamentarians and MPs from the Protectorate era, men like Sir Thomas Styles, Bart, and Sir Robert Hayles, of Howletts, first baronet.

⁹⁴ The William Boys who returned a negative answer could have been William Boys, of Sandwich, and later Deal (1649-after 1708), or William Boys (b. 1653) son of the aged Samuel Boys (1617-88), of Hawkhurst, who was absent from the canvass and possibly close to death. The Capt John Boys, of Rochester, who served in Lord Dartmouth's Regiment and is named in the list of new JPs, is difficult to identify. There were at least two other John Boys extant at the time of the canvass: Colonel John Boys, of Hode Court, Blean, and John Boys (1623-93), of Boys Hall, Willesborough: Rawl. MSS, A 139a, fo. 68-9; Berry, *Pedigrees*, pp. 182, 439, 443, 453; *Visitation, 1663-1668*, p. 22.

⁹⁵ Rawl. MSS, A 139b, fo. 241; *Commons*, ii. 194, 207-8; iii. 622

Hayles had been a leader of the Kentish Independents, a member of the New Model County Committee at the height of the Civil War, and MP for Hythe in 1659. He is joined on the list by his son, Thomas Hayles, senior, and his grandson, Thomas, junior, who succeeded his grandfather to the baronetcy in 1695. Rarely can three generations of the same family have been recommended for a county commission of the peace.⁹⁶

Another apparent convert to the King's cause was the gentleman scholar Sir Thomas Culpeper, of Hollingbourne, a cousin of Lord Colepeper, of Leeds Castle. Culpeper's father, also Sir Thomas, had written against the high rates of interest prevalent in Jacobean England and his arguments were persuasive enough to bring about a reduction in the rate in 1623. Sir Thomas the younger had followed in his father's footsteps, editing his work and writing his own tracts on the evils of usury and pleading for the relief of debtors, which had involved him in a notable public debate. Although his elder brother, Sir Cheney Culpeper, was an active, if moderate, supporter of the Parliamentary cause, Sir Thomas, like most of the Culpeper clan, was a man of Royalist sympathies. But what may have persuaded him of James II's good intentions were some of the King's more radical reforms - offered as a sop to MPs who would vote for repeal of the penal laws and Test Acts - including a new act to end imprisonment for debt. In this Culpeper may have been following the path trodden by the economist and statistician Sir William Petty who, after being introduced to James II at Court, became convinced that the King's new-found radicalism and appetite for economic reform were genuine.⁹⁷

Among the others to be added to the commission of the peace were a handful of military men: Captain Robert Crawford, deputy to Sir Charles Littleton at Sheerness; Sir

⁹⁶ Rawl. MSS, A 139b, fo. 241; *Complete Baronetage*, ii. 11-12; iii. 79; Everitt, *Kent*, pp. 149, 151, 154 (note).

⁹⁷ Hasted, *History*, v. 466ff, 486; *DNB*, xiii. 288; A. Wood, *Athenae Oxonienses* (ed. P. Bliss, 4 vols., 1813-20, reprinted 1969), iii. 533; iv. 447; *Alumni Oxon*, i. 303; *CSPD*, 1650, p. 302; 1651, p. 200; Everitt, *Kent*, pp. 274, 289; J. Miller, *James II: A Study in Kingship*, (London, 1978), pp. 167-8. The Culpepers of Preston Hall, of Hackington, and of Goudhurst were royalists: Everitt, *op. cit.*, pp. 246, 303-4; *DNB*, xi. 296; *Calendar of the Committee for Advance of Money, Domestic*, 1642-1656, pt. ii, p. 1315. Sir Cheney Culpeper was a political philosopher, who, though not a republican, believed in the abolition of the House of Lords: N. Smith, *Literature and Revolution in England, 1640-1660* (London, 1994), pp. 179-80.

Abraham Jacob, of Dover, Captain of Walmer Castle; Robert Minors, governor of Upnor Castle; Captain John Boys; and Robert Wilford, captain of the guard ship at Sheerness.⁹⁸ Another new justice was the Whig, Sir Nathaniel Powell, 2nd Baronet, of Boughton Monchelsea, who had unsuccessfully - he received no votes - challenged Sir John Banks in the famous Winchelsea by-election of 1678.⁹⁹ There are a couple a young baronets, Sir Thomas Roberts, of Glassenbury, and Sir John Rayney, of Wrotham, a lawyer, Thomas Brewer, at least a couple of squires with strong dissenting sympathies, John Amos, of East Farleigh, and Ralph Bufkin, of Loose, and a couple of recusant squires, George Bolney and Richard Lee.¹⁰⁰ Also on the list is the Mayor of Canterbury, John Kingsford, a Dissenter. He had replaced the previous mayor, Henry Lee, who had been removed by order in council in 1687. Kingsford, a milliner, had originally been added to the list of new deputy lieutenants, but then his name was crossed out and added to the list of new justices, suggesting that, despite his having the favour of the King, the authorities felt his lowly status ill-befitted him for the more lofty position.¹⁰¹

Six Catholics already on the Commission of the Peace - Henry Browne, John Stafford, Sir Edward Hales, Sir Robert Guldeford, Thomas Whetenhall and Charles Finch - were raised to the deputy lieutenancy, as was the Protestant Sir Thomas Seyliard, whose grandfather had been a staunch and vindictive Parliamentarian and whose father had sat

⁹⁸ Rawl. MSS, A 139b, fo. 241.

⁹⁹ *Visitation, 1663-1668*, p. 136; *Complete Baronetage*, iii. 194; *Commons*, i. 503-4.

¹⁰⁰ *Complete Baronetage*, i. 151; ii. 154; *Commons*, i. 717; Rawl. MSS, A 139a, fo. 73; A 139b, fo. 186; *CSPD*, 1685, p. 380.

¹⁰¹ *CSPD*, 1686-7, p. 356; Hasted, *History*, xi. 26, xii. 652-3; Rawl. MSS, A 139a, fo. 70; A 139b, fo. 241. There are two lists - both from February 1687/8 - of proposed deputy lieutenants and justices. The first, dated 3 February (Rawl. MSS, A 139a, fo. 70), has just the names of those to be added to the commission of the peace and lieutenancy; the second, dated 'Feb. 1687/8' (Rawl. MSS, A 139b, fo. 241) has the complete list of deputy lieutenants and justices, both those added and retained, plus those whose place on the commission of the peace was essentially honorary. The second list contains only three new local names: Sir Edward Dering, Bart., who is added to the list of deputy lieutenants; Sir George Curtis, of Otterden, who is added to the list of JPs; and Daniel White, who was taken by Lord Teynham to have answered in the negative - so his name is missing from the first list - but had obviously been misunderstood or had been persuaded to change his mind, and so was retained on the commission of the peace. The new commission of the peace was issued on 4 February 1688: *CSPD*, 1687-9, p. 141.

in the Protectorate Parliaments.¹⁰² The new Protestant justices - Culpeper, Roberts, Styles, Darrell, Hayles father and son, Vane, Crawford and Robert Fielding - were also made deputy lieutenants.¹⁰³

The new Commission of the Peace also has a number of men whose appointment was essentially honorary. These included Lords Feversham, Colepeper, Petre, Astley (who had just died: his name is crossed out) and Abergavenny. There are also Crown servants and naval men like Samuel Pepys, Sir John Narborough, Sir Anthony Deane, Sir Richard Haddock and William Hewer, and political figures from the city of London like Sir William Pritchard, a former Lord Mayor, and Sir John Tate, the Recorder of London; but most of these men would not have been involved in county affairs.¹⁰⁴

If the revised commission of the peace in Kent was typical of what was going on in the kingdom at large - and the evidence available suggests it was - it is possible to detect a political realignment taking shape. Whereas before the summer of 1687, the King had relied on the Anglican Church and the Tories for support, now his allies comprised a mixture of old Cavaliers, ultra-loyal Tories, a few Dissenters and a small group of Whig collaborators. Historians have dismissed this new coalition as synthetic, one that was to fall apart in the autumn of 1688, when it became obvious that William of Orange was planning to invade.¹⁰⁵ But some of these new allies of the King, unable to read the future, must have been genuinely committed to his cause and, where discernable, their motives and their subsequent behaviour would bear this out. Sir Edward Dering's flirtation with the King's cause must have been brief indeed. Although confirmed as a deputy lieutenant in February 1688 he is missing from the list of deputy lieutenants granted a dispensation from taking the oaths in the following July, so already by that time he must have rejoined

¹⁰² Rawl. MSS, A 139b, fo. 241; *Complete Baronetage*, iii. 218; Everitt, *Kent*, pp. 151, 221-2.

¹⁰³ Rawl. MSS, A 139b, fo. 241.

¹⁰⁴ *Ibid.*; *Complete Peerage*, i. 285; *DNB*, xl. 90; *Commons*, ii. 200-1, 460-1, 542; iii. 291-2; Duckett, i. 285 (note).

¹⁰⁵ J. R. Jones, *The Revolution of 1688 in England* (London, 1972), pp. 129-30, 174-5.

the ranks of the King's opponents. He was to be active in the Revolution, although his political influence was adversely affected by his brief alliance with the King.¹⁰⁶ But his was the only major defection before the autumn of 1688. Christopher Vane became a privy councillor in July 1688 and only deserted the King's cause when William invaded.¹⁰⁷ Sir John Darrell's opposition to the King - and the King's suspicion of him - may have been diluted by the knowledge that Sir John's heir was a distant cousin who was a Catholic.¹⁰⁸ Sir Thomas Roberts, though described later as an opponent of James II, was still a deputy lieutenant in the summer of 1688; likewise Sir Thomas Culpeper, of Hollingbourne, Sir Robert Hayles and his son Thomas, and Sir Robert Styles.¹⁰⁹ Of the new justices, Sir Abraham Jacob and Robert Minors both had to defend themselves to the authorities after the Revolution against accusations that they had been enthusiastic supporters of James II and opponents of the Prince of Orange.¹¹⁰ All of which suggests that it was William of Orange's intervention in English politics that was the crucial element in breaking up James II's new coalition of support.

The obvious question that springs to mind is would this coalition have been strong enough to secure a majority in the House of Commons willing to repeal the Test Acts and penal laws, if James II's abortive Parliament of 1688 had ever met? Most historians have concluded that it would not.¹¹¹ However, close association with James's cause up until the autumn of 1688, did not prevent Christopher Vane securing election to the

¹⁰⁶ *CSPD*, 1687-9, pp. 141, 228; *Commons*, i. 275, 498. ii. 207-8.

¹⁰⁷ *CSPD*, 1687-9, p. 230; HMC 7th Report, pt. i, *Sir F. Graham MSS*, p. 420; *Commons*, iii. 622.

¹⁰⁸ *Commons*, ii. 194.

¹⁰⁹ *Complete Baronetage*, i. 151; *CSPD*, 1687-9, p. 228. Roberts was also named as a member of the commission of enquiry into recusant fines for neighbouring Hampshire in July 1688, another indication of support for the King: M. Goldie, 'James II and the Dissenters' Revenge: The Commission of Enquiry of 1688,' *Historical Research*, lxvi (1993), p. 86.

¹¹⁰ *CSPD*, 1690, p. 331; pp. 257, 265. Minors was dismissed by the Duke of Schomberg, but later reinstated: *CSPD*, 1690-1, pp. 234, 260.

¹¹¹ Jones, *Revolution*, pp. 129, 164-6.

Convention, though not in Kent.¹¹² Of the court candidates in Kent only one, Robert Crawford, secured election to the Convention - for Queenborough - as a Court Tory. Unlike his commanding officer, Sir Charles Littleton and the rest of his regiment, he had no problem accepting the Revolution and succeeded Sir Charles as governor of Sheerness in 1690, which suggests his support for the King was not strong.¹¹³ Another squire who gave affirmative answers to the Three Questions, Thomas Fane, was successful in Maidstone in the abortive poll in September 1688, before James withdrew the election writs, but he was not a court candidate.¹¹⁴ From this it is easy to conclude that the electoral prospects in Kent were not good for the Court; and as the elections to the Convention were to show, the political interest of those - both Whig and Tory - opposed to the King was undiminished. For the county, where the King himself had been at a loss whom to recommend as court candidates, Sir John Knatchbull and Sir William Twysden's interests remained strong. But, interestingly, the election agents reported in September 1688 that though the two would almost certainly be re-elected, they were moderate and would vote for repeal of the penal laws, though not the Tests. This was before William of Orange's invasion plans were known to the vast majority of Englishmen and the tone of compromise suggests that Knatchbull and Twysden could have been men with whom James could have done business if he had set himself more moderate targets. In the general election of 1689, Knatchbull and Twysden were opposed by the Whigs Sir Vere Fane and Sir Edward Dering, who had been one of the knights of the shire in the three Exclusion Parliaments. In the event, Twysden's refusal to sign the Association cost him his seat and Dering's suspected collaboration probably meant that

¹¹² *Commons*, iii. 622.

¹¹³ *Ibid.*, i. 280, ii. 167-8.

¹¹⁴ *Rawl. MSS*, A 139b, fo. 186; *CSPD*, 1687-9, pp. 273-4; *Commons*, i. 279, ii. 296.

Fane would not join with him. Fane, a moderate Whig, and Knatchbull, a moderate Tory, were elected.¹¹⁵

In Canterbury the entrenched interests of the sitting members, Sir William Honeywood and Henry Lee, withstood all attempts to supplant them and they were returned in 1689.¹¹⁶ In Maidstone attempts to fuse the interests of the sitting members Archibald Clinkard and Edwin Wyatt with those of John Amos came to nought, and though the electoral agents recommended Thomas Fane and a local squire, Ralph Bufkin, the Earl of Sunderland nominated Wyatt and Bufkin as court candidates. As has been noted Fane was elected in the abortive poll of September, but in 1689, the Whig Sir Thomas Taylor and the Tory, Caleb Banks, were successful.¹¹⁷ In Queenborough the Government's cause received an early setback with the untimely death of the member in James's Parliament, Sir John Godwin, in March 1688. The court candidates had mixed fortunes in the abortive poll of September: Crawford was elected, but Robert Wilford, captain of the guard ship at Sheerness, was defeated by James Herbert, who had held the seat in two of the Exclusion Parliaments. Crawford and Herbert were returned in 1689.¹¹⁸ In Rochester the prevailing and, as it happened, unassailable, interest was that of Sir John Banks, although Sir Phineas Pett, a commissioner of the Navy, was believed by Lord Teynham to have a good enough interest 'if carefully and timely managed' to challenge Sir John. Despite the electoral agents reporting that both Banks and Pett would be elected, Sunderland nominated Pett and Sir Henry Selby as court candidates. Selby, in the face of inevitable defeat, withdrew before the abortive poll of September 1688. Pett was defeated by Sir Roger Twisden, who had cultivated the good opinion of the freemen, and

¹¹⁵ *CSPD*, 1687-9, pp. 273-4; *Rawl. MSS*, A 139b, fo. 186; *Commons*, i. 275-6.

¹¹⁶ *Rawl. MSS*, A 139a, fo. 72; A 139b, fo. 186; *Commons*, i. 277.

¹¹⁷ *Rawl. MSS*, A 139a, fo. 73; A 139b, fo. 186; *CSPD*, 1687-9, pp. 273-4; *Commons*, i. 278-9.

¹¹⁸ *Rawl. MSS*, A 139a, fo. 73; A 139b, fo. 186; *Commons*, i. 280; ii. 409; *CSPD*, 1687-9, pp. 273-4.

he and Banks repeated their triumph in 1689.¹¹⁹ In the elections for the Convention in the other four seats, the Cinque Ports of Dover, Hythe, New Romney and Sandwich, the absence of Royal influence at the crucial moment left the way clear in most cases for the traditional political interests to reassert themselves. In Dover the strong Whigs, Sir Basil Dixwell, who had played an important part in the Revolution, and Thomas Papillon, the MP between 1673 and 1681, were elected. In Hythe two more Whigs, Edward Hales, of Chilston, and Julius Deedes, both of whom had sat in at least one of the Exclusion Parliaments, were returned, while Sir Edward Dering failed to capture his father's old seat, possibly because he had been tainted as a Whig collaborator. In New Romney, John Brewer, whose father, Thomas, appears at one stage to have supported James II's policies, and James Chadwick were elected. Again both were Whigs. Sir Charles Sedley, who had been the senior member for the port from 1668 to 1681, was defeated, his previous connections with the Court possibly compromising his position. And in Sandwich the two Whigs who had sat for the port in all three Exclusion Parliaments, Sir James Oxenden and John Thurbarne, were triumphant.¹²⁰

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Although James II's plans were ultimately wrecked by William of Orange's invasion, there is strong evidence - as shown by the brief summary of the elections of 1689 above - to suggest that, in Kent at least, he was unable to build on the political support expressed in the answers to the Three Questions. Local political interests in many cases proved to be too entrenched. Between the canvass in December/January 1687/8 and the end of the following September, on the eve of William's invasion, there had been

¹¹⁹ Rawl. MSS, A 139a, fo. 73; A 139b, fo. 186; *CSPD*, 1687-9, pp. 273-4; *Commons*, i. 282.

¹²⁰ *Commons*, i. 493-5, 496-9, 501-2. Thomas Brewer was one of the new justices appointed in February 1688: Rawl MSS A 139b, fo. 241.

time for the opposition to crystallize. The political mistakes of the summer - the Second Declaration of Indulgence and the Trial of the Seven Bishops - cost the King the initiative; and the birth of the Prince of Wales had concentrated Protestant minds greatly: James's regime would not end with him. The rough handling of the bishops did not bode well, in Anglican eyes, for the future of the Established Church, if James's policies triumphed. The fact that there was a Catholic heir, meant that men could no longer support the King in the knowledge, that if his policies proved detrimental to the liberty of the subject, they could be overturned in the next reign. As a result, men who had been mindful to support the King at the beginning of 1688, were less likely to in the following August, when James finally issued the election writs.

Chapter VIII

Staffordshire

After Lancashire, Yorkshire and, possibly Northumberland, Staffordshire had the greatest number of recusants in the kingdom during the Stuart era.¹ Catholic influence in Staffordshire, both political and social, continued well into the seventeenth century as the old faith proved incredibly durable during the hundred years following the break with Rome.² There were several reasons for this. Sheer weight of numbers, especially in places like Wolverhampton, ensured Catholic opinion could not be ignored totally by the authorities.³ Counter-Reformation Catholicism in Staffordshire, following the pattern in other areas of the country, was seigneurial in nature, and the ‘strong nucleus of influential and well-organised’ Catholic gentry families enabled the recusant population to ‘preserve its communal identity with considerable success’ and withstand the periodic assaults of the authorities, local and national.⁴ Anglicanism also took root more slowly and unevenly and, perhaps, as a corollary of this, Puritanism was slow to make inroads among the Staffordshire gentry in the late-sixteenth and early seventeenth century. (In the Diocese of Coventry and Lichfield, of which Staffordshire was a major part, the strongest areas of Puritanism in the early seventeenth century were to be found in Coventry and Warwickshire.)⁵

In the decades following the Reformation and the Elizabethan religious

¹ ‘A List of Convicted Recusants in the Reign of Charles II’, *Catholic Record Society*, vii. 76-8, 302-12. Newcastle apart, there are no figures for Northumberland. These lists are not complete and the Catholic nobility and leading members of the gentry are generally not included. Monmouthshire also had a high number of recusants: HMC, *House of Lords MSS, 1678-88*, pp. 229-30. cf. M. Greenslade, ‘List of Staffordshire Recusants, 1657’, *Collections for a History of Staffordshire* [hereafter *SHC*] (Staffordshire Record Society, 4th series, vol. ii, 1958), pp. 71-99.

² For a survey of the period, see *VCH Staffordshire*, iii. 99ff.

³ Catholic parents were influential enough to secure the removal of the Anglican master of the grammar school in Wolverhampton in 1610: *VCH Staffordshire*, iii. 104. During the Interregnum, Wolverhampton was referred to as ‘little Rome’: *SHC*, 1915, 327-8.

⁴ G. Petti, ed., ‘Roman Catholicism in Elizabethan and Jacobean Staffordshire: Documents from the Bagot Papers’, *SHC*, 4th series, vol. ix, p. x.

⁵ *Ibid.*, pp. 46-9, 55.

settlement, prominent Catholics, like Lord Paget, who was employed on government business by the privy council, continued to exercise influence in the county; Paget actively promoted Catholicism and opposed the spread of Protestantism. He was able to give practical as well as moral support to his co-religionists: his large estates, and the coalmines and iron foundries on them, provided employment locally. It was only after he was implicated in the Throckmorton Plot and was forced into exile in 1583 that his influence was removed.⁶ Members of the Catholic gentry continued to maintain a presence in the commission of the peace, well into the second decade of Elizabeth's reign, and this made the enforcement of the penal laws against recusants much more difficult for the authorities, local and national.⁷ In any case, the impetus for action against recusants nearly always came from central government. The period of most sustained anti-Catholic activity came in the 1580s and coincided with the lord lieutenancy of the 6th Earl of Shrewsbury (ironically head of a family with strong Catholic connections) but even he had to rebuke his deputy lieutenants for a lack of zeal in acting against recusants.⁸ By contrast the religious authorities in the Diocese of Coventry and Lichfield in the late sixteenth and early seventeenth centuries earned a reputation for laxity when it came to enforcing the laws against Catholics; and even when they were enforced leading Catholics were often allowed to compound for the fines they owed and then left to practise their religion undisturbed in their homes.⁹

Another reason for the rather relaxed attitude of the authorities towards Catholics was that by the closing years of Elizabeth's reign they were no longer perceived as a political threat. Despite the fact that the bloody denouement of the Gunpowder Plot was acted out at Holbeche Hall, in Staffordshire, in general local

⁶ Ibid., 99-100; 'Roman Catholicism in Elizabethan and Jacobean Staffordshire', p. x.

⁷ *VCH Staffordshire*, iii. 47, 100.

⁸ 'Roman Catholicism in Elizabethan and Jacobean Staffordshire', pp. xii.

⁹ Ibid., p. xiii; *VCH Staffordshire*, iii. 100-3.

Catholics were not involved in the conspiracy.¹⁰ The Plot brought in its wake more anti-Catholic laws and a renewed period of persecution, but by the reign of Charles I, the enforcement of the penal laws had become driven by material as much as by spiritual considerations. Charles, whose administration was always chronically short of money, viewed recusancy fines as a useful source of revenue and enforced the laws rigorously, despite having no particular animus against Catholics.¹¹ None the less, many Staffordshire Catholics supported the King in the Civil War. Of 95 Staffordshire landowning families - 23 Catholic and 72 Protestant - sixteen Catholic families fought for the King, while seven remained neutral; while of the Protestants only twelve fought for the King, forty opposed him and 20 remained neutral. And it is a measure of their support that the Catholics of Staffordshire and Shropshire lent the King between £4,000 and £5,000 at the commencement of hostilities.¹²

Staffordshire was one of the areas of the country where the Civil War was most fiercely contested and control of the county changed hands several times during the conflict. Several Catholic houses were garrisoned against the Parliamentary forces and in the minds of Parliamentary propagandists Catholicism became synonymous with the enemy of the Godly revolution. Numerous Catholics had been sequestered by 1644 and some 59 Catholic landowners in Staffordshire were under sequestration in the early part of 1648.¹³

Catholics were not particularly penalised after the Civil War and it was only in the final years of Cromwellian rule that attempts were made to establish the number of recusants in the county and enforce the penal laws more effectively. The lists compiled in the middle of the seventeenth century are not comprehensive, but they reveal that

¹⁰ *VCH Staffordshire*, iii. 102-3.

¹¹ *Ibid.*, p. 104. For Charles I and his government's attitude to recusants, see K. Sharpe, *The Personal Rule of Charles I* (London, 1992), pp. 301-8.

¹² *VCH Staffordshire*, i. 259.

¹³ *Ibid.*, iii. 105; *SHC*, 1915, Appendix iii, pp. 389-92.

there were more than a thousand recusants in the county at that time - and numbers were to hold up well in the succeeding decades of the century, whereas in other parts of the kingdom they were to show a decline.¹⁴

The Restoration, perhaps surprisingly, brought little relief for recusants, despite Charles II's natural inclination towards toleration. In 1675 the 2nd Lord Aston, himself a Catholic, could complain to the Secretary of State, Sir Joseph Williamson, that Staffordshire was 'more severely prosecuted than any other in this circuit'.¹⁵ Persecution increased during the Popish Plot which began in 1678 and peers, gentry and priests suffered at the hands of the authorities. In 1679, two peers, Viscount Stafford and the 3rd Lord Aston, were arrested and sent to the Tower after being accused of complicity in a plot to murder the King. Stafford was tried, found guilty by his peers and went to the block in 1681, while Aston - later to play an important part in the county's history during James II's reign - was not released until four years later.¹⁶

The Popish Plot left the Catholic 'party' in disarray: many prominent Catholics were forced to seek sanctuary abroad during the crisis; others finally capitulated and abjured their faith.¹⁷ Despite an easing off of persecution during the years of the Tory reaction, many Catholics must have been cautious about the political prospects offered by the accession of a Catholic king.¹⁸ And bearing in mind the Englishman's traditional

¹⁴ *VCH Staffordshire*, iii. 104; M. Greenslade, 'List of Staffordshire Recusants, 1657', *SHC*, 4th series, ii. 71-99. It is thought that in the kingdom as a whole the number of Catholics rose in the first four decades of the seventeenth century, but thereafter started to decline: B. Coward, *The Stuart Age*, (Longman, 1990), pp. 70-1; *CSPD*, 1693, pp. 448-9 (Compton census, 1676).

¹⁵ *VCH Staffordshire*, iii. 106; *CSPD*, 1675-6, p. 87.

¹⁶ *VCH Staffordshire*, iii. 106-7. Aston was implicated in the plot by William Dugdale, a former servant, in 1678 and arraigned, along with other leading Staffordshire recusants Sir James Simeon, Walter Heveringham and Robert Peters, for high treason in 1680: *CSPD*, 1678, pp. 434, 587, 592; 1679-80, pp. 27, 44, 57, 524; Luttrell, i. pp. 40, 44, 102, 263; *Complete Peerage*, i. 286-7.

¹⁷ Among those seeking permission to go abroad in 1678 was Philip Draycott, of Paynesley, Sheriff of Staffordshire at the time the Three Questions were put: *CSPD*, 1678, p. 620. One of the notable apostates at this time was Sir Richard Astley, Bart., of Patshull, who took the Oaths of Allegiance and Supremacy in 1679: *CSPD*, 1679-80, pp. 8, 84.

¹⁸ R. Hutton, *Charles II: King of England, Scotland, and Ireland* (Oxford, 1989), pp. 424-5; J. Miller, *Popery and Politics in England, 1660-1688* (Cambridge, 1973), pp. 189-94. The caution of moderate Catholics during James II's reign is often alluded to by historians: J. Miller, *James II: A Study in Kingship* (London, 1989), pp. 146, 150.

fear and suspicion of Catholicism, especially during times of political crisis, it would remain to be seen whether the presence of a large number of recusants in Staffordshire would work in favour or against the King in his desire to win over his Protestant subjects to the idea of religious toleration.¹⁹

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Information about Staffordshire's landed families during the Restoration period is quite extensive and includes a list drawn up, possibly with the intention of identifying those suspected of being disaffected toward the government of Charles II, in 1662-3. It contains the names of 125 squires and six peers, their ages, wealth, their religious affiliations and which side, if any, they took in the Civil War. Allowing for some bias on the part of the compiler (presumably a government supporter), missing information, the inaccuracies inherent in any unofficial list, and the impossibility of gauging the true loyalties of men who had changed sides during two decades of political upheaval, it shows that Staffordshire was divided politically and religiously in the first decade following the Restoration. Of those listed, 22 had been Royalists in the Civil War, and a further 15 probably had Royalist sympathies or came from royalist families. Twenty-five gentlemen on the list had been Parliamentarians, and a further nine came from Parliamentary families or had Parliamentary sympathies. Eleven are listed as being neutral or 'neuters'. In the light of this, it is interesting to note that half the gentlemen - 64 - are considered 'orthodox', ie Anglican, in religion, while 31 are listed as Presbyterian, with another three whose orthodoxy is suspect. Three are listed as 'Anabaptist', two as 'Fanatics' and one as a Quaker, which suggests that by and large the more extreme Protestant sects were the preserve of the lower orders. Most

¹⁹ R. Clifton, 'Fear of Popery', in C. Russell, ed., *The Origins of the English Civil War* (Macmillan, 1991), pp. 144-167.

surprising of all only nine Catholics and one suspected Catholic are listed.²⁰ Although the list is not comprehensive, it does contain the names of most of the most prominent families in the county: members of 26 of the families listed contested, successfully or otherwise, Parliamentary elections during the Restoration period; and at least 35 of these names appear in the returns for the Three Questions or the revised list of JPs and deputy lieutenants in 1688.²¹

The parliamentary history of Staffordshire in the Restoration period is characterised, in the shire elections at least, by a desire on the part of the gentry for unanimity. As a result no dispute over representation ended in a contested election: candidates who received the endorsement of the principal gentry were duly elected. And the choice rested with the gentry since in the county there was no one landowner of sufficient territorial importance to influence elections. The members elected to the Convention in 1660, Edward Bagot and William Sneyd, were inactive Royalist sympathisers, while their successors in the Cavalier Parliament, Sir Thomas Leigh and Ralph Egerton, had been active Cavaliers, and when Leigh died in 1662, he was replaced by Sir Edward Littleton, an undoubted loyalist of a slightly younger generation.²²

However both Egerton and Littleton retired at the dissolution of the Cavalier Parliament and the Exclusion Crisis ensured a rise in the political temperature. Sir Walter Bagot, son of Edward, had virtually unanimous support among the gentry but the other court candidate, Sir Walter Wrottesley, found himself opposed by Sir John Bowyer, son of an active Parliamentarian. Wrottesley's candidature was handicapped

²⁰ R. M. Kidson, 'The Gentry of Staffordshire, 1662-1663', *SHC*, 4th series, vol. ii, pp. 7-41; D. Fowkes, 'The Gentry of Staffordshire, 1662-1663: Additions to the List', *SHC*, 4th series, vol. xiii, pp. 57-60.

²¹ *Commons*, i. 381-92; Rawl. MSS, A 139a, fos. 124-130; A 139b, fo. 245.

²² *Commons*, i. 381.

by his indecisiveness and - extremely damaging in the fevered political atmosphere of the time - allegations that he was cultivating the 'Papist interest'. Bowyer had the support of the strongly anti-Catholic John Whitehall, a squire once suspected of Presbyterian sympathies, and of the freeholders of the Moorlands, the most radical area of north Staffordshire. Wrottesley withdrew and the highly respected Bagot and the less scrupulous Bowyer were elected in February 1679 - and at the subsequent elections in August 1679 and February 1681. Both men were absent for the division on the Exclusion Bill, but Bowyer was soon firmly in the Exclusionist camp.²³

In 1682 a government agent reported that although the numbers of anti-royalists and fanatics in the county was small, their influence was strengthened by the tendency - apparent also during the Civil War - of the gentry towards neutrality. After the discovery of the Rye House Plot, Bowyer was forced to recant his past errors and the Whig cause was in ruins. Even in the Tory landslide of 1685, it was the gentry's choice - Bagot and Edward Littleton the younger - that prevailed.²⁴

In Staffordshire's four parliamentary boroughs the battle between Court and Country during the Exclusion Crisis was far more even than in much of the rest of the country. In Lichfield, which had been a royalist stronghold during the Civil War, the corporation had a key role in elections and was generally hostile to the most influential local landed family, the Presbyterian-leaning - and by 1679 Country Party-leaning - Biddulphs. The two members elected in the first election of 1679, the former royalist Sir Henry Littleton and Michael Biddulph, were paired on the division on the first Exclusion Bill, but probably both favoured the measure. In August 1679 Biddulph was elected with the loyalist Daniel Finch, son of the Lord Chancellor, probably without a contest, and, although both were returned to the Oxford Parliament 1681, it was not before Finch had seen off a challenge from an avowedly Exclusionist candidate George

²³ Ibid, 381-2. For the parliamentary careers of Bagot and Bowyer, see *Commons*, i. 582, 698-9.

²⁴ Ibid., i. 382-3; *CSPD*, 1682, p 388; 1683-4, pp. 141-2.

Rodney Bridges.²⁵ In Newcastle-under-Lyme the same two members, Sir Thomas Bellot and William Leveson Gower were elected to all three Exclusion Parliaments. Bellot was a Country Party supporter and an ally of one of the knights of the shire, Sir John Bowyer, yet it was the former Court Party supporter in the Cavalier Parliament, Leveson Gower, who was the only one of the three to vote for Exclusion. This was probably to outflank Bowyer, who appears to have had ambitions to control the borough, although later Leveson Gower became an out-and-out Exclusionist and supporter of the Duke of Monmouth.²⁶

In Stafford, where it was usual to accept the recommendation of the high steward of the borough for one of the Members of Parliament, there were no known polls during this period. The Duke of Monmouth, who was lord lieutenant of the county until 1679, had been elected high steward in 1677 and not surprisingly exercised his power to nominate his friend and supporter, Sir Thomas Armstrong, for all three Exclusion Parliaments. (Even opposition from the local gentry to Armstrong, whom they considered too radical, failed to dislodge him.) Elected with Armstrong to the first Exclusion Parliament was Walter Chetwynd, who had been a government supporter in the Cavalier Parliament. Chetwynd was absent from the division on the Exclusion Bill and withdrew from the second election of 1679. Armstrong's fellow MPs in the next two parliaments were Sir Thomas Wilbraham, whose politics were uncertain but who had Dissenting sympathies, and Edward Skrymsher, a Dissenter and supporter of Exclusion.²⁷

In Tamworth, where one seat was usually controlled by the owner of nearby Drayton Park, the Court Party held its own during the elections to the Exclusion

²⁵ *Commons*, i. 383-5.

²⁶ *Ibid.*, 387-8; ii. 736-8.

²⁷ *Ibid.*, i. 388-9; ii. 48-9; iii. 437; 'Staffordshire Gentry, 1662-63', pp. 32-3. Both Wilbraham and Skrymsher survived in the commission of the peace during the Exclusion Crisis, suggesting neither was a thorough-going opponent of the government (Skrymsher was actually appointed a JP at the height of the crisis in 1680): B.L., Harleian MSS 7020, fo. 4; HMC *House of Lords MSS, 1678-88*, p. 189.

Parliaments, perhaps not surprisingly since the owner of Drayton was the loyalist Thomas Thynne, the future Earl of Weymouth. In the first election of 1679, Thynne was returned with John Swinfen, a Presbyterian, who enjoyed the patronage of Lord Paget who also had an interest in the borough. Swinfen had been a noted Parliamentarian and had represented the borough on and off since the 1640s. He and Thynne voted in opposite lobbies on the division on the first Exclusion Bill. Swinfen was ousted by one vote by the loyalist Recorder of Tamworth, Sir Andrew Hacket, in the August 1679, but recovered his seat in 1681, when Thynne himself faced a serious challenge from a local lawyer and Exclusionist, John Turton. There was a double return but the brief duration of the Oxford Parliament meant the question was left unresolved.²⁸

Moderates and Tories were triumphant in 1685 in all the Staffordshire seats; in only two, Newcastle-under-Lyme and Tamworth, was a Whig challenge mounted, but to no avail. The government only appears to have tried to interfere in the shire elections, but the successful candidates, Bagot and Edward Littleton, were chosen, once again, by the gentry. The King must have been fairly satisfied with the way elections were going because when asked to influence the contest in Lichfield, where the loyalist Sir Francis Lawley was in danger of not getting elected, he failed to do so, and Lawley, who had campaigned vigorously for the Court in other parts of the county, was defeated by the soldier and courtier Thomas Orme.²⁹

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The Lord Lieutenant of Staffordshire at the accession of James II was the 12th Earl of Shrewsbury.³⁰ Shrewsbury had been born a Catholic in 1660 but had converted

²⁸ *Commons*, i. 390-1. For Swinfen's parliamentary career: *ibid.*, iii. 518-23.

²⁹ *Commons*, i. 383, 385-6, 388-9, 391.

³⁰ N.A., SP 44/164, fo. 142. The Duke of Monmouth had been dismissed as lord lieutenant in 1679, and been replaced by the Earl of Sunderland until Shrewsbury came of age: *ibid.*, fo. 33.

to Protestantism at the height of the Popish Plot in 1679 - and he remained a Protestant - and perhaps, more importantly, an opponent of the Catholic cause - for the rest of his life.³¹ None the less, Shrewsbury's attitude to repeal of the Test Acts and penal laws must have been particularly mystifying to James II. Shrewsbury and another recent convert to Protestantism, Lord Lumley, were among the first of the nobility to be closeted by the King early in 1687. Despite the fact that both men would have been expected to have had some sympathy with the plight of their former co-religionists, both refused to commit themselves to supporting repeal and were forced to give up their regiments.³² Shrewsbury, who was soon actively involved in the plotting against the King, was not immediately removed from the lord lieutenancy but by the following summer the King was looking for a replacement. James appears to have promised the lieutenancy to the Catholic Lord Aston, but in his determination to find Anglicans willing to support his cause, he seems to have put an over-generous interpretation on Lord Ferrers' rather general expression of loyalty and appointed him instead in August 1687. When Ferrers was finally confronted by the King in the following November, he refused to canvass Staffordshire, although he did express personal support for repeal. He was dismissed after a mere three months in the position - and became an overnight hero. It was at this juncture that James turned to Lord Aston.³³

Aston's grandfather had been a noted diplomat and had accompanied the Earl of Bristol to Spain to negotiate a possible marriage between the future Charles I and the Infanta. Despite the failure of the mission, he was ennobled and later sent as ambassador to Spain. Exposure to Catholicism in that country secured his conversion. The 2nd Lord Aston had fought for Charles I in the Civil War and suffered heavy

³¹ *Complete Peerage*, xi. 720-24; HMC *Franklin-Russell-Astley MSS*, p.42; H. C. Foxcroft, *A Supplement to Burnet's History of My Own Time* (Oxford, 1902), pp. 220, 280, HMC *Downshire MSS*, i. pt. ii, pp. 838-9. Shrewsbury was one seven signatories to the invitation to William of Orange to intervene in English politics in 1688 and played a pivotal role in ensuring the Hanoverian Succession in 1714: Coward, *Stuart Age*, pp. 298-9, 403.

³² B. L. Add. MSS 34,510, fo. 12.

³³ Morrice, ii. fos. 170, 201; N.A. SP 44/164, fos. 415, 428; Hastings MSS, Reel 14, Box 50, HA5269.

financial losses for his loyalty.³⁴ The 3rd Lord Aston had been accused of complicity in the Popish Plot and had spent five years in the Tower with the threat of a treason trial hanging over him. It says much for Lord Aston's courage and loyalty that he was willing to give his wholehearted support to James II's most unpopular and potentially dangerous enterprise.

Aston appears to have canvassed Staffordshire with great energy and determination, touring the county in December and January 1687/8. Altogether he sought to elicit answers from fifty-one members of the gentry. Fourteen failed to answer or avoided interrogation.³⁵ However, it was not for want of trying on Aston's part. He summoned Sir Charles Holte, knight of the shire for Warwickshire in 1685, to meet him and the latter promised to do so. Aston 'went twelve miles for that purpose, and within foure of his house, but it is in Warwickshire, and he came not. Some I met report that hee was in expectation of the Earle of Sunderland'.³⁶ Thomas Lane, of Bentley, son of Colonel John Lane who had helped Charles II escape after the Battle of Worcester, was 'summoned by two letters to two severall places, but he was not at home, and appeared at neither'.³⁷ And of the elusive Sir Edward Littleton, of Pillaton Hall, another former MP, Aston writes:

Twice I was at his owne dore to speak with him, but hee was not at home; before my last coming hee had notice likewise. I left a summons to come to mee the next morning to a place foure miles off, but hee sent mee an excuse and came not.³⁸

Some squires lived out of the county, some, including one Catholic, pleaded illness for

³⁴ *DNB*, ii. 213; *Complete Peerage*, i. 285-6; 'Staffordshire Gentry, 1662-63', pp. 38-9.

³⁵ Rawl. MSS, A 139a, fos. 124-8.

³⁶ *Ibid.*, fo. 127; *Commons*, ii. 573-4.

³⁷ Rawl. MSS, A 139a, fo. 127; Sir G. J. Armytage and W. H. Rylands, eds., *Staffordshire Pedigrees, based on the Visitation of that County made by William Dugdale, Esquire, Norroy King of Arms, in the years 1663-1664 etc.* (Harleian Society, lxxiii, 1912), p. 152.

³⁸ Rawl. MSS, A 139a, fo. 128; *Commons*, ii. 748.

their non-appearance, and one, a Captain Bentley, had, it appeared, disappeared.³⁹

Among other notable absentees were the former MPs Sir Francis Lawley and Thomas Orme and the lawyer Humphrey Wyrley, senior, protonotary of the Court of Common Pleas. In the case of Lawley, a strong Tory, the absence was probably tactical; Orme was 'away at his command in the Armye', although as later events were to prove, he was opposed to the King's ecclesiastical policies; and Wyrley, senior, had long been a martyr to gout, although the fact that he was unwilling to exert himself to meet Lord Aston may suggest that he shared the sentiments of his son, Humphrey, junior, who gave a negative answer to the questions.⁴⁰

Of the 37 who did furnish answers, 16 supported or were deemed to support repeal (although two of these, Sir Walter Bagot and Phillip Hollins, strongly qualified their answers so as to render them doubtful), nine refused to consent and 14 were doubtful. From this it would appear that support for the King was quite strong, but these statistics do not give the full picture.

For a start, half of the positive replies came from Catholics (three other Catholics on Aston's list failed to answer). These included Lord Aston himself, Robert Howard, of Hoar Cross, a cousin of the Earl of Suffolk, the Sheriff, Philip Draycott, William Fowler, cousin of one of the leading Staffordshire recusants, Walter Fowler of St Thomas, Sir James Simeon, who along with Lord Aston, had been unjustly accused of involvement in the Popish Plot, and John Gifford of Chillington, whose family had long suffered for its faith and loyalty. Despite their pedigrees they could not be accounted the most influential men in the county.⁴¹ Another justice who answered in the affirmative, Alexander Harcourt, appears to have been an Anglican, although less

³⁹ Ibid., fos. 127-8.

⁴⁰ Rawl. MSS, A 139a, fos. 125, 127; *Commons*, ii. 713-4, iii. 180-1; *Staffordshire Pedigrees*, p. 260.

⁴¹ Rawl. MSS, A 139a, fo. 127; S. Shaw, *The History and Antiquities of Staffordshire* (2 vols., London, 1798-1801, reprinted 1976), i. 104-5; *Staffordshire Pedigrees*, pp. 74, 96, 104, 124; *Complete Baronetcy*, iv. 93; Luttrell, i. 40; HMC, *House of Lords MSS, 1678-88*, pp. 236.

than ten years before an Alexander Harcourt, of Ranton, was listed as a recusant.⁴²

Some caution must be accorded to the unconditional positive answer of Sir Simon Degge, the High Churchman and Recorder of Derby. Degge, when questioned by the Earl of Huntingdon in Derbyshire in January 1688, answered in the negative, but since he was recommended for retention on both the Staffordshire and Derbyshire commissions of the peace, it is possible that at some stage he clarified his position. Probably he was at best ambivalent towards Catholics, but his hostility towards Dissenters appears not to have abated. In October 1688, the King had to remind him that nonconformists in Derby were entitled to practise their religion without harassment from the authorities.⁴³

The other Protestants consenting unconditionally to repeal were Matthew Floyer, Robert Leveson, William Sneyd and Edward Mainwaring. Floyer's father had been a Presbyterian and luke-warm supporter of Parliamentary side in the Civil War. A clue to his views on the issue of repeal may be garnered from the answer of his younger brother Sir John Floyer, a physician, who was also questioned by Lord Aston, and who, though essentially evading the issue, revealed a dislike of the Test.⁴⁴ Robert Leveson, of Wolverhampton, came from a staunch royalist family, which in the not-too-distant past had been recusant. Therefore he may well have felt some sympathy for Catholics. However, his son Richard, MP for Lichfield in 1685, soldier and groom to the bedchamber of James II, opposed the King's religious policy and deserted to William of Orange after the invasion.⁴⁵ The William Sneyd named in the returns was probably William senior, of Keele, described in the early 1660s as orthodox and loyal, although he had been neutral in the Civil War. He had been MP for Staffordshire in

⁴² Rawl. MSS, A 139a, fo. 125; HMC, *House of Lords MSS, 1678-88*, p. 236.

⁴³ Rawl. MSS, A 139a, fos. 118, 125; A 139b, fos. 245, 250; *DNB*, xiv. 293-4; *CSPD*, 1687-9, pp. 141, 329.

⁴⁴ Rawl. MSS, A 139a, fos. 124-6; *Staffordshire Pedigrees*, pp. 90-1; 'Staffordshire Gentry, 1662-63', p. 15.

⁴⁵ *Commons*, ii. 735-6; 'Staffordshire Gentry, 1662-63', p. 22.

1660, and, apart from a claim that he had met Monmouth during the latter's progress through Staffordshire in 1682, had an unblemished record of loyalty to the Government. His eldest son Ralph had supported Exclusion, but a younger son, William, was a Tory. Loyalty to the Stuarts almost certainly overcame any religious scruples Sneyd may have had over repeal.⁴⁶ Mainwaring's father had been a Puritan and a Parliamentarian, but he had been flexible enough politically to survive on the commission of the peace under all regimes. The younger Mainwaring, MP for Newcastle-under-Lyme in 1685, was a Tory and an alderman of the town, although the antagonism between him and the corporation and the King's reversal of policy had led to his being dismissed from the commission of the peace twice in as many years. However his loyalty was never in doubt: after the Revolution he became a non-juror.⁴⁷

More problematic were the answers of two squires, Sir Walter Bagot and Phillip Hollins, of Moseley. Bagot, the much respected knight of the shire from 1679 to 1687, answered that

according to his present sentiment, hee cannot declare hee should bee for taking off the Penal Lawes and tests, unless there might be an Equivalent for securing the religion, according to the Church of England.

Only the most liberal interpretation of this answer could divine it as support for repeal; but, in any case, Bagot's answer to the second question, that 'he beleeves the man that cannot bee for the one, it cannot bee expected, hee should comply with the other' should have left no room for doubt.⁴⁸ Despite this, and due in the main to Lord Aston's desire to keep him in local office, Bagot was retained as a deputy lieutenant. Eventually he pleaded illness as a way of distancing himself from the regime, but his continuance in office for several months highlights the desperation of both the lord lieutenant and

⁴⁶ 'Staffordshire Gentry, 1662-63', p. 29; *Commons*, iii. 450.

⁴⁷ 'Staffordshire Gentry, 1662-63', p. 36; *Commons*, iii. 2-3. On 30 July 1692, he paid £2. 1s. 'for not swaring to K.W. & Q.M.': Major J. G. Cavenagh-Mainwaring, 'The Mainwarings of Whitmore and Biddulph in the County of Stafford', *SHC*, 1933, p. 76.

⁴⁸ Rawl. MSS, A 139a, fo. 125.

the government to keep influential and respected Anglicans on their side.⁴⁹

Hollins's answer was more positive. He was willing to part with some of the penal laws and, 'if an Expedient may bee found for securing the religion', the Tests, and he endeavoured to choose such men as 'shall doe the same as he would doe himselfe, were hee chosen'. Hollins was recommended for retention on the bench.⁵⁰

Of the nine gentlemen in the 'no' camp, eight gave straight forward negative replies. These included Sir John Pershall, who had a reputation for loyalty, orthodoxy and the mismanagement of his financial affairs; the obscure Francis Eld, who was to die in the following February; Walter Wrottesley, son of the indecisive parliamentary candidate; Sir Charles Skrymsher, of Norbury, a cousin of the Whig, Edwin Skrymsher, MP for Stafford in 1681; and the elusive Sir Edward Littleton's son, Edward. The latter, a devotee of the turf, whose indifference to politics had not prevented his being elected knight of the shire in 1685, revealed in his answer a measure of principle not previously obvious in his career.⁵¹ One refuser, however, did elaborate slightly on his answer. William Chetwynd, MP for Stafford from 1661 to 1679, said he could not consent to the first question because 'tho he should bee for taking off severall penall lawes, he is not for parting with all of them'. Chetwynd, an ironmaster from Rugeley, had a reputation for loyalty, although he had taken no part in the Civil War, and though independently minded, had usually voted for supply in the Cavalier Parliament. He had also helped to devise the Test Act in 1673, obviously a measure close to his heart. It is striking that there is no mention of the Test in his answer.⁵²

Seven of the 12 squires returning doubtful answers followed the familiar formula of refusing to commit themselves before they had heard the debates in the

⁴⁹ *Commons*, i. 583; *CSPD*, 1687-9, pp. 141, 210.

⁵⁰ Rawl. MSS, A 139a, fo. 126; A 139b, fo. 245.

⁵¹ Rawl. MSS, A 139a, fos. 125-6; 'Staffordshire Gentry, 1662-63', pp. 26, 30, 36; *Staffordshire Pedigrees*, pp. 205-7; *Commons*, ii. 746-7.

⁵² Rawl. MSS, A 139a, fo. 127; *Commons*, ii. 49-51; 'Staffordshire Gentry, 1662-63', p. 9.

House of Commons. There were, however, several variations to this standard answer. Two squires - Rowland Oakover, MP for Stafford in 1685, and Thomas Rudyard - gave identical answers to the first question, suggesting some collusion.⁵³ A couple, Sir John Bowyer, the former knight of the shire, and William Parker, who had fought for the Charles I at Naseby and Charles II at Worcester, both declared they had no desire to be 'Parliament men' before reserving their judgement until they had heard the issue debated. Age may well have precluded Parker from taking an active role, but Bowyer, as subsequent events were to show, still harboured Parliamentary ambitions. Interestingly in answer to the second question, Bowyer said that he would 'neither help nor hinder any one, nor meddle in this affair any further than his owne vote, which shall goe with the Majority of the Gentlemen of the county', which shows how ingrained was the notion of gentry unanimity among the Staffordshire electorate.⁵⁴ Thomas Broughton, whose father, the loyalist Sir Brian Broughton, had been active against Dissenters in the 1660s, said he would 'always bee for promoting liberty of conscience' but could not commit himself to repeal of the Test and penal laws. And Humphrey Wyrley, junior, said, in answer to the second question, that he would give his vote for 'those, whom in his conscience he shall think will doe God Almighty and the King the best service'.⁵⁵

Two of those questioned, Edward Birch, a Serjeant-at-law, and Walter Chetwynd, of Ingestre, though having doubts about repeal, made it clear they did not like religious persecution. Birch, whose antecedents were Presbyterian, had married the daughter of the royalist hero Thomas Lane, of Bentley. His answer that 'hee does conceive there is a greate deale more to be considered in [the issue of repeal] than he can answear to, for the present' shows a lawyer's natural caution. Chetwynd, who was a noted antiquary, was the cousin of William Chetwynd and the former MP for Stafford.

⁵³ Rawl. MSS, A 139a, fo. 126; *Commons*, iii. 171-2.

⁵⁴ Rawl. MSS, A 139a, fos. 126-7; *Commons*, i. 698-9; Duckett, ii. 251-2; 'Staffordshire Gentry, 1662-63', p. 25; *Staffordshire Pedigrees*, p. 182.

⁵⁵ Rawl. MSS, A 139a, fos. 125, 128; *Complete Baronetcy*, iii. 175; *VCH Staffordshire*, iii. 119-20.

He was a neighbour of Lord Aston's and that may have influenced his thinking on religious toleration.⁵⁶ Sir John Floyer's answer is intriguing. He says

he can never bee a Parliament man, for hee can never take the Test, it is against his conscience, but hee will never oppose the King in Word or Deed, & by reason of his Profession, being a Phisitian, hee hopes hee need not in answer to this question, further declare himselfe, conceaving it must of necessity be of great prejudice to him.

As already noted, Floyer's father had been a Presbyterian and inactive Parliamentarian in the Civil War, but, despite this, Floyer himself was a thorough-going loyalist, active in Lichfield politics in the 1680s, and a supporter of one of James II's most trusted servants, Lord Dartmouth, whose sister-in-law he had married. But, as his answer suggests, as a member of the medical profession, he was dependent on the favour of his social equals or superiors, and this may have prevented him committing himself to repeal.⁵⁷

One other answer is worthy of note. The lawyer, Philip Pargiter, High Steward of Lichfield, said in answer to the first question that, though he would 'serve the King with his life and all hee has', his circumstances prevented his standing for Parliament. However, his answer to the second question was revealing. He said he

consents as to the sence of it, but doubts to declare his consent in general tearms, the question is proposed, by reason should any man stand for it that in his conscience hee beleeves is not loyal, but would if hee could ruine his King, hee can never give his assistance to the choice of such a person, for such persons who pretended a religion, and were allwayes factious and rebellious, hee alwayes thought they deserved punishment.

There is a strong hint here that he considers the King's new allies, the Dissenters, unprincipled and not to be trusted and Pargiter has no qualms about enforcing the laws against them. But after this clear expression of hostility, Pargiter 'freely consents' to the third question. The underlying message - typical of that from many Anglicans - was that

⁵⁶ Rawl. MSS, A 139a, fo. 124; 'Staffordshire Gentry, 1662-63', pp. 9, 37; *Commons*, ii. 48-9; M. Knights, "'Mere religion" and the "church-state" of Restoration England: the impact and ideology of James II's declarations of indulgence', in A. Houston and S. C. A. Pincus, eds., *A Nation Transformed: England after the Restoration* (Cambridge, 2001), p. 57. The Astons of Tixall and the Chetwynds of Ingestre seem to have been on good terms: *CSPD*, 1675-6, p. 87.

⁵⁷ Rawl. MSS, A 139a, fo. 124; 'Staffordshire Gentry, 1662-63', p. 15; *Commons*, i. pp. 385-6.

religious dissenters could only be tolerated if they did not meddle in politics.⁵⁸

As it happens, everyone questioned consented to the Third Question, and most with apparent enthusiasm. William Ward, the second son of the first Lord Ward, who could not ‘positively consent’ to the first two questions, consented ‘freely and heartily’ to the third, while the doubtful Thomas Broughton consented to ‘the utmost of his power’. Sir John Bowyer stated in his answer to the third question that he ‘never was for persecution for conscience sake’, while Sir John Floyer emphasised his loyalty to the government along with his belief in the general principle of religious toleration. Only one gentleman’s answer deviated from the rest. William Chetwynd was ‘for living quietly and friendly wth those of any perswasion’. By using those words he avoided implicitly endorsing the King’s Declaration of Indulgence, without rejecting the concept of toleration altogether.⁵⁹

All those who had answered affirmatively were recommended for retention in local office, including Sir Walter Bagot and Philip Hollins, whose answers had been anything but unconditional consents.⁶⁰ More surprisingly, William Chetwynd who had answered in the negative and two squires who had answered doubtfully, William Parker and Thomas Rudyard, were also recommended to be retained, plus five absentees, the soldier Thomas Orme, Thomas Kynnersley, and three men listed as Catholics, Sir Thomas Whitgrave (who must have been the Thomas Whitgrave who held local office and was an MP under the Protectorate and was knighted by Cromwell, rather than his recusant cousin and namesake who had helped Charles II escape after the Battle of Worcester), Thomas Giffard, the soldier son of John Giffard of Chillington, and Lord Gerard of Bromley, against whose name no answer was recorded.⁶¹ It appears that the

⁵⁸ Rawl. MSS, A 139a, fo. 124; Duckett, ii. 197 note; *Alumni Oxon*, ii. 1113.

⁵⁹ Rawl. MSS, A 139a, fos. 124-8.

⁶⁰ Rawl. MSS, A 139b, fo. 245.

⁶¹ *Ibid.*; A 139a, fo. 127; Duckett, ii. 206 (note); *Staffordshire Pedigrees*, p. 104, 242; *Complete Peerage*, v. 636-7; Shaw, *Staffordshire*, i. 85; ‘Staffordshire Gentry, 1662-63’, p. 59; *SHC*, 1920, ‘Staffordshire Parliamentary History, 1603-1715’, vol. ii, pt. i., p. 97; *CSPD*, 1655, p. 144. Nothing in his career, including his rather checkered presence on the Staffordshire bench during the Restoration period,

names of Chetwynd, Parker, Rudyard, Kynnersley and the veteran Parliamentarian John Swinfen, who had not, in the first instance been asked the Three Questions, were added, in another hand, to a list drawn up by Lord Aston, of people he recommended to be added to the commission of the peace. Lord Aston also recommended another 11 gentlemen.⁶² These included the renegade Lord Brandon, one of the most active of Whig collaborators; the Catholics Basil Fitzherbert, Thomas Brook and Walter Fowler, of St Thomas; the Cavalier Sir Richard Astley, of Patshull, who had been listed as a recusant in 1657 but had abjured his faith at the height of the Popish Plot; and the Whig lawyer John Turton.⁶³ It is also possible that the Captain Sneyd, who is on the list together with his son, was Ralph Sneyd, the eldest son of William Sneyd, senior, brother of William Sneyd junior, and unlike his father and brother, a Whig.⁶⁴

All these names were included in the list for the revised commission of peace submitted to the Board of Regulators by the King's electoral agents. There were two additional names: the Cromwellian Sir Charles Wolseley and Walter Chetwynd, whose name is crossed out, which could suggest that some attempt was made to win him over to the King's cause, but that in the end he was considered unreliable. Wolseley's career is an interesting one. At first, like his father, he was a royalist, but marriage into one of the leading Parliamentarian families secured his political conversion. He became a member of Cromwell's Council of State, before changing sides again just before the Restoration. His Parliamentary career ended with the dissolution of the Convention in 1661, but by this time he was a firm believer in religious toleration. In 1688 he was

suggests that Whitgrave had any affinity with Catholicism, so it is strange that he should be listed as one. However, he appears to have been a close ally of Lord Aston's: *SHC*, 1912, 'Staffordshire Justices of the Peace', pp. 338-41; *CSPD*, 1687-9, pp. 173-4.

⁶² Rawl. MSS, A 139b, fo. 130; *Commons*, iii. 518-231; 'Staffordshire Gentry, 1662-63', p. 29.

⁶³ Rawl. MSS, A 139a, fo. 130; *Commons*, i. 391, ii. 386-8; HMC *House of Lords MSS*, 1678-88, p. 236; 'Staffordshire Recusants', 1657, p. 85; *CSPD*, 1679-80, pp. 8, 84; 'Staffordshire Parliamentary History, 1603-1715', vol. ii, pt. i, p. 151.

⁶⁴ *Commons*, i. 388, iii. 450; 'Staffordshire Gentry, 1662-63', pp. 29, 37; *Staffordshire Pedigrees*, p. 210.

reported ready to serve the King in any capacity, indicating that unlike other Whig Collaborators, his commitment to the King's cause was genuine.⁶⁵

By September 1688 three notable Whigs appeared to have joined the ranks of the King's supporters. The electoral agents reported that in Newcastle-under-Lyme there was unanimous support in the town for the candidacies of Sir Thomas Bellot and William Leveson Gower, the town's MPs during the Exclusion Crisis. The agents added that representatives of the corporation had spoken to both men and they had 'given assurance that they are for removing the Penall Lawes and giving Libertie as farr as they would desire it, were they in the Catholicks or Dissenters case'. The agents also recommended that Leveson Gower and Sir John Bowyer be added to the lieutenancy and the commission of the peace. Bowyer had already thrown in his lot with the King and looked set to be returned for the county, along with Sir Walter Bagot, who was at best doubtful on repeal. However, the more favoured candidate, in the electoral agents' eyes, Sir Charles Wolseley, who had 'declared himself right', doubted his chances of winning, unless joined by Bowyer, which, in turn, would prompt an all-too-likely successful challenge from Bagot and Walter Chetwynd, of Ingestre, who was also doubtful over repeal.⁶⁶

This political manoeuvring does, at the very least, suggest some commitment to the King's cause on the part of Bellot, Bowyer and Leveson Gower.⁶⁷ The latter strenuously denied this after the Revolution, stating that the recommendation was a ruse on the part of his enemies to discredit him and thereby keep him out of Parliament. None the less, Leveson Gower, who was elected to the Convention in 1689, was closely enough associated with King James's regime to have his house Trentham attacked at

⁶⁵ Rawl. MSS, A 139b, fos. 196, 245; *Commons*, iii. 754.

⁶⁶ Rawl. MSS, A 139b, fo. 196.

⁶⁷ This is especially true of Bowyer. Duckett's misinterpretation of the original manuscript is misleading. By the late summer of 1688 Bowyer was already working alongside Lord Brandon in the King's interest, and not being wooed by the King's agents: compare Rawl. MSS, A 139b, fo. 196 with Duckett, ii. 251-2.

the Revolution. Bowyer's Parliamentary was ended by the Revolution, despite the fact that he joined the rising against King James, and Bellot did not regain his seat until 1690.⁶⁸

In the elections of 1689, Leveson Gower was the only Court Candidate returned in the county; the interests of the others, like Robert Leveson, in Lichfield, and John Turton, in Tamworth, evaporated with the collapse of James II's regime; while Bowyer, perhaps accepting the inevitable, withdrew from the county election.⁶⁹

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What conclusions can be drawn from the Staffordshire canvass? There is a suggestion that anti-Catholicism was not so pronounced as in other counties. Squires with Catholic antecedents or recusant relations appear to have been willing to acquiesce in the King's policies. This is possibly true of Robert Leveson, Alexander Harcourt and Sir Richard Astley, whose name was put forward for the revised commission of the peace. Astley, who had abjured his Catholicism less than ten years before, died a month after the canvass, but although his son, later MP for Shrewsbury and Shropshire, was a Protestant, he was also a lifelong Tory and Jacobite, suggesting that loyalty to the Stuarts ran deep.⁷⁰

Although few Anglican squires would commit themselves to supporting repeal of the Tests and penal laws, all who answered the Three Questions seem to have endorsed the general concept of religious toleration and, by implication, all bar one, seem to have accepted the King's Declaration of Indulgence. In addition five of these,

⁶⁸ A. Grey, *Debates of the House of Commons from the Year 1667 to the Year 1694* (10 vols., London, 1763), ix. 108; *Commons*, i. 618-9, 698-9, ii. 736-8.

⁶⁹ *Commons*, i. 383, 386-9, 392.

⁷⁰ Rawl. MSS, A 139b, fo. 245; R. Sedgwick, ed, *The History of Parliament: The House of Commons, 1715-54* (2 vols., London, 1970), i. 424.

Birch, Walter Chetwynd, Sir John Floyer, Bowyer and Thomas Broughton, went further and either openly expressed support for liberty of conscience or opposition to religious persecution. Three of these men, and another half dozen among all those questioned had Presbyterian antecedents or nonconformist sympathies, but the majority did not, and nothing represents more clearly the transformation of attitudes towards religious toleration, as a general principle, that had occurred in the last decade of the Restoration period. In the 1660s many Anglicans, even if not actively involved in persecuting Dissenters, would have acquiesced in a system that punished those who would not conform the Established Church. Less than a generation later this attitude appears to have been no longer acceptable. In the 1660s, Sir Brian Broughton had been diligent in seeking out dissenters; by the late 1680s, his son, Thomas, could say that he 'shall always bee promoting liberty of conscience'. That represents a sea change in attitudes.⁷¹

However, although two Anglican gentlemen, Walter Chetwynd and Sir John Floyer, expressed a dislike for the Tests, and two, Philip Hollins and William Chetwynd, were willing to repeal some of the penal laws, most squires who answered in the negative or doubtfully did not distinguish between the two and could not, as yet, move beyond a general acceptance of the virtues of toleration: repeal of the laws that facilitated religious persecution could not be envisaged. Lest this be considered inconsistent, it should be noted that in seventeenth-century England political considerations could never be divorced completely from religious. The association, in the minds of many Anglicans, of Catholicism with arbitrary government and Dissent with rebellion and republicanism, meant that while Anglicans were coming round to the idea of men being able practise their religion unmolested in their own homes, it was still too dangerous to give anyone who was not a member of the established Church full

⁷¹ *CSPD*, 1663-4, pp. 152, 155, 169, 197, 211, 219, 242, 300, 331, 340, 346, 361, 367, 444-5, 480, 507, 526, 606; 1664-5, pp. 56, 80-1, 207, 219, 476; 1665-6, p. 583; 1666-7, pp. 296-7, 376-7; 1668-9, p. 465-6; 1670, p. 208. Broughton's hostility towards Dissenters was as much political as religious, as nonconformists were judged, fairly in some instances, to be plotting against the government in the 1660s. A few years later, when Broughton was seeking a favour for his son from Sir Joseph Williamson, he reminded the Secretary of State that he had been 'serviceable at the time of plots': *CSPD*, 1675-6, p. 207.

political and social rights. This caution would be the principle behind the Toleration Act of 1689, although its benefits would be emphatically denied to Catholics.

There can be little doubt that Lord Aston, despite being a Catholic, was a respected figure in the community and the fact that he had suffered for his faith had only added to his reputation. He appears to have been industrious in the King's cause and to have done his best to keep as many people as possible on the King's side. It is hard to believe he did not try to win over his near neighbour Walter Chetwynd - and there is a suggestion that the latter may have wavered in his lack of commitment to repeal. Certainly, as already noted, Aston was keen to keep Sir Walter Bagot in local office, and though he failed ultimately in that, he successfully petitioned Sunderland to restore the Tory squire, William Sneyd, senior, to the lieutenancy in June 1688. Sneyd, 'an ancient gentleman, of the Church of England, always loyal and firm to his Majesty's interest', had been a deputy lieutenant in 1685, but appears to have been removed from the lieutenancy, along with several other Protestants, in the months before the canvass, though he did give an positive answer to the Three Questions.⁷²

What the Staffordshire canvass reveals is that the landed classes were not totally averse to the idea of religious toleration, although this was only in the most general terms. In this, the message is not fundamentally different from that delivered by the rest of the kingdom. However, what it also clearly shows is that, Catholics and ultra-loyalist Tories apart, most men were not willing to part with the laws that maintained the pre-eminent position of the Church of England in the constitution. For the King to ignore the second part of the message was to prove a terrible mistake.

⁷² Knights, "Mere religion" and the "church-state", p. 57; *CSPD*, 1687-9, p. 210.

Chapter IX

Leicestershire and the Three Questions

The task of putting the Three Questions to the deputy lieutenants and justices of Leicestershire in January 1688 fell to Theophilus Hastings, 7th Earl of Huntingdon, who had been lord lieutenant of the county since the previous summer, when he had replaced the Earl of Rutland. By the late 1680s, Huntingdon, despite strong Protestant and (more latterly) Whig antecedents, was an arch loyalist, who was to remain faithful to King James II after the Revolution. He was even suspected, in some quarters, of having recently embraced the Catholic faith, although in later years he was to deny this.¹

However, the Hastings family was in decline and Huntingdon's political career may be viewed in terms of his attempt to restore his family to its position of dominance in the county. In Parliamentary terms its interest in Leicester had been undermined by the Civil War, during which the family - and most notably, Huntingdon's uncle, Henry Hastings (later Lord Loughborough) - had sided with the King. (The Hastingses' great political rivals, the Presbyterian Greys had sided with Parliament.) Leicester's corporation had also supported Parliament and later contained a strong republican element. The town had suffered during the Civil War and its sacking by Royalist forces in 1645 had resulted in a loss of popular support for the Hastings family. Perhaps not surprisingly, the interest of Whiggish Greys, whose head was the Earl of Stamford, remained strong and for much of the Restoration period one of the town's seats was at their disposal: in fact John Grey, the youngest son of the 1st Earl of Stamford, was one of the MPs for the borough in 1660 and between 1677 and 1681. However, both the Hastingses and the Greys had to contend with growing territorial prestige of the Earls of Rutland: this even extended into the politics of Leicester whenever the Whig influence was in abeyance, as was most obviously the case in the elections of 1685. Confirmation

¹ P. Walker, 'The Political Career of Theophilus Hastings (1650-1701), 7th Earl of Huntingdon', *Transactions of the Leicestershire Archaeological and Historical Society*, vol. 71 (1997), pp. 60-71. Huntingdon is sometimes referred to as a 'Whig collaborator' but he had abandoned the Exclusionist cause and returned to the royalist fold as early as October 1681.

of the Rutland ascendancy had come when they supplanted the Hastings family as lord lieutenants in 1667. This probably more than anything else helped eventually to push Huntingdon, who hitherto had been a loyalist, into the opposition camp.²

For a while Huntingdon was a 'hot' Whig, but with a political prescience that was later to desert him, he changed sides again after the Oxford Parliament. He quickly worked his way back into royal favour during the years of the Tory reaction and played a prominent role in persuading the Corporation of Leicester to surrender its charter in 1684. As an active supporter of King James, he was the obvious choice to replace the Earl of Rutland as lord lieutenant in August 1687, when the latter showed little enthusiasm for the repeal of the Tests and penal laws. In the following December he replaced the recalcitrant Earl of Scarsdale as Lord Lieutenant of Derbyshire and the Hastings family's revival appeared to be complete.³

Yet, there were rumours that even a loyalist like Huntingdon had shown some reluctance to canvass the gentry of Leicestershire and Derbyshire, but in fact there is evidence that he did prepare for the canvass in the weeks before his departure from London.⁴ However, his return is brief and generally throws little light on the thoughts of the magistrates who answered yes and no. That Huntingdon's return is essentially a distilled version of the views of those canvassed is evidenced by letters from justices about repeal that survive in the Hastings family correspondence.⁵

Leicestershire's deputy lieutenants and justices of the peace were summoned by Huntingdon to meet him in Leicester on 12 January 1688. From the earl's report to the King, it appears that 27 members of the landed elite either attended the meeting or

² Ibid.; *Commons*, i. 296-8; HMC *Rutland MSS*, ii. 85-6; R.O.L.L.R., BR/II/18/35, No. 180; Hastings MSS, Reel 13, Box 45, HA 13,674.

³ Walker, 'Huntingdon', pp. 63-4. J. H. Plumb describes this period as the Hastings family's 'brief Indian summer of political influence': *VCH Leicester*, ii. 119.

⁴ Morrice, ii. fo. 201; Hastings MSS, Reel 14, Box 50, HA 6061.

⁵ Rawl. MSS, A 139a, fo. 120; Hastings MSS, Reel 12, Box 42, HA 10330; Reel 15, Box 51, HA 6939.

responded in some way to the Three Questions. A cursory glance at the answers shows that seven deputy lieutenants and justices answered in the affirmative, three were considered doubtful, 16 answered in the negative to the first two questions but positively to the third, and one squire, Thomas Boothby, answered negatively to all three questions. A further 16 squires listed in the returns were absent or did not reside in the county. Only a quarter of the deputy lieutenants and justices were supporters of the king's policies.⁶

However the returns bear closer scrutiny. In the Hastings family papers there are two lists of magistrates, dating from 1684/5 and 1687. Using these and other lists of magistrates from the 1680s, plus the names in the canvass returns for the county and the revised lists of magistrates, it is possible to compile a comprehensive list of the personnel involved in local administration during the period. In this way it is possible to judge how extensive Huntingdon's canvass was. Excluding the names of those justices, usually peers and government officers, whose appointment to the Leicestershire Commission of the Peace was merely one of courtesy (in 1684, the list included the Dukes of Albemarle, Newcastle, Ormonde and Beaufort), the number of peers and members of the gentry mentioned at different times between 1680 and 1688 is 74.⁷ Of these, 55 are named in the return and one further individual in the revised lists of magistrates which followed the inquisition. This, if nothing else, suggests continuity in the personnel who were on the bench. The last changes in the commission had taken place in the previous year, when the Privy Council ordered that Viscount Beaumont, Sir Thomas Dolman, Richard Lister and William Cole be put out and that the Earl of Cardigan, Lord Carrington, Sir John Gifford, Henry Nevill, Thomas Ayres, Charles Byerley and John Beaumont be put in. The changes of 1687 are generally seen as not only an attempt by the government to remove opponents from the bench (which Viscount

⁶ Rawl. MSS, A 139a, fo. 120.

⁷ Hastings MSS, Reel 13, Box 44, HA 1078; Reel 14, Box 50, HA 6061; HMC, *House of Lords MSS, 1678-1688*, pp. 182-3; J. Nichols, *The History and Antiquities of the County of Leicester* (4 vols., 8 parts, London, 1795-1811), vol. i, pt. ii, p. 470; N.A. C193/12/5, fos. 74-7; PC 2/71, fo. 368; Rawl. MSS, A 139a, fos. 116, 120-2; A 139b, fo. 251.

Beaumont certainly was) but also to add Catholic gentlemen to the commission of the peace. Of those added to the Leicestershire commission Lords Cardigan and Carrington (whose inclusion was a matter of courtesy), Gifford, Ayres and Byerley were certainly Catholics. Nevill was already a deputy lieutenant and John Beaumont, an army officer, was a younger brother of Lord Beaumont. Interestingly, the names of Lord Beaumont and Lister still feature in the return from the canvass, despite their apparent removal from the bench (although Lister's disgrace was not of a political nature), because both men were still deputy lieutenants in January 1688. However, Charles Byerley does not seem to have been questioned, although as later events were to show he was actively committed to the King's cause. (Possibly delays in the government's providing Catholic JPs with a dispensation from taking the oaths may have postponed Byerley's promotion to the bench.)⁸

Huntingdon summoned 35 members of the commission of peace, so the turn-out of 27 was quite respectable.⁹ The 18 former deputy lieutenants and/or justices not mentioned in the Earl of Huntingdon's return include the inveterate Whig and one-time Exclusionist ally of Huntingdon's, the Earl of Stamford. It appears that at one stage Huntingdon considered recruiting Stamford to the King's cause as his name appears in Huntingdon's list of possible 'justices to be added' compiled six weeks before the meeting at Leicester, but Stamford was by now unshakeable in his opposition to the King.¹⁰ Other Whigs, like Phillip Sherrard, brother of Lord Sherrard, William Skeffington and John Stafford had been purged in 1680-1 and had never worked their way back into royal favour, while Anchitell Grey, a former deputy lieutenant in Leicestershire, had been purged in 1681, but would be restored to the Derbyshire

⁸ N.A., PC 2/71, fo. 368; Rawl. MSS, A 139a, fo. 120; L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979), pp. 75-7. The fact that Byerley's name is crossed out in Huntingdon's list of JPs supports this supposition: Hastings MSS, Reel 14, Box 50, HA 6061.

⁹ Hastings MSS, HA 6061; Rawl. MSS A, 139a, fo. 120.

¹⁰ Hastings MSS, HA 6061. At James II's accession, Stamford appears to have 'tested the water' as regards a possible reconciliation with the King, but to no avail: Hastings MSS, Reel 13, Box 45, HA 656.

commission in February 1688, suggesting that, at some stage, he may have indicated support for the King.¹¹ John Grey, the former MP for Leicester, had begun to distance himself from the Whigs after the Exclusion Crisis and had been restored to the commission of the peace in both Leicestershire and Staffordshire, but had fallen from favour after James II's split with the Tories.¹² Some, like Sir Wolston Dixie, Bart, John Hackett and Thomas Merry were dead. Some, like Sir Clement Clarke had little connection with Leicestershire and had slipped into obscurity. Sir William Hartopp, another former MP for Leicester, though still a member of the commission in 1680, was that year reported to be 'much in debt, absconds and goes by another name'; while in the same year George Faunt had been a prisoner in the King's Bench.¹³

As to the answers themselves, five deputy lieutenants - Sir Thomas Burton, Sir Henry Beaumont, Sir William Holford, Richard Roberts and Henry Nevill - assented to the Three Questions. Burton, Roberts and Nevill came from royalist families. Sir Henry Beaumont, who had been MP for Leicester from 1679 to 1687, came from a Parliamentary family - his father had been created a baronet by Cromwell - and had once be considered an Exclusionist, although he was absent from the division on the Bill in 1679. By 1685 he had gone over to the Court and attached his fortunes to those of the Earl of Huntingdon, soon becoming his local henchman.¹⁴

All these men were undoubted loyalists and would form the core of the new commission of the peace; it is they who would keep the wheels of local government turning after the purges of the spring had left the bench thinly populated with experienced justices. In Leicestershire, as elsewhere in the kingdom, local

¹¹ *Commons*, ii. 339, iii. 432; *HMC House of Lords MSS, 1678-88*, pp. 182-3; *Rawl. MSS*, A, 139a, fo. 118; A, 139b, fo. 250.

¹² *N.A.*, C 193/12/5, fo. 76; *PC 2/71*, fo. 373; *Commons*, ii. 442.

¹³ Nichols, *History*, vol. iv, pt. ii, p. 506; vol. iii, pt. i, p. 238; *Commons*, iii. 59; *HMS House of Lords MSS, 1678-88*, pp. 182-3. George Faunt, who was one of the Knights of the Shire for Leicestershire from 1661 to 1678, was a deputy lieutenant for the county from 1660 until 1680 and a JP from 1661 until 1685, thereafter fading into obscurity: *Commons*, ii. 304.

¹⁴ Duckett, ii. 98-99; *Commons*, i. 613.

administration did not break down until William of Orange's invasion created the turmoil of the final weeks of James II's reign. This in the main must be put down to the determination of these loyalists.¹⁵

The five deputy lieutenants were joined in the 'yes camp' by a Bedford lawyer, Dr William Foster, who would soon be promoted to deputy lieutenant in his home county, and by Dr John Gery, the Earl of Huntingdon's chaplain who, under the earl's patronage, rose to the position of Archdeacon of Buckingham.¹⁶ There is no doubting Gery's loyalty to his patron and to the King, but his answer to the Three Questions could be interpreted as equivocal. To the first he replied that being a clergyman, it did not apply to him. To the second 'hee thinks sufficient security to preserve the Religion of the Church of England may bee made in Parliament and the Penal Laws & Tests repealed'. At first glance it is difficult to distinguish between Gery's answer and that of Thomas Pochin, a former Sheriff, who 'assented with a security to the Religion of the Church of England by way of equivalency'. Pochin had written to Huntingdon earlier:

I am very free for the taking off of the Penall Laws, and shall give my Assistance thereunto, as also for supporting the King's Declaration for Liberty of Conscience: and as for the Test I humbly beg of your Lordship some short time for consideration of my answer, being suddenly surprised for the declaring of my opinion....

Despite the moderation of his language and an obvious desire for compromise, Pochin's earlier hesitation about the repeal of the Test probably meant that Huntingdon considered him an unreliable ally. He was duly removed from the commission. By contrast the earl could personally vouch for the loyalty of his chaplain and any suspicion of equivocation in his answer could be brushed aside.¹⁷

¹⁵ Rawl. MSS, A 139a, fo. 120; Hastings MSS, Reel 15, Box 51, HA 3991, HA 7789, HA 7791; J. R. Jones, *The Revolution of 1688 in England*, (London, 1972), p 135; Glassey, *Justices*, p. 94.

¹⁶ Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251; Duckett, ii. 281. Foster, commissary for the archdeaconry of Bedford and a noted persecutor of Dissenters, also answered in the affirmative in Bedfordshire: *Commons*, i. 127; Rawl. MSS, A 139a, fo. 135. Gery, who was Rector of Sweptstone and Stoney Stanton and Archdeacon of Stowe, became Archdeacon of Buckingham in 1684: Hastings MSS, Reel 13, Box 45, HA 3973; *Alumni Cantab*, pt. i, vol. ii, p. 203.

¹⁷ Rawl. MSS, A 139a, fo. 120, A 139b, fo. 251; Thomas Pochin to the Earl of Huntingdon [incorrectly dated c. 1681; obviously written in the winter of 1687/8], Hastings MSS, Reel 12, Box 42, HA 10330.

Geoffrey Palmer played for time, saying that the ‘questions are of that great importance, that hee cannot at present return a positive answer’. It was considered a doubtful answer which was as good as a ‘no’. Roger Smith was recorded as ‘answares doubtfull’. Both Palmer and Smith were also purged.¹⁸

Those giving negative answers to the first two questions - although assenting to the third - were headed by three peers, Lords Beaumont, Cullen and Sherrard. Beaumont was obviously a strong churchman, having been active in prosecuting Quakers and nonconformists. Sherrard was a moderate Whig and had been listed as an opponent of James II in 1687.¹⁹ They were followed by two baronets, Sir Thomas Hesilrige and Sir Beaumont Dixie, John Verney, a knight of the shire in 1685, and ten rank and file squires.²⁰ Among these was Edward Hudson, son of Sir Henry Hudson, Bart. Illness had prevented the younger Hudson from attending the earl but he answered the questions by letter. The letter is worth quoting from because it is so typical of the replies of so many of the gentry who, while preferring not to offend the King, could not bring themselves to support the repeal of the penal laws and Tests. Edward Hudson writes:

1. It has never been in my thoughts, nor doe I in the least intend, to stand or be chosen Knight of the Shire or Burgesse for our Corporation.
2. I will (by Gods assistance) as I have ever done live in true obedience to his Majestyes Government as tis Established.
3. I shall continue (as a Christian ought to doe) & persevere in all friendship, acquiescence, charity, to all men breathing, soe help me God.²¹

The answer to the first question was a fairly standard way of avoiding having to give a commitment to repeal, but can be taken at face value since the Hudsons do not appear to have had parliamentary aspirations in this period. However, it is the evasive nature of the second answer that would have marked Hudson out as doubtful. His third answer,

¹⁸ Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251.

¹⁹ Duckett, ii. 105-6; *Commons*, iii. 431-2

²⁰ Rawl. MSS, A 139a, fo. 120; *Commons*, i. 295-6.

²¹ Rawl. MSS, A 139a, fo. 120; Hudson to Huntingdon, 14 Jan[uary], 1687[8], Hastings MSS, Reel 15, Box 51, HA 6939.

though couched in reasonable terms, noticeably avoids giving specific endorsement to the King's Declaration of Indulgence.

Thomas Boothby is often credited with being the only justice to reply to all three questions in the negative. That is not true; but his was a rare response during the questioning in the winter of 1687/8. Those who had given negative answers were purged.²²

Among the 16 gentleman not attending the Leicester meeting were five Catholics - Sir John Gifford, Bart., Thomas Markham, Thomas Ayres, John Fanning and Roland Ayres, some of whom did not live in the county. Also absent were Sir Edward Abney and Henry Kendall, who lived in Derbyshire; Sir Richard Verney, of Warwickshire; Sir Andrew Noell of Rutland; John Coke, a former deputy lieutenant now residing in Hertfordshire; the aforementioned Sir Henry Hudson, William Belgrave and John Beaumont, brother of Lord Beaumont, who was away serving as an officer in the army. No replies were recorded for these gentlemen. In fact the number of absentees was not as high as first appears: six of them, Gifford, Abney, Noel, Verney, Thomas Ayres and Kendall, were not summoned to Leicester by Huntingdon, presumably, in most cases, because they lived outside the county. Of the other absentees Christopher Pack pleaded illness, and Richard Lister, a deputy lieutenant, had absconded for debt.²³

Four of the Catholics, whose support for the king was presumably assured, were later added to the commission of the peace, with Sir John Gifford being made a deputy lieutenant; however, the names of the absent Protestant squires, save for John Beaumont, disappeared from the commission, although, Kendall was put into the commission of the peace for Derbyshire, this despite his negative answer in that county.²⁴

Abney's absence from the Derbyshire canvass appears to have cost him his place

²² Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251.

²³ Rawl. MSS, A 139a, fo. 120; Hastings MSS, Reel 14, Box 50, HA 6061.

²⁴ Rawl. MSS, A 139b, fos. 250-1.

on the commission of the peace in that county as well. Absence in most cases was seen as tactical.²⁵ There is no reason to suspect that John Beaumont's views on the repeal of the penal laws and Tests were any different from his brother's, but James II seems to have placed great faith in his soldiers' loyalty. In fact, Beaumont was later to refuse to serve with Catholic officers in the Duke of Berwick's Regiment and was cashiered as a result.²⁶

Apart from Gifford, the ranks of the deputy lieutenants were strengthened by the addition of Sir William Villiers, of Brooksby. Villiers was not canvassed, but Huntingdon must have been fairly certain of his reliability as he recommended him as one of the court candidates for Leicester. The 11 people recommended as justices by Huntingdon included three more Catholic squires - Charles Fortescue, William Turville and Charles Byerley - the Whig, Sir John Hartopp, Wolston Dixie, son of Sir Beaumont, and Nathan Wright, then deputy recorder for Leicester, but who later in his career would rise to be Lord Keeper of the Great Seal. All these were put into the commission, although many of them did not act.²⁷ One other name was added to the new commission, that of John Oneby, of Hinckley, bailiff of Leicester and like Sir John Hartopp, a dissenter. Unlike most of the new justices, Oneby and Byerley grasped the opportunity with enthusiasm and sat on the bench. Another Catholic, William Turville, also sat, but Wolston Dixie, possibly under pressure from his father, refused to sit.²⁸

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²⁵ Rawl. MSS, A 139a, fos. 115, 118, 120; A 139b, fos. 250-1; As with Leicestershire, there are two lists of deputy lieutenants and justices proposed for Derbyshire by the lord lieutenant, the Earl of Huntingdon: on one Abney's name appears, but crossed out, while on the other, presumably later, list his name is missing altogether.

²⁶ Duckett, ii, 100 (note).

²⁷ Rawl. MSS, A, 139b, fo. 251.

²⁸ Nichols, *History*, vol. iii, pt. ii, p. 1148; Hastings MSS, Reel 15, Box 51, HA 1163, HA 7789, HA 7790, HA 7791.

Analysis of the documentary evidence - even from a county like Leicestershire where the returns are reasonably straight forward - is difficult, especially when trying to calculate whether any of the doubtful squires might, with a little persuasion from the authorities, have moved closer to accepting the idea of repeal. (For that matter, it is difficult to be sure whether the Protestant deputy lieutenants and justices who answered in the affirmative did so because of a commitment to religious toleration or out of personal loyalty to the Earl of Huntingdon.) Huntingdon's return contains expanded answers from only three justices. Those answering 'no' to the first two questions, but 'yes' to the third may have acted in concert giving a prepared answer agreed between themselves beforehand; but it is just as likely that Lords Beaumont, Sherrard and Cullen would have taken the opportunity to expand on the reasons for their opposition to the King's policies. Unfortunately the return is silent on this, although the presumption that there was an element of collusion must be quite strong.

To add to the confusion, officials in Whitehall appear to have marked with a cross the names of those men considered supporters or potential supporters of the King (in some cases a cross may indicate that a squire is a Catholic).²⁹ In the returns from Leicestershire crosses appear by the names of Sir Thomas Burton and Henry Nevill, both of whom answered the Three Questions in the affirmative, Roger Smith, who was doubtful, and George Bright and Roger Roe, who answered in the negative. Presumably the administration considered that Smith, Bright and Roe could be persuaded to support the King and their names survive on the first draft of the revised commission of the peace for Leicestershire, although in each case the names are crossed out. This, and the fact that they were purged from the commission, is strong evidence that the three remained resolute in their determination not to endorse the policy of the King. Yet, as mentioned earlier, Henry Kendall, who gave a negative response in Derbyshire and whose name is similarly marked with a cross, retained his place on the commission of the peace there, despite his name being omitted - as one would expect - from the first

²⁹ Duckett, i. 59 (note).

draft of the revised commission for that county. It is possible that between the first and final drafts, Kendall was persuaded to change his mind. But such deductions, it has to be said, cannot be drawn from Huntingdon's report to the King.³⁰

Some conclusions, however, can be drawn from the return from Leicestershire. Out of 27 answers, seven - or 25.9 per cent - were assents. However, if the absentees are included in the equation the percentage falls to 16.6. If we add to this number the Protestants added to the commission of the peace in February 1688, but not questioned in January - nine in all - it means that 16 out of the 56 gentlemen mentioned in the returns, or 28.5 per cent of the Protestant gentry supported James - a slightly more impressive figure. Add to that the number of Catholics mentioned in the returns, eight, and the King's supporters number 24 out of 56, or 42.5 per cent. These figures, save the last, mirror the canvass as a whole, and not without reason can Leicestershire be seen as representing the kingdom in microcosm.³¹

It is obvious that as the Crown cast its net wider, the number of its supporters - made up of Catholics, Dissenters, 'Whig collaborators' and minor squires - continued to grow. There is evidence that Huntingdon continued to recruit members of the lesser or recusant gentry to the administration in Leicestershire and Derbyshire through the summer of 1688.³² Whether this rather synthetic and disparate coalition could have challenged the entrenched political interest of the Anglican party in Leicestershire will remain a matter of conjecture because the elections that James put so much faith in were never held. However there is evidence that if the elections had been held, the government would not have got things all its own way, especially after James II's political blunders of the summer of 1688 had further alienated the political nation.

³⁰ Rawl. MSS, A 139a, fos. 116, 118, 120; A 139b, fos. 250-1.

³¹ In the canvass in England, 29.5 per cent of all those named in the returns (ie, including absentees) answered in the affirmative.

³² Robert Beaumont to Huntingdon, 21 July, 1688, Hastings MSS, Reel 15, Box 52, HA 673. The writer of the letter was probably Robert Beaumont, of Barrow-on-Trent, Derbyshire, head of a recusant family, which was a younger branch of the Gracedieu line of the Beaumont family. Beaumont's estate was, by his own admission, small.

At the end of his return Huntingdon stated that there were no '[m]embers of the of the Corporation of Leicester proper to stand for Parliament men, either for quality, fortune or interest, especially in a County where there are so few Elections'. (Leicestershire supplied a mere four MPs, two knights of the shire and two burgesses from Leicester.) He went on to recommend Sir John Hartopp, a Dissenter and the Exclusionist knight of the shire in 1679 and 1681, for the county and Sir William Villiers and Sir Henry Beaumont for the town; and the latter two were confirmed as court candidates in September 1688. But even before William's invasion plans had become known the traditional political interests in the county were reasserting themselves, with Lord Cullen and John Verney campaigning vigorously.³³

With news of William's invasion James's support evaporated. Hartopp was perhaps never a serious candidate for the shire. Cullen died of smallpox and the knight of the shire from 1685, John Verney, possibly had scruples about standing for the Convention. This left the way clear for Sherrard and the Tory Sir Thomas Halford, who were returned to the Convention in January 1689. In the town Beaumont's interest collapsed and the seats were taken by Thomas Babington (who had been elected in 1685) and Lawrence Carter, a lawyer and Huntingdon's man of business, who had managed to distance himself from his patron. He was the only townsman to be elected to Parliament during the Restoration period.³⁴

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Did the Three Questions have the same impact in Leicestershire as they did elsewhere? The answer is probably yes. Not only did the 'inquisition' fail to elicit the support that James II was hoping for, it helped to unite the opposition to his policies. The King was left in no doubt that most of the county's gentry did not support him. Yet

³³ Hastings MSS, Reel 15, Box 52, HA 3997, HA 7794, HA 12545.

³⁴ *Commons*, i. 296-8

such an interpretation is made with the benefit of hindsight, in the knowledge that within a year the country would experience invasion and a revolution that would drive the King from his throne.

The returns for the country at large show that support for the king's policies among the gentry was as little as less than a fifth or as much as nearly a third, depending on whether the answers of the Catholic gentry are included. But such statistics do not include the high number - about a third - of doubtful answers or the number of JPs who absented themselves - just under a fifth - who must have included a fair proportion of magistrates opposed to the King. In this respect, the returns from Leicestershire are on the face of it a reasonable reflection of those from the whole of the kingdom.³⁵ Like the canvass as a whole, they leave many questions unanswered, not least what would have happened if the King had steered a less disastrous political course in the following months and if William of Orange, for whatever reason, had not invaded these shores?

³⁵ J. Carswell, *The Descent on England* (London, 1969), pp. 105-12, 238-43; J.R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972), pp. 212-21; J. Miller, *James II: A Study in Kingship* (London, 1991), pp. 178-9.

Chapter X

The fate of the canvass

Those who responded to, or evaded answering, the Three Questions, were overwhelmingly Tory in outlook, the beneficiaries of the purge of Whigs from local office in the final years of Charles II's reign. However, many Tory squires must have been uncomfortably aware that the King had new allies - the Whigs and Dissenters - waiting in the wings if they were unable to support his policy. And when the canvass failed to produce the overwhelming endorsement of the policy of toleration, James began to focus his attention on these new allies. Elections in the shires, with their relatively large electorates, could not be controlled without the support of the gentry, but the elections in the parliamentary boroughs, with their tiny electorates, could. It was in the boroughs that the Whig and Dissenting influence had been strongest; and it was here that, given the right conditions, the urban elites would be more susceptible to Crown influence and pressure than the county gentry. And the conditions were now right, thanks to Charles II's campaign to remodel the corporation charters in the years 1681 to 1685, which had given the Crown the powers to control the composition of corporations. Long before the canvass of the gentry had been completed in the summer of 1688, royal policy had switched to the boroughs, which in any case provided four-fifths of members to any Parliament in the seventeenth century.¹

It is not the purpose of this study to deal with this aspect of James's campaign, but it is worth noting that the members of the urban elites - many of whom were also JPs - often had to answer the same questions that had been put to the gentry. Their answers are generally not preserved, but in the Yorkshire and Nottinghamshire boroughs and in Durham, the questions were put to the members of corporations in the

¹ J. R. Jones, *The Revolution of 1688 in England* (London, 1972), pp. 128-75.

same way as they were put to the gentry.² And the reports of the King's electoral agents clearly show that men's political views in the boroughs were elicited, and recorded, at every opportunity.³

In the same way, Crown servants, office holders, courtiers, soldiers and sailors were also questioned about their attitudes towards repeal. In April 1688 the Commissioners of the Excise and Customs were interrogated by the King himself in the Treasury Chamber. Overall, James seems to have received a more positive response from these men - their livelihoods depended on it - as he did, to begin with at least, from army and navy officers.⁴ The more senior - and independently-minded - the Royal servant the more likely that the King would meet opposition: hence the exodus of unco-operative lord lieutenants and the cashiering of aristocratic army officers in 1687-8; but it is evident from the returns to the Three Questions from counties like Kent and Hampshire, where the number of Crown servants and military men in the commission of the peace was high, that much of King's support came from this quarter. Among the Crown servants who appear to have supported repeal are such notable figures as Samuel Pepys, Secretary of the Admiralty, and his fellow Navy commissioners - Lord Falkland, Sir John Tippetts, Sir Richard Haddock, Sir Anthony Deane, Sir John Narborough, Sir Richard Beach, Sir John Berry, Sir Phineas Pett, Sir John Godwin, James Southern, William Hewer and Balthazar St Michael - as well as Nathaniel Hornby, a banker and an excise commissioner, and a host of other military men, although some of these were to change their minds as James's measures appeared to become more threatening in the summer of 1688.⁵

² Rawl. MSS, A 139a, fos. 104-8, 227, 232, 235-41, 272. The mayor and alderman justices in Leeds and Doncaster, neither of which had parliamentary representation, were also canvassed.

³ Rawl. MSS, A 139b, fos. 178-98.

⁴ B.L., Add. MSS, 34,510, fos. 111, 119.

⁵ That the names of the Naval Commissioners were inserted into the Commissions of the Peace for Essex, Kent, Middlesex and Westminster, Suffolk, Surrey, Sussex and Northants in 1687, suggests strongly that they had acquiesced in the King's policies. Six of them, Pepys, Falkland, Haddock, Deane, Godwin and Hewer, had been MPs in 1685. Hornby and Godwin answered in the affirmative when Kent was canvassed in December and January 1687/88: N.A., PC 2/71, fo. 379; *Commons*, ii. 16-8, 200-1, 409, 460-

Just as the canvass itself continued until August 1688 - a month before James issued the writs for an election - so did the interrogation of individuals.⁶ However, by the time James felt ready to call an election, William of Orange had already committed himself to launching an invasion of England, and before the elections could get fully under way, James, at last convinced of William's intentions, withdrew the writs and prepared to repulse the invader. James II's second Parliament never came into being and his preparations were never tested electorally, although abortive polls were held in some parts of the country that received the writs early.⁷

Elections, though, were held in the following January for the Convention, and though the invasion of William and the subsequent flight of the King produced an assembly much different - and hostile - from the one James must have envisaged, it is possible to trace the fate of his supporters in these later elections and from that draw some conclusions as to whether the campaign might in other circumstances have enjoyed some success.

Although the canvass was intended to elicit the attitudes of the landed classes towards his ecclesiastical policy, it was more than this. Without necessarily doubting that the King's genuine hope was that the results of the canvass would be positive, the less encouraging response he actually received did not render the exercise completely unproductive. From the returns his administration was able to compile a list of candidates who would support the Court in any forthcoming Parliament - men, in the first instance, who had given a positive response to the Three Questions or who had indicated at a later stage that they would be willing to support repeal.

1, 542; iii. 226-8; Rawl. MSS, A 139a, fo. 60.

⁶ Sir John Reresby, who had avoided answering the Three Questions, was worried that the King would interrogate him when they met on 28 August 1688. The King did not: A. Ivatt, ed., *The Memoirs and Travels of Sir John Reresby, Bart.* (London, 1904), pp. 305-6.

⁷ In Kent, for example, abortive elections were held in Maidstone, Queenborough and Rochester in September 1688 and in the latter two constituencies the successful candidates were also elected to the Convention in January 1689: *Commons*, i. 278-82.

It is possible to identify somewhere in the region of 220 actual or potential Court Candidates for James II's abortive Parliament.⁸ They include 102 candidates who received official government endorsement in September 1688.⁹ Of the 220 candidates, some were recommended in the first instance by local magnates, such as the Earl of Bath and the Duke of Beaufort, others by the King's electoral agents; others, especially crown servants, seem to have had the personal endorsement of the King.¹⁰

There are complications in compiling any list. Some gentlemen were candidates almost by default, their recommendation, by local magnate or electoral agents, neither endorsed nor rejected by the government.¹¹ The men recommended by the Earl of Bath in Cornwall presumably owed loyalty to the earl and their county: many of the Cornish boroughs had stipulated that they would elect candidates recommended to them by the government, but only if they were Protestant and Cornishmen. In any case, in the latter stages of the campaign Bath was involved in a trial of strength with one of the leading Whig Collaborators, Edward Nosworthy, whose influence can be detected in a second list of candidates submitted to the government.¹² So although 14 gentlemen who could be described as Cornish Court Candidates - if the definition is drawn at its broadest - were elected to the Convention of 1689, it is doubtful that many were enthusiastic

⁸ The editor of *The History of Parliament: The House of Commons, 1660-1690*, says 171 Court Candidates have been identified, although the review of the constituencies and the biographical essays on MPs indicate that more gentlemen may have been considered as suitable candidates. The precedent for widening the definition of Royal supporters was set nearly 70 years ago by J. H. Plumb in an article on the elections to the Convention of 1689, in which he included candidates who were approved of by the King's electoral agents (although these did not always receive endorsement from the Government) and men who remained loyal to the principle of hereditary monarchy by voting against the transfer of the crown to William and Mary. However, many of the latter had not supported King James's ecclesiastical policies: *Commons*, i. 41-2; J.H. Plumb, 'The Elections to the Convention Parliament of 1689', *Cambridge Historical Journal*, 5 (1935-37), pp. 235-54.

⁹ B.L., Add. MSS, 34,516, fos. 50-4.

¹⁰ Rawl. MSS, A 139a, fo. 175; A 139b, fos. 176, 178-98. Sir John Reresby had the personal support of the King in his candidature for York: Reresby, *Memoirs*, pp. 306-7.

¹¹ Examples are Sir William Drake in Amersham and Richard Holt and John Burrard in Lymington: Duckett, i. 429, 433; ii. 240.

¹² Rawl. MSS, A 139a, fo. 225; A 139b, fo. 176; *CSPD*, 1687-9, p. 286.

supporters of James II's ecclesiastical policy.¹³ Interestingly the names of ten of them appear in the returns from the canvass and not one of them is recorded as supporting repeal; in fact it is impossible to believe that the likes of Sir John Carew, whose doubtful answer was followed by 29 other Cornish deputy lieutenants and JPs, were ever in favour of toleration for Catholics.¹⁴

Problems are also presented by the Whig collaborators chosen or accepted as Court Candidates by the authorities. For a start, since most of these men had been purged from local office during the Tory Reaction and were no longer deputy lieutenants or in commission, they were not canvassed, in the first instance at least, by the lord lieutenants. Therefore their answers are not recorded. The inference must be that those candidates endorsed by the lord lieutenants or electoral agents or ultimately the government must at some stage have signalled support for repeal; but often hard evidence is lacking. Some like Thomas Foley, William Coward, Nicholas Gould, William Trenchard and most notably William Sacheverell, described as the 'paladin of the Opposition... and the first exclusionist' actively supported the King and would presumably have voted for repeal if elected to a Parliament in 1688. Foley, Coward and Sacheverell were actually elected to the Convention, despite their political reputations being damaged to varying degrees. This was no mean feat, as even a brief flirtation with James's government during the course of 1688 was to prove costly for some candidates at the election in January 1689, as the leading Kentish Whig Sir Edward Dering was to discover.¹⁵

By contrast, some Whigs courted by James - a number were restored to the bench in the hope of winning them over - who were considered supporters of toleration and

¹³ *Commons*, i. 154-82.

¹⁴ Rawl. MSS, A 139a, fo. 225; *Commons*, ii. 11-2.

¹⁵ *Commons*, i. 99, ii. 164-5, 207-8, 340, 423, iii. 370-76, 600. Dering's appointment as a deputy lieutenant for Kent in February 1688 suggests he was willing to 'collaborate' with the King, although he appears to have changed his mind soon afterwards: Rawl. MSS, A 139b, fo. 241; *CSPD*, 1687-9, pp. 141, 228.

therefore whose candidature was unopposed by the government, were obviously not allies of the King. Richard Hampden is an obvious example: despite being described as ‘willing to part with the Penall Laws and Tests upon a settlement of Libertie of Conscience’ by the electoral agents in their report on Wendover, Hampden was secretly urging William of Orange to intervene in English politics.¹⁶ But what is to be made of those candidates whose the commitment to the King’s cause was more ambivalent? After the Revolution a number of members claimed that recommendation by the Court had put them at a disadvantage (doubtless true in 1689, but probably less so if an election had been held the year before). Most famously, William Leveson Gower stated rather unconvincingly that the Court’s recommendation was part of a conspiracy actually to prevent his being elected at Newcastle under Lyme. If so, it did not work.¹⁷ Charles Bertie, royal servant and diplomat and brother of the Earl of Lindsey, claimed his interest at Stamford had been destroyed by his being recommended as Court Candidate for the town. None the less he was still elected to the Convention.¹⁸ The Hampshire Whig, Oliver St John, appeared to have thrown in his lot with the King in the spring of 1688 and seemed therefore assured of regaining his seat at Stockbridge, which he had lost in the Tory landslide of 1685, but by the following September the electoral agents ‘could give no good Accompt’ of the constituency, leaving the impression that St John might no longer have been a suitable candidate.¹⁹ And perhaps most intriguing of all is the case of the Whigs John Burrard and Richard Holt, members for Lymington in Hampshire in 1685. Both were considered opponents of the King in April 1688, but by the following September both had decided to comply with the King’s religious policy, their support guaranteed by the lifting of the threat of Quo Warranto proceedings against the

¹⁶ Rawl. MSS, A 139b, fo. 187; *Commons*, ii. 471-3.

¹⁷ A. Grey, *Debates of the House of Commons from the year 1667 to the year 1694* (10 vols., London, 1763), ix. 108.

¹⁸ *Commons*, i. 308.

¹⁹ Rawl. MSS, A 139a, fo. 201; A 139b, fo. 193; *Commons*, iii. 382-3.

corporation. Their candidature in the run-up to the abortive elections of 1688 appears not to have been challenged by the government. Significantly, they, like St John, were elected to the Convention, where, no longer under the same political pressure, they reverted to type.²⁰

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Rather surprisingly, only 52 names that appear in the returns to the Three Questions feature in the list of 220 Court Candidates. Of these only 31 gave affirmative answers, 12 answered doubtfully, one in the negative and the answers of the remaining eight are not recorded, in most cases because of absence.²¹ The presence on the list of one outright opponent of repeal, Sir James Herbert, who was recommended as court candidate for Monmouth is a mystery, although it might have been merely an oversight on the part of the Earl of Sunderland, who also recommended Thomas Herbert (who had answered in the affirmative) for the same single member constituency.²² The presence of 12 gentlemen who gave doubtful answers can, in most cases, be put down either to government optimism that they were reasonable men open to persuasion or to the strong influence of a lord lieutenant. Nine of the 12 were recommended by the Earl of Bath for seats in Cornwall. These men's loyalties were to their county and their church and they would have been unlikely to vote for repeal had James's Parliament met.²³ The three others are more interesting. Robert Apreece, who was recommended as Court Candidate for Huntingdonshire, came from a recusant family that claimed his father as a martyr for

²⁰ Rawl. MSS, A 139a, fo. 200, A 139b, fo. 193; *Commons*, i. 249, 751-2, ii. 572-3.

²¹ In the following analysis, the information in the Rawlinson MSS, A 139a and A139b, and Duckett has been compared with that on the constituencies and elections in *Commons*, i. 125-522

²² Rawl. MSS, A 139a, fos. 150-1; *Commons*, i. 319.

²³ Sir John Carew, Sir John Cotton, John Nicholls, Jonathan Rashleigh, John Conock, Humphrey Courtney, Walter Kendall, John Manley and Sir Nicholas Slanning (whose answer appears in the Devon returns): Rawl. MSS, A 139a, fos. 224-5; A 139b, fo. 176.

the Catholic faith. He still had Catholic connections at Court and, although a Whig himself, was an opponent of the dominant interest of the strongly Whig Earl of Manchester.²⁴ William Pennington, who was recommended as court candidate for Cockerthorpe, had been retained in local office despite his doubtful answer to the Three Questions. The fact that he was an undoubted loyalist may have persuaded the King to put his faith in his candidature, or alternatively there may have simply been no one else to pick.²⁵ Sir Simon Leach's recommendation for Okehampton may have rested on the fact that he had married into the Catholic Clifford family.²⁶ But all three selections suggest an element of desperation - and this can be said of many on the list as a whole.

The influence of the canvass on the list of Court Candidates, therefore, seems at first surprisingly limited. But a closer look at the returns explains this. For a start most of those canvassed were Tories and by definition Churchmen and would have been, at best, hesitant about repealing the laws that, in their eyes, protected the constitutional position of the Church of England. In counties like Kent where there was substantial support for repeal, this came in the main from office holders and the minor gentry, whose political influence was insignificant.²⁷ It was only when the lord lieutenants and the King's electoral agents broadened the canvass to include those gentlemen no longer in local office - especially the Whigs - that more potential candidates emerged. From the names in the returns and more especially those gentlemen recommended to be included

²⁴ *Commons*, i. 273, 540-1; Rawl. MSS, A 139a, fo. 262; B.L., Add. MSS 34,516, fo. 50.

²⁵ *Commons*, i. 186; Rawl. MSS, A 139a, fo. 262; B.L., Add. MSS, 34,516, fo. 51. Pennington's answer, that if elected he would give his 'vote for the takeing away of the penall laws and test soe far as not to prejudice the Church of England' and that he would assist in the election of members that would 'concur with the King in all things reasonable', is strictly speaking a qualified affirmative answer and was seen that way by the government. Glassey suggests that the reason why Pennington was retained in the lieutenancy, despite his equivocal answer, was because his home was remote from those of any plausible alternative magistrates; this could equally apply to his selection as a Court Candidate: L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979), p. 84, note 6.

²⁶ Rawl. MSS, A 139a, fo. 224; *Commons*, ii. 716; B.L., Add. MSS 34,516, fo. 53.

²⁷ See Chapter VII. Numerically Kent was the county where there was the greatest support for repeal - 57 gentlemen out of 107 listed in the returns answered in the affirmative. Two other counties, Worcestershire and Northumberland, had a higher percentage of support for repeal (62.5 per cent and 56 per cent respectively as compared with Kent's 53.2 per cent) but far fewer gentlemen were canvassed: Rawl. MSS, A 139a, fos. 59-69, 111-13, 115, 181-2, 316-343.

in the new commissions of the peace, a list of more than 750 ‘collaborators’ can be compiled. These were not all Whigs - many were obscure members of the minor gentry - but they do include 67 former Whig or Country opposition MPs, the vast majority of whom did not, in the first instance, have the Three Questions put to them.²⁸

In the end the list of Court Candidates was made up of a few ultra-loyalist Tories, a substantial proportion of renegade Whigs, army and navy officers, placemen, crown servants, lawyers and a number of rather obscure gentlemen whose impact on local politics had been negligible.²⁹ In any case, many of the military men and Crown servants who had been elected in the Tory landslide of 1685 and were ordered to stand again were particularly vulnerable to any shift in the political situation: their success in 1685 had been due to the circumstances prevailing at the accession of James II, with the Whigs in complete disarray, the Tories triumphant and the government popular enough in many cases to be able to ensure the election of its supporters. Those circumstances had disappeared three-and-a-half years later and with them, in all probability, the electoral prospects of most of those candidates.

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Many Court Candidates did not stand for the Convention of 1689, their political

²⁸ Rawl. MSS, A 139b, fos. 199ff; Jones, *Revolution*, p. 167.

²⁹ The 102 candidates recommended by the Earl of Sunderland in September 1688 are representative of the list as a whole: B.L. Add. MSS 34,516, fos. 50-4. Some comparison may be invited between James II's rather heterogeneous body of supporters and those prepared to serve in office in the 1650s. A few old Cromwellians were plucked from retirement by James and appointed to the commissions of the peace (Court Candidates, such as Sir Charles Wolseley, once a member of Cromwell's Council of State, and Sir John Gell, had sat in Protectorate Parliaments) and some of the new justices were of humble origins (especially in Wales), which angered their social superiors and recalled the dark days of the Interregnum. However, the King was often able to find recruits from among the ranks of those who while politically unacceptable to the ousted Tories, were not their social inferiors, i.e. Catholic and Whig gentlemen. In some counties (in Wales and in Leicestershire, for example) where suitable recruits were not available the commissions of the peace were simply left short of personnel: *Commons*, ii. 384; iii. 754; 'An Account of such Justices of the peace and Depty Lieutenants as were turned out of Comission upon the Regulation made in the late Reigne, after the 3 questions about the penall Laws & Test had been proposed in the Severall Counties of Anglesey, Carnarvon & Merioneth [1689], R.O.L.L.R., Finch MSS, Law MSS. 15; Glassey, *Justices*, pp. 72-5, 84-89, 91-2; Rawl. MSS, A 139b, fo. 251.

interests having been destroyed by the overthrow of James II. Also, in an age when many elections were settled by agreement to avoid the expense that a contest would involve, it is often difficult to estimate the number of candidates originally in the field who later desisted without going to poll.³⁰ However, a number did stand and of these at least 66 were successful, including 31 Whigs and 27 Tories (although of the latter, seven had been recommended by the Earl of Bath).³¹ Again of these successful Court Candidates there are only 14 who were definitely canvassed and of these, five answered in the affirmative and seven were doubtful (the other two were absent when the questions were put).

More revealing, perhaps, is the legacy of the Three Questions on the Convention as a whole. If all those who were elected to the Convention, including those elected at subsequent byelections and those whose elections were overturned on petition from rival candidates, are included, the number of MPs is 569. Of these, the number whose names appear in the returns from the Three Questions is 183, nearly a third - a significant proportion. Of these only 18 answered - or were deemed by the authorities to have answered - in the affirmative (at least seven of these gave what can only be described as qualified affirmatives). Seventy-three answered in the negative; 63 were considered doubtful (including seven West Riding squires who, taking their lead from Lord Downe, gave answers that can only be described as doubtful in form: their suspicion of the King's policy is undisguised); five, though questioned, were unwilling or unable to give any answer or refused to accept the interrogator's commission; and 24 were recorded as absent.³² From these figures it is clear that the overwhelming majority of those canvassed were either opposed to repeal or had never given any indication that they would support it. It would seem, on these figures, that a doubtful answer was no bar to electoral success,

³⁰ The number of contested elections in January 1689 and byelections during the duration of the Convention was 79: *Commons*, i. 107-24.

³¹ *Ibid.* 41-2.

³² For the answer of the West Riding squires, see Rawl. MSS, A 139a, fo. 236.

the inescapable conclusion being that the electorate saw such an answer as being akin to a negative (a view generally subscribed to by historians).

It is clear that anyone who had expressed support for the King's policies a year before faced an almost insurmountable obstacle to getting elected in January 1689. Among those who gave unambiguous affirmative answers and still got elected were Sir William Bassett, who enjoyed the patronage of the Bishop of Winchester in his Bath constituency, and Sir Robert Holmes, Governor of the Isle of Wight, whose interest on the island was so strong that it could not be challenged - even by revolution. Both Bassett and Holmes overcame the added disadvantage of being nominated Court Candidates.³³ Seven others who gave affirmative answers, Jeremiah Bubb, Henry Slingsby, Sir William Stephens, Sir Charles Wyndham, Sir Edward Ayscough, Sir Christopher Nevile and Thomas Sackville, also sat in the Convention. The success of Bubb, an army officer, at Carlisle, was ensured by the active role he played in the Revolution. Slingsby, as lieutenant governor of Portsmouth, was able to ensure his own election there. Stephens appears to have secured his seat at Newport, on the Isle of Wight, in spite of his apparent support for repeal. Wyndham's personal popularity aided his election at Southampton, but only after defeat in the general election of January 1689 and a decision in favour of his petition against the election of a rival after a byelection in December of that year. In any case, by the time he took his seat the Convention had barely a month to run. Ayscough, elected at Great Grimsby, was a trimmer *par excellence*, while Nevile's unimpeachable high-Tory credentials satisfied the electors of Lincoln. Thomas Sackville, though a genuine believer in religious toleration, had supported the Revolution and as a cousin of the Earl of Dorset was able to rely on the latter's interest to get elected at East Grinstead.³⁴

The results in Wales, where hostility towards King James's ecclesiastical policies

³³ Rawl. MSS, A 139a, fos. 1, 198; B.L. Add. MSS, 34,516, fos. 52; *Commons*, i. 664-5, ii. 569-71.

³⁴ Rawl. MSS, A 139a, fos. 33, 147, 198, 243; *Commons*, i. 575-6, 740-1, iii. 131, 378-9, 439-40, 482-3, 772.

was much more pronounced than in the country as a whole, make stark reading. Of the 24 members returned to the Convention from the principality, the names of sixteen appear in the returns from the Duke of Beaufort's canvass. Not one is recorded as supporting the King: seven returned negative answers, three were doubtful and six were listed as absent.³⁵ Only two court candidates were elected: Sir William Williams, James's solicitor-general and the most notorious Whig Collaborator (he had been instructed to secure his own election either in Wallingford or Wales, and managed to get elected for Beaumaris on Anglesey) and the courtier and soldier Sir John Hanmer, elected for the Flint Boroughs, who though avoiding answering the lord lieutenant's questions probably at some stage gave satisfaction on repeal, but who was active against James II at the Revolution.³⁶

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There is one interesting postscript to this analysis of the impact of the Three Questions on the Convention. Among those elected in 1689 was a group of die-hard Tories who were so attached to the hereditary principle of monarchy that they voted against the transfer of the Crown to William and Mary. The vote, on 5 February 1689, was on a motion to agree with the House of Lords that the throne was not vacant. One hundred and fifty-one Tories and two tellers supported it and they were subsequently labelled Jacobites.³⁷ They were led by Sir Edward Seymour and included a number of notable Parliamentarians, including Sir Joseph Tredenham, Sir Christopher Musgrave, Sir Thomas Clarges and Thomas Strangways. However, what is striking is that the vast majority of these men had been opponents of James II's ecclesiastical policies from the

³⁵ Rawl. MSS, A 139a, fos. 152ff; *Commons*, i. 505-22.

³⁶ B.L. Add. MSS 34,516, fo. 54; *Commons*, ii. 474-6, iii. 731-5.

³⁷ The Whigs 'Blacklist' is printed in A. Browning, *Thomas Osborne, Earl of Danby and Duke of Leeds, 1632-1712* (3 vols., Glasgow, 1944-51), vol. iii, Appendix v.

start and this was reinforced by the replies of a substantial proportion of them to the Three Questions. Of the 151 names on the list of 'Jacobites', 69 appear in the returns to the canvass. Of these, only three, Sir William Bassett, Sir Robert Holmes and Henry Chivers gave affirmative answers (and the answers of the latter showed little enthusiasm for the King's policies).³⁸ By contrast, 28 answered negatively, 24 were doubtful, four refused or felt unable to answer the lord lieutenant's questions and one Yorkshire squire, Sir Jonathan Jennings, refused to accept the right of his interrogator to question him.³⁹ Add to these nine absentees - many of whom in the canvass as a whole evaded the questions to avoid offending the King with a negative answer - and the opposition to repeal is overwhelming among those who should have been the King's most steadfast supporters. There is no better example of how the King had alienated the Tories by his policies.

It is impossible to say what would have become of James II's election campaign had William of Orange decided not to intervene in English politics. Once it was known that William was planning to invade, what has been called the 'synthetic' alliance the King had built up between ultra-loyalist Tories, renegade Whigs and Dissenters started to fall apart and, with the King's plans in ruins, the elections held for the Convention in January 1689 could never be a gauge of the potential success of his campaign.⁴⁰ In any case, between the spring and autumn of 1688 the King appeared to lose the political initiative: his treatment of the Church of England and especially the trial of the Seven Bishops must have alienated many Tories and not a few Dissenters. Although the King would not be deflected from his purpose, despite these reverses, although his election

³⁸ Rawl. MSS, A 139a, fos. 1, 192, 198. Chivers feared that 'he should be hang^d hereafter for what he does at present and desired greater security'.

³⁹ Jennings 'laid his hand on his brest and told us he could not in conscience owne our Com^{on}': Rawl. MSS, A 139a, fo. 232.

⁴⁰ Jones, *Revolution*, pp. 164-6, 174-5.

campaign ground on remorselessly and although his electoral agents were able to report optimistically on the chances of a repealing Parliament, there is some evidence that traditional political interests - invariably hostile to James - were beginning to reassert themselves, even before most of the political classes knew of William's plans.⁴¹

William's invasion and the Revolution transformed the political situation. James's allies were left without leadership or support. Many Court Candidates did not contest parliamentary seats. Yet still 66 of these candidates managed to secure seats in the Commons, suggesting that James's canvassing and preparations had not been without some effect. However, in general these candidates were successful in spite of their support for James, rather than because of it. If, as evidence shows, a candidate's endorsement of repeal was held against him by the electorate, it can equally be shown that a candidate who had opposed the King - and suffered for it, by losing office - almost certainly increased his chance of success. In this way the Three Questions did have an impact on the elections to the Convention but essentially a negative one: a third of members had figured in the canvass and the overwhelming majority of them had shown, directly or indirectly, that they were unwilling to support repeal of the Tests and penal laws.

⁴¹ This was the case in Leicestershire: see letter to the Earl of Huntingdon, 4 September 1688, Hastings MSS, Reel 15, Box 52, HA 7794.

Conclusion

Richard II is the first monarch to be accused of attempting to pack Parliament. In the run-up to the famous Merciless Parliament of 1388, Richard consulted his sheriffs as to whether it would be possible to prevent the election of MPs unsympathetic to the King. The sheriffs - with more than a hint of seventeenth century constitutional propriety - told the King that they would be unwilling to break with the long-established custom of freely elected knights of the shire. Richard persevered and when the writs were issued they contained instructions to the sheriffs to return knights who were 'neutral', that is, sympathetic to the King. It availed Richard nothing: the Merciless Parliament proved unyielding in its opposition to the King. It has been argued that to describe this early and rather tentative essay in political manipulation as trying to 'pack' parliament is anachronistic, but it is significant that tampering with elections was one of the charges used by Richard's successor Henry IV to justify the former's deposition in 1399.¹

What, it may be asked, has this brief diversion into the world of fourteenth century politics to do with the reign of James II? James, of course, was accused of trying to 'pack' parliament, but then so had many other kings before him. Although most previous efforts to control the composition of the Commons had met with little or no success - even the powerful Yorkist and Tudor monarchs had failed to obtain a completely subservient lower House - arguably the most successful attempt had come in the reign of James's predecessor, Charles II. Charles's campaign against those strongholds of Whiggism, the parliamentary boroughs, during the years of the Tory reaction, had borne fruit in the reign of his successor, when in 1685 an overwhelmingly

¹ N. Saul, *Richard II* (London, 1997), pp. 172-3, 176ff; A. Steel, *Richard II* (Cambridge, 1941), pp. 144-5; W. Stubbs, *The Constitutional History of England: In Its Origins and Development* (4th ed., 3 vols., Oxford, 1896), ii. 530.

loyalist-Tory House of Commons was returned. Charles II's campaign had avoided censure at the time because his aims, the exclusion of Whigs from power, had seemed in tune with the mood of the political nation and because he had worked with the natural supporters of the Crown, Tories and Anglicans. His campaign only came to be criticised when his successor attempted to use similar methods - as well as some novel ones of his own - to achieve a purpose, the emancipation of Catholics, that most Englishmen considered dangerous to both Church and State.²

It can be said that the spectres of two kings haunted the Convention of 1689: James II and Richard II. The MPs who were to decide the fate of James knew their history - after all, the events of 1388 were as close in time to them as their own deliberations are to us in the twenty-first century - and looking back they saw a similarity between the two reigns. Richard had been deposed because he was a bad king who had tried to subvert the constitution: even before his mysterious death his 'demise' as king had been accepted by Parliament. Richard's fate was used as a justification for the deposition of James - and those MPs who pursued this line of argument in the debate on the state of the nation in January 1689 met little opposition.³

James was, in effect, deposed for attempting to subvert the constitution. In a constitution that was unwritten - and to an extent still fluid - subversion was perceived as the departure from precedent: political innovation was probably the thing most feared by seventeenth century gentlemen. And James II's campaign to find a subservient

² B. Coward, *The Stuart Age* (Longman, 1990), p. 291; J. H. Plumb, *The Growth of Political Stability in England, 1675-1725* (London, 1967), pp. 56-62.

³ A. Grey, *Debates of the House of Commons, from the year 1667 to the year 1694* (10 vols., London, 1763), ix. 6-25.

Parliament had, arguably, involved much that was innovatory, and nothing more so than his canvass of the gentry in the winter of 1687-8.⁴

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It can be claimed that the Three Questions were the first political opinion poll. However, the fact that after 1688 such a process was not repeated until the twentieth century is testimony to the suspicion aroused by the original venture. And it was more than suspicion - often a barely suppressed hostility (successfully suppressed in most cases because in late seventeenth-century England deference was the hallmark of the loyal subject) accompanied the process. This suspicion and hostility were fuelled by the belief held by many members of the gentry that the canvass broke with the tradition - constitutional propriety, even - that prospective MPs were not expected to pre-engage, to commit themselves to supporting policies before they had had the chance to hear the debates in the House of Commons.⁵ (The national debate on repeal - not confined to the political classes - which the canvass provoked was another irritation; not only did the gentry feel matters of national importance should not even be discussed outside the precincts of Parliament, but they felt they - and no one else - were the only people with the right to discuss them.)⁶

This standing on constitutional ceremony might not, however, have been too great an obstacle for James II to overcome if what the gentry were being asked to support - the repeal of the Test Acts and penal laws - had not been perceived as so

⁴John, Lord Viscount Lonsdale, *Memoir of the Reign of James II*, reprinted in A. Carrel, *History of the Counter-Revolution in England, for the Re-establishment of Popery under Charles II and James II, etc* (London, 1857), pp. 458-9.

⁵ Ibid.

⁶ See Sir George Fletcher's answer (Cumberland and Westmorland): Rawl. MSS, A 139a, fo. 346.

inimical to the interests of the majority of those Anglicans canvassed. After all, less than a decade before, during the Exclusion Crisis, the Earl of Shaftesbury and the Whigs had started to demand that prospective MPs declare their support for Exclusion before being elected (hitherto instructions had usually been presented to members after they had been elected, a device used by both parties).⁷ Arguably Shaftesbury and the Whigs - many of whose tactics James II was to employ - were in tune with the mood of the nation in the years 1679-81, whereas James in 1687-8 was not. However, it was only after the defeat of the Exclusionists that their enemies could safely declare their campaign, including their methods and electoral innovations, not only unconstitutional but dangerous enough to help bring the kingdom to the brink of civil war. (Shaftesbury's innovations have subsequently been viewed in a positive light by many historians; James's have not.)⁸

The comparison between James II's canvass of the gentry and the modern opinion poll can, of course, be taken too far (it was not just a testing of opinion but as much an attempt to influence people to act in a certain way): by modern standards it was crude and inflexible and the answers are not always easy to interpret. This makes any attempt to tabulate the answers - and therefore gauge the extent of support for the King - difficult. Not only did the answers range from unambiguous affirmatives to unambiguous negatives, and include in between almost every degree of support or opposition - conditional affirmatives and doubtful, vague or evasive replies - the authorities added to the confusion by often interpreting answers in an idiosyncratic way. One gentleman might be removed from the bench for a doubtful or evasive answer; his

⁷ The instructions are printed in C. S. Emden, *The People and the Constitution, Being a History of the Development of the People's Influence in British Government* (2nd ed., Oxford, 1956), Appendix III, p. 325.

⁸ J. R. Jones, *The Revolution of 1688 in England* (London, 1972), pp. 138-9, 144, 151; Coward, *Stuart Age*, p. 291.

neighbour returning a similar answer might not. To be fair to the authorities, there were often reasons for their actions: a lord lieutenant might feel that a hesitant squire could be won over to the King's cause and therefore recommend him for retention in local office. But for those not privy to this special knowledge such decisions could seem both arbitrary and mystifying. As a result the anger and irritation of gentlemen removed from local office, already barely concealed, was increased. Qualified assents, where the answer contained general support for the King's policy but with the proviso that, for example, the Church of England should not be disadvantaged by repeal, also cause problems. Put simply, some seem to have been acceptable to the government, others not. To add to the confusion there are also a small number of answers that appear to be in the affirmative but which were not accepted as such by the authorities. It must be assumed that on closer questioning by the lord lieutenant the interviewee revealed his true feelings.⁹

It is often assumed also that doubtful answers, which made up less than a third of replies, were in effect negatives, and emanated from gentlemen who, while opposing the King's policies, were reluctant to offend him with an unambiguous refusal to co-operate. Where there was obvious collusion between magistrates, as in Cumberland and Westmorland, Devon and Cornwall and Yorkshire, this was almost certainly the case. Strength in numbers was probably the guiding principle of opponents of the King uncertain of the views of gentlemen in other parts of the country; for many it must have seemed better to return the same doubtful answer as their fellow JPs, even if this barely touched the strength of their opposition, rather than be left isolated by returning an unambiguous negative. (Similarly, when the strength of opposition to the King became apparent as the canvass as a whole progressed, many of those who had given affirmative answers came to feel isolated from their friends and started to retreat from their original

⁹ Samuel Sandys (Worcestershire) appeared to answer in the affirmative but was dismissed from local office, while Lord Yarmouth's perseverance elicited the true feeling (negative) of Col. Young in Wiltshire: Rawl. MSS, A139a, fos. 181, 193.

position.) However, there are enough doubtful answers which suggest that some gentlemen were genuinely unsure of what they would do if elected to Parliament. This was the dilemma for many whose loyalty to both Church and King was deep and the anguish and soul-searching is betrayed in their answers. It is also true that the authorities considered some of those who returned doubtful answers as potential allies of the King, who, given time, could be won over, but it is obvious from the returns that essentially what the King needed were positive answers, hence the purge of doubtful gentlemen.¹⁰

There are similar problems when considering the absentees. Again the temptation is to assume that a deputy lieutenant or JP who was absent from the canvass had deliberately ignored the lord lieutenant's summons and that he wanted to avoid answering the questions altogether, rather than return negative answers and offend the King. There is good reason for believing this. The returns from some counties - Wiltshire and Cumberland and Westmorland especially - show that justices were less likely to give a flatly negative answer if questioned by the lord lieutenant in person. Far better to avoid the interview altogether than risk antagonising the lord lieutenant and the King. Yet this cannot be true of all absentees. Some squires who were absent from the canvass answered positively at a later date, strongly suggesting that their absence had not been tactical. And by the law of averages some of the reasons given for absence - illness, injury, accident on the road - must have been genuine, although the assumption of the authorities was nearly always that absence equalled opposition - or just as likely, a refusal to give a commitment to repeal. The fact that the canvass in most counties was conducted during the winter months, when travelling any distance could be difficult, also suggests that many a squire, especially in Wales and the north of England, might well have had a genuine excuse for failing to attend the lord lieutenant.

¹⁰ If taken at face value, the answer of Sir John Cotten (Beds.) that 'he will come into y^e house wth a design to be convinced wth the best argument w^{ch} he hopes may be given for y^e repealing the Laws' must surely signal a desire to accommodate the King if at all possible: Rawl. MSS, A 139a, fo.134. Thomas Pochin (Leics) supported repeal of the penal laws and the Declaration of Indulgence, but asked for a short time to consider his answer on the Tests: Hastings MSS, Reel 12, Box 42, HA 10330.

Absenteeism presents a further, if rather minor, problem for those attempting to tabulate the answers. In most counties those canvassed are listed as consenting, refusing, doubtful or absent; but in five areas - Northumberland, Lincolnshire, the North Riding of Yorkshire, Dorset and Durham - the absentees are not listed, although we know from other information that there were squires who failed to respond to the lord lieutenant's summons. The assumption must be that even where the returns survive not all those whom the lord lieutenant intended to question are listed.¹¹

Despite these problems a certain pattern emerges from the returns. As shown in Chapters IV, V and VI, those who answered the Three Questions divide roughly equally into consents, refusals and doubtfuls, with the consents just ahead. Of course, if the vast majority of doubtful answers were added to the refusals those consenting would be outnumbered by two to one - and that is without including the absentees. None the less, the canvass does show a higher support for the King than has, up until quite recently, been conceded by historians. Even if the Catholic JPs who answered in the affirmative are removed from the consents it still leaves about 17 per cent of the Anglican magistracy willing to support the King. This was, in most cases, enough to keep the wheels of local government turning.

What is sometimes forgotten is that although the canvass continued well into the summer of 1688, by end of March of that year most of the returns from the counties were in, so before he embarked on a series of disastrous political blunders, James had, at least in theory, a nucleus of Anglican support. The reissuing of the Declaration of Indulgence in May 1688 and the confrontation with the bishops of the Church of England must have weakened support, and many Anglicans who hitherto had backed repeal must have felt even more isolated and probably began to distance themselves from the administration.

¹¹ In the return from Northumberland, which the Duke of Newcastle canvassed by letter, many more justices are listed than actually returned answers: Rawl. MSS, A 139a, fos. 312-43.

It is often claimed - both by contemporaries and historians - that the canvass, by exposing the extent of the opposition to the King, destroyed any chance the King might have had of getting his way. This has been countered by the argument that the canvass, rather than being a means of garnering support, was a way of weeding out the opposition so as to allow the administration to compile a list of suitable parliamentary candidates. Even if this is the case, it was the political events of the summer of 1688 rather than the canvass itself that undermined the King's position and eroded his support. Also, by this time the emphasis of the King's electoral campaign had shifted from the counties to the boroughs, from the gentry to the urban elites; and the instruments of this phase of the campaign were not the lord lieutenants but the King's electoral agents, generally considered, both at the time and since, as a motley crew of renegades and former rebels. They were outsiders, which made them unpopular, as did the fact that, owing their livelihoods and in some cases their lives to the King, they were generally incorruptible. Their interference in local politics was much resented by the established electoral interests (even most magnates failed to exclude them fully from places where they had hitherto exercised political influence) and this created even greater resentment than the canvass had ever done.¹²

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Except in Wales, where the results were uniformly bad, the returns reveal a nucleus of support for the King and this was so even in counties where opposition was strong.¹³ As a result when Catholics and Dissenters were added to the rump of loyalist

¹² Jones, *Revolution*, pp. 144ff; *CSPD*, 1687-9, pp. 286-7, 304-5.

¹³ Of course, there were some English counties, like Cornwall and Nottinghamshire, where support for repeal among deputy lieutenants and justices was negligible.

Anglicans on the bench in most counties, there were enough JPs and deputy lieutenants willing to act to ensure the administration of justice continued. Historians have always maintained that local government almost broke down amid the continual purging of JPs in 1687-8, but this assumes that the number of JPs in commission was equivalent to the number who were active on the bench. However, there is evidence to suggest that the administration of justice had always been in the hands of a few committed and public-spirited JPs: many of those in commission were satisfied with the prestige attached to such an appointment and felt under no obligation to be active as justices. It appears that despite the fact that many of the revised commissions of the peace in England and Wales were short on personnel, provided there was just a handful of justices willing to act, the administration of justice was not adversely affected. Numbers alone do not testify to the effectiveness or otherwise of local government. And it was only when William invaded that local administration broke down.¹⁴

If the returns reveal that there was a nucleus of support for the King's policies do they also reveal what might be called a 'soft centre' of Anglican squires whose answers were conciliatory or vague enough to suggest that they could be won over to the cause of repeal? It is certainly the case that many squires who returned doubtful answers did not completely close the door on any chance of an accommodation with the King; but they needed, as some openly declared, more time to consider their position - and this was what the King seemed reluctant to give them. All the same, there is a strong suggestion that some of these men, at least, could have been won over if the King had managed to convince them that the objective of repeal was religious toleration rather than a first step towards a more arbitrary form of government; after all, the

¹⁴ M. S. Gretton, *Oxfordshire Justices of the Peace in the Seventeenth Century* (Oxfordshire Record Society, xvi, 1934), pp. 118-23; B. Cozens-Hardy, ed., *Norfolk Lieutenancy Journal, 1676-1701* (Norfolk Record Society, xxx, 1961), pp. 88-89; Jones, *Revolution*, p. 135; L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace, 1675-1720* (Oxford, 1979), p. 94. In Leicestershire though the active justices were few in number they coped: Hastings MSS, Reel 15, Box 51, HA 1179, HA 3991, HA 7791.

overwhelming majority of those canvassed had endorsed in general terms the concept of religious toleration by answering the Third Question in the affirmative. However, tact and the gentler arts of persuasion were the tools necessary for such a mission and these the King seemed to lack completely. And in any case, as noted before, the nature of the enterprise meant that the King needed to be sure that gentlemen would be willing to vote for repeal before he could feel confident enough to call a Parliament: vague expressions of sympathy for his cause were not enough. None the less, the refusal, in the language of the time, to make allowances for the tender consciences of gentlemen, together with the humiliation - in the form of unceremonious dismissal from local office - meted out to gentlemen who considered themselves loyalists (and who were highly respected in their own communities) hastened the alienation of many from the regime. The mistake was simply compounded by their replacement on the bench or in the lieutenancy by their political enemies or, even worse, their social inferiors. Some supporters of the King, like the Whig collaborator George Vernon, in Derbyshire, advised that a more conciliatory approach could have helped to win over the sceptics and as a corollary of this, the continuance in local office of influential local figures, despite their doubtful answers, would have created an atmosphere of trust rather than suspicion and allowed time for views to change. But such advice was generally ignored.¹⁵ (Interestingly, while some opponents of the King thought that many gentlemen would have probably voted for repeal if they had not been forced to declare their views beforehand - and so been given time to weigh up the issues - others believed that even after the canvass, the natural deference towards the King of many gentlemen, the pressure that the government could impose, or even human weakness would erode resistance and even those who had answered negatively might eventually fall into line.)¹⁶

¹⁵ Vernon to the Earl of Huntingdon, 31 Jan. 1687/8, Hastings MSS, Reel 15, Box 51, HA 12974.

¹⁶ Lonsdale, *Memoir*, p. 259; Morrice, ii, fo. 234.

However, it seems not unreasonable to assume that an innate sympathy with the King's cause - if it existed at all - might well have manifested itself in a willingness of squires to consider repeal, revision or amendment of the penal laws even if they were not willing to part with the Tests. Although the penal laws testified to the position of the Church of England in the Constitution and so were at least partly political in nature, they were essentially religious laws which did not impinge on the royal prerogative. Not so the Tests which were political and, in the view of many Anglicans, stood at the heart of the maintenance of the Protestant political state.¹⁷ Yet the answers to the Three Questions clearly demonstrate the attachment of many gentlemen to the penal laws. No more than 100 squires who returned negative or doubtful answers were willing to support a change in the penal laws. If this suggests an inconsistency with the general support for religious toleration, it can be explained by the notion that most Englishmen while opposed to persecution on grounds of creed, were not opposed to political discrimination, especially if that was the price to pay for the maintenance of the privileged position of the Established Church in the constitution. By the late-1680s persecution purely for religion's sake was no longer acceptable to the majority of the educated elite (as the answers to the Third Question clearly show), but such latitude only applied to a man's personal faith, the views he held in private: in the public sphere men still had to conform.¹⁸ Judged on this basis alone, the idea of a 'soft centre' seems difficult to sustain, the more so when it is

¹⁷ This is a slight simplification for the purposes of convenience. As attitudes towards toleration changed during the 1680s, it has been argued that the penal laws came to be looked as political and Tests as religious: Mark Knights, "Mere religion" and the "church-state" of Restoration England: the impact and ideology of James II's declarations of indulgence', in A. Houston and S. C. A. Pincus, eds., *A Nation Transformed: England after the Restoration* (Cambridge, 2001), pp. 41-70.

¹⁸ The Marquess of Halifax, an opponent of the King, told Sir John Reresby that he was 'pretty well inclined for liberty of conscience' though averse to the Tests and penal laws being removed all at once, but done 'gradually, and upon wise and weighty consideration': A. Ivatt, ed., *The Memoirs and Travels of Sir John Reresby, Bart.* (London, 1904), p.301.

evident that many of those who allowed for some amendment or even repeal of the penal laws were in all other respects opponents of the King.¹⁹

The distinction between attitudes to the Tests and to the penal laws also highlights another of the many anomalies of the canvass. A small group of JPs and deputy lieutenants endorsed repeal of the Tests but either refused to support or at best were doubtful about repeal of the penal laws. In the light of the events of the previous half century this is not so strange. Many Tory squires hated Protestant Dissenters more than they feared Catholics: in counties like Bedfordshire, as the answers to the canvass show, the sentiments that had given impetus to the Tory reaction were still strong, and refusal to countenance repeal of the penal laws, especially as they applied to Dissenters - or at least 'Fanatics' - was therefore a guiding principle for some gentlemen. Some Tories also genuinely believed that the Test Act of 1673, which they saw as the work of the enemies of monarchy, put an unjustified limitation on the royal prerogative.²⁰ What is slightly strange, however, is that in almost every case where a gentleman endorsed repeal of the Tests, but not the penal laws, he was retained in local office.²¹ This point may well have been lost on contemporaries; but the same should not be said for historians. It certainly gives some ammunition to those who dismiss James's claim that he merely desired religious toleration for all his subjects and who contend that in reality he was attempting to subvert the constitution; if the emancipation of his co-religionists was his main aim, why favour men who refused to repeal the laws that persecuted them - unless the attainment of untrammelled power, which the Tests, especially in the case of a Catholic king, were meant to prevent, was his real aim? The charge cannot be ignored, but as always it is easy to see perfidy in James's actions where probably none existed. True, the

¹⁹ This is most clearly demonstrated in the Norfolk returns: Rawl. MSS, A 139a, fos. 85-91.

²⁰ Rawl. MSS, A 139a, fos. 135.

²¹ The two exceptions came from Kent, where support, in terms of numbers at least, for the King's policies was greatest.

King did see the Tests as an unreasonable limitation on the royal prerogative and so would have viewed those who supported their repeal as essentially allies, despite their views on the penal laws. But more to the point, his Declaration of Indulgence had for all practical purposes halted prosecutions against Dissenters (as his accession had done so as regards Catholics) and, although this had attracted much criticism on religious and constitutional grounds, as it seemed designed to destroy the Church of England's claim to be a national church - and the guardian of religious orthodoxy - it had also, by forcing Anglicans to reconsider their views on toleration, started a debate - a debate the King presumably thought he could win. The suspending of the Tests was, however, even more controversial, because they were perceived as one of the bulwarks of English liberty. Catholics were viewed as the real beneficiaries of their repeal, and Dissenters, no less than Anglicans, could not countenance popery in its political aspect. (Moderate Dissenters still hoped for some reconciliation with the Anglican Church, which in itself removed the need for any accommodation with Catholics.)²² Any indication of support on this ground must have been attractive to the King. And those who supported repeal of the Tests, though not necessarily the penal laws, had to be satisfied with the dubious reward of retaining royal favour, and that, more than any sinister motive attributed to the King, is what would have aroused the hostility of their former colleagues on the bench. The way the questions were phrased and the all or nothing demands of the King, rather than the favouring of a few extreme Tories, suggests the real intentions of the royal policy.

Perhaps the most striking aspect of the canvass is the positive response to the Third Question. The overwhelming majority of those canvassed endorsed the general concept of religious toleration as expressed in the Third Question. And while not a few expressed an enthusiasm for toleration that went way beyond the sentiments necessary

²² R. Thomas, 'The Seven Bishops and their Petition, 18 May 1688', *Journal of Ecclesiastical History*, 1961, p. 58.

simply to satisfy the King, many more appear not to have had any major problem in giving some kind of positive answer here. Again, up until fairly recently historians have chosen to ignore this point, preferring to concentrate on the answers to the first two questions. Even if a fair proportion of gentlemen appear to have been less than enthusiastic about toleration, emphasising in their answers the virtues of living peaceably with their neighbours rather than positively embracing the religious pluralism implied in the question or endorsing the legality of the Declaration of Indulgence, it has to be said that the fact that so few (barely half a dozen, in fact) gave an unambiguous negative answer to this question represents a sea change in attitudes. Squires whose fathers had persecuted Dissenters of every hue were now willing to accept the notion that in private at least a man might be allowed to worship God in his own way. This was advance from the much-vaunted Cromwellian view of toleration which, of course, only applied to non-episcopal Protestants (although in his later years Cromwell himself was to move towards a much broader view of toleration). By 1688, not only the Anglican gentry but the Church itself, in part, ironically, because of the King's policies, had come round to the view that persecution merely on religious grounds was wrong. James's policies - and more specifically his canvass of the gentry - simply gave public expression to these views.²³

Given this move towards a more tolerant view of religious differences it may seem surprising that this sentiment was to be but weakly enshrined in the Revolution settlement of 1689. The Toleration Act of 1689 was a modest measure, maintaining the constitutional position of the Church of England, giving only limited toleration to Protestant Dissenters (the prospect of active persecution was removed but they remained

²³ Knights, "Mere religion" and the "church-state", pp. 56-9. The sincerity of the Church's change of heart has been questioned: *ibid.* p.60. High Churchmen had, of course, wanted James, above all else, to maintain the Anglican regime and the depth of their commitment to toleration for Dissenters may be gauged from the fact that as late as the autumn of 1688, when invasion loomed, they still hoped the King could be persuaded to 'return again to his "old friends" and their policies': *ibid.* p. 60; G.V. Bennett, 'The Seven Bishops: A Reconsideration', in D. Baker ed., *Religious Motivation: Biographical and Sociological Problems for the Church Historian* (Oxford, 1978), pp. 272-4, 285-6

barred from full participation in public life), and excluding Catholics from its provisions altogether. For the next 140 years the Church of England would continue to be the state religion and only those who were in communion with it could enjoy the full benefits of English citizenship.²⁴ But how does this square with the support for toleration implied in the answers to the Third Question?

The answer, as already stated, is that by the late 1680s most Anglicans could distinguish a man's private belief and the political implications of the public expression of that belief. They were content not to control a man's faith, just his politics: if the Dissenter eschewed the politics of rebellion he was free in private to worship as he liked.²⁵ It was a very limited toleration which Tories were forced to acknowledge in the crisis precipitated by what was perceived as James's attack on the Church and the threat his policies posed towards Protestantism in general. This crisis forced both Anglicans and Dissenters into positions that once the danger was past they would retreat from: some Dissenters in 1688 even went as far as encouraging Anglicans to oppose repeal of the penal laws, even though they would have been the beneficiaries of that repeal, because they saw a greater danger to all Protestants in any accommodation with a Catholic king.²⁶ The Anglicans, for their part, offered some form of comprehension towards moderate

²⁴ It would have come as little consolation to James II that, despite the Toleration Act, his Declaration of Indulgence set the benchmark, in some quarters at least, for toleration after 1689: 'Churchwardens and others insisted on regarding the act as a statutory continuation of the state of affairs which had existed since James II's Declaration of Indulgence.' G.V. Bennett, 'Conflict in the Church', in G. Holmes, ed., *Britain After the Glorious Revolution, 1689-1714* (Macmillan, 1969), p. 162.

²⁵ The laws against Dissent passed in the 1660s did not penalise worship by four persons or less, over and above the immediate family: they were aimed at public meetings (conventicles). However, the law is one thing, attitudes another: and attitudes towards Dissent were much more harsh in the early years of the Restoration when memories of the Civil War and Interregnum were still vivid. Persecution eased somewhat in the 1670s when the perceived political threat from Dissenters lessened, although it revived during the years of the Tory Reaction. However, it is the contention of this essay that it was the public acknowledgement - through the answers to the Third Question - that religious intolerance *per se* was no longer acceptable that marked the change wrought in the minds of the political classes by the late 1680s: J. Coffey, *Persecution and Toleration in Protestant England, 1558-1689* (Longman, 2000), pp. 166-82.

²⁶ Ibid., pp. 54-6. For the temporary *rapprochement* between Anglicans and Dissenters in 1687-8, see D. R. Lacey, *Dissent and Parliamentary Politics in England, 1661-1689* (New Brunswick, 1969), pp. 193-216.

Dissenters within the ministry of the Church.²⁷ But hatred of Dissenters among many Anglicans was deep-rooted and did not disappear. Soon after the Revolution Tories were regretting even the limited toleration granted to Dissenters (just as some were soon to regret their abandonment of King James). In some ways the period between 1689 and 1714 could be seen as being dominated by the attempt by them to turn the clock back, in religious matters at least, to the days of Charles II.

It should also be emphasised that to a degree the expression of support for the general concept of toleration as expressed in the answers to the Third Question was slightly artificial. The gentry who were canvassed felt under great pressure not to displease the King. For many who could not support repeal outright, a positive answer to the Third Question was the least they could do and it might go some way towards ameliorating the King's anger towards them for their opposition to his policies. Also by answering in the affirmative to the Third Question they were not compromising themselves, politically or religiously, whereas a pledge to support repeal carried with the prospect of having to fulfil that pledge, if and when James's Parliament met. (It is intriguing to note that some gentlemen also highlighted the dilemma facing the King: would those who had promised to vote for repeal honour that promise? But by far and away a greater dilemma for gentlemen who had pledged support - or even for those who were uncommitted - is what would happen if the question was put to a vote in the Commons. It must have been a relief to many that they were not put to the test.)²⁸

One final point on this aspect of the canvass is worth noting. Even in the late-seventeenth century, Protestant gentlemen did not want to appear bigots - bigotry was akin to fanaticism and that was something that most Englishmen saw as belonging to the troubled past of the Civil War and Interregnum (or even more potently to the excesses of

²⁷ Thomas, 'The Seven Bishops and their Petition', pp. 56-70; Bennett, 'The Seven Bishops: A Reconsideration', p. 282.

²⁸ Reresby, *Memoirs*, p. 296.

Catholic rulers elsewhere in Europe). The way the Third Question was phrased made it difficult to return a negative answer without the respondent appearing to be a bigot. This in itself must have helped to encourage a positive response.

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As shown in Chapter III, contemporary views on the canvass were almost universally hostile. It was not only the subject matter of the questions that aroused hostility, but the method, which was viewed by many as an innovation and therefore unconstitutional. Again the novelty of the operation needs to be stressed; never before had a ruler in such a blunt and direct manner attempted to elicit the opinions of his leading subjects. Traditionally, if monarchs had wanted to test the opinion of the nation they would have toured the country themselves (royal progresses) or trusted to the influence and knowledge of their hand-picked representatives in the counties, the lord lieutenants. James II appreciated the value of meeting his subjects and embarked on a royal progress in the summer of 1687. But even he realised the limited value of such an undertaking: there were only so many people the King could talk to and most of those that did meet him were unlikely to be anything but diplomatic when questioned about religious toleration. A royal progress would prove an ineffectual instrument in any attempt to discover the mood of the nation as a whole.

But what about the lord lieutenants? It does seem that James and his ministers had at first considered using the lord lieutenants in their traditional role, asking them to question the gentry in an informal way over repeal of the Tests and penal laws and to return with their reports to the King. At the last moment, it appears, the plan changed and the much more formal and public interrogation of deputy lieutenants, militia officers and Justices of the Peace decided upon. Why did this happen? As with the intriguing question of who actually drew up the Three Questions, the answer is not known, but it is not

unreasonable to speculate that the King suddenly felt he could not trust the lord lieutenants to do his bidding or even if they did, such an informal 'testing of the water' would not satisfy his needs.²⁹ He needed to know what men thought, whether they were definitely willing to support repeal. The best way the do this could only be a standard formal interrogation.

At this point it should be stressed that when asked to deviate from their traditional role, many lord lieutenants found it difficult. Many disagreed with the King's policies and were dismissed. But many of those who remained loyal proved incapable: a lack of enthusiasm for the project, a dislike of having to interrogate men they considered friends, a lack of organisation for carrying out the canvass, sheer incompetence or, especially among the replacement lord lieutenants, a lack of political influence in the counties they canvassed - all contributed to the failure, as it was perceived, of the canvass. Some lord lieutenants, against the odds, canvassed their counties with a measure of success - the best results tend to be from counties where the lord lieutenants were either totally committed to repeal themselves (especially true in the case of Catholics) or their loyalty spurred them on to greater efforts on behalf of the King. However, it is undeniable that on the whole the men entrusted with the canvass were not up to the job.

As for the results of the canvass, on the positive side the King, with the answers before him, should have known exactly what his most influential subjects felt on the matter of repeal - and a more politically astute monarch than James might have responded more cautiously. However, on the negative side the answers on repeal were bound to become public: everyone would know what his neighbour, his friend or enemy thought - and, as it turned out, the strength of the opposition to the King was revealed and a national debate begun.³⁰

²⁹ As to James feeling able to trust his lord lieutenants, the fact that 17 were dismissed in 1687-8, most of whom either felt unable to support the King or refused to put the Three Questions, speaks for itself.

³⁰ F. C. Turner, *James II* (London, 1948), pp. 329-331.

That prompts one last question: how far did the Three Questions contribute to James II's downfall? When the canvass was first mooted in the autumn of 1687 it could be claimed with some justification that the King still held the political initiative; by the time most of the returns from the canvass had been submitted to the government in the following spring, the initiative was beginning to slip away from him. The canvass, in no small way, contributed to this. It helped to unite members of the landed classes, many of whom felt the Three Questions were an attempt to neuter, if not destroy parliament, against the King. The moment it became public knowledge that squires were willing to say no to the King, it encouraged many more gentlemen to do likewise: no longer would an individual squire, who opposing the King felt isolated and powerless as a individual, be reluctant to express what he felt, even at the risk of incurring, in some cases at least, the anger or irritation of the lord lieutenant and the King. It was because they had already been in effect united into an opposition in the previous winter that the gentry were to oppose the King in the crisis prompted by William of Orange's invasion in November 1688.

If, as some historians have suggested,³¹ it was James II's unwarranted interference in local politics that more than anything else was responsible for his downfall, then the canvass played no small part in that downfall.

³¹ Plumb, *Political Stability*, p.62; Jones, *Revolution*, p. 174.

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