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**‘Threatening and Tempetous Times’: The Impact of and
Responses to the Reign of James II from the East
Midlands, 1685-1688.**

ZOE DAWN BLISS

A thesis submitted in partial fulfilment of the requirements of The
Nottingham Trent University for the Degree of Doctor of Philosophy

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‘Threatening and Tempetous Times’: The Impact of and Responses to
the Reign of James II from the East Midlands, 1685-1688.

ABSTRACT

In contrast to the civil war period and studies examining the local responses to the reign of Charles I there is a paucity of research examining the responses from the localities to the reign of James II. Making use of a prosopographical database of East Midland justices of the peace c. 1660-1695, this thesis explores the impact that the policies adopted by James II had on the four East Midland counties of Derbyshire, Leicestershire, Lincolnshire and Nottinghamshire, particularly in the realm of local office-holding. It demonstrates the detrimental effect that James’s government had on local administration and highlights this as another cause of discontent towards the crown during this period.

The main available source to study the local responses to James’s reign is the answers to the three questions pertaining to the repeal of the Test Act and penal laws that the lord lieutenants were required to set to local office-holders from late 1687. However, comparing these returns between counties is problematic due to the varying manner in the way in which the questions were asked, answered and recorded. This thesis provides a possible methodology for manipulating the returns to make cross county comparisons possible.

In the wake of William of Orange’s landing, the East Midlands was one of the few areas of the country that witnessed a pre-concerted uprising. This uprising has been depicted as having been dominated by the aristocracy. This thesis reconsiders the role played by the gentry during the uprising and highlights their important function in maintaining the peace during the crisis. It also demonstrates that whilst Nottingham was the rendezvous point for the insurgents the revolt had widespread reverberations throughout the region.

The prosopographical database created during the course of the research will be deposited with AHDS History, providing a valuable tool for other researchers.

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ABBREVIATIONS USED

BL	British Library
DRO	Derbyshire Record Office
LAO	Lincolnshire Archive Office
LRO	Leicestershire Record Office
NUL	Nottingham University Library
NAO	Nottinghamshire Archive Office
HUL	Hull University Library
PRO	Public Record Office
DLSL	Derby Local Studies Library
HUASC	Hull University Archives and Special Collections
NELA	North East Lincolnshire Archive Office
STCA	Stamford Town Council Archives

All dates are given 'old style' except that the year is taken to begin on 1 January.

Chapter 1: The Reign of James II

In the Glorious Revolution of 1688-89 for the second time in the seventeenth century a Stuart monarch lost his Crown. In 1649 Charles I was executed, forty years later his son James was in exile in France and William of Orange and his wife Mary were crowned at Westminster. In the twentieth century, the Stuarts' loss of a second crown has attracted far less attention from historians than the first, and the Glorious Revolution has not enjoyed the same intensity of historical interest as the English Revolution. In many respects this is explicable because the texture of the crisis of the 1680s lacked many of the 'attractive' features of the earlier crisis which made the English Civil Wars so appealing to historians. In both cases the king lost his throne, but in the first the political crisis was intensely divisive, resulting in civil war, in the second the fissure was not so obvious, and did not lead to such a spectacular denouement. The psychological quandaries of the 1640s and 1650s were obvious; in the 1680s, they were not, and the accepted designation, of the 'Glorious Revolution', has encouraged the impression that it represented consensus and sense. In the earlier crisis the conditions of civil war led to dysfunction in social and political control which in its wake brought social and political experimentation - the very modernity of some of the polemical literature of the period increasing the attractiveness of its study. In the latter, government never broke down to the same degree, and the pamphlet literature of the period, in relation to that of the previous generation, appears sterile. During the English Revolution, the impasse between king and a significant portion of his subjects led to regicide; during the Glorious Revolution, the king apparently lost his nerve and ignobly fled. The mid-century crisis led to the eleven year political experiment of the abortive Republic. In contrast, the interregnum following James's second flight lasted a matter of months, and was resolved by the substitution of an alternative monarch. Whereas the contours of the 1640s were revolutionary and disturbing, those of the 1680s can be defined with more muted terminology.

To the Whig historians of the nineteenth and early twentieth century the Glorious Revolution was one of the single greatest 'moments' in the foundation of English democracy. Inheriting the dominant whig interpretation that originated with the

Revolution itself, the main framework of the Whig historians' analysis was laid out by Thomas Babington Macaulay in his six volume *History of England from the Accession of James II*, published between 1848 and 1855.¹ In Macaulay's account the seventeenth century had witnessed an epic battle between the monarchs and their parliaments for sovereignty, with the monarchy intent in asserting its dominance over the latter, and in the process subverting the balance between the two as enshrined in the ancient constitution. During the 1640s and 1650s, Parliament had pushed its hand too far, provoking the Restoration and a re-assertion of monarchical power. James had attempted to destroy the established Church of England, reconvert the country to Catholicism and set up an arbitrary government. This provoked universal reprobation and the led to the two parties, whigs and tories, who traced their lineage back to the Civil Wars, suspending their disagreements, and uniting against him. In 1689 the Convention Parliament was more cautious than its predecessors, radical solutions were tempered by moderate whig opinion and tory caution, and the settlement they devised, based on the necessity of whiggish principles, 'finally decided the great question whether the popular element should be destroyed by the monarchical element or should be suffered to develop itself freely and to become dominant'.² As such, it had clearly defined the relationship between the executive and the legislature and as a result England, unlike other European states, did not undergo a revolution in the nineteenth century. Macaulay's great work on seventeenth century history was not on the 1640s but the 1680s and for his great nephew G. M. Trevelyan, it was the latter decades of the seventeenth century that witnessed *The English Revolution*.³

However, in Whig analyses, the 1680s had witnessed a revolution of a special, and in the context of the upheavals of the mid-nineteenth century, superior kind. In

¹ For a discussion of the dominance of the 'court whig' interpretation in the 100 years following the Glorious Revolution and the eighteenth century debate surrounding the 'revolutionary content' of the Revolution see Lois G. Schworer, ed., *The Revolution of 1688-89: Changing Perspectives* (Cambridge, 1992), pp. 2-5; H. T. Dickenson, 'The Eighteenth-Century Debate on the 'Glorious Revolution'', *History*, 61 (1976), 28-45; Gerald M. Straka, 'The Nation Contemplates its Revolution, 1689-1789', in G. M. Straka, ed., *The Revolution of 1688 and the Birth of the English Political Nation* (Lexington, Mass., 1973), pp. 42-60.

² Thomas Babington Macaulay, *The History of England From the Accession of James the Second*, ed., Charles Harding Firth (6 volumes, London, 1913-15), for the quote see iii, pp.1310-11.

³ G. M. Trevelyan, *The English Revolution, 1688-89* (London, 1938).

1688, the intent had been far from revolutionary in a modern, post French Revolution sense, rather it had restored the balance of the ancient constitution. In Macaulay's parlance, it was a 'preserving' revolution in which 'not a single flower of the Crown was touched; not a single new right was given to the people'.⁴ This interpretation was reiterated by Trevelyan, who described the Glorious Revolution as the 'sensible' revolution that put England on the constitutional course that it should already have taken.⁵

In contrast to the Whig interpretation of the 1640s and 1650s, revision of the Whig account of the Glorious Revolution was relatively slow to develop. In many respects it was the publication, in 1941, of Christian Socialist historian R. H. Tawney's 'The Rise of the Gentry 1558-1640' and 'Harrington's Interpretation of His Age' that invigorated the study of the Civil Wars. Both articles elaborated on the long-term socio-economic causes of the civil war and which spawned the 'storm over the gentry' one of the most vitriolic and vigorous debates in English historiography.⁶ Marxist interventions had no such effect on the study of the Glorious Revolution. To Marxist historians the Glorious Revolution was an event termed almost completely in negatives. It was in intent a counter-revolution carried out by England's 'natural leaders', ending both the attempt of the plebian left to carry forward the uncompleted revolution of the 1640s and 1650s, and the monarchy's attempt to convert England into an absolutist state on the French model.⁷

It was not till the middle of the twentieth century that historians began to systematically revise the Whig view of the Glorious Revolution.⁸ Within a range of

⁴ Macaulay, *History of England*, iii, p.1308.

⁵ Trevelyan, *English Revolution*, p.1.

⁶ R. H. Tawney, 'The Rise of the Gentry', *Economic History Review*, first series xi, (1941), 1-38; R. H. Tawney, 'Harrington's Interpretation of His Age', *Proceedings of the British Academy*, xxvii (1941), 199-223; Lawrence Stone 'The Anatomy of the Elizabethan Aristocracy', *Economic History Review*, first series, xviii (1948), 1-53; H. R. Trevor-Roper, 'The Elizabethan Aristocracy: An Anatomy Anatomized', *Economic History Review*, second series iii (1951), 279-98; J. P. Cooper, 'The Counting of Manors', *Economic History Review*, second series viii (1956), 377-89.

⁷ A. L. Morton, '1688: How Glorious was the Revolution?', *Our History*, 79 (1988), 1; C. Hill, 'A Bourgeois Revolution?' in J.G. Pocock, ed., *Three British Revolutions: 1641, 1688, 1776* (Princeton, 1980), pp. 109-39.

⁸ Although Herbert Butterfield laid down the main philosophical objections to the Whig view of inherent historical progress in 1931. Herbert Butterfield, *The Whig Interpretation of History* (London, 1931).

different opinions, one trend of these revisions was to down play the long-term significance of the Revolution and highlight the elitist, and limited nature of active resistance to James and the Prince of Orange's and the Tories' role in framing the settlement.⁹ This was then seen to have necessarily affected the type of settlement that was reached in 1689. Rather than attempting to define the relationship between the executive and the legislature, the main players in 1688 were more concerned in preserving their positions and places within society, thus the settlement was conservative not merely in form but in intent.¹⁰ Furthermore, any impact the revolution had on the constitution was depicted as not being intentional, but rather an unintentional by-product.¹¹ More recently, the conservative nature of the settlement has been contested and the role played by the Whigs in devising the settlement emphasised. The 'revolutionary' character of the settlement has also been asserted both in the decision to transfer the crown to William and Mary and in the Declaration of Rights.¹²

Continuing re-assessments have also been made of James's intentions. To a large extent James has been rehabilitated and is no longer depicted as a 'tyrant' intent on subverting the constitution. Instead two different interpretations developed one placing emphasis on religion and his views on religious toleration the other on his attempts to increase the powers of the crown. In Macaulay's depiction, James's 'grand design' was the destruction of the established Church and the setting up of arbitrary government in England.¹³ More recent commentators, highlighting the

⁹ For example Lucille Pinkham, *William III and the Respectable Revolution* (Cambridge, 1954); J.P. Kenyon, *The Nobility in the Revolution of 1688*, (University of Hull Inaugural Lecture, 1963); Gerald M. Straka, ed., *The Revolution of 1688: Whig Triumph or Palace Revolution?* (Boston, 1963); J. R. Western, *Monarchy and Revolution: The English State in the 1680s* (London, 1972); J. R. Jones, *The Revolution of 1688 in England* (London, 1972).

¹⁰ For example J. P. Kenyon, 'The Revolution of 1688: Resistant and Contract', in N. McKendrick, ed., *Historical Perspectives: Studies in English Thought and Society in Honour of J.H. Plumb* (London, 1974), p.47; J. Miller, 'The Glorious Revolution: 'Contract' and 'Abdication' Reconsidered', *Historical Journal*, xxv (1982), 541-55; Robert Franckle 'The Formulation of the Declaration of Rights', *Historical Journal*, xvii (1974), 265-79.

¹¹ For example Jennifer Carter, 'The Revolution and the Constitution', in G. S. Holmes, ed., *Britain After the Glorious Revolution* (London, 1969), pp. 39-58; Clayton Roberts, 'The Constitutional Significance of the Financial Settlement of 1690', *Historical Journal*, 20 (1977), 59-76.

¹² Lois G. Schwoerer, 'A Journall of the Convention at Westminster begun the 22 of January 1688/9', *Bulletin of the Institute of Historical Research*, xlix (1976), 245-6, 248-263; Robert Beddard, 'The Unexpected Whig Revolution of 1688', in R. Beddard, ed., *The Revolutions of 1688* (Oxford, 1988), p.56; Thomas P. Slaughter, 'Abdicate' and 'Contract' in the Glorious Revolution', *Historical Journal*, xxiv (1981), 541-555; Lois G. Schwoerer, *The Declaration of Rights, 1689* (London, 1981).

¹³ Macaulay, *History of England*, ii, pp. 742, 788, 847-8, 888.

impossibility of the task, have been united in their conviction that James did not set out to destroy the Church of England. However, they disagree as to whether the primary motivation from James's policies was religious or political. In J. R. Western's account, the keynote of Charles II's last years and his brother's reign was the strengthening of the royal government, a two-way process that involved wrestling for control of traditional governmental structures, and the introduction of new structures under royal control. On one hand, central control over local government was asserted, both in the corporations and counties; the judiciary was tamed, with tenure of judicial appointments moving from 'during good behaviour' to 'during pleasure', and censorship increased. On the other hand, financial independence was assisted by higher returns from customs and excise, and royal control was augmented by an enlarged bureaucracy and revitalised army and navy.¹⁴ J. R. Jones concurred that ultimately James's aim was absolutism, and his policy of toleration was essentially political in motive, arguing that when the elite failed to comply with and assist James in his plans, he turned to those lower down the social scale instituting a social revolution that in its wake brought the counter-revolution of the Glorious Revolution.¹⁵ In *Reluctant Revolutionaries* W. A. Speck also agreed that James was intent on setting up an absolutist state, arguing that his treatment of his dominions clearly indicate the king's absolutist pretensions. In America he suppressed representative bodies, and in Scotland forced 'absolutism down their throats'.¹⁶ However, more recently, he has been more willing to allow for the genuineness of James's commitment to religious toleration, although he still stresses that James 'did increase the powers of the Crown independently of using them to promote toleration'.¹⁷

In contrast, Maurice Ashley described James's main motivation as equal rights for his fellow religionists, within a broader context of religious toleration.¹⁸ John Miller concurred that James's religious beliefs were at the heart of his policy and that James did not set out to undermine the Constitution or destroy the laws, but that James was

¹⁴ Western, *Monarchy and Revolution*, pp. 46-155.

¹⁵ Jones, *Revolution of 1688*, pp. 98-175.

¹⁶ W. A. Speck, *Reluctant Revolutionaries: Englishmen and the Revolution of 1688* (Oxford, 1988), pp. 11-17.

¹⁷ W. A. Speck, *James II* (London, 2002), pp. 124, 147-9.

¹⁸ Maurice Ashley, *The Glorious Revolution of 1688* (London, 1966), pp. 25, 78, 80-2, 88, 261.

a genuine and sincere convert to Catholicism who wanted to improve conditions for his co-religionists. Whilst James certainly espoused the cause of religious toleration, he also distrusted Protestant dissenters and there were limits to, and contradictions in, James's vision of liberty of conscience. At the heart of James's policy was the misapprehension that others would take the same path as himself on the road to religious revelation, and that once Catholicism could be practised freely many would voluntarily convert to Catholicism. In James's assessment, there were two main barriers preventing conversions - misrepresentations of Catholicism, and the disabilities imposed on Catholics' private and public lives. He believed that once these disabilities were removed, conversions would naturally follow as people would see the obvious righteousness of the old religion.¹⁹ Eveline Cruickshanks has supported this interpretation and argued that James's desire for toleration at his accession was universal. She admits that he had a history of intolerance, but that he had later become a sincere convert to the cause of toleration, citing his release of many Quakers from prison in 1685 and the steadfastness of William Penn's allegiance to James.²⁰

I

It is in the consideration of local dimensions that the Glorious Revolution is most obviously the poor relation to the English Civil Wars. The 'storm over the gentry' initially encouraged research into the localities in order to empirically test the main tenets of the main contenders. Examination of the local reactions to Charles I's reign gained further impetus from Alan Everitt's contribution of the county community thesis to Civil War historiography. Everitt argued in *The Community of Kent and the Great Rebellion* that 'the England of 1640 resembled a union of partially independent county-states or communities, each with its own distinct ethos and loyalty'. Whilst stressing that Kent was a unique case, he found the Kentish gentry who dominated the leadership of the shire to be bound to their county, their land, and their locality as a result of factors such as origins, means of wealth creation, and

¹⁹ John Miller, *James II: A Study in Kingship* (Hove, 1977), pp. 126-8, 155-6; John Miller, *Popery and Politics in England, 1660-88* (Cambridge, 1973), pp. 196-228; John Miller, 'James II and Toleration', in Eveline Cruickshanks, ed., *By Force or By Default: The Revolution of 1688-9* (Edinburgh, 1989), p. 19.

marriage alliances. These social links helped to create a county community that was augmented by participation in local government. In his depiction, this 'county community' was vital to understanding Kentish gentry's participation in, and reaction to, the events of 1640-60.²¹ Testing the applicability of the county community thesis further encouraged research into the localities during the Civil War period and it is a truism to note that the later period lacks the same corpus of published county studies. Clive Holmes's study of Lincolnshire extends to the end of the seventeenth century, but the main focus of his work is to contest the county community thesis, and is primarily concerned with the earlier part of the century. D. H. Hosford's *Nottingham, Nobles and North* is more specifically concerned with James's reign and the Glorious Revolution however, his primary focus is the Nottingham rising, and his treatment of the impact of James reign on the counties of Nottingham and Derbyshire relatively cursory. A. M. Coleby's study of Hampshire, which examined centre-local relations in one county over a forty year period up to 1689, raised important new insights into the way that James's policies were effected, the impact they had, and the reactions they generated in this one English county.²² However, as a critic of his work for the earlier period highlighted, Hampshire was in many respects unique and the need for studies of other counties is an historiographical gap that this thesis aims to meet.²³

To a degree, the relative paucity of local studies is unsurprising in that what happened in the localities has mainly been interpreted as having little to do with determining the outcome of the Revolution. The increased profile afforded to William's role commensurately played down the significance of the English participants, and the speed by which the crisis was resolved meant that in many areas, in contrast to the Civil War, the decision of allegiance did not need to be addressed head on until the crisis had largely passed. Research focusing on the localities during the autumn and winter has primarily focused on areas that witnessed an armed revolt against James II, and has generally stressed the importance of the

²⁰ Eveline Cruickshanks, *The Glorious Revolution* (London, 2000), p. 17.

²¹ Alan Everitt, *The Community of Kent and the Great Rebellion, 1640-1660* (Leicester, 1966), for quote see p. 13; A. M. Everitt, *The Local Community and the Great Rebellion* (Historical Association Pamphlet 70, London, 1969).

²² C. Holmes, *Seventeenth Century Lincolnshire* (Lincoln, 1980); D. H. Hosford, *Nottingham, Nobles and the North: Aspects of the Revolution of 1688* (Hamden, Conn, 1976); A. M. Coleby, *Central Government and the Localities, Hampshire 1649-1689* (Cambridge, 1987).

nobility's role, and highlighted the limited nature of activism.²⁴ D.H. Hosford attempted to rescue a role for the English insurgents by linking the rising to the psychological breakdown suffered by James in November to December 1688, but ultimately his depiction of the Revolution in the East Midlands as a distinctly aristocratic affair lacking widespread support was unlikely to encourage further research.²⁵ Whilst, outside of London, there is slight direct evidence of the revolution touching the lives of many below the political elite, it is a contention of this thesis that in the East Midlands the gentry played a more active and important role than has been previously shown. Firstly, more gentry were involved at Nottingham and the surrounding areas and enjoyed more independence of action than Hosford has allowed for. Secondly, the gentry's reaction was a crucial contributing factor in shaping the course that the rising took. Local government did not break down in the last few months of 1688, social control was maintained, and responsibility for this fell not only on aristocratic but armorial shoulders.

Studies examining local government over extended periods have highlighted the impact James's reign had on local office-holding, both in the county and corporations, and the extent to which his actions in relation to previous practice both in their scope and, particularly in light of changing views of the relationship between central and local government, their intent, represented a particular threat to local elites.²⁶ However, whilst comparative studies over long periods have helped contextualise the precedents for, and novelty of, his policies, and furthered our understanding of the threat posed by James's government to local office holders, they have also artificially separated the county and urban experience. This is also true of the growing body of research into James's campaign to pack parliament to obtain the repeal of the Test Acts and penal laws. Historians have tended to either focus their

²³ A. R. Warmington, *Civil War, Interregnum and Restoration in Gloucestershire, 1640-1672* (Woodbridge, 1997), p. 174.

²⁴ A. C. Wood, 'The Revolution of 1688 in the North of England' *Transactions of the Thoroton Society*, xlv (1940), 72-104; W. A. Speck, 'The Revolution of 1688 in the North of England' *Northern History*, xxv (1989), 188-204; L. K. J. Glassey, 'The Revolution of 1688 in the North-West of England', *Transactions of the Lancashire and Cheshire Antiquarian Society*, lxxxvi (1991), 37-51.

²⁵ D. H. Hosford, *Nottingham*.

²⁶ L. K. J. Glassey, *Politics and the Appointment of Justices of the Peace 1675-1720* (Oxford, 1979); Norma Landau, *The Justices of the Peace, 1679-1760* (Berkeley, 1984); Anthony Fletcher, *Reform in the Provinces: The Government of Stuart England* (London, 1986); Paul D. Halliday, *Dismembering the Body Politic: Partisan Politics in England's Towns, 1650-1730* (Cambridge, 1998).

research on the answers to the three questions and changes in county administration following the three questions set to magistrates and deputy lieutenants in 1687-1688, or more recently, due to their electoral significance, on the 'regulation' of the corporations.²⁷ In the later Stuart period, there were 269 constituencies electing 513 members of Parliament. Fifty-two were county seats which sent 104 MPs to Westminster, the other 217 constituencies were corporations which elected the remaining 409 MPs.²⁸ In contrast to the county seats, where the right to vote was secured by ownership of a 40 shilling freehold, corporations elected MPs by a bewildering variety of franchises ranging from large freemen seats, to those where the electorate was restricted to office-holders of the corporation. This thesis, by considering the impact James's remodelling of local government in both the counties and corporations of the East Midlands synthesises the two approaches.

II

Underpinning this examination of the East Midlands' response to the reign of James II and the Glorious Revolution is a relational prosopographical database. Prosopography is defined as 'the systematic study of all individuals within a defined group in order to try to understand any common characteristics of that group'.²⁹ In many respects the nature of surviving evidence on the Nottingham rising has hampered any ability to use the prosopographical technique to its full advantage, to reveal 'the roots of political action' in 1688.³⁰ As described in chapter six, there is a paucity of surviving sources definitively revealing the actions and opinions of the local elites during the rising at Nottingham in November 1688. As such, it has only been possible to draw limited conclusions about the characteristics shared by the men who committed to the rebellion at an early stage, were later to offer limited support once Princess Anne arrived in the town, or who remained quietly neutral.

²⁷ For example John Carswell, *The Descent on England: A Study of the English Revolution of 1688 and its European Consequences* (London, 1969), pp. 105-17, 238-43; Western, *Monarchy and Revolution*, pp. 210-26; Jones, *Revolution of 1688*, pp. 128-75; M. J. Short, 'The Corporation of Hull and the Government of James II, 1687-8', *Historical Research*, lxxi (1998), 172-195; P. Murrell, 'Bury St. Edmunds and the Campaign to pack Parliament, 1687-8', *British Institute of Historical Research*, liv (1981), 188-206.

²⁸ Speck, *Reluctant Revolutionaries*, p. 207.

²⁹ Thomas Munck and Evan Mawdsley, *Computing for Historians: An Introductory Guide* (Manchester, 1993), p. 101

³⁰ Lawrence Stone *The Past and the Present* (London, 1981), p. 49.

Therefore, it has not been possible to quantify the importance of one causal explanation of their actions over another.

Nevertheless, the database greatly facilitated the reconstruction of the composition of the magisterial benches of the four counties of Derbyshire, Leicestershire, Lincolnshire and Nottinghamshire c. 1660 to c. 1689.³¹ The process of reconstituting the bench in each of these counties was complicated by the relative paucity of surviving commissions of the peace for the period. No post-Restoration commission survives for the region before that of Lincolnshire Kesteven's in March 1687, and whilst this Part of Lincolnshire has two further commissions for James's reign, the East Midland commissions of the peace have largely been reconstructed from a number of other sources. The Crown Office docket book records changes in magisterial appointments, but its entries are not always complete, particularly when extensive changes were made, and full alterations are hidden behind the description of 'others'. A few *Liber Pacis* (lists of justices of the peace) survive providing lists of justices of the peace for specific periods, and record alterations with crossings out and additions, including two for the period 1660 to 1664, another recording the changes made c. 1680 to 1683, and Lord Chancellor Jefferies book of the Peace from October 1685. For the period of the Exclusion Crisis and its aftermath, the records from the House of Lords review, in November 1680, of the regulations since the last dissolution of Parliament provide invaluable information on changes made to the commissions of Derbyshire, Leicestershire and the three parts of Lincolnshire. This is supplemented by an anonymously printed list of justices based on the House of Lords list which also includes Nottinghamshire. For James's reign, the recommendations of the Privy Council review in late 1686 give a good indication of the alterations made in magisterial appointments in the subsequent remodelling of the spring of 1687, and further insights can be gained from the records associated with the survey of the gentry in 1688. In addition, local records have been employed, particularly Quarter Session minutes or order books which record lists of justices present, and, in the case of Lincolnshire Kesteven and Holland, those justices who had taken recognizances.³²

³¹ For details of the design of the database see Appendix A.

³² Although as Norma Landau has pointed out for Kent the attendance lists are not always complete. Norma Landau, *Justices of the Peace*, pp. 261-2.

In each county, the type and 'quality' of the available evidence, in terms of what the sources revealed about the exact composition of the commission of the peace, differed. For example, Nottinghamshire is excluded from the House of Lords review, in November 1680 and the first surviving commission of the peace dates from 1690. In contrast, there are three surviving commissions of the peace from Kesteven during James's reign. Digitising these records has a number of advantages. Firstly, one type of evidence could be rapidly checked against another. For example, the list of justices in attendance at quarter sessions could be compared the last full commission of the peace, and any changes that the docket book recorded had taken place in the meantime. Secondly, as the database was altered and refined such checks could be rapidly repeated to ensure as much accuracy as possible. Thirdly, the use of a database meant the process of refining the composition of the bench could continue until a relatively late stage of the research process, as new information came to light. Queries based upon the composition of the bench could quickly be repeated and the new results recorded, allowing for more reflexive practices than would have been possible with a 'paper' reconstruction. Fourthly, digitising the sources and making them publicly available allows other historians to check, criticise and revise the conclusions made in the thesis, making the research process more transparent.³³

Further complicating the process of reconstruction of the bench were the problems associated with nominal record linkage, and assuring the name on one record accurately related to the same individual recorded on another. The evidence from the sources outlined above, indicating who was a magistrate at a particular point, merely provides lists of names and these names not only had to be identified as individuals but the names had to be accurately linked together over time. The algorithms necessary to complete such linkage automatically would have been necessarily complex and much of the linkage was carried out by hand. However, the database facilitated this process. All supporting information that could be used to differentiate one individual from another of the same name was recorded, including title, place of residence (when given) and when appropriate the name's hierarchical placing in the

³³ The completed database will be deposited with AHDS History for preservation and dissemination.

list. In the latter's case, the name's numerical position in the list was recorded, and its relative position calculated by dividing this number by the total number of names on the list. Making use of pedigrees, local visitation records, antiquarian county histories, and other sources the names were then attributed to individuals, and linked to each other.³⁴ The database made it possible to carry out complex checks to ensure that record linkage was as accurate as possible. For example, in the *Liber Pacis* of the early 1660s, early 1680s and 1685, and the commission of the peace of 4 March 1687, for Lincolnshire Kesteven, the name 'Christopher Clapham, knight', appears. In the subsequent commissions of the peace 25 July 1687, 10 July 1691 and 1 June 1692 the name 'Christopher Clapham, esquire' is recorded. According to pedigree information Christopher Clapham of Beamsley, Yorkshire, was knighted in 1660 and died in August 1688. It appears likely that this Christopher Clapham was the individual that appeared in the first four sources, but not in the last two. However, the case of the commission of the peace from July 1687 is less clear. Whilst the status attributed to the name appears to indicate that he was not referred to by this commission, the name's hierarchical placing does not support this. In the *Liber Pacis* and commission from March 1687 Christopher Clapham appears between 33 and 39 percent down the lists, in the two commissions of the 1690s the same name appears over 60 percent down the lists. In July 1687 the name appears 40 percent down the list indicating a closer correlation with the earlier commissions of the peace.³⁵

³⁴ Joseph Foster, ed., *Alumni Oxoniensis, 1500-1714* (4 volumes, Oxford, 1891); J. Venn, ed., *Alumni Cantabrigiensis, From Earliest Times to 1751* (4 volumes, Cambridge, 1922-1927); Stephen Glover, *The History and Gazetteer of the County of Derby* (2 volumes, London, 1833); Robert Thoroton, *The Antiquities of Nottinghamshire, Edited and Enlarged by John Throsby* (3 volumes, Nottingham, 1972); John Nichols, *The History and Antiquities of the County of Leicester* (4 volumes, London, 1795-1811); B. D. Henning, ed., *The House of Commons, 1660-1690* (3 volumes, London, 1983); William Dugdale, *The Visitation of Derbyshire, Taken in 1662, and Reviewed in 1663* (London, 1879); *The Visitation of Derbyshire begun in 1662 and finished in 1664 made by William Dugdale Norroy King of Arms*, ed. G. D. Squibb, Harleian Society, new series 8 (London, 1987); *Dugdales Nottinghamshire and Derbyshire Visitation Papers*, ed. G. D. Squibb, Harleian Society, new series 6 (London, 1987); *Lincolnshire Pedigrees*, ed. A. R. Maddison, Harleian Society, l-ii,lv (London, 1902-1906); *Familiae Minorum Gentium*, ed. John W. Clay, Harleian Society, xxxvii-xi (London, 1895-6); *J. Hunter's Pedigrees: A Continuation of Familiae Minorum Gentium*, ed. J. W. Walker, Harleian Society, lxxxvii (London, 1936); *Le Neves Pedigrees of the Knights*, ed. George W. Marshall, Harleian Society, viii (London, 1873).

³⁵ PRO C193/12/3, p.55, C193/12/4, f. 65, PRO C/193/12/5, f. 69; LAO Commission of the Peace 4 March 1687, 25 July 1687, 10 July 1691, 1 June 1692; *Lincolnshire Pedigrees*, p. 736, *Le Neves*, p. 67.

As such, the database has proved invaluable in delineating the character of the bench at specific key points, particularly during and after the Exclusion Crisis, at the beginning of James's reign, after his first major remodelling in 1687, the second remodelling of 1688, and in the immediate aftermath of the Revolution. It has also been used to track changes over time, and, whenever possible, identify removals that were the product of the death of the JP. This has been particularly important in examining the answers to the three questions. Not only has it enabled the analysis of the responses in relation to the number of local officeholders who 'should' have returned answers to the survey, it has also enabled the three questions to be analysed more systematically than in previous studies. In addition, the database has facilitated the consideration of the representativeness of the sample of gentry who returned a reply, and thereby enabled more meaningful comparisons between the answers of different counties.

In total, the database has entries for 632 local magistrates, excluding the largely honorary appointments from the Privy Council. Of these, 551 (87%), have been identified with regard to their social status, familial status and educational and administrative experience, with the lowest rate of identification occurring in Lincolnshire Holland at 85%, and the highest in Nottinghamshire at 91%. Some justices were included on the bench of more than one county, particularly in Lincolnshire, and as such it is problematic to assume an 'East Midlands' figure from the sum of the statistical information on the counties. In addition to patterns of local office-holding, the database records biographical information about the magistrates as it has been available, including personal information such as dates of birth and death, place of main residence, marital status and place of origin of their spouses, educational experience, religion, immediate kinship links, and the estimated date that the magistrate's family settled in the county in which they served. To this is appended information about the justices' political proclivities, and indications of whether this changed over time.

In general, the changes made to the personnel of the corporations during the period are easier to trace. Corporation records, along with the Privy Council registers, have been used to develop a flat file database which has been used to follow alterations made to municipal office holding from the Exclusion crisis up to the early months of

1689.³⁶ Less biographical data has been collected on urban officeholders, partly due to the difficulty of uncovering the same level of data of those lower down the social scale, and partly as a result of the enormity of the task of compiling biographical information for over a further 660 individuals.³⁷ The inherently structural approach of prosopography has been supplemented with a range of printed and manuscript sources that have served to provide the analytical framework by which to analyse the patterns revealed in the databases, and also to illuminate the personal stories laying behind the collective biography.

Whilst the two databases have been particularly used in this thesis to consider the structure of, and changes made, to local office holding, the data they contain has considerable potential for re-use. Firstly, the temporal span of the data, and the diverse nature of the biographical information recorded, particularly in the magistrates database, would allow the database to be used to address research questions that lay largely outside the remit of this project. For example, the database could be used as a basis to consider more fully the social and economic lives of the gentry, or, conversely, as it records information on their marriage partners, the social and economic lives of their wives. Alternatively, using the database to 'get under the surface' of the actions of the selected sample during the reign of James II has proved problematic. However, it is likely that it could be successfully used as a starting point for a prosopographical study of their political proclivities during the Exclusion Crisis, thus contributing to the debate on political allegiances and the existence of identifiable parties in the localities during the early 1680s.

Moreover, whilst in terms of this thesis the structured information contained in the database is 'complete', this does not mean that the database itself is necessarily complete. Prosopography is a concrete way of imposing structure on past societies thereby aided our understanding. However, by its nature it involves the selection of

³⁶ Public Record Office, PC 2/72, pp. 472-737; North East Lincolnshire Archives, 1/102/9/2; Leicestershire Record Office, BR11/1/3, BR11/18/35, BR11/18/36; Lincolnshire Archive Office, Grantham Borough 5/1, L1/1/6; Stamford Town Council Archives 2A/1/2; Nottinghamshire Archive Office, CA 3449-3456, 4209, 4212, 4692b1-2, DC/NW 3/1/2; John F. Bailey, ed., *Transcription of the Minutes of the Corporation of Boston, 1671-1714*, (Boston, 1980); *Records of the Borough of Nottingham*, v (London, 1900); Helen Stocks, ed., *Records of the Borough of Leicester, 1603-1688* (Cambridge, 1923); G. H. Martin, *The Royal Charters of Grantham, 1463-1688* (Leicester, 1963).

certain information and the world of the prosopographer is simplified and finite in a way the past is not. Subsequent researchers with new research questions would be able to make use of the core of information the database contains, add additional fields, link additional sources to it and adapt it to more closely match their research requirements. For example, time constraints have precluded full use being made of testatory evidence. If such material was later added to the database there would be considerable potential to explore more fully the social and kinship networks of the gentry during this period.

The decision to examine James's reign from the perspective of four contiguous counties was consciously taken partly as a product of the methodological implications of the critiques of the county community thesis, and partly in order to illuminate differences in the impact of, and reaction to, James's reign in different counties. In respect of the former, Clive Holmes argued that the conditions for encouraging the formation of a county commonwealth were not necessarily universal, and in his Lincolnshire study, demonstrated that this county did not share the same features of insularity as Kent. More critically, he questioned whether the factors that Everitt argued created a county community in Kent could be truly proven. He argued that antiquity of settlement did not necessarily lead to parochialism, and that kinship ties did not necessarily equate with real social interaction. Neither did he believe that attendance at university or Inns of Court was 'no more than an interlude' but rather helped to forge a common gentry culture outwith the county. This common culture was further encouraged with the increasing importance of London. Additionally, he argued that local government did not necessarily lead to insularity, rather it encouraged contact with the world outside the county. In Lincolnshire, Holmes describes the gentry, not as a tight knit caucus, but as conduits or brokers between the national and local worlds.³⁸

Anne Hughes's work on Warwickshire supported Holmes's arguments. She also demonstrated that this Midlands shire also lacked many of the factors that were

³⁷ The totals for the respective corporations are Boston 78, Derby 44, East Retford 22, Grantham 62, Grimsby 50, Leicester 139, Newark 23, Nottingham 116, Lincoln 65, Stamford 65.

³⁸ Holmes, *Lincolnshire*, pp. 1-87; Clive Holmes, 'The County Community in Stuart Historiography', *Journal of British Studies*, 19 (1980), 54-73.

supposed to create a county community. She also stressed that the topography of Warwickshire was important to understanding lack of county community.

Warwickshire was split into several regions; in the largest of these divides, the forest region of the Arden, north of the Avon valley, supported very different types of settlement patterns and communities to that of the fielden region to the south.

Agriculturally, in the Arden, forest clearance and agricultural improvements led to a predominance of dairy farming, although sheep were kept and cereals grown.

Socially and economically, it was an area settled by individuals rather than communities, landholding and wealth were broadly dispersed with fewer rich and more land-less poor than the South, and it was more likely to have large parishes with multiple manors which supported a less deferential society. In the fielden area, mixed farming and nucleated villages were the norm; society was more close-knit and traditional, and the area was more heavily populated by the gentry. Cutting through this major divide were others, and the regions of Warwickshire often had more in common with parts in neighbouring counties than with other parts of Warwickshire. This, and the lack of a cohesive gentry or county community, helped dictate the pattern of civil war allegiance in Warwickshire.³⁹ Whilst both Holmes and Hughes used county studies to deconstruct the county community concept, their arguments also had methodological implications on the appropriateness of using a county study approach to examine the localities in the seventeenth century.

In the post Restoration period, none of the East Midlands counties of Derbyshire, Leicestershire, Lincolnshire, and Nottinghamshire exhibited features that would particularly justify the methodological approach of a county study.⁴⁰

³⁹ Anne Hughes, *Politics, Society and Civil War in Warwickshire, 1620-1660* (Cambridge, 1987), pp. 1-62.

⁴⁰ Definitions of what constitutes the East Midlands vary. For the purpose of this study the East Midlands will refer to the counties of Derbyshire, Leicestershire, Lincolnshire and Nottinghamshire.

TABLE 1.1

The Origins of the Families of Justices of the Peace in the East Midlands c. 1660-1695

Settled in the county	Derbyshire		Leicestershire		Lincolnshire (Kesteven)		Nottinghamshire	
	No.	%	No.	%	No.	%	No	%
Before 1500	24	30.8	21	16.5	32	23.4	20	21.7
16 th century	24	30.8	37	29.1	42	30.7	29	31.5
17 th century	15	19.2	40	31.5	32	23.4	18	19.6
Not resident	15	19.2	29	22.8	31	22.6	25	27.2
TOTAL	78	100	127	99.9	137	100.1	92	100
Unknown ⁴¹	16	17.2	21	14.2	23	14.4	13	12.4

Note: Table 1.1 excludes figures for the parts of Lincolnshire Holland and Lindsey due to the high level of shared membership of the bench on these three parts (see below).

As table 1.1 demonstrates, in each of the East Midland counties around 70% or more of the families of JPs in the post-Restoration period settled on their estates after 1500. Leicestershire in particular contained the highest proportion of men relatively new to the county, and close to a third of the families of Restoration justices of the peace had settled in the county during the course of the seventeenth century, reflecting the popularity of Leicestershire estates with socially mobile men from the capital. Of these, 11 of the 40 men had either come from the capital themselves, or their father or grandfather had. For example, Charles Morris's father was an upholsterer who bought the Loddington estate in the seventeenth century, whilst the grandfather of John Wilson of Knighthorpe had been a draper in the capital and the family bought Knighthorpe in 1660.⁴² What is more, each of the commissions of the peace included men whose main residence lay outside the county on which they were appointed.

Neither does the distribution of their choice of marriage partners indicate that any of the East Midlands counties contained an insular community closely bound by ties of kinship.

⁴¹ These were justices for which settlement information could not be found.

⁴² Nichols, *Leicestershire*, iii, p. 907, iv, p. 401.

TABLE 1.2

Marriage Connections of East Midlands Justices of the Peace c.1660-1695

Bride's county of origin	Derbyshire		Leicestershire		Lincolnshire (Kesteven)		Nottinghamshire	
	No.	%	No.	%	No.	%	No.	%
County	15	22.4	26	26.0	32	31.7	19	29.2
Other East Midland County	6	9.0	12	12.0	10	9.9	14	21.5
London	4	6.0	7	7.0	5	5.0	3	4.6
Other	24	35.8	39	39.0	35	34.7	18	27.7
Wife's Origin Unknown	18	26.9	16	16.0	19	18.8	11	16.9
No. Married	67	100.0	100	100.0	101	100.0	65	100.0
No. Unmarried	0		6		5		2	
Unknown if married	12		13		23		13	

Table 1.2 was constructed from only those justices of the peace who were appointed to the bench in the county in which they lived. In each of the counties of the region, under one third of post-Restoration magistrates contracted marriages with a bride of the same county. Studies examining marriage patterns in the pre-Civil War period have noted that exogamous marriages were more common amongst the office-holding elite.⁴³ Moreover, it can be seen that the incidence of exogamous marriages was rising. For the period 1602 -1632, Holmes found that over one half of men on the commission of the peace married outside of Lincolnshire; by 1660-1695 it was closer to two thirds.⁴⁴

It has also suggested that the growth of county administration and the development of county institutions helped to foster a county community consciousness that was enhanced by the complexity and volume of local government during the civil war period.⁴⁵ However, in the East Midland counties of late seventeenth century, this cannot be seen to be the case. Derbyshire, Nottinghamshire, and Leicestershire all had one commission of the peace, but Lincolnshire, like Sussex and Yorkshire, was administratively divided, and justice was administered separately in the three parts of

⁴³ For example in Cheshire, John Morrill found that within the gentry as a whole for the period 1590-1642 almost two thirds of marriages were endogamous. However amongst the men who dominated the commission of the peace only 48% married within Cheshire. John Morrill, *Cheshire 1630-1660: County Government and Society During the English Revolution* (Oxford, 1974), pp. 4, 16.

⁴⁴ Holmes, *Lincolnshire*, p.75.

⁴⁵ Everitt, *Local Community*, p. 6.

Holland, Kesteven, and Lindsey.⁴⁶ Whilst some men did appear on the commission of the peace for more than one part, a majority of them did not. The *Liber Pacis* of 1685 for Holland, Kesteven and Lindsey contains in total 73 justices; of these, two were on the commissions of the peace for all three parts, and 17 for two of the parts, but just under three quarters of them were only on the commission for one.⁴⁷ As a justice's jurisdiction only extended to the part, or parts, for which he was named on the commission, the administrative structure of the justice in Lincolnshire did little to foster county wide contacts, no matter what the volume of work was.

TABLE 1.3

East Midlands Quarter Session Meeting Locations

	Epiphany	Easter	Midsummer	Michaelmas
Derbyshire (prior to 1686)	Chesterfield	Derby	Bakewell	Derby
Derbyshire (from 1686)	Derby	Derby	Bakewell	Chesterfield
Leicestershire	Leicester	Leicester	Leicester	Leicester
Lincolnshire Holland	Spalding and Kirton*	Spalding and Kirton*	Spalding and Kirton*	Spalding and Kirton*
Lincolnshire Kesteven ⁴⁸	Sleaford and Folkingham	Sleaford and Bourne	Sleaford and Bourne	Sleaford and Folkingham
Lincolnshire Lindsey ⁴⁹	Horncastle, Louth, Caistor and Gainsborough	Horncastle, Louth, Caistor and Spittle in le Street	Horncastle, Louth, Caistor and Spittle in le Street	Horncastle, Louth, Caistor and Spittle in le Street
Nottinghamshire	Nottingham, and Newarke and or East Retford**	Nottingham, and Newarke and or East Retford**	Nottingham, and Newarke and or East Retford**	Nottingham, and Newarke and or East Retford**

* sometimes the Kirton session would be held at Boston.⁵⁰

** generally, but not invariably, adjourned to Newarke and or East Retford. However, occasionally meetings would be held elsewhere, like the sessions held at Mansfield and Haughton in July 1689.⁵¹

The location of quarter session meetings led to further divisions within Lincolnshire, and the same was also true in Nottinghamshire, as examples from 1686 illustrate. In Kesteven in that year, 16 justices attended at least one meeting per quarter; of these, nine only attended meetings at one place, and six attended meetings at two different locations. Finally, the aptly named Thomas Shuttleworth, of Brigend near Horbling, went to the Folkingham sessions in January, both Bourne and Sleaford in April,

⁴⁶ Sussex had one commission of the peace but they acted as two separate benches. A. Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (London, 1975), pp. 134-136.

⁴⁷ PRO, C193/12/5, pp. 77-86.

⁴⁸ This was the general rule however no sessions were held in April 1689 and the session in Michaelmas 1688 were held at Bourne rather than Sleaford. LAO, KQS A/1/2, KQS A/1/3.

⁴⁹ LAO, LQS A/2/1.

⁵⁰ For example Epiphany 1687 and 1688 and Easter 1692. LAO, HQS A/2/1, HQS A/2/2, HQS A/2/3.

⁵¹ NRO, QSM 1/14, QSM 1/15.

Bourne in July, and Folkingham in October.⁵² Not only did quarter sessions in Lincolnshire fail to act as a meeting point for the county, they also failed to act as one for the individual parts. In Nottinghamshire, of the 10 Justices who attended the quarter sessions during 1686, two only attended one meeting. Of the others, four restricted their attendance to only one location: Thomas Parkyns, of Bunny, and Thomas Charleton, of Chilwell, restricted their attendance to Nottingham but went to all four sessions; whilst Francis Sandys, of Scrooby, and Francis Stringer, of Sutton, went to two or more sessions at East Retford. Only the remaining four attended sessions at different locations.⁵³ In Nottinghamshire, like Lincolnshire, the location of quarter sessions and the gentry's patterns of attendance did not provide the justices with the opportunity to meet their colleagues from around the county. It is possible that the Assizes provided this forum, yet lack of records prevents a thorough examination of this.

However, this was not the case in Leicestershire and Derbyshire. Within the East Midlands, Leicestershire had the most centralised system of local justice, with sessions only being held at the county town.⁵⁴ In Derbyshire, the meetings were itinerant and held in different locations around the county, however attendance patterns indicate that these sessions were county-wide rather than local events. In 1686, 15 individuals attended one or more meeting, five attended all four, two went to three meetings and five went to two. In sum, 12 of the 15 justices travelled to at least two different locations to sit upon the bench.

However, whilst quarter sessions in Leicestershire and Derbyshire were more likely to act as county contact points, it should be noted that attendance levels as a whole were low. In Leicestershire, 35 justices, excluding privy councillors, are listed on the 1685 *Liber Pacis*. At the Michaelmas session of that year only 12 of the justices attended, and this was an uncommonly high turnout - at the previous and subsequent sessions only six turned up. In Derbyshire, of the 31 local magistrates qualified to sit on the bench, only six came to the sessions at Chesterfield on 6 October 1685. The

⁵² LAO, KQS A/1/2, pp. 201-247, KQS A/1/3, pp. 1-43.

⁵³ These were Arthur Warren of Toton, Edward Lee of Norwell, William Cartwright of Ossington, Lawrence Sturtivant of Norwell. NRO, QSM 1/14.

⁵⁴ The same was true in Warwickshire. Hughes, *Politics, Society and Civil War*, p.51.

wish to appear on the commission of the peace often had little to do with a sense of public service and a lot more to do with a keen sense of personal status. The low attendance at meetings meant that in themselves it was unlikely that they encouraged the development of county sentiments, whether the geographical distribution of quarter session locations was centralised or not.

The justices acting in sessions was merely one layer of local government, but other institutions also did little to encourage a county community and thereby justify a county study. Despite Kent holding separate Assizes at Maidstone and Canterbury, Everitt described them as resembling a kind of informal county 'parliament'.⁵⁵ Certainly, the bi-annual meetings were important legal, social and political events and attendance at them was higher than for the quarter sessions. 20 out of 45 justices of the peace for Kesteven attended Lincoln Assizes in July 1693.⁵⁶ However, their influence has been described as 'Janus-faced' in that, although they could possibly affirm the corporate identity of the county elite, the circuit judges, acting as representatives of the national government, were used as conduits of national policy into the localities.⁵⁷

Moreover, whilst the office of justice or deputy lieutenant was based around the administrative unit of the county, other institutions of local government did not necessarily restrict office holders to their shire. The commission of sewers is a relatively neglected aspect of local government, but one which involved the gentry in an area wider than the county, and the frequency of meetings meant they loomed large in lives of Commissioners. In 1670, the Court of Sewers for Hatfield Chase met nine times, thrice at Doncaster, four times at Bawtry and once each at Turnbridge and Thorne, all close to the South Yorkshire, Lincolnshire and Nottinghamshire borders. Commissioners ranged in social status from George Saville, Marquis of Halifax, through baronets, knights, and esquires, to men ascribed merely as gentlemen. Commissioners were drawn from all three counties and during the course of 1670 Sir William Hickman, of Gainsborough in Lincolnshire, Ralph Knight, of Langwith, Anthony Eyre, of Rampton, Francis Sandys, Scrooby, and John

⁵⁵ Everitt, *The Community of Kent*, pp. 95-96.

⁵⁶ LAO, PM 5/1.

⁵⁷ Holmes, *Lincolnshire*, pp.84-87; Fletcher, *Sussex*, p. 136.

Millington, of East Retford, all magistrates in Nottinghamshire, attended at least one meeting; as did William Marwood, of Loughton, and William Godphrey of Thonock, both magistrates for Lincolnshire Lindsey.⁵⁸

The educational experience of the gentry has been used to both prove and disprove the formation of county consciousness. Everitt did not consider the impact of education on county community in his work on Kent. However, he later downplayed the significance of time spent at university and Inns of Court in shaping the gentry's horizons.⁵⁹ Victor Morgan has gone further, and argued that university attendance, due to the close links between colleges to particular areas, helped increase localism.⁶⁰ In contrast Holmes argued that universities acted as a melting pot that helped to produce 'a common gentry culture'.⁶¹ Hughes posited that by sending sons to university, the gentry were demonstrating 'a desire for wider experience than the local area could afford' and this experience, rather than creating a county consciousness, led to a consciousness of their county's place within the nation.⁶² In the East Midland counties between 40-50% of the magistrates 1660-c.1690 attended university. In both Lincolnshire and Nottinghamshire over 80% of matriculants preferred Cambridge to Oxford, and whilst 60% of Leicestershire matriculants also went to Cambridge, in Derbyshire Oxford was slightly more popular. Within the region, the only example of preference for a particular college comes in Derbyshire,

⁵⁸ Nottingham University Library, HCC 6003.

⁵⁹ A. M. Everitt, *Local Community and the Great Rebellion*, p. 6.

⁶⁰ Victor Morgan, 'Cambridge University and the Country, 1560-1640', in Lawrence Stone, ed., *The University and Society* (Princeton, 1974), i, pp. 183-245. For criticisms of Morgan's argument see Holmes, 'County Community', pp. 58-59.

⁶¹ Holmes, *Lincolnshire* p. 77-8; Holmes, 'County Community', pp. 58-60.

⁶² Hughes, *Politics, Society and Civil War*, p. 45

where, out of 22 men attending Cambridge University, 7 went to Christs and an equal number to St Johns.

However, in the late seventeenth century, sending your son to be educated at the universities or the Inns of Court became less popular, partly as a result of criticisms of the education they provided and partly due to rising costs. Instead, the gentry increasingly opted for more informal methods. Foreign travel became an increasingly important part of the elite's education, with the period 1670-1700 being one where it particularly gained popularity.⁶³ All of the sons, by his first marriage, of Montagu Bertie, second Earl of Lindsey, spent time abroad. However, travel was not restricted to the nobility. Reason Mellish of Ragnall in Nottinghamshire, like Bennett, Lord Sherard, of Stapleford in Derbyshire, spent time at foreign universities. William Wray, of Ashby in Lincolnshire, travelled in Italy, Switzerland, and France during the period 1645-6. Pury Cust, of Stamford in Lincolnshire, toured Italy in the 1670s, and Phillip Gell, of Hopton in Derbyshire, a younger son, had been apprenticed to a turkey merchant, and had been living in Smyrna before the death of his elder brother.⁶⁴

One of the perceived advantages of foreign travel was the encouragement it gave to social 'polish'. Another means of gaining such graces was London. Those members of the gentry who attended Inns of Court had the benefit not only of legal training, but of contact with London society. Whilst overall the Inns witnessed a slump in enrolments from the mid-seventeenth century onwards, attendance did not drop away completely. In the period 1688 -1714, more members of gentry enrolled at one of the Inns of Court than at Oxford.⁶⁵ Simply spending time in the capital was seen as an important means of conditioning. In the 1690s, Francis Stringer, of Sutton upon Lound, in Nottinghamshire, sent two of his sons, John and Francis, to London 'with the intentions to give them some Southern education to polish them' before they were placed in the law.⁶⁶

⁶³ James M. Rosenheim, *The Emergence of A Ruling Order: English Landed Society 1650-1750* (London, 1988), pp. 33-45.

⁶⁴ Henning, *House of Commons*, i, pp. 644-5, ii, pp. 384-5, iii, pp. 48, 431, 760; Elizabeth Cust, *Records of the Cust Family, 1479-1700* (3 volumes, London, 1898), i, pp. 226-27, 339-53.

⁶⁵ Rosenheim, *Emergence of a Ruling Order*, pp. 33-42, 229.

⁶⁶ LAO, Misc Deposit 197/72.

The importance of the capital in the social world of late seventeenth century gentry was immense. For the 1640s, Everitt argued, a journey to London was uncommon, and generally only the result of a troublesome lawsuit - a situation that was unlikely endear them to the place.⁶⁷ Certainly, in the late seventeenth century, London was often perceived in uncomplimentary ways. Penelope Newton wrote to her brother, John, that London was a 'dirty town' which she 'never loved'.⁶⁸ However, Rosenheim argues that, in the Restoration period, contact with London increased, and the capital 'both loomed ominously and lured irresistibly'.⁶⁹ When the three questions were set to the Nottinghamshire gentry, of the 19 men whose response was recorded, Sir John Molyneux Baronet, of Teversall, Penniston Whalley, of Screveton, John Moore, of Kirkclinton, and Thomas Markham, of Ollerton, were all reported to be absent in London.⁷⁰ William Massingberd, of Gunby, travelled annually from Lincolnshire to London to pursue litigation and to partake in the entertainments provided by the capital.⁷¹ Sir John Newton, of Haydor in Lincolnshire, and Barrs Court Gloucestershire, regularly visited London, and his eldest son spent much of the 1680s there, often residing with his then mother-in-law, the Countess of Dover.⁷² Sir William Boothby, of Ashbourne, was loathe to leave his Derbyshire estates, and on a number of occasions would arrange a visit that he subsequently called off. In Christmas 1683, he was due to visit his 'sister Meade' in Leicestershire but called the trip off because of bad weather. He also intended to visit London at Whitsun 1684, but cancelled the trip. He did travel to London in September 1685, and was kept in the capital longer than expected due to his wife's illness, not leaving till February 1686. Whilst in London his letters home made it clear that he much preferred to be in Derbyshire. Yet London was an important factor in his life, and he regularly corresponded with friends and tradesmen in the capital.⁷³

⁶⁷ Everitt, *Community of Kent*, p.44.

⁶⁸ LAO, Misc Deposit 197/26.

⁶⁹ Rosenheim, *Emergence of a Ruling Order*, p.218.

⁷⁰ Sir George Duckett, *Penal Laws and Test Act* (2 volumes, London, 1882-3), ii, pp. 123-126.

⁷¹ Holmes, *Lincolnshire*, p. 78-79.

⁷² LAO, Monson 7/12, ff. 44, 46-48, 50-56.

⁷³ British Library, Add Mss. 71690, pp. 147, 150-1, 153-4, 156, 229, 231-2, Add Mss. 71691, pp. 264-333.

The counties of the East Midlands in the late seventeenth century did not exhibit the features that proponents of the county community thesis claimed encouraged such sentiments. None of the East Midlands counties demonstrated particularly introverted marriage patterns, and neither would their education and participation in local government seem to have fostered a purely local outlook. Beyond any arguments about the validity of county communities in the earlier period, by the 1680s the social and cultural habits of the gentry had changed. Moreover, this study concentrates on the elite of county society and this group had always been more likely to have horizons that stretched beyond the shire in which they mainly lived.

The region, whilst far from perfect, is methodologically a better framework than the county in which to examine the responses of local office-holders to James II and his reign, as their marriage patterns illustrate the region was an important backdrop to their lives. Admittedly, the geographical location of the four counties means the figures given in table 2.2, of marriages within the four counties, are largely incomparable, and the higher figure for Nottinghamshire reflects the fact that it was situated in the middle of the four counties. When marriage patterns take into account brides from the contiguous counties, for each of the counties of this study it demonstrates around 36% of Derbyshire JPs married within the region, 47% in both Leicestershire and Lincolnshire, and close to 57% in Nottinghamshire.⁷⁴ The popularity of this regional marriage market is illustrated by considering the marriage partners of the family of Sir John Newton of Lincolnshire. He himself was born on 9 June 1626, son of Thomas Newton of Gonerby, near Grantham, and Elizabeth, daughter of Thomas Parker of Kibworth, in Leicestershire.⁷⁵ After succeeding in 1661 to a baronetcy which he had previously procured for an obscure Gloucestershire gentlemen, he lived mainly at his new Gloucestershire estate of Barrs Court. Sir John Newton married Mary, daughter of Gervase Eyre of Rampton, in Nottinghamshire, their eldest son, also John, married in June 1676 Abigail, daughter of William Heveringham of Heveringham, in Suffolk, and, after her death in 1686, Susanna, widow of Sir John Bright of Badsworth, county York. John's

⁷⁴ Derbyshire: Staffordshire and Lancashire; Leicestershire: Northamptonshire and Warwickshire; Lincolnshire Kesteven, Yorkshire and Cambridgeshire; Nottinghamshire: Yorkshire.

⁷⁵ George Edward Cockayne, ed., *Complete Baronetage* (5 volumes, 1900-9), iii, p. 110; Henning, *House of Commons*, iii, pp. 139-41.

sister, Elizabeth, married Francis Stringer of Sutton super Lound, in Nottinghamshire, and his sister Jane was the second wife of William Sacheverell of Morley, in Derbyshire, and Barton, Nottinghamshire. Despite Sir John Newton's move to Gloucestershire shortly after the Restoration, at least two of his children married a partner from Nottinghamshire.

However, this thesis is not suggesting that the East Midlands was a meaningful 'community' for the local elite that lived there.⁷⁶ Rather, a regional approach has been adopted as it more adequately contains the social and political world that the men who were involved in the Nottingham rising existed in. What is more, as studies that have considered the impact and reaction to James's reign have revealed, local experiences were very different. This study, by examining the extent to, and the ways in which, James's policies affected the religious and political lives of men in four different counties provides insights into the range of factors that led to the build up of opposition to James's reign. By focusing on a region rather than a single county this study has allowed for comparisons. Admittedly, the paucity of source material at times makes it impossible to sustain such a discussion, in which cases evidence from one county has unfortunately had to represent the whole, but comparisons between counties have been made when the source material has allowed.

The region contained ten enfranchised corporations which had the right to send members of parliament to the Commons and which came under particular scrutiny of the government in the last year of James's reign. In the period before systematic population census, determining the exact population of each parliamentary borough in the East Midlands is impossible. However, the Compton Census of 1676 does provide some estimation. The census was a religious survey, undertaken to determine the strength of religious non-conformity, and nation-wide ministers were asked to report on the number of conformists, papists and non-conformists within their parishes. Whilst there were differences in the precise manner in which the questions were set between diocese, and variations in the way they were interpreted

⁷⁶ Alan Everitt has highlighted that a large number of current regional terms are of modern origin and cannot be artificially transplanted into the past. Alan Everitt, 'Country, County and Town: Patterns of Regional Evolution in England', *Transactions of the Royal Historical Society*, fifth series 29 (1979), 79-108.

both within and between different sees, Anne Whiteman's research has shown that, generally, most incumbents recorded members of their parish over the age of 16, regardless of sex.⁷⁷ According to the Compton Census data, Grimsby and East Retford were the smallest enfranchised boroughs of the East Midlands with populations under 800.⁷⁸ At the other end of the scale was Nottingham, for which the Compton Census provides an estimated population of 4500.⁷⁹ Between these two poles, in ascending order came Newark (1848), Grantham (2190), Stamford (2393), Boston (2650), Leicester (3106), Derby (3179) and Lincoln (3692), the county towns, unsurprisingly being the largest.⁸⁰ By linking the census estimations to the totals given in the religious survey of 1603, it is also possible to delineate demographic trends in these corporations through the seventeenth century. Derby, Leicester, Boston, Grantham, Lincoln, Stamford and particularly Nottingham experienced demographic growth, whilst Grimsby's population was essentially static, and both Newark and East Retford appear to have experienced a period of demographic decline.⁸¹

The different rates of population growth experienced by the ten Parliamentary corporations were largely the product of their economic fortunes. Towards the end of the seventeenth century, Derby began to adopt the role of a county town that had previously eluded it due to its position on the south eastern edge of the county. This increase in its significance to the life of the county was based on its importance as a trading centre for the industrial wealth of the Wirksworth lead mines, the increasingly important role it played as a social centre for the surrounding gentry, and as a channel for trade with the north-west.⁸² Not only were its market functions

⁷⁷ Anne Whiteman, ed., *Compton Census of 1676: A Critical Edition*, Records of Social and Economic History, new series x (London, 1986), pp. xxiv-vi.

⁷⁸ For East Retford D. H. Hosford estimates a population of between 600 and 800. Whiteman *Compton Census*, pp. cxviii, 347, 600; Hosford, *Nottingham*, p. 46.

⁷⁹ John Beckett estimates the population of Nottingham in the 1670s as being between 5-6000 a similar estimation to that given D. H. Hosford. Whiteman, *Compton Census*, pp. cxx, 587, 606; John Beckett, *East Midlands since AD 1000* (London, 1988), p. 132; Hosford, *Nottingham*, pp. 45-6.

⁸⁰ D. H. Hosford estimates the population of Newark at 2700, and Derby less than 4000. Whiteman, *Compton Census*, pp. cxviii, 306, 329-30, 341, 351, 354-5, 364, 444-446; Hosford, *Nottingham*, pp. 46.

⁸¹ Whiteman, *Compton Census*, pp. cxviii-cxix, cxx; Beckett, *East Midlands*, pp. 132, 134-5.

⁸² Alan Dyer, 'Midlands', in P. Clark, ed., *The Cambridge Urban History of Britain, 1540-1840* (Cambridge, 2000), p. 102.

expanding but it was also developing into an industrial centre. Brewing was strategic to its success and in 1693 it had 76 malthouses and 120 alehouses.⁸³

Leicester was also in the process of industrialising. By the mid-seventeenth century, hand-knitted stockings was a well established manufactury, and in 1674, in Leicester and the surrounding villages, the industry was said to use 200 todods of wool a year.⁸⁴ However, real economic expansion only really took off with the introduction of the stocking frame, some time between 1670 and 1680.⁸⁵

Nottingham, sitting on the Trent, one of the main navigable rivers of the region, acted as a wholesaling centre for a large area. At its fair, up until 1690, it supplied a site for London merchants to distribute their goods, and after this date, Nottingham wholesalers adopted this role themselves. Moreover, by the eighteenth century, it had developed into a major textile centre specialising in stockings and lace.⁸⁶ In contrast, the fourth county town, Lincoln, did not witness a resurgence in its fortunes during this period and its decay is typified by the note of a visitor, in 1689, that 'several stately houses and churches are let fall down to the ground, piece by piece'.⁸⁷ Its main significance for the county was as a social and administrative centre, and it essentially remained a market town whose nascent industries were largely linked to the needs of the local countryside.⁸⁸

Grantham, Stamford, Retford and Newark were also essentially market towns, benefiting from their position as staging posts on the main routes north.⁸⁹ The two former were both noted for their 'abundance' of good inns, some which were 'fit to entertain persons, of the greatest quality'.⁹⁰ Grantham itself was centred around its market place which specialised in corn malt and sheep. Whilst at Stamford, 'a

⁸³ Beckett, *East Midlands*, pp. 134-5.

⁸⁴ W. A. Jenkins and C. T. Smith, 'Social and Administrative History, 1660-1835' in R. A. McKinley (ed.) *Victoria County History of the County of Leicester* (London, 1958), iv, p. 178; Jack Simmons, *Leicester Past and Present: Ancient Borough to 1860* (London, 1974), p. 96.

⁸⁵ James Thomson, *The History of Leicester*, (London, 1849), p. 436; Jenkins and Smith 'Social and Administrative History', p. 178; Dyer, 'Midlands', p. 109.

⁸⁶ Dyer, 'Midlands', p. 102, 108.

⁸⁷ *The Diary of Abraham de la Pryme: The Yorkshire Antiquary*, ed. C Jackson, Surtees Society, liv (1869), p. 19.

⁸⁸ Dyer, 'Midlands', p. 109; Beckett, *East Midlands*, p. 135.

⁸⁹ Dyer, 'Midlands', p. 95.

⁹⁰ Beckett, *East Midlands*, p. 139; Daniel Defoe, *A Tour through the Whole Island of Great Britain*, ed. Pat Rogers (London, 1971), p. 419.

pleasant town, very large and well peopled', the most important trades were leather working, weaving, and wood and stone crafts, and the clearing of the river Welland enabled the town to transport the barley crop of the surrounding countryside.⁹¹ Of the two Nottinghamshire boroughs, one visitor in the 1690s found both of 'great trade'.⁹² During the seventeenth century, the two ports, Boston and Grimsby, were both badly affected by the decline in overseas trade and were increasingly becoming overshadowed by Hull.⁹³ However, whilst Boston still acted as a supply centre and port for southern Lincolnshire, Grimsby was becoming increasingly moribund. The Haven was still usable, but only just, and in 1697 Abraham de la Pryme described Grimsby as 'but a little poor town, not a quarter so great as heretofore. The old market place is lost, and that where they now keep it is in the midst of street'.⁹⁴

Different economic fortunes, trades and locations all produced very different social mixes in the ten enfranchised corporations. Derby, Nottingham and Stamford were increasingly becoming important centres of gentrified social life. Daniel Defoe noted in the early eighteenth century that Derby had 'more families of gentlemen in it than is usual in towns so remote, and therefore here is a great deal of good and gay company', his explanation being that such a large part of county was so inhospitable that the gentry preferred the delights of Derby than being exiled on their estates.⁹⁵ Likewise, a number of visitors to Nottingham noted the finesse of its buildings and society.⁹⁶ At Stamford, the construction of Daniel Wigmore's large four-storey house in the 1670s was the first of many such building exercises. By the later seventeenth century Francis Wingfield, a lawyer prominent in the court of Charles II, had a house at St Martins, Sir Christopher Clapham lived at Barn Hill, and the Cust family

⁹¹ Alan Roger's survey of the occupations of freemen admitted between 1663-1721 found of the 706 freemen named 19% were victuallers, 17.2% textile workers (including weavers), 13.2 % laborours, 12.9% leather workers, 12.4% builders, and 11.4% involved in service industries. Alan Rogers, *The Book of Stamford* (Buckingham, 1981), p.77; *Diary of Abraham de la Pryme*, p. 44; Beckett, *East Midlands*, p. 138.

⁹² *Diary of Abraham de la Pryme*, pp. 35, 44.

⁹³ David Harris Sacks and Michael Lynch, 'Ports 1540-1700', in Clarke, *Cambridge Urban History*, pp. 393-5.

⁹⁴ *Diary of Abraham de la Pryme*, p. 153

⁹⁵ In 1694 Abraham de la Pryme also noted its good and stately buildings and wealth. Defoe, *Tour*, p. 457; *Diary of Abraham de la Pryme*, p. 34.

⁹⁶ Defoe, *Tour*, pp. 451-4, 456; Christopher Morris, *The Journeys of Celia Fiennes* (London, 1947), pp. 72, 227.

resided at Blackfriars, and the local landed gentry utilised Stamford's amenities to purchase goods and maintain social contacts.⁹⁷ In contrast, at Leicester, whilst Abraham de la Pryme noted a 'good many very handsome buildings in the town', most visitors in the seventeenth century were generally far from impressed. In 1654, John Evelyn described Leicester as 'old and ragged...despicably built' and in 1675, Thomas Baskerville noted that it was 'inhabited for the most part by tradesmen, viz, worsted combers and clothiers'.⁹⁸

The Compton Census provides some indication of devotional complexion of the boroughs. The recording of papists generally appears to have been relatively straightforward, although the returns make no reference to church papists. However, interpreting the results for Protestant non-conformity is more problematic. In the late seventeenth century, there was no clear-cut divide between those Protestants who conformed to the Church of England and those that dissented. Protestant non-conformity covered a spectrum of religious beliefs from the extreme to the mildly dissenting. Moreover, the common practice of occasional conformity, whereby a dissenter periodically made an outward show of conformity by attending their local parish church, further blurred the edges. Whilst those that were resolutely separatist were no doubt recorded in the Compton Census as dissenters, incumbents could have recorded those who partially conformed as either conformists or non-conformists, with no guarantee of uniformity in their interpretations. As a result, the census returns generally underestimate the strength of dissent. In addition, the probable variations in the incumbents conception of Protestant non-conformity, and the different ways the questions were interpreted, makes comparisons between parishes problematic.⁹⁹

Nevertheless, in the absence of a more accurate source, the census data does indicate the approximate strength of different religious groups between the ten East Midland

⁹⁷ Rogers, *Book of Stamford*, p. 71-2.

⁹⁸ Celia Fiennes's description of the town in the eighteenth century was more charitable. Simmons, *Leicester Past and Present*, p. 96; *Diary of Abraham de la Pryme*, p. 34; Morris, *Journeys of Celia Fiennes*, pp. 162-3.

⁹⁹ Whiteman, *Compton Census*, pp. xxxvii-xli.

corporations. In each, the strength of Catholicism was recorded as negligible. In Newark, East Retford, Grantham, Stamford and Leicester under 2% of the population was recorded as non-conformist. For the two Lincolnshire boroughs, the Earl of Lindsey's assessment, in February 1688, of the strength of dissent within Grantham and Stamford corroborates the census data. In the former, he found the town 'consists of Church of England men, and some dissenters', whilst in the latter there 'were very few Dissenters in the Borough'.¹⁰⁰ In Grimsby, Derby, Lincoln and Boston dissenters made up around 5% of the population, and again, for the latter two, this can be corroborated by appraisals dating to February 1688. At Lincoln, Lindsey reported that most of them were 'church of England men; but there are also Dissenters', whilst Colonel Butler indicated that Boston 'entirely consists of Church of England men and Protestant Dissenters. The Church of England men are of the greater number, and have the ruling power wholly in their Hands'.¹⁰¹ In Nottingham, however, religious non-conformity had a long history in the borough and the dissenting community made up over 13% of the total population.¹⁰²

The thesis considers the impact that James's reign had on the four East Midland counties, and examines their reactions to his reign. Chapter two considers the local reactions to James's accession, and the region's experience of Stuart government since the Restoration, which conditioned them. It questions just how popular James was when he succeeded to the throne and, in the context of the East Midlands, whether James squandered the apparently strong position he enjoyed in 1685. Chapter three traces the effect James's policies had in the East Midlands. Chapter four considers the reaction from the East Midlands to James's policies, and particularly focuses on the answers to the three questions. Chapter five examines what the experience of the East Midlands reveals about James's chances of packing parliament. Chapter six reconsiders the Nottingham rising of November and December 1688 and argues that it was far larger than has previously been depicted,

¹⁰⁰ However, R. W. Ambler has recently claimed that Stamford in the period had a 'noteworthy dissenting presence'. Duckett, *Penal Laws and Test Act*, i, p.146; Rogers, *Book of Stamford*, p. 74; R. W. Ambler, *Churches, Chapels and Parish Communities of Lincolnshire, 1600-1900* (Lincoln, 2000), p. 14.

¹⁰¹ Duckett, *Penal Laws and Test Act*, i, pp. 147, 149.

¹⁰² Whiteman, *Compton Census* p. 606; Martyn Bennett, 'Turbulent Centuries: The Political History of Nottingham, 1550-1750', in J. Beckett, ed., *A Centenary History of Nottingham* (Manchester, 1997), pp. 176-7.

and, whilst certainly primarily the work of the elite, its aristocratic nature has been over-stated. The final chapter briefly considers the 1689 elections and the immediate settlement made in the region, before providing some general conclusions.

Chapter 2: 'A Good Correspondence': The Response to James II in 1685

When James II succeeded his brother to the throne in February 1685, his accession was received in the East Midlands, as elsewhere, with excessive declarations of loyalty. Yet in the three Parliaments held between 1679 and 1681, attempts had been made to 'exclude' James Duke of York from the succession. This chapter will examine how strong opposition to a Catholic monarch during the Exclusion Crisis manifested itself into the apparently secure position James enjoyed in 1685. It will also consider the extent to which James enjoyed 'a good correspondence' with the majority of his subjects at his accession, and whether in the course of his reign he squandered the popularity he originally inherited.

I

Charles II's return in 1660 did not merely witness the restoration of the Stuart monarchy, but also that of the Anglican Church, and much of the traditional structures of local government as they stood prior to the Civil War. In the Breda Declaration of April 1660, Charles II made it clear that his personal preference was for religious toleration for a large majority of Protestants. However, the religious divisions of the previous period did not dissipate with the end of the Republic. Following Charles's Declaration from Breda, Quakers and Independents hoped the new regime would bring with it religious toleration. Whilst High Anglicans wanted a settlement based on a 'traditional' structure and theology, moderate Presbyterians hoped for a broad based religious settlement that retained some of the reforms of the early 1640s, but that essentially reaffirmed the unity of the majority of English Protestants. Nevertheless, they were less receptive to a general toleration.

Initially, the Worcester House negotiations appeared to promise a broad-based settlement. However, the settlement determined in the Cavalier Parliament was narrow and restrictive including neither comprehension nor toleration. The Act of Uniformity of 1662 dictated that clergymen had to be ordained by a bishop, imposed

strict conformity to the Book of Common Prayer and 39 Articles and their renunciation of the Solemn League and Covenant. The passing of the Act created two legal types of Protestant, the conformists, those who assented to the remit of the Act, or at least were prepared to outwardly accept it, and the dissenters, those who did not. The Act was primarily concerned with clergy men but the passing of the series of bills known as the Clarendon Code subsequently enforced the strict definition of conformity outlined in the Act of Uniformity to the wider population. The Quaker Act of 1662 imposed penalties for attending conventicles or refusing to swear the oath of allegiance. The Conventicle Act of 1664 forbade meetings of five or more unrelated dissenters. The Five Mile Act of 1665 excluded all non-conformist preachers from coming within five miles of any town or city, and incumbents who had been ejected by the Act of Uniformity from residing within five miles of their old parishes.¹

The king's personal preference for religious toleration was reflected in his attempts in 1662 and 1672 to introduce toleration through the royal prerogative. On both occasions, in the face of opposition, Charles II chose to withdraw his proposed liberty of conscience. Nevertheless, at times of crisis, the government would attempt to encourage prosecution for religious dissent. The surviving minute book for Lindsey quarter sessions opens, in April 1665, shortly after the start of the second Anglo-Dutch war, with an order to justices 'to free the countrey from Seditious Persons and Seditious and unlawful meetings and Conventicles'.²

Closely following the letter of the law could also be the result of local initiative, and some justices of the peace were more forward in prosecuting religious non-conformity. In Nottinghamshire, Robert Thoroton of Carcolston and Peniston Whalley of Screveton were notorious for the propensity to persecute religious dissenters particularly Quakers.³ However, in Lincolnshire, Edward King of Ashby lost his place as a magistrate due to his patronage of non-conformists, and Sir

¹ John Spurr, *The Restoration Church of England, 1646-89* (London, 1991), pp. 27-55; Tim Harris, *Politics Under the Later Stuarts* (London, 1993), pp. 40-41.

² LAO, LQS A/2/1, p. 3.

³ Stuart Brian Jennings, 'The Gathering of the Elect': The development, nature and social-economic structures of Protestant religious dissent in seventeenth-century Nottinghamshire', The Nottingham Trent University, Ph.D thesis (1999), pp. 189, 194.

Francis Fane of Fulbeck, Sir Christopher Neville of Auborne, and Christopher Beresford of Leadenham, were all moderate in their dealings with protestant dissenters.⁴

At the Restoration, the small, socially top-heavy, Catholic minority hoped that the new government would grant some form of relaxation from the Elizabethan and Jacobean penal laws that proscribed Catholic worship. However, these hopes went unfulfilled, although the government made no real efforts to enforce the legislation until 1673, and particularly after 1678. Likewise, in the localities many magistrates exhibited ambivalent attitudes toward the prosecution of the Catholic neighbours for recusancy, and when the Catholic question was not of obvious political concern, a majority of Catholics, if not left in peace, were not exposed to the maximum penalties laid out in the penal statutes. However, whilst the treatment of Catholics was relatively mild, it was combined with extravagant fears of the inherent danger of Catholicism. Protestant fears of the violent extremism of Catholicism stretched back to the Marian persecutions, were kept alive by the popularity of such texts as John Foxe's, *Acts and Monuments* and were affirmed by the more contemporary proofs of the Gunpowder Plot and Irish massacres of the 1640s. Moreover, anti-Catholicism had a political angle. Not only was the loyalty of Catholics called into question, as a result of their ultimate allegiance to the papacy, but popery became clearly identified with arbitrary government, which was reinforced by English interpretations of the nature of the government of Louis XIV in France.⁵

In local government the lieutenancy which, whilst not officially dismantled, had gone into abeyance was restored. For the East Midlands counties, Montague Bertie, second Earl of Lindsey, was, on 13 July 1660, appointed lord lieutenant of Lincolnshire but his death shortly after necessitated his replacement, in August, by his son Robert, the third Earl. Also appointed in July was his counterpart in Nottinghamshire, William Cavendish, first Marquis of Newcastle, and his cousin, also William Cavendish, third Earl of Devonshire shortly after became lord

⁴ J. W. F. Hill, *Tudor and Stuart Lincoln* (Cambridge, 1956), pp. 178-9; Holmes, *Lincolnshire*, pp. 224, 230.

⁵ Miller, *Popery and Politics*, pp. 9-12, 51-63, 67-90.

lieutenant of neighbouring Derbyshire. Finally, early in 1661, Henry Hastings, first Lord Loughborough became head of the lieutenancy in Leicestershire.⁶

Unlike the lieutenancy, the magistracy had mainly continued to function after 1642. The return of the monarchy led to major purges of the commissions of the peace throughout the country.⁷ However, the extent of these purges differed between counties, depending upon the level of the infiltration achieved by men of lower status onto the bench during the 1640s and 1650s and the extent to which members of the traditional county elite had already been restored as justices of the peace. For example, in Hampshire some gentry families had returned to local government at an early stage in the interregnum and the commission remained relatively stable in composition throughout the 1650s. However, in Somerset and Sussex, most restitutions had occurred in the period 1657 to 1658.⁸ In the East Midland counties over 65% of the men on the commission of the peace in 1657 did not feature on that of 1660.⁹

The Restoration also led to extensive changes in the personnel of the municipal corporations. In some boroughs, these changes occurred speedily with little external pressure - the entire corporation of High Wycombe, in Buckinghamshire, resigned to make way for previously displaced brethren when Charles II landed.¹⁰ In the corporations where alterations were not made in 1660, more extensive changes occurred after the passing of the Corporation Act of 1661. Under this act, all

⁶ Loughborough was replaced by John Manners, eighth Earl of Rutland in February 1667. J.C. Sainty, comp., *List of Lieutenants of the Counties of England and Wales, 1660-1714*, List and Index Society, 12 (London, 1679), pp. 18, 24-5, 28.

⁷ In the West Riding of Yorkshire only 14 out of 76 justices continued in place following the Restoration, in the East and North Ridings this figure was 8 out of 55 and 11 out of 57 respectively. In Warwickshire only 10 Interregnum justices survived, in Shropshire only one. In Sussex 35 justices were removed, in Wiltshire 46, in Devon 23 out of 54 and Hampshire 36% of justices were removed. G. C. F. Forster, 'Government in Provincial England Under the Later Stuarts' *Transactions of the Royal Historical Society*, fifth series xxxiii (1983), 31; Coleby, *Hampshire*, p. 90; Stephen Roberts, *Restoration and Recovery: Devon Local Administration, 1646-1670* (Exeter, 1985), p. 148.

⁸ Coleby, *Hampshire*, pp. 17-31, 89-90; David Underdown, *Somerset in the Civil War and Interregnum* (Newton Abbot, 1973), p. 185; Fletcher, *Reform in the Provinces*, pp. 18-9.

⁹ The respective figures for the East Midland counties are; Derbyshire 69%, Leicestershire 70%, Lincolnshire Holland 81%, Lincolnshire Kesteven 77%, Lincolnshire Lindsey 77%, Nottinghamshire 68%. PRO, C193/13/5, pp. 16-8, 56-64, 81-2, C220/9/4, pp. 14-15, 44-48, 50-51, 65-7.

¹⁰ 'Voluntary' changes also took place at Norwich, Shrewsbury, Chester, Abingdon, Yarmouth, Sudbury, and Maidstone. Forster, 'Government in Provincial England', 30; Halliday, *Dismembering the Body Politic*, pp. 75-6.

municipal office-holders had to take the Anglican sacrament, renounce the Covenant, and swear a non-resistance oath to the newly re-established monarchy. In the East Midlands, nine aldermen and eighteen common council men of Boston corporation were removed; at Grantham, three of common council and two comburgesses, the corporation of Stamford lost twelve office-holders, 15 aldermen and 25 common burgesses lost their place at Leicester corporation; seven aldermen, both sheriffs and nine of the common council at Lincoln; and Nottingham lost six of its seven aldermen.¹¹

However, to a large extent the Corporation Act failed in its objectives of filling the boroughs with those that absolutely supported the restoration of the king and were unsympathetic to dissent, a fact reflected in subsequent, but ultimately abortive, parliamentary attempts at regulation. Up until 1680, eligibility for office was still defined by the tenets of the 1661 Act, and a number of those removed found their way back into the corporations.¹² During the remainder of the 1660s and most of the 1670s, Charles II's government made few attempts to directly interfere with the personnel of local government. To the corporations, the Crown adopted a relatively passive stance, and did little to deal with those office-holders who had been excluded from the boroughs but had found a way back onto the table. In the magistracy, a large measure of stability was maintained and the Restoration government did not extensively tamper with the bench until 1670, when it purged members who opposed the second Conventicle Act, that attempted to bolster the penal legislation by making use of paid informers.¹³ As L. K. J. Glassey has shown, it was not until 1675 that appointments to the bench were directly connected to political considerations, and 1680, in the midst of the Exclusion Crisis, that the government systematically attempted to remodel the commission of the peace.¹⁴

The initial spark to the Exclusion Crisis was widespread belief in the 'Popish Plot' of 1678, which was based on the lurid tradition of anti-Catholicism. The scare began

¹¹ Nothing is known about the actions of the commissioners for corporations in Derby. Henning, *House of Commons*, i, p. 189, 297, 299, 305, 355-6; Halliday, *Dismembering the Body Politic*, pp. 97, 355, 357; Holmes, *Lincolnshire*, p. 223.

¹² Halliday, *Dismembering the Body Politic*, pp. 109-17.

¹³ Fletcher, *Reform in the Provinces*, pp. 19-22; Roberts, *Recovery and Restoration*, p. 148;

¹⁴ Glassey, *Politics*, pp. 32-52.

with the 'evidence' of Titus Oates and Israel Tonge who claimed knowledge of a Jesuit plot to assassinate the king. Originally, their accusations failed to generate much interest, but belief in the plot spread as the result of one murder and one rather foolish secretary. Firstly, Sir Edmund Berry Godfrey, the magistrate who had originally taken Oates's deposition, was found dead and it was believed that he had been murdered to preclude his revelation of more details of the plot. Secondly, a search of the papers of Edward Coleman, the Duke of York's secretary, revealed correspondence with Jesuits and French agents covering schemes to help the Catholic cause in England. Whilst James himself was not implicated, the fears aroused by the plot re-focused attention on his conversion to Catholicism, and the prospect of a future Catholic king. Belief in the plot was short-lived, but just as the crisis was abating, the king's chief minister, Thomas Osborne, Earl of Danby was exposed as having conducted secret correspondence with Louis XIV concerning French subsidies. In order to prevent Danby's impeachment, Charles II prorogued the Cavalier Parliament that had been sitting since 1661.¹⁵

In three parliaments that met between March 1679 and March 1681, attempts were made to exclude the Duke of York from the succession. However, whilst the period is known as the Exclusion Crisis, historians have demonstrated that the issues at stake went far beyond fears of James's future succession, and were indicative of fears of arbitrary government in the present, and attitudes towards the religious settlement. Those supporting exclusion, came to be labelled 'whigs', and tended to support a more inclusive religious settlement which made room for protestant non-conformists. Supporters of exclusion included republicans and former supporters of the Protectorate. However, the vast majority of whigs did not want to return to a commonwealth and supported a mixed constitution, although they believed that Parliament should enjoy a larger share of the law-making process. In contrast, their opponents, dubbed tories, defended a more rigid Anglican religious settlement and

¹⁵ J. P. Kenyon, *The Popish Plot* (London, 1972).

again, whilst sharing the belief in a mixed constitution with the whigs, they were prepared to weight constitutional powers more heavily in favour of the executive.¹⁶

The East Midlands was one of the areas of the country where support for exclusion appeared particularly strong.¹⁷ Following the enfranchisement of Newark in 1673, there were fourteen constituencies in the counties of Derbyshire, Leicestershire, Lincolnshire and Nottinghamshire, returning a total of twenty-eight representatives to Parliament. However, representation was not evenly distributed throughout the region. Both Derbyshire and Leicestershire only elected four members - two each for the shire and two from each county town. In Nottinghamshire, the two knights of the shire, along with two MPs each from Nottingham, East Retford and Newark made the total for the county as a whole eight, whilst Lincolnshire elected twelve MPs - two for the county, and two each from Lincoln, Boston, Grantham, Great Grimsby, and Stamford. During the three Exclusion Parliaments, the twenty-eight East Midland seats were represented by thirty-two different members, twenty four of whom were elected to all three.¹⁸ Two men, Sir John Hartopp of Freathby, Leicestershire, and Sir William Yorke of Burton Pedwardine, Lincolnshire, won by-elections during the first Exclusion Parliament after the original MPs, John Manners,

¹⁶ Historians differ on the importance they attribute to different issues within the crisis and the extent to which two clearly defined parties developed. J. R. Jones, *The First Whigs: The Politics of the Exclusion Crisis, 1678-83* (Oxford, 1961); Jonathan Scott, *Algernon Sidney and the Restoration Crisis, 1677-1683*, (Cambridge, 1991); Mark Knights, *Politics and Opinion in Crisis, 1678-81* (Cambridge, 1994); Tim Harris, *Politics Under the Later Stuarts*, pp. 80-109. Tim Harris, 'Party Turns? Or, Whigs and Tories Get Off Scott Free', *Albion*, 25 (1993), 581-90; Richard L. Greaves, 'Great Scott! The Restoration in Turmoil, or Restoration Crises and the Emergence of Party', *Albion*, 25 (1993), 605-18; Jonathan Scott, 'Restoration Process. Or, If This Isn't a Party, We're Not Having a Good Time', *Albion*, 25 (1993), 619-37; Gary S. De Krey, 'Party Lines: A Reply', *Albion*, 25 (1993), 639-43; Tim Harris, 'Sobering Thoughts, But the Party is Not Yet Over: A Reply', *Albion*, 25 (1993), 645-7.

¹⁷ Derbyshire, Leicestershire, Lincolnshire. A. Browning and D. A. Milne, 'An Exclusion Bill Division List', *Bulletin of the Institute for Historical Research*, 23 (1950), 206.

¹⁸ Derbyshire - William Lord Cavendish, William Sacheverell; Derby - Anchtell Grey, George Vernon; Leicestershire Bennet Lord Sherrard; Leicester - John Grey, Sir Henry Beaumont; Lincolnshire George Sanderson, Viscount Castleton and Sir Robert Carr; Lincoln - Sir Thomas Meres; Boston - Sir Anthony Irby; Grantham Sir William Ellys, Sir John Newton; Grimsby - William Broxholme, George Pelham; Stamford - Sir Richard Cust, William Hyde; Nottinghamshire - Sir Scrope Howe, John White; East Retford - Sir William Hickman, Sir Edward Neville; Newark - Sir Robert Markham; Nottingham - Robert Pierrepont, Richard Slater.

Lord Roos, and Sir William Ellys, respectively had been promoted to the Upper House.¹⁹ Robert Leke, Lord Deincourt, elected for Newark, went up to the House of Lords between March and October 1679, and was replaced in the two subsequent Parliaments by Richard Rothwell of Ewerby, Lincolnshire. Henry Monson of Burton only represented Lincoln in the first and second Exclusion Parliaments, and was replaced by Sir Thomas Hussey of Honnington in the third.²⁰

Before the opening of the first session of the first Exclusion Parliament in March 1679, the leading whig grandee, Ashley Cooper, Earl of Shaftesbury, compiled lists of the political opinions of the recently elected members. In Shaftesbury's estimation, twenty-two of the East Midland members were described as 'honest' or 'worthy' reflecting their likely opposition to the court, two new members whose political position he was unsure of as 'doubtful', two 'base', and one 'vile', indicating their support for the court, and Sir Robert Carr 'worthy' in Lincolnshire and 'vile' at Preston.²¹ Whilst his assessment provides an important insight into the political proclivities of members, the evidence from the only surviving division list on Exclusion, from the first Parliament, shows that, in a number of cases, either his assessment was awry or that in the context of the issue of exclusion members' sympathies changed. George Vernon of Sudbury, who represented the borough of Derby, was described as 'base', yet he subsequently voted for exclusion, as did Sir Robert Markham, member for Newark, who had been annotated as 'vile'.²² In contrast, the Earl of Devonshire's son, also William, representing Derbyshire had, like Sir William Hickman, one of East Retford's MPs, been considered 'worthy', but

¹⁹ John Manners, Lord Roos was elected for Leicestershire, his election was called void and a subsequent investigation precluded by his rise to the peerage and he was replaced by Sir John Hartopp. Sir William Ellys was successful at Boston in March 1679, but was raised to the Bench and replaced in a bi-election by Sir William Yorke.

²⁰ Henning, *House of Commons*, i, pp. 187-9, 294-308, 349-356.

²¹ The annotations 'worthy' and 'vile' were used for ex-members of the Cavalier Parliament whilst 'honest' and 'base' for members new to Parliament. In the East Midlands those marked - 'worthy' were William Cavendish, William Sacheverell, George Saunderson (Viscount Castleton), Robert Carr, Sir Scrope Howe, Antichell Grey, John Grey, Sir Anthony Irby, Sir John Newton, Sir Thomas Meres, Henry Monson, Sir William Hickman, and Robert Pierrepont; 'honest' - John White, Sir Henry Beaumont, William Ellis, Sir William Ellis, George Pelham, William Hyde, Sir Edward Neville and Richard Slater; vile - John Manners (Lord Roos), William Broxholme, and Sir Robert Markham; base - George Vernon and Robert Leke (Lord Deincourt). J. R. Jones, 'Shaftesbury's 'Worthy Men', *Bulletin of the Institute of Historical Research*, xxx (1957), 237-239.

²² J. R. Jones identifies Mr Vernon on the list as Edward Vernon, uncle of George. However, the *History of Parliament* identifies him as George Vernon. Jones, 'Worthy Men', 234; Henning, *House of Commons*, iii, pp. 636-7.

divided against exclusion. Nevertheless, twelve members from the East Midlands voted for the Exclusion Bill, and Bennett, Lord Sherard, may have done so.²³

Thirteen East Midland MPs were absent at the time of the division, of whom at least three were subsequently removed from the commissions of the peace.²⁴ Therefore, over half of the MPs from the East Midlands in the first Exclusion Parliament appear to have definitely or probably supported the motion to remove James II from the succession.

The issue of Exclusion had not merely been fought out in Parliament. There had been no general election between 1661 and 1678, but in the next three years three elections took place in quick succession. Nationally, the first Exclusion Parliament saw the largest number of contest for any general election in the period 1660-1690, with 22 seats contested in 17 counties and 102 contested in 84 boroughs. For the second Parliament of 1679, this had dropped slightly to 23 seats in 16 counties and 84 seats in 61 boroughs. This decline in the number of contests was more marked in the third Parliament, when nine counties and 45 boroughs produced contests for 15 and 63 seats respectively.²⁵ Contests took place in Leicestershire, Lincolnshire and the borough of Derby for the first election of 1679, and at Nottinghamshire and Lincoln in the second. In 1681, contests were again held at Derby and Lincoln.²⁶ However, in many of the other East Midland seats, potential candidates withdrew when it became apparent they were unlikely to be elected; for example, the two Bertie brothers, Peregrine and Charles, stood down at Stamford in February, 1679, when they found themselves 'too weak'. Even when the election was not pushed to a poll, the preparations generated a great deal of interest and animosities in the localities.²⁷

²³ This includes Sir Robert Carr who Roger Morrice noted as absent but the State papers indicate he voted against the bill. Browning and Milne, 'An Exclusion Bill Division List', 210, 214-215, 217; Henning, *House of Commons*, i, p. 25.

²⁴ Sir Robert Carr, Sir Scrope Howe and Robert Pierrepont. Those retaining their places as magistrates were Sir Henry Beaumont, William Broxholme, William Hyde, and Sir Edward Neville. Browning and Milne, 'Exclusion Bill Division List', 210, 214-5, 217; Jones, 'Worthy Men', 237-9; House of Lords Record Office, Main Papers, 9 November 1680, ff. 15, 31-4; S. N. Esquire, *A Catalogue of the Names of all His Majesties Justices of the Peace in Commission in the Several Counties* (London, 1680), pp. 4-5, 10-11, 15, 29-31; PRO, C193/12/4, pp. 19-21, 62-8, 70, 91-2, C231/8, pp. 1-112.

²⁵ Henning, *House of Commons*, i, p. 106.

²⁶ Henning, *House of Commons*, i, pp. 107-8, 112, 116-7.

²⁷ Harris, *Politics Under the Later Stuarts*, pp. 103-105.

Moreover, there was a distinct move towards politics 'out of doors'. The whigs had initiated the use of popular politics, organising petitions and demonstrations, particularly when the king was able to outmanoeuvre them in Parliament, and petitions and demonstrations were organised. Opponents of the whigs also came to make use of such tactics and, following the publication of Charles II's declaration explaining his reasons for dissolving the Parliament of 1681, a total of 210 loyal addresses were presented nationwide.²⁸ From the East Midlands, addresses were sent from the nobility, gentry and freeholders of Leicestershire, Nottinghamshire, the gentry and freeholders of Holland, and Lindsey and Kesteven, the Grand Juries of Derbyshire and the corporations of Derby, Newark, Nottingham, Chesterfield, Stamford, Grantham and Great Grimsby.²⁹ Further loyal addresses followed in 1682, abhorring Shaftesbury's alleged plans to form a Protestant Association to resist James if he acceded to the throne. Such abhorrences were sent from the Grand Juries of Lincolnshire, Nottinghamshire and Derbyshire, the gentlemen and freeholders of the wapentake of Elloe in Holland, and the boroughs of Newark, Derby, Leicester and Nottingham.³⁰

Despite the lavish expressions of loyalty contained in the loyal addresses, there are indications that such sentiments praising the king for his 'gentle' government, for disbanding Parliament and putting an end to the work of 'evil men, seasoned with the old Leaven of Seditious and Commonwealth Principles', and promising to continue the government of church and state as by law established, were not universally held.³¹ In May 1681, the loyal tories of Leicester corporation drew up an address thanking the king for his Declaration, and the minute book records that it was to be sealed by the Mayor and presented by the recorder, Nathan Wright, to the king. However, the address did not bear the common seal and there is no indication that it

²⁸ Harris, *Politics Under the Later Stuarts*, p. 106.

²⁹ *London Gazette*, 1624, 1627, 1628, 1630, 1638, 1640, 1642-44, 1669-70; *Vox Angliae: Or, The Voice of the Kingdom* (1981), i, pp. 12-13, 18-9, 21, 25, 41, 43-4, 49-53, ii, pp. 13-14; Stocks, *Records of Leicester*, p. 555.

³⁰ *London Gazette*, 1696, 1706, 1708, 1710-11, 1714, 1725; *Records of the Borough of Nottingham*, v, p. 323; *CSPD Jan-Dec 1682*, p. 121; Glover, *Derbyshire*, ii, p. 382-3.

³¹ *London Gazette*, 1624.

was ever presented.³² In 1682, the corporation did present an address abhorring the Association, but again it does not seem to have borne the common seal.³³ Similarly, in Stamford in December 1682 part of the corporation complained that 'we have been always as ready for signing an abhorrence, which by most corporations has been tendered to his Majesty, but to our shame by our society obstructed'.³⁴ In 1681, the address from Chesterfield was only from the 'Loyal Party' of the borough, and the commensurate address from Grantham corporation was distinctly whiggish in tone.³⁵ Whilst the address promised that the corporation would adhere 'to your Majesties Person and Government, and to your Lawful Heirs and Successors', its tone was very different from other sent from the East Midlands. The address from Newark indicated that the corporation was 'sensible of the great advantage' of the king's Declaration, outlining his reasons for dissolving Parliament, and expressed 'Joy and Thankfulness' to the king for his 'great Care and Prudence, in preserving the Rights of Your Crown, the Liberties of Your Subjects, the Constitution of this Church of England, and the Protestant Religion as now established'. In contrast, the address from Grantham found the king's declaration did 'strangely revive and refresh the Spirits of your truly loyal subjects' because the king had promised to 'Defend and Maintain the just Rights and Liberties of your Subjects', to 'make the Laws of the Land the Rule', and to 'frequently advise with your People in Parliament, and readily pass any Bills, that shall be fairly offered'.³⁶

Resistance to loyal addresses were not limited to the corporations. On 20 August 1681, the Earl of Lindsey complained of a number of deputy lieutenants and magistrates who had refused to 'give the king thanks for the most gracious declaration that ever prince put out'. Amongst the militia officers were George Saunderson, Lord Castleton, Sir Robert Carr, Sir William Hickman, Sir John Newton, Sir Richard Cust, Henry Monson and Charles Pelham esquires. Also indicted were the high sheriff Sir Christopher Neville, Mr Farmer, Mr William Hyde,

³² An address from the corporation of Leicester is not mentioned in the *London Gazette* between 30 May - 30 December 1681. Stocks, *Records of Leicester*, p. 555; Henning, *House of Commons*, i, p. 297. *London Gazette*, 1620-1682.

³³ Stocks, *Records of Leicester*, pp. 559; Henning, *House of Commons*, i, 297; *London Gazette*, 1725.

³⁴ *CSPD Jan-Dec 1682*, pp. 589-90.

³⁵ *London Gazette*, 1630, 1644.

³⁶ *London Gazette*, 1627, 1644.

Mr William Trollope, Mr Henry Burrell, Mr Burrell of Dowsby, Mr Paine, Mr Berrisford, Mr St Leger Scrope, Mr John Bolle of Boston and Mr Webb.³⁷

In June 1683, the so-called Rye House Plot was discovered. This was in fact two quite separate conspiracies. The first, the work of a group of former Cromwellians, determined to assassinate the king and his brother, at Rye House in Hertfordshire, as they were returning to the capital from Newmarket races. The second, the conspiracy of a group of whig notables, who planned to seize Charles II and assume power. In the wake of the revelations of the plots, instructions were sent to lord lieutenants putting the militia on a state of alert and initiating searches of the houses of those suspected of being disaffected with the government. The lord lieutenants of Derbyshire, Leicestershire, Lincolnshire and Nottinghamshire responded with alacrity and closer attention was paid to dissenters and exclusionists.³⁸ George Vernon of Sudbury came under particular scrutiny and, nearly two years after the supposed event, it was reported, that in 1681 he had declared 'that before the Duke of York should come to the crown' he would be 'at the head of 10,000 men'.³⁹ In Leicestershire, meetings of the 'schismatic and disaffected party' held at the house of Mr Palmer of Wanlip, across the county border in Lincolnshire, were also reported to Jenkins. Attendees included Mr Moorewood of Derbyshire, Mr Clarke of Little Bowden (a chaplain in the army and 'most dangerous'), Jennings, Mr Pheasants chaplain at Hubbards of Rearsby, Woodhouse out of Shropshire and Clement Needham, and it was warned that 'these frequent meetings at Palmer's and elsewhere hereabouts give more than ordinary suspicion of some new design'.⁴⁰

In Nottinghamshire, searches were conducted at the homes of John White of Cotgrave, John Thornhaugh of Fenton, Sir Scrope Howe of Langar, Gervase Disney, Mr Plumtree, Mr Gregory and Francis Pierrepont of Nottingham.⁴¹ Although, in the latter two cases, the Duke of Newcastle was at pains to point out that he did not think

³⁷ PRO, SP 29/416/part 2, f. 208.

³⁸ *CSPD Jan-Jun 1683*, pp.18, 327-8, 336, 343, 363, 367; *CSPD Jul-Sep 1683*, pp. 28, 62, 93, 134, 180, 283-4, 311; BL, Add Mss. 71690, p. 33; Stocks, *Records of Leicester*, p. 559.

³⁹ *CSPD Jul-Sep 1683*, p. 199, 209-10; HMC 23, Twelfth Report, Appendix i, *Cowper Mss.*, p. 344.

⁴⁰ *CSPD Oct 1683-Apr 1684*, pp. 50-1.

⁴¹ *CSPD Jan-June 1683*, pp. 301, 327-8, 336, 363, 373; *CSPD Jul-Sep 1683*, p. 62.

that they were involved.⁴² In Derbyshire, the only individual definitely known to have come under suspicion was Anchitell Grey.⁴³ In Leicestershire, Lord Beaumont and Lord Sherard, two of the most senior deputy lieutenants, searched the house of the Earl of Stamford.⁴⁴ In Lincolnshire, of those of considerable estates searched included Sir William Ellis of Wyham, Sir William York of Burton Pedwardine, Sir Richard Cust of Stamford and Sir Drayner Massingberd of South Ormsby.⁴⁵ Whilst all the lord lieutenants were assiduous in returning details of the arms discovered, predominantly blunderbusses and pistols, very few arms were actually found. However, the reports indicate that this was not due to their non-existence, but rather a product of their being well hidden or moved after a tip off.⁴⁶ However, no uprising took place and the confiscated arms that were useful were added to the militia's arsenal whilst the rest were sent to specified storage points at Derby, Leicester, Newark and Boston.⁴⁷ Unsurprisingly, in the face of the opposition the court faced during the Exclusion Crisis, its aftermath saw the government attempting to reassert its control both on Parliament and the localities, and extensive changes were once again made in the personnel of local government. However, the extent to which this was intended to improve the Crown's control of parliamentary elections is debateable.⁴⁸

None of the East Midland lord lieutenants lost their places for political reasons.⁴⁹ The loyal Earl of Lindsey remained in post, as did William, Earl of Devonshire, until

⁴² CSPD Jul-Sep 1683, pp. 96, 121.

⁴³ CSPD Jul-Sep 1683, p. 311.

⁴⁴ CSPD Jan-Jun 1683, p. 343; CSPD Jul-Sep 1683, pp. 93, 134.

⁴⁵ CSPD Jul-Sep 1683, p. 180; LAO, MM6/10/11, ff. 1-2, 6-7, 10-1; W. O. Massingberd, *History of the Parish of Ormsby cum Ketsby* (Lincoln, 1891), pp. 165-9.

⁴⁶ CSPD Jan - Jun 1683, p. 363; CSPD Jul-Sep 1683, pp. 62, 134, 180, 258, 311.

⁴⁷ CSPD Jul-Sep 1683, p. 311; CSPD Oct 1683-Apr 1684, pp. 171-2, 216; CSPD May 1684-Feb 1685, pp. 26-7.

⁴⁸ J. H. Sacret and R. H. George argued that from the Restoration the Stuarts attempted to control Parliament by destroying the corporations. However, John Miller contends that *quo warrantos* were not intended to revise Parliamentary franchises, but rather to ensure that borough would do the bidding of the monarch. J. H. Sacret, 'The Restoration Government and Municipal Corporations', *English Historical Review*, xiv (1930), 232-59; R. H. George, 'The Charters Granted to English Parliamentary Corporations in 1688', *English Historical Review*, lv (1940), 47, 53; John Miller, 'The Crown and the Borough Charters in the Reign of Charles II', *English Historical Review*, 100 (1985), 54-6.

⁴⁹ In other counties this was not the case and in February 1681 the Earls of Suffolk, Manchester and Essex were removed from their lieutenantancies. Western, *Monarchy and Revolution*, p. 51.

his death in 1684, when he was replaced by Robert Leke, third Earl of Scarsdale. Also continued as lord lieutenants were John Manners, ninth Earl of Rutland, and Henry Cavendish, second Duke of Newcastle, who in 1677 had succeeded their fathers to the post in Leicestershire and Nottinghamshire respectively.⁵⁰

Unfortunately, insufficient surviving records makes it impossible to trace changes made to lord lieutenants' deputies, however, the alterations made to the composition of the bench can be estimated.⁵¹

In the spring of 1680, 80% of English and Welsh counties, received a new commission of the peace, and a further regulation took place in the summer. This was followed by a mass regulation in the summer of 1681, and subsequent refinements in individual counties.⁵² Whilst the series of regulations did not remove all of those that had opposed the court, for example Sir John Newton, Thomas Meres, Henry Monson and Robert Markham who had voted for exclusion retained their place on the bench, the purges were used to 'punish' political opponents. In the East Midlands, of 11 MPs who had voted for exclusion and who were also included on one of the commissions of the peace for the region, seven, William Sacheverell, Antichell Grey, George Vernon, John Grey, Anthony Irby, William Ellis and Richard Cust, were removed. Also ousted were Sir Scrope Howe, Robert Pierrepont, and Robert Carr who had been absent from the Exclusion division.⁵³

⁵⁰ Sainty, *List of Lieutenants*, pp. 18, 24-5, 28.

⁵¹ For the period 1660-1688 the local record offices of the East Midlands hold a few individual commissions, but clearly not the same amount of information as found by D. P. Carter for Lancashire. Lists of deputy lieutenants survive in the House of Lords records from 1680, but it is difficult to trace the changes made although some recommendations for the post are recorded in the Calendar of State Papers Domestic. D. P. Carter, 'The Lancashire Militia, 1660-1688', *Transactions of the Historical Society of Lancashire and Cheshire*, cxxxii (1983), 155-81; HLRO, Main Papers, 19 November 1680, ff. 26, 28, 59-60; *CSPD Jan-Dec 1682*, p. 78, 94, 282; *CSPD Jan-Jun 1683*, p. 52; *CSPD Jul-Sep 1683*, p. 241, 270.

⁵² Glassey, *Politics*, pp. 46-7, 52-57.

⁵³ Sir John Hartopp does not seem to appear on the Leicestershire Commission. The two Lincoln MPs who voted for exclusion moved away from a whiggish position and kept their places although it is possible that Henry Monson's new found conservatism contributed to his electoral failure in 1681. Nine of those complained of by the Earl of Lindsey for opposing the loyal address were also removed, though of the four that were MPs only one Sir John Newton voted for exclusion. Browning and Milne, 'Exclusion Bill Division List', pp. 210, 214-5, 217; PRO, SP 29/416/part 2, f. 208; Henning, *House of Commons*, iii, p. 78; HLRO, Main Papers, 9 November 1680, ff. 15, 31-4; S. N., *Catalogue of Justices*, pp. 4-5, 10-11, 15, 29-31; PRO, C193/12/4, pp. 19-21, 62-8, 70, 91-2, C231/8, pp. 1-112.

TABLE 2.1

**Changes Made to the East Midlands Commissions of the Peace c. 1679-
December 1684.**

	No. on the Bench 1679 (estimate)	No. Continued	No. Removed	No. Removed Dead	No. Removed later Added	No. Added	No. Added later Removed
Derbyshire	31	19	6	6	0	7	1
Leicestershire	41	29	8	3	0	10	2
Lincolnshire (Holland)	23	13	3	2	5	14	1
Lincolnshire (Kesteven)	38	24	6	6	2	16	2
Lincolnshire (Lindsey)	36	25	6	4	1	18	13
Nottinghamshire*	33	20	10	3	0	11	0

* There is no house of Lord's list for Nottinghamshire. As this list is the only source that give details of additions since the end of the second exclusion Parliament the number retained on the bench could well be artificially high and additions artificially low.

** Overall it is likely that the tables overestimates the numbers of justices who retained their places, if no evidence of removal was given in the docket book or PRO C 193/4 then it was assumed they had not been purged. However this includes a number of individuals who it seems would have been prime candidates for removal and or who had been regular attendees at Quarter session but suddenly appear to stop attending.

Table 2.1 represents a composite depiction of the changes that took place in the East Midlands commissions of the peace from the Spring of 1680 to the end of 1684. In comparison to changes made to the commissions of the peace at the Restoration, the remodelling of the bench during the Exclusion Crisis and tory reaction involved the removal of proportionally less men. In Lincolnshire Holland, over 60% of magistrates from 1680 retained their place and, in the East Midlands as a whole, this was the commission that was most affected. In Derbyshire, Leicestershire and Lincolnshire Kesteven, over 75% of JPs remained on the bench.

Whilst the removal of justices of the peace allowed the government to 'punish' and remove its opponents it is unlikely that the changes made to the commissions of the peace had a direct effect on elections. Historians examining justices's influence on early eighteenth century electoral behaviour disagree on their importance. Within the electorate were wide variations in wealth and tenurial or other relationships with the leaders of county society. Moreover, some magistrates enjoyed far greater local influence than their colleagues, which created a plethora of different types of voter behaviour from deference to independence.⁵⁴

⁵⁴ W. A. Speck, W. A. Gray, and R. Hopkinson, 'Computer Analysis of Poll Books: A Further Report', *Bulletin of the Institute of Historical Research*, xlviii (1975), 64-90; Norma Landau, 'Independence,

If the Crown's intention was to gain better control over parliamentary elections, more integral to its plans were the enfranchised corporations. Between 1681 and February, 1685, the charters of fifty-one corporations were replaced. A further forty-seven corporations received new charters between James's accession and the election of 1685, and twenty-one more between then and the end of 1686.⁵⁵ In July, 1682, Derby was the first borough from the East Midlands to surrender its charter, and it was hoped that 'the favour that his Majesty will show to so much loyalty will be of excellent example to other corporations'.⁵⁶ Shortly after, Nottingham corporation agreed to relinquish its charter.⁵⁷ In the East Midlands, at least, the next 18 months witnessed a lull in proceedings. The Corporation of Grantham agreed to surrender of its charter on 30 June, Lincoln's council did so on 10 July, and Newark also acquiesced in the summer of 1684.

In the autumn, Boston and Leicester followed suit and, like Retford, new charters were received at the end of 1684 or in the early months of 1685.⁵⁸ Stamford finally

Deference and Voter Participation: The Behaviour of the Electorate in Early-Eighteenth-Century Kent', *Historical Journal*, xxii, (1979), 561-83; Stephen W. Baskerville, Peter Adman and Katherine F. Beedham, 'The Dynamics of Landlord Influence in English County Elections, 1701-1734: The Evidence from Cheshire', *Parliamentary History*, 12, (1993), 126-142.

⁵⁵ Jones, *Revolution of 1688*, p. 46.

⁵⁶ Derby agreed to surrender its charter in June. The surrender was accepted on 21 July 1682. The warrant for the new charter was issued on 27 July and the bill signed 28 August 1682. *CSPD Jan-Dec 1682*, pp. 29-30, 286-7, 306, 315, 392; *CSPD Oct 1683-Apr 1684*, p. 126; Glover, *Derbyshire*, ii, p. 383.

⁵⁷ Nottingham agreed to surrender its charter on 25 July 1682 the warrant for the surrender and reincorporation was signed 21 September and the new charter was received in Nottingham on the morning of 29 September 1682. NAO, CA 3449, p. 16; *Records of the Borough of Nottingham*, v, p. 323; *CSPD Jan-Dec 1682*, p. 417, 437.

⁵⁸ Grantham corporation agreed to relinquish its charter on 30 June 1684, the warrant for reincorporation was signed 17 December 1684 and the charter is dated 25 February 1685. Lincoln agreed to surrender on 10 July the warrant for a new charter was signed 7 November and it was received by the corporation 1 January 1685. Newark surrendered their charter in August 1684 and the warrant for its replacement signed 31 December 1684. Boston Corporation agreed to surrender their charter on 14 November 1684, the surrender was sealed by the corporation on 17 January 1685 and they had received their new charter by 4 May 1685. Leicester voted to surrender their charter 10 September 1684. The charter was surrendered on 2 November and passed the privy seal on 9 December 1684. Martin, *Royal Charters of Grantham*, p. 170; LAO, Grantham Borough 5/1, p. 691, L1/1/6, pp. 381, 388-90; HMC 37, Fourteenth Report, Appendix viii, *Corporation of Lincoln Mss.*, pp. 108-9; Bailey, *Minutes of Boston*, p. 255, 260, 267; LRO, BRII/18/35, ff. 141-2, 146, 150, 154, 157, 160-164; R. W. Greaves, 'The Earl of Huntingdon and the Leicester Charter of 1684', *Huntingdon Library Quarterly*, xv (1951-2), 374, 376-380, 383; *CSPD May 1684-Feb 1685*, pp. 85, 194, 198, 202, 257, 268; Narcissus Luttrell, *A Brief Historical Relation of State Affairs from Sept 1678 - April 1714*, i, (Oxford, 1857), p. 324.

agreed to surrender its charter early in 1685, whilst Grimsby did not receive a new charter until 1686.⁵⁹

Whilst all the surrenders from the East Midlands were 'voluntary', the charters were, in many cases, relinquished under extreme pressure. The corporations of Derby, Nottingham and Stamford all gave up their charters under the threat of *quo warranto* proceedings, which would have revoked their charters for illegal extensions of privilege and enabled the Crown to issue a new one that could well have excluded former rights, if indeed one was issued at all.⁶⁰ In Leicester, although the corporation agreed to surrender in September, there was a delay in relinquishing their charter to the king and it was only through the intervention of the Earl of Huntingdon that *quo warranto* proceedings were averted.⁶¹ Further pressure could be brought to bear by local grandees and country gentlemen.⁶² George Jeffries, later Lord Chancellor under James II, was instrumental in the revocation of Lincoln's Charter, Robert, Lord Ferrars directed the surrender of Derby's, and the Earls of Huntingdon and Lindsey performed similar roles at Leicester and Stamford respectively.⁶³ These noble facilitators were motivated not only by the desire of taming the corporations, but also by the opportunity to improve their position at court, particularly in the case of the former exclusionist Huntingdon. Moreover, it was also an opportunity to out-do other local lords, and Huntingdon was particularly keen to secure the surrender of Leicester's charter because 'my lord Ferrers had no more hand in it than my lord of Rutland'.⁶⁴

In addition to sticks, carrots were also held out to corporations to encourage them to comply. John Gery, Huntingdon's main 'agent' in the surrender of Leicester's charter, offered a number of sweeteners to members of the corporation, including a 'Gallon

⁵⁹ The corporation of Stamford agreed to surrender their charter 13 January 1685. STCA, 2A/1/2, p. 112; CSPD May 1684-Feb 1685, p. 292.

⁶⁰ Glover, *Derbyshire*, ii, p. 383; NAO, CA3449, p. 9; STCA, 2A/1/2, p. 112.

⁶¹ Greaves, 'Leicester Charter of 1684', pp. 383-5.

⁶² Western, *Monarchy and Revolution*, p. 73.

⁶³ The History of Parliament suggests the surrender of Derby's charter was facilitated by John Cooke of Melbourne. A John Cooke was certainly involved but he could have been a clerk in Secretary Jenkin's office. LAO, L1/1/6, p. 381; HMC 37, *Corporation of Lincoln Mss.*, pp. 108-9; Henning, *House of Commons*, i, p. 189; CSPD Jan-Dec 1682, pp. 316, 392, 477; CSPD May 1684-Feb 1685, p. 292; Greaves, 'Leicester Charter of 1684', 376-80.

⁶⁴ Greaves, 'Leicester Charter of 1684', 377; Western, *Monarchy and Revolution*, p. 74.

of sack' to the mayor's wife.⁶⁵ Boroughs were also induced by the opportunity to make changes to their privileges.⁶⁶ Derby requested a restriction in its franchise from common burgesses to Mayor and capital burgesses, and restrictions on trade carried out by 'foreigners' at their markets.⁶⁷ Nottingham, like Leicester, wanted to secure changes to the dates of its fairs, whilst the latter also requested, like Derby, a restriction in its parliamentary franchise to both companies of the corporation, and a 'reversion of the perquisites of the Court Leete and other immunities there unto belonging'.⁶⁸ Alternatively, the corporation of Grantham requested that the title of alderman and comburgesses be changed to mayor and alderman respectively, a change that one contemporary commentator acerbically remarked was because they had 'high hopes of having their Alderman gloriously changed into a Mayor with all other Circumstances Surteably to their vast Revenue'.⁶⁹ Under its new charter, Derby corporation obtained tighter control of views of frankpledge and foreigners trading in its markets.⁷⁰ Grantham secured the desired alteration to its office-holders titles.⁷¹ Nottingham's fair on the feast of St Mathias was abolished and replaced by two new eight day fairs on 23 April and 1 November, and Leicester obtained a new fair on the Sunday preceding Palm Sunday.⁷²

Within the East Midland corporations, the demand for the surrender of the charters appeared to be met with varying degrees of resistance. At Grantham, a free vote to surrender the charter was, according to the minute book, passed unanimously, and it likely that little resistance was present at Newark.⁷³ Lincoln corporation agreed to surrender because 'how much it imports the Government of this Kingdom to have men of known loyalty and approved integrity to bear offices of magistracy and places of trust'.⁷⁴ At Derby, it was reported that 'all of them, except three or four' consented to surrender.⁷⁵ However, the example of Leicester indicates that, in

⁶⁵ Greaves 'Leicester Charter of 1684', 376-7.

⁶⁶ *CSPD May 1684-Feb 1685*, pp. 247-8; Western, *Monarchy and Revolution*, p. 73.

⁶⁷ *CSPD Jan -Dec 1682*, p. 229-30.

⁶⁸ Stocks, *Records of Leicester*, p. 560; *CSPD Jan-Dec 1682*, p. 417.

⁶⁹ LAO, Monson 7/12, f. 41.

⁷⁰ Glover, *Derbyshire*, ii, p. 88-97; *CSPD Jan-Dec 1682*, p. 315.

⁷¹ Martin, *Royal Charters of Grantham*, p. 173.

⁷² *Records of the Borough of Nottingham*, v, p. 73; Stocks, *Records of Leicester*, pp. 564-79.

⁷³ None of Newark corporation lost their places as a result of the new charter. LAO, Grantham Borough 5/1, p. 691; NAO DC/NW 3/1/2 pp. 17-8.

⁷⁴ LAO, L1/1/6 f. 381, Hill, *Tudor and Stuart Lincoln*, p. 188.

⁷⁵ *CSPD Jan-Dec 1682*, pp. 229-30.

reality, support for relinquishing charters was not necessarily as unanimous. In this corporation, only four voted against surrender - William Bentley, John Brookesby, William Harris and John Bent. However, a further seven were considered suspect.⁷⁶ Moreover, it was suspected that 'others were well wishers but durst not appeare' and only 49 turned up for the vote on 10 September from a membership of 72, which certainly seems to indicate a higher level of opposition to surrender than the vote itself reveals.⁷⁷ In Nottingham, the divisions were more obvious; 29 out of 33 attended the vote and, after polling had taken place, the corporation was evenly split, with the casting vote of the Mayor, Gervase Wilde, tipping the balance in favour of surrender.⁷⁸

Whilst the government had used both sticks and carrots to encourage corporations to relinquish their charters, pressure for these revisions also came from within the corporations. For 'loyal' factions within the boroughs, one of the carrots was the stick offered by the government which could be used to beat their opposition. Paul D. Halliday has demonstrated how factional politics permeated corporate life since the Restoration, and how the changes made to corporate composition during the 1660s, rather than removing factional differences, had served to exacerbate them. It is within this context that the apparent unanimity in relinquishing their charters that was displayed at Lincoln and Derby and particularly Grantham needs to be set.⁷⁹

From the government's perspective, the issue of new charters allowed it to gain greater control of the corporations. Additionally, most of the new charters included a clause giving the Crown the right to remove municipal officers in the future, although this was not case in the two corporations which surrendered their charters in 1682. The charters of both Derby and Nottingham made it compulsory for the Recorder and Deputy Recorder to be approved by the Crown before appointment, and, in the former case, the charter reserved the right to the Crown to remove those appointed as justices of the peace. Derby's new charter did not allow the Crown to

⁷⁶ John Gery considered John Buxton, Thomas Wallin and Joseph Dudley disaffected, Edmund Craddock's support problematic, Edmund Johnson - 'Presbyterianely inclind', and two, Phillip Abney and Edmund Sutton, had been bullied into voting for surrender by the Earl of Huntingdon.

⁷⁷ Greaves, 'Leicester Charter of 1684', 373, 377-9, 386-90.

⁷⁸ NAO, CA 3449, p. 16.

⁷⁹ Halliday, *Dismembering the Body Politic*, pp. 223-34.

remove any other officers of the corporation, and Nottingham's made no mention of the Crown's right to remove officers at all.⁸⁰ However, it is noticeable that neither of the corporations of Derby or Leicester secured their desired restriction to their Parliamentary franchises.⁸¹ If one of primary concerns of Charles II's government between 1682 and 1685 was to improve the Crown's control of parliamentary elections, then it certainly did not take advantage of every opportunity to do so.

TABLE 2.2

Changes Made To Municipal Office-holding In East Midlands Corporations
1682-1685

Corporation	On Corporation before new Charter	No. continued in New Charter	No. Removed by New Charter	No. Added by New Charter	% Removed
Derby	Unknown				
Grimsby	Charter in 1686				
East Retford	Unknown				
Newark	13	13	0	0	0.0
Leicester	72	59	13	1	18.1
Lincoln	46	37	9	1	19.6
Stamford	37	24	13	13	35.1
Nottingham	33	17	16	16	48.5
Grantham	23	12	11	12	50.0
Boston	30	12	18	20	60.0

As table 2.2 indicates, lack of surviving records make it impossible to determine exactly how the personnel of East Retford and Derby were affected by their new charters.⁸² At Newark, the municipal office-holders remained the same.⁸³ However, elsewhere changes were made. Grantham, despite its apparent unanimity on surrender, lost over half its members, and at Stamford over one third were removed,

⁸⁰ Stocks, *Records of Leicester*, p. 578; Martin, *Royal Charters of Grantham*, p. 203-5. *Records of the Borough of Nottingham*, v, pp. 42-84; Glover, *Derbyshire*, ii, pp. 88-97; Morrice, *Entring*, P, p. 550; *CSPD Oct 1683-Apr 1684*, p. 126.

⁸¹ Stocks, *Records of Leicester*, p. 576; Glover, *Derbyshire*, ii, pp. 88-97; *CSPD Oct 1683-Apr 1684*, p. 126.

⁸² Derby's charter gives details of the composition of the corporation but there are no details of the corporation's membership prior to this as most of the borough records were destroyed in fire in the nineteenth century.

⁸³ Determined by comparing a list of the corporation's office holders from 29 September 1684 to that of 15 April 1685. NAO, DC/NW 3/1/2, pp. 17-8.

including Mathew Dawkins, who had reportedly call the king 'a rogue' in October, 1682.⁸⁴ Lincoln and Leicester were less affected, but those removed from the latter included the four who had voted against the charter and most of the others whose sympathies John Gery suspected. Edmund Cradock, however, connected by marriage to Huntingdon, declared himself a 'new man' and was saved.⁸⁵ At Nottingham, unsurprisingly, the removals included all fourteen who had voted against surrendering the charter, but it was at Boston that proportionally the most extensive changes took place; six aldermen and eleven common council men lost their places.⁸⁶

In boroughs where the most senior corporation official, the recorder, was politically suspect, the new charters also presented the government with the opportunity to change to the incumbent. Grantham was unaffected because the loyal John Manners had been recorder of the borough since his father's death in 1677.⁸⁷ At Leicester,

⁸⁴ The changes made at Grantham were determined by comparing a list of the corporation from 26 October 1683 with that of 13 March 1685. Those removed were Edward Leivsey, Nicholas Beck, William Haskard, William Cole, William Burbridge, Thomas Rouly, John Gibson, Michael Taylor, Richard Calcroft, Richard Hawley, John Winge and Richard Legrave. The changes made at Stamford were determined by comparing a list of office holders from 21 October 1684 with the new charter. Those removed were Thomas Hawkins, Peter Mapletoft, Edmund Curtis, William Stroud, Samuel Simonds, John Butcher, Leonard Ashton, Mathew Wishe, Mathew Wildbore, William Allwinkle, Mathew Dawkins, Edward Lenton, Nicholas Ellis. LAO, Grantham 5/1, pp. 686, 694; STCA, 2A/1/2, p. 109; CSPD Feb-Dec 1685, p. 39; CSPD Jan-Jun 1683, p. 13.

⁸⁵ Those removed at Lincoln can only be estimated from attendance patterns, as the corporate records do not include extant lists of the corporation. By my estimation those removed were Samuel Lodington (who had died), John Carr, Luke Garnon, Stephen West, Samuel Dodson, Robert Langley, Thomas Holland, John Newcombe, and William Turner. At Leicester those removed were calculated by comparing lists of the corporate members from September and October 1684 with the composition of the corporation in the new charter. Those removed were William Elliot, James Lee, William Bentley, John Bent, John Brooksby, Thomas Wallin, Edmund Johnson, Francis Churchman, Nicholas Smith, John Buxton, Joseph Dudley, William Harris and Robert Lord. LAO, L1/1/6, pp. 378-395; LRO, BR11/18/35, f. 142, 161, BR11/1/3, p. 914; Stocks, *Records of Leicester*, pp. 368-9; Greaves 'Leicester Charter of 1684', 387, 390.

⁸⁶ The office-holders removed from Nottingham corporation were calculated by comparing lists of the corporation from 7 July 1682, 25 July 1682 and 14 August 1682 with the new charter. Those removed were William Greaves, John Greaves, Samuel Richards, Hunt Eyre, Thomas Walker, Richard Smith, Francis Salmon, Ralph Bennet, William Smith, Robert Green, John Sherwin, Samuel Smith, Thomas Trigg, John Peak and Henry Smith. Roger Ryley had voted against the surrender of the charter but he resigned 31 July 1682. For Boston the changes were determined by comparing a list of the corporation from May 1684 with the new charter of February 1685. Those removed were, John Inkersall (who had died), Thomas Marcall, John Boulton, Thomas Tress, John Murphin, Thomas Lodowick, Samuel Kirk, John Gilbert, Timothy Jenkinson, Jonathan Brown, Samuel Brown, Samuel Hutchinson, Thomas Abbot, John Woods, Richard Roades, William Fydeall, William Pistor, Robert Clerke. NAO, CA 3449, pp. 14, 16, 18; *Records of the Borough of Nottingham*, v, pp. 55-63; Bailey, *Minutes of Boston*, pp. 249-51; CSPD Feb-Dec 1685, p. 50.

⁸⁷ Henning, *House of Commons*, iii, p. 301.

Nathan Wright was merely demoted from recorder to being the Earl of Huntingdon's deputy.⁸⁸ However, at Boston, where Sir Robert Carr had been recorder until his death in 1682, under the new Charter of 1685 Robert, Lord Willoughby, was appointed to the place.⁸⁹ At Lincoln, Stephen Mason, who had been recorder since 1669, was replaced by the Earl of Lindsey, who also replaced the Earl of Exeter as recorder of Stamford.⁹⁰

For the local gentry, the new charters of the 1680s presented them with the opportunity to gain greater control of neighbouring corporations. Indeed, according to one commentator, it was their demands that had been the origin of the whole exercise.⁹¹ At Boston, in addition to Lord Willoughby, three more members of the Bertie family were added to the corporation along with three other local county gentlemen - Henry Heron of Surfleet, Charles Dymock of Scrivelsby and John Bishop of Stickford.⁹² Bertie family members also became office holders at Stamford, and at Grantham Thomas Harrington and John Thorold of the town, and Robert Fisher of Threckingham, became aldermen of the corporation.⁹³ However, county gentlemen did not find their way on to all East Midland corporations. At Lincoln, Sir Thomas Hussey, Sir Henry Monson, Sir Thomas Meres and Henry Stone all donated £10 towards the costs of the new charter, but it does not seem that any new local gentlemen were added to the corporation.⁹⁴ Likewise, neither Nottingham or Derby seem to have been infiltrated by local county gentlemen, and at Leicester, the corporation was particularly concerned to ensure that local gentlemen would not be made justices in the town, and this wish appears to have been respected.⁹⁵

⁸⁸ Greaves, 'Leicester Charter of 1684', 374; Henning, *House of Commons*, i, p. 297; Stocks, *Records of Leicester*, p. 571.

⁸⁹ Henning, *House of Commons*, i, pp. 299-300.

⁹⁰ Henning, *House of Commons*, i, pp. 305, 307; CSPD Jan-Jun 1683, pp. 323-4; CSPD May 1684-Feb 1685, p. 198.

⁹¹ Roger North, quoted in Western, *Monarchy and Revolution*, p. 76.

⁹² CSPD Feb-Dec 1685, p. 50.

⁹³ CSPD Feb-Dec 1685, p. 39; Martin, *Royal Charters of Grantham*, pp. 172-213.

⁹⁴ HMC 37, *Corporation of Lincoln Mss.*, p. 110; LAO, L1/1/6, pp. 378-395.

⁹⁵ LRO, BRII/18/35, f.157; Stocks, *Records of Leicester*, pp. 368-9; Halliday, *Dismembering the Body Politic*, pp. 190-91.

Lincoln's new charter was presented to the corporation by Sir Thomas Hussey, on behalf of Earl of Lindsey, on 1 January 1685. According to the official report in the minute book, its reception was a grand affair, with parading and much rejoicing.⁹⁶ However, a few years previously this certainly was not the case in Nottingham. The divisions in the town, evident at the vote concerning the surrender of the old charter, resurfaced at the mayoral election in August, 1682, when the vote was split between the two main candidates, Alderman William Toplady and Alderman William Greaves, the former having supported surrender, the latter having opposed it. Greaves secured fourteen votes compared to Toplady's ten from members of the corporation, but efforts had also been made to attract freemen to vote, and whilst Toplady secured a further three votes Greaves secured eight.⁹⁷ Dissent continued once the new charter arrived on the morning of 29 September, 1682. The recorder Edward Bigland, and two Aldermen, William Greaves and Ralph Edge, refused to be party to the swearing in of the new officers and whilst the Mayor, Gervase Wilde, went to the council house in order to be sworn in, they set up an alternative meeting at the parish church. There, Greaves was joined by some of the burgesses ejected by the new charter and a number of gentlemen from the surrounding countryside, including Sir Thomas Parkins, William Sacheverell, Charles Hutchinson, Richard Slater, and George Gregory. Word was now sent to Wilde, inviting him to this alternative meeting, but Wilde refused to be sworn and his refusal was met with cries of 'A Greaves, a greaves, No new charter, no new charter' and the crowd took away the Mayor's books and Sheriff's mace. For his own safety, Wilde repaired to his house to swear in the officers of the new charter, whilst Greaves' election as Mayor was proclaimed at the Market week day cross. Charles Hutchinson, George Gregory, Samuel Richards and Arthur Riccards then demanded that Wilde relinquish the mace to him, which again he refused. However, both Mayors then went to the week day cross to proclaim their officers to the loud cries, led by John Sherwin and Robert Green, of 'No new charter, A Greaves, a Greaves'.⁹⁸

The two mayors, along with Serjeant Bigland, were called before the Privy Council. Steps were initiated to prosecute the rioters, and the Duke of Newcastle was sent to

⁹⁶ LAO, L1/1/6, p. 390; HMC 37, *Corporation of Lincoln Mss.*, p. 110.

⁹⁷ NAO, CA 3449, p. 18.

⁹⁸ *CSPD Jan-Dec 1682*, pp. 437-8.

Nottingham to quell the disturbances.⁹⁹ However, whilst Ralph Edge, who had been retained on the new charter, subsequently watered down his dissent, others did not. In October, William Greaves and other rebels promised Alderman Hall that they would 'act no more', and Greaves claimed that he had only acted because he had been 'put upon'. However, Hall believed they were being disingenuous, as they were still actively involved with those holding meetings in the town against the new charter and, up to the previous Sunday, had been witnessed attending church in their gowns.¹⁰⁰ A year later, threats of dissent still continued, further provoked by the revelations of the Rye House plot, and there was an expectation that the Mayorial election of 1683 would be used a pretext for a further riots. William Sacheverell was still attending meetings in Nottingham against the new charter and, as a result, Newcastle was dispatched to Nottingham Castle as a preventative measure.¹⁰¹ However, all remained quiet, and by December, Newcastle was confident enough to report to Secretary Jenkins that 'the factious humour is I hope at an end'.¹⁰² The rioters themselves were prosecuted in May, 1684, and were on the whole fined according to their estates. Sir William Sacheverell was fined 500 marks, George Gregory 300, Charles Hutchinson 100 and William Wilson 100 marks. However, John Sherwin was considered to have taken such an active role that, on the Attorney General's recommendation, he was fined the same amount as William Sacheverell, far higher than his estate would normally have entailed.¹⁰³

By time of Charles II's death, in 1685, the Crown appeared to be in a strong position. The passivity shown by the Restoration government towards the localities for most of the 1660s and 1670s had, in the period after the Exclusion Crisis, been replaced by more active involvement. A large proportion of those that had displayed their opposition to the court were removed from their places. Whilst this had not served to directly improve central control over the localities, it did mean that the vast majority of office-holders were more amenable to a stronger executive. In addition to the measures taken during the 'tory reaction', the Crown's position was further

⁹⁹ *CSPD Jan-Dec 1682*, pp. 471, 477.

¹⁰⁰ *CSPD Jul-Sep 1683*, p.490-1.

¹⁰¹ *CSPD Jul - Sept 1683*, pp. 353-4, 422.

¹⁰² *CSPD Oct 1683-Apr 1684*, pp. 6-7, 167.

¹⁰³ *CSPD May 1684-Feb 1685*, pp. 11, 39, 44, 54.

bolstered by improvements in royal finances brought about by an up-turn in trade.¹⁰⁴ Moreover, with the addition of French subsidies, it meant that from 1681, Charles was able to live without Parliament. Whilst Charles was acting as the kind of king the Anglican majority had always wanted him to be this was accepted, and, despite contravening the Triennial Act, the absence of a Parliament in 1684 passed with little comment. However, the accession of a new king was a potential point of weakness in any monarchy of the period. In February 1685, the problem should have been particularly acute due to the king's religion and the previous attempts to keep him from the crown. As such, at the time of James's accession there were very genuine fears of possible unrest.

II

On 2 February 1685, Charles II suffered 'a fit'. After administrations from his physicians, his health appeared to revive.¹⁰⁵ From the time that the king's well-being seemed to be in doubt, measures were put in place to ensure that inaccurate rumours of his death were not spread. The two Secretaries of State wrote to the lord-lieutenants and other prominent individuals in the counties informing them of the king's illness, and reassuring them that he now 'continues so well that the physicians have great hopes all danger is past'. Moreover, they gave instructions that every effort should be made 'to prevent all false relations and the consequences thereof', and to give orders to deputy lieutenants and justices of the peace 'to prevent all disorders that may happen on any false reports or by any seditious practices on this occasion'.¹⁰⁶ In the following couple of days, further letters of reassurance concerning Charles II's health were dispatched to the counties.¹⁰⁷

In the East Midlands, Henry Cavendish, Duke of Newcastle, lord-lieutenant of Nottinghamshire, and Robert Bertie, Earl of Lindsey, lord-lieutenant of Lincolnshire, received word of the king's condition from Robert Spencer, Earl of Sunderland,

¹⁰⁴ R. Davis, 'English Foreign Trade, 1660-1700', *Economic History Review*, second series vii (1954-5), 160-1.

¹⁰⁵ *Memoirs of Sir John Reresby*, ed., Andrew Browning (Glasgow, 1936), p. 349.

¹⁰⁶ *CSPD May 1684-Feb 1685*, pp. 307-308. Only Sunderland's letter is printed. Partial extracts of Middleton's letter is printed in HMC 13, Tenth Report, Appendix iv, *Kilmorrey Mss.*, p. 364.

¹⁰⁷ *CSPD May 1685-Feb 1685*, p. 308.

whilst Robert Leke, Earl of Scarsdale, lord lieutenant of Derbyshire, and John Manners, Earl of Rutland, his counterpart in Leicestershire, were kept abreast of developments by Charles Middleton, Earl of Middleton. Neither Newcastle's nor Lindsey's actions at this time can be ascertained; however, both Scarsdale and Rutland were quick to act. In Derbyshire, after instructions from Scarsdale, the deputy lieutenants convened an emergency meeting at the county town to 'prevent and suppress all false Rumours and Seditious Practices, which the surprising news of his Maties late illness...might occasion amongst busie and disaffected persons to the Government'.¹⁰⁸ In Leicestershire, the corporation of Leicester was contacted not only by Rutland but by its recorder, Theophilus Hastings, Earl of Huntingdon, who instructed the mayor, Thomas Ludlam, that if he found anyone 'raising any malicious storys, contradicting the relation I nowe give you; that you should committ them to Goale, till they find their authers, that they may be punished as spreaders of false news of so high a nature'. In addition, he requested 'publicke prayers to Almighty God to be made dayly in all churches within your towne, for the kings Recovery...which is done hourly in the Kings Chappell, and daily throughout London'.¹⁰⁹ The following day, the lord-lieutenant wrote with similar instructions and requested they consult with the bearer of his letter, Colonel Lister, to decide 'what is best to be done'.¹¹⁰

However, relief at the news of the king's recovery was short lived. Four days after his first fit Charles died. His death was a genuine shock. The Duke of Newcastle was 'afflicted extremeley with greefe upon ye death of my deare master', and Sir William Boothby, Baronet, of Ashbourne, in Derbyshire, wrote to a friend, that 'the suddain Death of our good King did very much discompose me: But tis Gods doing'.¹¹¹ Whilst concerns over the king's illness set in motion procedures to maintain the peace, his death provoked even greater vigilance. This time, the threat of insurrection

¹⁰⁸ The letter informing Scarsdale of their actions was signed by Gilbert Clarke, William Fitzherbert, Robert Cooke, and Willim Boothby. It is likely that meeting took place on 6 February because William Boothby reports to Serjeant Bigland on 7 February that he was called to Derby 'yesterday morning...upon the account of the kings illness'. BL, Add Mss. 71691, pp. 100-1, 103-5.

¹⁰⁹ LRO, BRII/18/35, f. 174.

¹¹⁰ LRO, BRII/18/35, f. 181.

¹¹¹ BL, Add Mss. 71691, pp. 113-4.

was even more likely, and not only were local office holders to preserve 'all things quiet', but the militia was to be put in a state of readiness. In Leicestershire, deputy lieutenants Richard Lister and Thomas Babington instructed the Mayor of Leicester 'to issue out your warrents to every petty constable of ye severall wards, within the said Burrough of Leicester. To raise money for ye paying of ye severall foote souldiers, charged upon the said wards three days pay. And to allowe every Musquette halfe a pound of powder'.¹¹²

However, during this difficult period there is little evidence demonstrating that fears of sedition came to anything. Leicester corporation was troubled by 'one Norris' who had spoken 'words of a high and dangerous nature' and by the escape from jail of John Broadhurst, a button-maker who, in addition to committing arson, had published 'a scandalous and Horrid libel against the Government'.¹¹³ However, the corporation's minute books do not reveal any further or more sinister difficulties.¹¹⁴ Likewise, at the time of Charles's illness, the deputy lieutenants of Derbyshire - Gilbert Clarke of Somersall, William Fitzherbert of Tissington, Robert Cooke of Trusley and William Boothby - reported that they rejoiced to find 'the country in so quiet a posture'.¹¹⁵

At Lincoln, James's accession was proclaimed by the mayor, aldermen, town-clerk, sheriff, common-council men and chamberlains in their gowns in several different places around the city.¹¹⁶ Also present were the Dean and Chapter and several gentlemen, citizens and inhabitants all attending on horseback. Following the formal proclamations, the procession made its way to the Guildhall, where a banquet was provided at the city's charge before bonfires were lit and a toast raised for the royal family, and the night concluded with more bonfires, drums, and the ringing of bells.¹¹⁷ The pattern in the rest of the East Midlands was very similar, with the Earl of Lindsey being present at Stamford, and at Boston the festivities being

¹¹² LRO BRII/18/35, f. 194.

¹¹³ *London Gazette*, 2011; LRO, BRII/18/35, ff. 176-8, 196.

¹¹⁴ LRO, BRII/18/35.

¹¹⁵ BL, Add Mss. 71691, pp. 100-1.

¹¹⁶ Upon the green in St Botolph's parish, upon the hill against St Mary's church, at the Stone-bow, at Bail-gates, in the Minster Yard, and in Newport.

¹¹⁷ HMC 37, *Corporation of Lincoln Mss.*, p. 111.

accompanied by the firing of the great guns and several volleys of small shot.¹¹⁸ Such scenes were repeated at the time of the king's coronation in April. In Nottingham, a feast at the town hall followed a procession of militia officers, members of the corporation and local gentlemen. In addition, ale was given out at all the crosses so that all could drink the king and queens' health and 'express their loyalty and satisfaction to be Governed by so Glorious a Monarch'.¹¹⁹

Indeed, rather than violent insurrection, the beginning of James's reign witnessed another outburst of loyal addresses. In total, the pages of the Government's newsletter, *The London Gazette*, reveal the receipt of 433 loyal addresses, including 47 from English counties, and 176 from boroughs, of which 142 were from members of the corporation.¹²⁰ Addresses were also received from members of the clergy, officers in the garrisons, the Inns of Court and other incorporated bodies such as the Thames watermen. The East Midlands were well represented in these loyal addresses. The office holders and gentlemen of Leicestershire, and town of Leicester sent the first loyal addresses from the East Midlands.¹²¹ Two addresses from Holland, in Lincolnshire, quickly followed - that from the borough of Boston being listed on 21 February and another from the gentlemen, clergy, freeholders and inhabitants of Elloe Wapentake on 7 March.¹²² The address from the corporation of Newark was printed in early March, at a similar time as the address from Lincoln corporation was received.¹²³ Later in the month followed those from the corporations of Grantham, Nottingham, Grimsby, and the address from the lord lieutenant, high sheriff, deputy lieutenants, justices and grand jury of Lincolnshire. The Grantham address was presented by John Thorold of the town, and Robert Fisher of Threckingham, and that of the county of Lincolnshire by Sir John Brownlow of Belton, Sir William Buck of Hamby Grange, Sir Edward Hussey of Caythorpe, and

¹¹⁸ The celebrations at Lincoln and Stamford took place on 9 February 1685, those in Nottinghamshire on 10 February and Boston 11 February 1685. *London Gazette*, 2008; Luttrell, *Brief Relation*, i, p. 329.

¹¹⁹ *London Gazette*, 2030.

¹²⁰ The figure of includes addresses from grand juries and grand inquests for the counties.

¹²¹ Leicester and Leicestershire listed as received 18 February, that of the corporation of Leicester was printed in the issue of the *London Gazette* from 5-9 March. *London Gazette*, 2009, 2014; Luttrell *Brief Relation*, i, p. 331.

¹²² *London Gazette*, 2010, 2014.

¹²³ *London Gazette*, 2012, 2014. Luttrell, *Brief Relation*, i, p. 333.

Sir Henry Heron of Surfleet.¹²⁴ The county of Nottinghamshire's address was printed in mid-April, and in May further addresses were listed from the Bishop and clergy of Lincoln and the corporation of Stamford.¹²⁵

Nationally, the addresses were not entirely spontaneous, and behind them there were signs of organisation and systematic wire-pulling.¹²⁶ Similar processes were at work in the East Midlands. For example, on 12 February, the Earl of Huntingdon sent Thomas Ludlam a draft address which he wished the corporation, and as many inhabitants of the town as possible, to subscribe to as quickly as possible so that Leicester would not be the last corporation to present an address to the king.¹²⁷ However, despite obvious signs of manipulation, some of the addresses had at least some element of spontaneity and reflected genuine sentiments. Sir John Reresby, Governor of York, received an address signed by 440 young tradesmen and others, which according to him 'they desired me to present to the king as their congratulation for his happy accession to the crown'.¹²⁸ Boston corporation made the decision to send an address on 12 February, which was to be presented by Lindsey and his son Robert Bertie, Lord Willoughby, who had recently been appointed recorder for the borough. Four days later, it was agreed that the mayor and deputy recorder were to take the address to Willoughby in London. The tenor of the decisions as they are laid down in the minute book do not indicate that the Bertie family had particularly encouraged an address, and it is noticeable that Stamford, also dominated by the Bertie family, does not seem to have sent address till much later.¹²⁹ The corporation of Leicester exhibited similar independence of action. Whilst Huntingdon was instrumental in promoting an address, it is telling that the corporation decided not to adopt the pro forma he had sent them, and the address printed in *The London Gazette* bears little resemblance to Huntingdon's draft.¹³⁰ As Robert Beddard has argued, the

¹²⁴ *London Gazette*, 2018, 2019, 2020; HMC 37, *Corporation of Lincoln Mss.*, p. 111.

¹²⁵ *London Gazette*, 2025, 2033, 2034.

¹²⁶ Robert Beddard, 'The Church of Salisbury and the Accession of James II', *Wiltshire Archaeological Magazine*, 67 (1972), 133.

¹²⁷ LRO, BR11/18/35, f. 181.

¹²⁸ *Memoirs of Sir John Reresby*, pp. 352, 360.

¹²⁹ Bailey, *Minutes of the Corporation of Boston*, p. 260.

¹³⁰ LRO, BR11/18/35, f. 181; *London Gazette*, 2014.

addresses were essentially votes of confidence in the new regime and an expression 'of that vital trust which subsists between a well-intentioned prince and his people'.¹³¹

However, underlying, or at the very least facilitating, these expressions of loyalty was the perceived threat to the restoration settlement provoked by the exclusion crisis. The efforts to exclude James II, and the divisions it had created both in and out of Parliament, had recreated the spectre of civil war. Indeed, it was the intensity of the conflict engendered during the crisis that ultimately helped bring it to an end.¹³² Twenty-eight of the 63 loyal addresses from boroughs printed in *The London Gazette* included direct or oblique references to exclusion. The address sent from Elloe Wapentake abhorred 'the evil intentions aimed at some time since by disaffected Persons, against your Majesties undoubted right of Succession'. Its counterpart from the corporation of Leicester expressed gratitude for 'the Divine Protection of Your previous Life from the Rage of the Seas and the Madness of the People' and that of Newark rejoiced that despite 'democratical spirits' the Exclusion Bill had failed'.¹³³ Moreover, it should not be forgotten that James's accession was the first 'routine' succession since 1621, and the stress that many of the addresses placed on the peaceable succession was no doubt a reflection of the widespread relief at this return to normality.

Much of this popular outpouring of loyalty was facilitated by the new king's promises made at the very start of his reign. Three hours after Charles's death, James met with his Privy Councillors and, after expressing sorrow at the death of his brother, declared:

I will Endeavour to follow His Example, and most expecially in that of His Great Clemency and Tenderness to His People: I have been reported to be a Man for Arbitrary Power, but that is not the onely Story [that] has been made of Me: And I shall make it My Endeavour to Preserve this Government both in Church and State as it is now by Law Established. I know the Principles of the Church of England are for Monarchy, and the Members of it have shewed themselves Good and Loyal Subjects, therefore I shall always take care to Defend and Support It. I know too that the Laws of England are sufficient to make the King as Great a Monarch as I can Wish; And as I shall never Depart from the Just Rights and Prerogative of the

¹³¹ Beddard, 'Church of Salisbury', 133.

¹³² Scott, *Algernon Sidney*, pp. 37, 44-8; Harris, *Politics Under the Later Stuarts*, pp. 94-108.

¹³³ *London Gazette*, 2014.

Crown, so I shall never Invade any Mans Property. I have often heretofore ventured My life in Preserving it in all its Just Rights and Liberties.

This speech was widely advertised and printed in *The London Gazette* on 9 February 1685.¹³⁴ According to Gilbert Burnet, the speech 'gave great content to those who believed that he would stick to the promises made in it' and Dr Sharp was reported to have declared 'as to our religion, we have the word of the King, which...is as sacred as my text'.¹³⁵ Lawrence Carter, of the Newarke in Leicester, one of the first to kiss the king's hand, believed it gave everyone 'good reason' to be 'satisfied' and, in the words of a contemporary, it 'in a great measure did quiet the minds and apprehensions of people'.¹³⁶

The early part of James's reign witnessed a strong current of optimism about the new king. For as Henry Mordaunt, Earl of Peterborough, put it 'never was a King proclaimed with more applause', and he doubted 'not but to see a happy reign'.¹³⁷ Sir Gilbert Clarke also hoped for a happy and peaceable reign, and similar expectations were evidenced in the loyal addresses.¹³⁸ For example, the author of the address from the borough of New Malton could not 'but hence observe how strong a basis' the monarchy now stood.¹³⁹ The Government, therefore, was clearly popular in the first few months of James's reign. However, in many respects the strength of the Government was more apparent than real. Certainly the accession had been peaceful, and had resulted in a profusion of loyal address, yet right from the beginning there is evidence demonstrating that there were clear limits to this loyalty. In many of the loyal addresses, strong expressions of allegiance to James II were joined with equally strong expressions of commitment to the Church of England. 67% of addresses from English boroughs, 76% from English counties and 85% of

¹³⁴ Lawrence Carter informed the corporation of Leicester of the contents of the Declaration in a letter to them of 7 February 1685. LRO, BR11 18/35, f. 185; *London Gazette*, 2006.

¹³⁵ G. Burnet, *History of His Own Time* (6 volumes, Oxford, 1833), iii, p. 7; Edmund Calumny, *An Historical Account of My Own Life* (2 Volumes, London, 1829), i, p. 118.

¹³⁶ LRO, BR11 18/35, f. 185; *Memoirs of Sir John Reresby*, p. 353.

¹³⁷ Quoted in David L. Smith, *A History of the Modern British Isles, 1603-1707* (Oxford, 1998), p. 273.

¹³⁸ BL, Add Mss. 71691, p. 101.

¹³⁹ *London Gazette*, 2012.

clerical addresses made reference to James's promise to defend government in state and church as by law established.¹⁴⁰

All five of the loyal addresses from the East Midlands published in *The London Gazette* made reference to the king's 'Gracious Declaration'.¹⁴¹ At Leicester, this commitment to the Declaration was particularly clear. The draft address sent to the corporation by Huntingdon lamented Charles II's death, gave assurances of submission to James's government, thanked the king for his previous sacrifices and promised to defend him with their lives and fortunes. However, the address received at Whitehall less than a week later was very different. Whilst it cannot be ascertained for certain, there is no evidence to suggest that the impetus for this change came from outside the corporation. Like Huntingdon's draft, the published address expressed grief and thanked God for looking after the new king. However, it was more overtly political, and after thanking the king for his Gracious Declaration, promised to send burgesses to Parliament to meet the king's requirements.

Contemporaries did not miss the implications of references to the Declaration. The address from the lord-lieutenant and deputy lieutenants of Nottinghamshire stressed that their loyalty was not dependent on the king's promises. However, by placing stress on this they hinted that this could well be the case for others, or alternatively, that they were aware that by raising the issue of the Declaration, it could be misconstrued that their loyalty was tempered.¹⁴² The address of the borough of New Malton was even more explicit, pointing out to 'make Protestations of Fidelity' only upon consideration of the king's Declaration would have been to 'make our obedience conditional'.¹⁴³ This is not to suggest that all whom made reference to the Declaration, and did not stress that their allegiance was non-conditional, were overtly expressing contingent loyalty. James II was popularly considered a man of his word, and it was envisioned that he would continue to act as he said he would. Therefore, raising the issue of the Declaration in the early months of 1685 did not immediately indicate a problem. However, the high number of addresses that make

¹⁴⁰ *London Gazette*, 2007-2038.

¹⁴¹ *London Gazette*, 2014, 2020, 2025.

¹⁴² *London Gazette*, 2025.

¹⁴³ *London Gazette*, 2012.

reference to the Declaration clearly illustrate that the loyal Anglican majority held a deep commitment to Government and state as it was currently established.

James II was also prompt in advertising his desire to call a Parliament, and Lord Keeper Guilford received order to issue the election writs on 14 February.¹⁴⁴ These elections, which were held in March and April 1685, overwhelmingly went in the Court's favour. In Gilbert Burnet's assessment 'there were not above forty members, but such as he himself wished for'.¹⁴⁵ In fact this figure was slightly higher, and out of 525 members of the House of Commons, only fifty-seven were whigs.¹⁴⁶ In contrast, in the last Parliament of Charles II's reign the opposition numbered 309 out of 502 members.¹⁴⁷ Moreover, of the Members of Parliament elected in 1685, only 5% were non-conformists, compared to 25% during the Exclusion Crisis.¹⁴⁸ This strong showing for the government has been depicted as being the result of the elections of 1685 being highly orchestrated by the Court. Gilbert Burnet claimed after the event that 'all arts were used to manage elections so, that the king should have a Parliament to his mind'.¹⁴⁹ He was not alone in his assessment. Narcissus Luttrell claimed that 'great tricks and practices were used to bring in men well affected to the king and to keep out all those they call whiggs or trimmers'.¹⁵⁰ Traditionally historians agreed with this assessment; as R.H. George argued in 1936, the elections of 1685 'exhibit an unusual effort on the part of the Court to win a sweeping victory'.¹⁵¹

It is certainly true that the government made efforts to ensure that 'loyal' men were elected. Shortly after Charles II's death, the Earl of Sunderland sent letters to 26 individuals encouraging them 'to use your utmost endeavour and employ all your interest that choice may be made of persons of approved loyalty and affection to the government'. In the East Midlands such instructions were received by Sir William

¹⁴⁴ *London Gazette*, 2007.

¹⁴⁵ Burnet, *History*, iii, p.17.

¹⁴⁶ Tim Harris puts the total figure at 513. Harris, *Politics Under the Later Stuarts*, p. 120; Henning, *House of Commons*, i, p. 47.

¹⁴⁷ Henning, *House of Commons*, i, p. 47.

¹⁴⁸ Henning, *House of Commons*, i, p.13.

¹⁴⁹ Burnet, *History*, iii, pp. 16-17.

¹⁵⁰ Luttrell, *Brief Relation*, i, p. 341.

¹⁵¹ R. H. George, 'Parliamentary Elections and Electioneering in 1685', *Transactions of the Royal Historical Society*, fourth series xix (1936), 168; Western, *Monarchy and Revolution*, pp. 78-81.

Clifton, of Clifton, Nottinghamshire, the Duke of Newcastle and Earl of Rutland.¹⁵² In the latter's case, he was also commanded to take care of the Leicestershire election, 'so as to prevent all intrigues and disorders which ill-affected person may endeavour to set on foot' and it was suggested that he should be present at the election to ensure 'that person of approved loyalty and affection to the Government be chosen'.¹⁵³ The government also provided backing for suitable candidates when it was requested. At Lincoln, Thomas Meres's election was aided by a letter of recommendation from Sunderland to Lindsey, and in Nottinghamshire, Sunderland's support was gained for William Clifton's replacement of Lord Eland.¹⁵⁴

However, governmental pressure to ensure the election of loyal candidates did not stop there. As R. H. George highlighted, Sunderland also named specific candidates for certain seats. Whilst one of the examples quoted by George is that of Nottingham, there is no evidence that this was the case, although it certainly occurred elsewhere in the East Midlands.¹⁵⁵ On 17 March 1685, Sunderland recommended St Leger Scrope of Louth as one of the burgesses of Great Grimsby, though in the event he did not go to the poll.¹⁵⁶ In reference to the election at Grantham, Lindsey wrote to Rutland, on 19 February, for assistance in fulfilling the king's wishes to get Mr Graham elected, which Lindsey himself was prepared to facilitate as the king thought him fit, though he did not know the gentleman in question.¹⁵⁷

Beyond Sunderland, other members of the Privy Council and lord lieutenants also made use of their influence, the Duke of Newcastle promising from Welbeck, in Nottinghamshire, that in obedience to his Majesty's commands 'I shall take all the care I can in this county that good men may be chosen for the next Parliament' and insisting 'the eight that goes will be very honest gentlemen'.¹⁵⁸ True to his word, he employed his influence to ensure that such loyal men were chosen in

¹⁵² *CSPD Feb-Dec 1685*, p. 21.

¹⁵³ HMC 24/2, Twelfth Report, Appendix iv, *Rutland Mss.*, p. 86.

¹⁵⁴ Henning, *House of Commons*, i, p. 305, 350.

¹⁵⁵ HMC 77/2, *Finch Mss.*, p. 189; George, 'Parliamentary Elections', p. 170.

¹⁵⁶ *CSPD Feb-Dec 1685*, p. 100.

¹⁵⁷ HMC 24/2, *Rutland Mss.*, p. 86.

¹⁵⁸ *CSPD Feb-Dec 1685*, p. 25.

Nottinghamshire, and was instrumental in brokering a deal when Lord Eland would not stand. However, his interest was not restricted to the counties of his lieutenancies, and he also used his interest in Derbyshire for Sir Robert Cook and Sir Gilbert Clark, who he was sure would 'be very loyal'.¹⁵⁹ Likewise, the Earl of Lindsey made considerable efforts in Lincolnshire, attending the election at Stamford and keeping in close contact with the Earl of Rutland about the Grantham seat.¹⁶⁰ The Manners family's main seat was at Belvoir in Leicestershire, close to the Lincolnshire border, about five miles from Grantham where Rutland was Recorder. Apart from Lincolnshire and Leicestershire, Rutland's influence also stretched into Derbyshire, and it was to him that Simon Degg reported the election meeting of the Derbyshire gentry.¹⁶¹ Evidence of Scarsdale's direct influence in the elections of 1685, if it was employed, has not survived. However, just as the lord lieutenants' influence stretched beyond the counties of their office, so other members of the nobility exerted themselves in the East Midlands elections. Robert Bruce, Earl of Ailesbury, lord lieutenant of Bedfordshire, played an important role in brokering the Leicestershire election.¹⁶² At Nottinghamshire, Lord Kingston arrived in the county two days before the election and, 'hearing his freeholders were for the factious he sent to them to be for Sir William Clifton and Mr Mellish', this led to the withdrawal of opposition and hindered a poll.¹⁶³ The government, and members of the nobility, therefore, played important and active roles in ensuring that the 1685 election produced a favourable result for the Crown.

However much pressure the Government and nobility exerted to ensure a suitable Parliament, they were dependent on the gentry's compliance which came in a number of forms, including a willingness to change seats to ensure that loyal candidates were elected. In the early 1680s, Sir William Clifton of Clifton had built up a formidable interest at Nottingham town where, according to the Duke of Newcastle, he would be sure to be chosen for 'no expense or very little'. However, due to Lord Eland,

¹⁵⁹ Newcastle was also lord lieutenant of Northumberland. *CSPD Jan-Dec 1685*, p.105.

¹⁶⁰ HMC 24/2, *Rutland Mss.*, pp. 87-8.

¹⁶¹ HMC 24/2, *Rutland Mss.*, pp. 86-7.

¹⁶² HMC 24/2, *Rutland Mss.*, p. 87.

¹⁶³ *CSPD Jan-Dec 1685*, p. 105. Henning, *House of Commons*, i, pp. 295-6.

refusing to stand at Nottinghamshire, Sir William Clifton was prevailed to move to the county seat. As Newcastle put it after the election, 'I do not see how we could have had two loyal gentlemen chosen if Sir William Clifton had not stood'.¹⁶⁴ He also agreed to defer from his preferred running partner. Clifton had originally been unimpressed with Reason Mellish's candidacy, describing him as 'a man without exception', though in deferment to George Savile, Marquis of Halifax, he agreed to declare for him.¹⁶⁵ Likewise, John Coke of Melbourne had originally put himself forward as a candidate at Leicestershire, but desisted 'being desired at Derby towne'.

The election also witnessed a number of irregularities. In Derbyshire, Anchitell Grey and William Sacheverell, of Barton, determined to stand as knights of the shire. However, when it came to the poll, the sheriff deemed that the latter was 'incapable of the place as not being resident in ye county at ye date of ye writt' and, after much dispute, Sacheverell was forced to give his interest to another gentleman.¹⁶⁶ The Nottinghamshire election, usually held in the county town, was moved to 'loyal' Newark to facilitate a better result.¹⁶⁷ There were also cases of the electorate being artificially swollen in the Court's favour. Sir William Ellis and Sir John Newton, both whigs who had voted for exclusion in 1679, had represented Grantham in the three Parliaments of 1679-1681. In 1685, Sir William Ellis contested the seat again with Sir John Newton's son, also called John. After a certain amount of manoeuvring, standing against them at the election were the tory candidates Thomas Harrington and John Thorold. Whilst Grantham was in Lincolnshire, its proximity to Belvoir Castle meant that the most influential local grandee was the Earl of Rutland. As Lindsey wrote to Rutland 'I hope your Lordship being Recorder, and Captain Harrington having it in his power to make an addition of freemen, there will be no difficulty, but only in the choice of such freemen as will be firme to your Lordships interest, and who really have a dependence upon you'.¹⁶⁸ Lindsey's hopes were not unfulfilled. On 3 April 1685, the corporation minute book records the

¹⁶⁴ CSPD Jan-Dec 1685, p. 105; Henning, *House of Commons*, i, pp. 350.

¹⁶⁵ Henning, *House of Commons*, i, p. 350.

¹⁶⁶ LAO, Monson 7/14, f. 131.

¹⁶⁷ Henning, *House of Commons*, i, pp. 350-51.

¹⁶⁸ HMC 24/2, *Rutland Mss.*, pp. 87-88.

admission of 31 new freemen.¹⁶⁹ The following day at the poll, Harrington and Thorold were successful, and it was reported to Sir John Newton that Ellys and his son had been:

out voted by the great numbers of Freemen made by the new Major Mr Robert Calcrosse since the procuring of the new Charter which hath raided great Animosities in the Towne all your old friends of Grantham are dead as Mr Richard Calcrosse, Mr Wing and several other and many other turned upside downe and all turned out of the new Court and Common Councel new kept in the new Burrow Grantham.¹⁷⁰

Moreover, the election of the 'right type' of candidate was encouraged by changes made to local office-holding, particularly in the boroughs after the Exclusion Crisis.¹⁷¹ Changes in the charters of Derby and Leicester dealt a severe blow to the electoral interest of the Grey family. Anchitell Grey was first elected to Derby in a by-election of 1665, and represented the town in all three Exclusion Parliaments, but in 1685, due to changes in the corporation, he did not even try to contest the seat, and unsuccessfully stood for the county. Likewise, his brother John, who had represented Leicester in the Convention of 1660, returned to Parliament after a by-election victory in April 1677, and sat for the town in the later 1670s and early 1680s, also did not stand in 1685 after the new Charter destroyed the family interest there.¹⁷² Once the 1685 elections were over, complaints were made in Parliament about the effect new charters had on the freedom of the elections. Sir Edward Seymour claimed that up to 200 or 300 members had been chosen against the inhabitants' will, and he therefore wanted none who had been involved in controverted elections to be appointed to the committee for elections.¹⁷³ His was not the only dissenting voice, and other members, including Robert Bertie, Lord

¹⁶⁹ These were Sir John Oldfield, Christopher Berrisford, William Ambler, Edward King, William Wallet, Thomas Russell, Martin Johnson, Robert Thornton, William Hunt, Samuel Dows, George Stow, Thomas Eldred, Thomas Wallet, Christopher Marshal, John Walker, Richard Nardell, John Duckling, Humphrey Newton, John Clarke, Stephen Dixon, Anthony Barnes, John Farthing gents, Lewis Gwim clerk, Robert Hardwick, Abraham Millicent, Richard Cross, Gilbert Abraham, Robert Price DD, John Orme, Peregrine Bertie, and Robert Lord Willoughby. LAO, Grantham Borough 5/1, p. 695. Similar processes took place elsewhere in the country. M. A. Mullett, 'Conflict, Politics and Elections in Lancaster, 1660-1688', *Northern History*, 19 (1983), 77-8.

¹⁷⁰ LAO, Monson 7/12, f. 43.

¹⁷¹ Western, *Monarchy and Revolution*, pp. 79-80.

¹⁷² Shortly after they received their new charter Leicester corporation elected against continuing with their traditional New Years gift to the Earl of Stamford. LRO, BR 18/II/35, f. 168.

¹⁷³ Morrice, *Entring*, p. 462.

Willoughby, somewhat hypocritically 'said a great deal in the House against the Election made by Vertue of the New Charters'.¹⁷⁴

However, whilst changes to the bench and corporations, in conjunction with the government's efforts, facilitated the election of 'loyal men', common wisdom does not now perceive the election result to have been purely the product of electoral manipulation, and in many respects the election of 1685 represents a popular vote for James II.¹⁷⁵ In the East Midlands, it does not seem that opportunity was taken to manipulate local office holding. The lord lieutenants were confirmed in their places.¹⁷⁶ New commissions of the peace were issued in February and March 1685 for all East Midland benches. However, in each case it seems these were only to reappoint the *custos rotolorum*.¹⁷⁷ The same was true through most of the country, with changes being made for political reasons in only a handful of counties such as Suffolk and Northamptonshire.¹⁷⁸

Whilst it is true that evidence exists that the government directly nominated candidates, this evidence only exists in a limited number of cases. R.H. George attributes this paucity of material to its lack of survival.¹⁷⁹ However, there is evidence to suggest that local wishes and interests were also taken into account. The Mayor of Stamford may have considered the corporation's representatives, the Bertie brothers, as a couple of Cockney carpet-baggers; however, elsewhere the selection of candidates was handled more tactfully.¹⁸⁰ In Derby, the original choice of the gentry to stand with John Coke had been Sir Henry Every of Eggington, but, after opposition from the common burgesses, an alternative candidate, William Allestry was persuaded to stand.¹⁸¹ At Grantham, Robert Markham solicited the support of the Earl of Rutland to stand against Richard Graham, the 'candidate favoured by the

¹⁷⁴ Morrice, *Entring*, p. 465.

¹⁷⁵ Harris, *Politics Under the Later Stuarts*, p. 120; Jones, *Revolution of 1688*, pp. 46-9; Speck, *Reluctant Revolutionaries*, pp. 45-6.

¹⁷⁶ The docket book does not record the Duke of Newcastle's appointment but the Earl of Scarsdale was appointed lord lieutenant in Derbyshire on 4 March 1685, the Earl of Lindsey in Lincolnshire on 19 March 1685, and the Earl of Rutland in Leicestershire 27 March 1685. PRO C231/8 pp. 122, 124. CSPD Jan-Dec 1685, pp. 27, 66, 94.

¹⁷⁷ PRO, C231/8, pp. 119-121, 124; Glassey, *Politics*, p. 64.

¹⁷⁸ Glassey, *Politics*, p. 63-5.

¹⁷⁹ George, 'Parliamentary Elections', 170.

¹⁸⁰ Henning, *House of Commons*, i, p. 308.

¹⁸¹ HMC 24/2, *Rutland Mss.*, p. 87.

King'. Despite Henry Saville's support, Markham was forced to withdraw, but neither did Richard Graham contest the election.¹⁸² Indeed, rather than wholesale manipulation, the government 'supplied a firm guide for the conduct of elections, but without attempting to override local tory interests'.¹⁸³

Such guidance is clearly displayed outside of the East Midlands by the Duke of Norfolk in his lieutenancies of Norfolk, Surrey and Berkshire, where he encouraged the gentry to consult together in order to fix upon fit representatives, but did not, according to his secretary Francis Nergus, insist on nominating who should stand. In Surrey, the gentry produced three names, so, to be 'fair', Norfolk arranged a mini-poll of all gentlemen present, whereby each wrote their two preferred choices on a piece of paper which was added to a hat before being opened and counted, with the two that gained the most votes being put forward.¹⁸⁴

Moreover, the overwhelming victory for the court cannot simply be attributed to 'arts' and 'tricks'. Again, fears engendered by exclusion can be seen to be responsible both for the candidates that stood and in their electoral success. Both Sir Thomas Meres and Sir Henry Monson, who represented Lincoln, voted for exclusion, and despite their exclusionist pasts, both represented the city again in 1685. During the Cavalier and Exclusion Parliaments, Meres had been a leading light of the country opposition, but, by 1685, had moved over to the Court and continued to support the government even in the second session of Parliament. Sir Henry Monson, on the other hand, after voting for exclusion, wavered and, as a result, lost out to Sir Thomas Hussey in 1681.¹⁸⁵ Even within the ranks of previous exclusionists there was a distinct move to the right.

Whilst it is difficult to determine whether these shifts of opinion were provoked by genuine changes of heart or more self interested motives, in the 1685 elections popular aversion to exclusion was clearly in evidence. In Lincolnshire, the Earl of

¹⁸² Henning, *House of Commons*, i, 302, iii, p. 86; HMC 24/2, *Rutland Mss.*, pp. 85-7.

¹⁸³ Jones, *Revolution of 1688*, p. 47.

¹⁸⁴ HMC 22, Eleventh Report, Appendix vii, *Le Strange Mss.*, p. 106.

¹⁸⁵ Browning and Milne, 'Exclusion Bill Division List', 215; Henning, *House of Commons*, i, pp. 304-5, ii, p. 57-8, 78-9.

Lindsey relished the prospect of 'the exclusion of the excluder' at Grantham.¹⁸⁶

During nomination day for the Nottinghamshire election, a group of Lord Lexington's tenants had brought in a banner which declared, 'No black box, no bill of Exclusion, No Association'. After the Court candidates had been returned unopposed, the box and parchment were burned in Newark market place.¹⁸⁷

Moreover, whilst the organisation of the whigs had been severely curtailed during the tory reaction, they were not an entirely spent force. The number of contested elections in 1685 (seventy-nine) was not unfavourable compared to the Parliaments of the Exclusion crisis. Nationally in these contested elections, it is telling that in the larger boroughs and counties, which were far harder to control, tory candidates won over 90% of the seats.¹⁸⁸ In the East Midlands, Grantham was not alone in being contested in 1685, and in Derbyshire, Leicester, Lincoln and Nottingham the election was also forced to a poll. Admittedly, at Grantham, with the smallest franchise of these five seats, the artificial swelling of the electorate could have facilitated the positive result for the court.¹⁸⁹ However, in the other seats, some kind of genuine reaction in favour of the court is discernible. Derbyshire, as a county seat, naturally had the largest electorate, and whilst Sacheverell's candidature had been precluded, Antichell Grey stood but failed to be elected.¹⁹⁰

The election of 1685 was witness to a great deal of Government pressure. Sunderland, fellow Privy Councillors, and lord-lieutenants all attempted to ensure that 'loyal candidates' were elected, and their efforts were greatly facilitated by changes made to the corporations during the tory reaction. However, the election was not completely manipulated, and local wishes were taken into account. The positive result for the Government was certainly partially the result of its own efforts, but equally important was a clear popular backlash against Exclusion and the excluders. Both the loyal addresses and the overwhelming strong showing of the

¹⁸⁶ HMC 24/2, *Rutland Mss.*, pp. 87-8.

¹⁸⁷ Henning, *House of Commons*, i, p. 351; H.C. Foxcroft, *The Life and Letters of Sir George Saville Bart, First Marquis of Halifax* (2 volumes, London, 1898), i, p. 445n.

¹⁸⁸ Harris, *Politics Under the Later Stuarts*, p. 120 Henning *House of Commons*, i, p. 66; Speck, *Reluctant Revolutionaries*, p. 44-6.

¹⁸⁹ LAO Monson 7/12, f. 43, Grantham Borough 5/1, p. 695.

¹⁹⁰ Henning, *House of Commons*, i, pp. 187-8.

tories in the 1685 election demonstrated a clear desire to put to rest the divisiveness of the Exclusion Crisis.

The strong showing for the Court in the 1685 elections reflected in the tenor and tone of the 1685 Parliament, the first, and last, Parliament of James II's short reign. Convened on 19 May, it met until 2 July, when Monmouth's rebellion forced it into adjournment. Meeting again on 9 November 1685, this second session lasted until 20 November, when it was prorogued never to meet again before dissolution in July 1687. The first session of Parliament apparently went well; as Sir Henry Beaumont summed it up, 'all this town (which is more populous than ever) is transported with joy at the good correspondence between king and Parliament'.¹⁹¹

The continuation of the 'good correspondence' between the king and subjects was facilitated again by the king's promises. At the beginning of the first session, James addressed both Houses. In his speech, he gave his reasons for holding Parliament 'as the best means to settle every thing upon those foundations that may make my Reign both easy and happy to you'. He then went on to repeat the assurances that he had made at the time of his brother's death, and urged that as 'you may the more firmly rely on a Promise so solemnly made; I cannot doubt that I shall fail of suitable returns from you...and particulalry in what relates to the settling of my Revenue, and continuing it during my life as it was in the time of the King my Brother'.¹⁹²

The House thanked the king for his speech, and then concerned itself with the settling of the revenue. Burnet claimed that, in this respect, the House 'was more forward to give, than the King was to ask'.¹⁹³ On 26 May, Parliament agreed to settle the same revenue on James as it had on his brother. Parliament was also generous in granting additional supplies. On 30 May, the king again addressed Parliament and asked for additional supply for repairs to the Navy and Ordnance. The House responded with an imposition on Wines and Vinegar, and an additional imposition

¹⁹¹ LRO, BR11/18/35, f. 221.

¹⁹² Anchitell Grey, *Debates of the House of Commons, From the Year 1667 to the Year 1694*, (London, 1769), viii, p. 344-5.

¹⁹³ On 16 November Sir Hugh Cholmondely made a similar comment in Parliament, that 'this House was so forward to give last time that the King's Minister put their stop to it'. Grey, *Debates*, viii, p. 367; Burnet, *History*, iii, p. 39.

on Tobacco and Sugars. One further supply was granted, shortly before Parliament was prorogued, on French and East Indian linens and silks, imported brandies, home made spirits, and callicoos.¹⁹⁴ It seems that those who had promised to use their 'utmost endeavour to advance your Majesties Revenue' were true to their word.¹⁹⁵

Favourable relations between king and Parliament were further facilitated by the outbreak of two rebellions. The House was informed of Archibald Campbell, Earl of Argyle's rebellion at the end of the king's first address. Immediately, they agreed to stand by him with their 'Lives and Fortunes', with the first grant of extra-ordinary supply partially intended to meet the costs of suppressing this Scottish insurrection.¹⁹⁶ On 13 June, Middleton informed the House that James, Duke of Monmouth, and Lord Grey had landed in the south-west. Again, Parliament responded with 'utter detestation of such Rebels and Traytors' and assured the king 'that we are, and always shall be, ready to stand by and assist your Majesty with our Lives and Fortunes'.¹⁹⁷ In the summer of 1685, the sentiments that had been expressed in the loyal addresses at James's accession were put into practice.

However, the apparent generosity and demonstration of loyalty does not mean that the Parliament was exceptionally docile. Burnet caustically remarked of Parliament that 'in all England it would not have been easy to have found five hundred men, so weak, so poor, and so devoted to the court, as these were'.¹⁹⁸ However, Burnet's opinions need to be measured against his own prejudices and the fact that he wrote his 'memoirs' after the Revolution. In contrast, the tory Sir John Reresby's opinion of the 1685 Parliament was that it 'consisted of a great many loyall gentlemen, and the generality, however, good patriots and Protestants'.¹⁹⁹ His assessment is telling, the patriotism displayed by Parliament was measured by their Protestantism. Both at the beginning of his reign and the opening of Parliament, James's promises quelled religious concerns, and the two Houses could afford to be generous.

¹⁹⁴ Grey, *Debates*, viii, p. 351.

¹⁹⁵ *London Gazette*, 2011.

¹⁹⁶ Grey, *Debates*, viii, pp. 345-48.

¹⁹⁷ Grey, *Debates*, viii, p. 349.

¹⁹⁸ Burnet, *History*, iii, p. 94-5.

¹⁹⁹ *Memoirs of Sir John Reresby*, p. 360.

However, as Professor Chandaman has demonstrated, Parliament was not as generous as it was once depicted. Admittedly, James was granted a settlement that amounted to £2,000,000 per annum, contrasting favourably with the £1,200,000 granted to Charles II, but as Chandaman argues, a differential should be made between ordinary and extraordinary revenues. The former, voted to the king for life on 26 May, was the same as Charles's. The difference between this and James's total settlement was, in part, made up of extra-ordinary grants. The supply granted to the king to repair the Navy, pay off Charles II's debts, and meet the cost of suppressing the Argyle Rebellion was to be met by two temporary excises. The third extraordinary supply, to meet the cost of quelling the Monmouth Rebellion, was met from an excise on luxury goods which was intended to raise no more than £400,000. Neither could they have envisioned how quickly and cheaply Monmouth would be dealt with. In terms of money that Parliament actually granted the king, in light of the costs that the extraordinary grants were to cover, the settlement was not excessively generous, let alone wildly extravagant.

In addition, all of the extraordinary revenue and a proportion of the ordinary supply was comprised of indirect taxation. The rise in trade, the product of peace, continued and expanded in James's reign. This increased the yield of customs and excise, with ordinary revenue alone rising to an average of 1,600,000 per year between 1685 and 1688. Concurrently, administrative reforms, which led to the collection of such taxes directly by the Crown, rather than by tax farmers, increased the Crown's percentage yield. The ordinary country gentleman cannot have realised the extent that these two factors would have on the king's revenue. Rather than the members consciously or recklessly oversupplying the Crown, their main crime was that they made no real attempt to assess the current worth of the ordinary revenue.²⁰⁰

Moreover, whilst in the first session relations between the king and Parliament were relatively amicable, there was clear evidence of the potential for a future parting of the ways. On 26 May, the same day that the life revenues were granted, a motion was put forward for preserving 'the Religion of the Church of England as now by law

²⁰⁰ C. D. Chandamen, 'The Financial Settlement in the Parliament of 1685', in H. Hearder and H. R. Loyn, eds., *British Government and Administration: Essays Presented to S. B. Chrimes* (Cardiff, 1974), pp. 144-54.

established', which was referred to the Grand Committee for Religion. This committee, headed by Sir Thomas Meres, consisted of about 330 members, and, after a great deal of debate, resolved on two points. As reported by Meres on 27 May, they agreed firstly 'to assist and stand by his Majesty, according to our Duty and Alliegance, for the Support and Defence of the Reformed Religion of the Church of England, as now by Law established, with our Lives and Fortunes'. Secondly, that it was the opinion of Committee that the House should address his Majesty to issue out a proclamation for the execution of the penal statutes against all Dissenters.²⁰¹

However, the full House refused to support the Committee's recommendations, and instead decided to 'rest wholly satisfied in his Majesty's gracious Word and repeated Declaration, to support and defend the Religion of the Church of England, as it is now by Law established; *which is dearer to us than our Lives*'.²⁰² During the 'honeymoon' period, the Committee of Religion's resolutions were considered offensive to the Catholic king, resulting in Parliament watering down their request. The Committee's wish to ensure the prosecution of dissent from the Church of England, both Catholic and non-conformist, again indicates a clear commitment to the Church of England. Whilst the final resolution was more tactful, by raising the king's promises to defend the Church of England, Parliament made clear once again that tory allegiance was based on a commitment both to their king and their religion.

The second Session of Parliament opened on 9 November, 1685, and James II made a speech to House of Lords. The content of the second speech was more likely to create problems between the king and Parliament, as indeed the king acknowledged. The potentially most contentious issue in his first speech to Parliament had been the request for revenue, but even on this point the king only asked for the same as was afforded to his brother. At the opening of the second session, the king raised two far more contentious matters. The first was the demand for 'a good Force of well-disciplined Troops in constant pay', the second was his refusal to part with 'Officers in the Army, not qualified, according to the late Tests, for their Employments'.

²⁰¹ Grey, *Debates*, viii, p. 347; Morrice, *Entring*, P, p. 463.

²⁰² Grey, *Debates*, viii, p. 347.

Moreover, the king expected Parliament to grant him a supply to cover the higher costs of his new standing army.²⁰³

However, it was not merely the content of the second speech that was different, but also its presentation. Whilst on 22 May James had addressed both Houses in the House of Lords, on 9 November he only addressed the upper House, and it was left to the Speaker to read his speech to the House of Commons. James's first speech had been conciliatory in tone. He began indicating his respect for Parliament, followed by emphasising and repeating his promises to defend the Church of England, and only subsequently requested revenue. In contrast, in November, his opening speech omitted all such assurances; after praising God for the suppression of Monmouth's rebellion, James immediately criticised the militia's performance during the crisis. This was a criticism that a considerable number of the members of the each House could take personally, as in the localities they had responsibility for the efficiency of the militia, either as a lord lieutenant, deputy lieutenant or other militia officer. In addition, James's demands for a standing army and the employment of Catholic officers were both somewhat of a *fait accompli*. James had greatly increased the number of troops and had employed Catholics and he made it clear that he refused to part with either.²⁰⁴ As Halifax reported to Chesterfield, 'the king's speech this day...hath put the commons in so ill humour'.²⁰⁵ Whereas in the first session of Parliament James had been appeasing, in the second session he was over-confident and belligerent.

The more contentious nature of the speech was reflected in the Commons response to it. Whilst the Lords returned their thanks for the king's speech, the Commons, in contrast to May, referred the matter to a committee of the whole House for consideration on 12 November. It was during this debate that the first overt signs of dissension became apparent as the lower House began to consider the king's address. The first topic was the role of the militia and the voting of supply. There was some support for the king's contention that the militia was an insufficient defence. Of the

²⁰³ Grey, *Debates*, viii, pp. 353-4.

²⁰⁴ Grey, *Debates*, viii, pp. 344-6, pp. 353-54; Andrew Browning, ed., *English Historical Documents 1660-1714*, (London, 1953), pp. 81-2.

²⁰⁵ Foxcroft, *Life and Letters of George Savile*, i, p. 457.

10 members who made a recorded speech, half admitted that the militia was insufficient, and four of them pressed for supply to support a standing army, whilst Sir Richard Temple pushed that the supply would be better spent improving the militia. After debate concerning the militia and supply, the House agreed that 'a Supply be given to his Majesty; and, That the House be moved to give leave to bring in a Bill to render the Militia more useful.'²⁰⁶ However, the following day, the House narrowly voted to continue debating the king's address rather than proceed to the business of supply. The issue of the king's employment of Catholic officers was referred to committee, and, after amending its recommendations, the Commons eventually sent an address to the king. In it they thanked him for his suppression of Monmouth's rebellion, but not for his speech, and indicated they were unable to accept Catholic officers, though they would pass a bill to indemnify those that had been appointed.²⁰⁷ The second session of Parliament went far less smoothly for the court than the first.

However, whilst there was an obvious cleft between the king and his Parliament in the second session, even when the Commons opposed James, their opposition was ultimately cautious. The recommendation of the Committee considering the king's employment of Catholic officer's had originally included the phrase 'that his Majesty would be pleased not to continue them in their Employment', but this had been watered down by the whole House.²⁰⁸ Moreover, the Commons were attempting to be accommodating by indemnifying officers who had been appointed. Following the king's response to the House's Address, John Coke of Melbourne, in Derbyshire, had, after seconding the motion that a day be appointed to consider the king's Answer, said 'I hope we are all Englishmen, and are not to be frightened out of our duty by a few high words'. The House took exception, and, despite Coke's protestations that 'he intended no ill by it', resolved that he be committed to the Tower for 'his indecent and undutiful reflecting on the king and this House'. Cokes's words were considered particularly odious because 'he wears the King's cloth, and is one of my Lord Ferrar's captains, and hath hitherto been loyal, though now transported with rashness and indiscretion'. The whole House was more cautious, and changed their

²⁰⁶ Grey, *Debates*, viii, pp. 354-60.

²⁰⁷ Grey, *Debates*, viii, pp. 360-1.

²⁰⁸ Grey, *Debates*, viii, p. 361.

recommendation to 'That his Majesty would be graciously pleased to give such Directions, that no Apprehensions or Jealousies may remain in the hearts of his Majesty's good and faithful Subjects'.²⁰⁹

Moreover, in terms of supply, in the second session of Parliament the members demonstrated that they were prepared to grant the king a relatively generous financial settlement. The debate on the supply resumed on 16 November. According to the only surviving record of the debate there were 20 speakers. The disagreements revealed in this debate focused on the amount of supply to be granted from 200,000 livres, in addition to the same sum granted for the suppression of Monmouth, to 1,200,000 livres. Those proposing lower sums exhibited two main concerns. The first was to ensure Parliament's sitting. As Sir Thomas Clarges argued, 'let us give little now, to have the opportunity to give more another time'. The second was to assure that the king would not be able to build up a standing army. As Mr Waller said, 'I am for the least sum, because for an Army, and I would be rid of them as soon as I could'. A number of compromises were suggested, and, after 400, 000 livres was rejected by 179 votes to 167, it was agreed by 212 to 170 that a sum of 700, 000 livres be granted.²¹⁰ In the event, such a supply was not passed because, in the face of opposition to his employment of Catholic officers, particularly in the House of Lords, the king prorogued Parliament. Nevertheless, the Commons' willingness to grant a supply of 700,000 livres demonstrates that, despite more overt opposition to the king than in the first session, and the reservations of certain members, by November 1685 there had not been a total breakdown of the good correspondence of May.

To a limited extent, the records of the 1685 Parliament also provide an opportunity to examine the position and opinion of a small number of East Midlands' gentlemen at this early stage of James's reign. In terms of committee activity, this ranged from that of William Allestry, William Stanhope, John Verney, and John Thorold who left no discernible trace to Sir Thomas Meres who sat on 37 committees, several of

²⁰⁹ Grey, *Debates*, viii, pp. 369-70; HMC 75/1, *Downshire Mss.*, p. 54.

²¹⁰ Greys, *Debates*, viii, pp. 363-7.

which he chaired, including that of religion.²¹¹ Examination of their participation in the debates is hampered by the paucity of records, particularly for the first session. Anchitell Grey's failure to win the election at Derby was not merely a personal loss, but, as the author of one of the most important Parliamentary diaries of his day, acted to the detriment of subsequent historians.²¹² No diaries have been found that cover the first session, though several have survived for the second session.²¹³ Sir William Clifton was clearly working for the Government, and opened the debate on the militia for the Crown, arguing that 'some other than the Militia is necessary to be found: I move a Supply for the Army'. His support for the Crown was again in evidence during the debate on supply on 16 November when he argued that '200,000l. is much too little: Soldiers move not without pay...'.²¹⁴ Sir Thomas Meres also retained his support for the Crown in the second session, concurring with Clifton that the militia was insufficient, and agreed that an additional force, of which the king alone should determine the size, was necessary. He also wanted to vote for the supply rather than address the king, and when the supply itself was eventually debated, declared 'I am for 1,200,000l. and if so much be given, I would have you, Gentlemen, to remember that the Fanatics are the cause of it'.²¹⁵

Only one other member representing one of the East Midlands seats appear in the records - John Coke, whose outburst, and subsequent imprisonment, clearly indicates he was far from being a Crown supporter.²¹⁶ In addition, Sir Willoughby Hickman (representing Kingston Upon Hull), from Gainsborough in Lincolnshire and who also had interests in Nottinghamshire, also displayed some opposition to the Crown. During the supply debate, he argued 'the Rebellion is suppressed, and the Army is urged to be small, but it is so thick of Officers, that by filling up the Troops, which is

²¹¹ Henning, *House of Commons*, i, pp. 530, 575-6, 578, 613-4, 641-6, ii, pp. 82, 96-97, 100-2, 193, 499, 622-3, iii, pp. 48, 58, 66-7, 78-9, 131-2, 392-4, 398-9, 431-2, 473-5, 557-8, 634.

²¹² Henning, *House of Commons*, i, p. xxiv.

²¹³ Henning, *House of Commons*, i, p. xxv.

²¹⁴ The editor of Grey's debates attributes these speeches to Sir Winston Churchill. However, the History of Parliament maintains that this is an incorrect attribution. Grey, *Debates*, viii, pp. 354, 364. Henning, *House of Commons*, i, pp. xxv, ii, pp. 96-7.

²¹⁵ Grey, *Debates*, viii, pp. 358.

²¹⁶ The editors of Grey's debates attributes one speech to Thomas Hussey but the History of Parliament argue that this was actually a contribution from Thomas Howard. Grey, *Debates*, viii, p. 359; Henning, *House of Commons*, i, p. xxv, ii, pp. 622-3.

easily at an time done, increases their number to a third part more. I am for providing them but one whole year only, and only for 400,000 livres'.²¹⁷

Whilst Westminster was relatively geographically distant from the East Midlands, the import of the 1685 Parliament was closely followed in the region. The two MPs for Leicester regularly sent back reports to the corporation of proceedings in Parliament.²¹⁸ Despite government censorship, information was also forthcoming in the form of pamphlets and prints.²¹⁹ Moreover, as the metropolis became increasingly important in the social scene of the gentry, those in town acted as information conduits to their 'cousins' in the country. Sir William Boothby, spent the autumn and winter of 1685 in London, and whilst there sent Parliamentary updates to friends and family back in Derbyshire.²²⁰

Overall, whilst on the surface the first session of Parliament went extremely well for the Crown, there was an underlying undercurrent of determination to secure the Anglican settlement. In the second session, the underlying tensions between king and Parliament became more overt; however, opposition to the Crown was termed cautiously, and Parliament was still prepared to vote a generous, if not extravagant, financial settlement. That the potential cleft between king and Parliament was not more pronounced in the first session of Parliament was largely due to the outbreak of rebellion. Indeed, it was Monmouth's landing which brought an end to the first session of Parliament, and members were instructed to return to their respective counties.²²¹

Monmouth landed at Lyme on 11 June, 1685, with eighty-two supporters and equipment for a thousand. After his successful progress through the West Country in 1680 he believed he would attract support from the local whiggishly inclined gentry. However, as Gilbert Burnet remarked, 'many of the country people came in

²¹⁷ Grey, *Debates*, viii, p. 365.

²¹⁸ LRO, BR11/18/35, ff. 187, 217-23, 239, 241, 246, 248, 255.

²¹⁹ BL, Add Mss. 71691, p. 213.

²²⁰ Rosenheim, *Emergence of the Landed Order*, pp. 215-252; BL, Add Mss. 71691, pp. 288, 291, 296-7.

²²¹ Grey, *Debates*, viii, p. 351.

to join him, but very few of the gentry'.²²² At least one member of an East Midlands family actively supported Monmouth's stand. The only surviving son of Molineux Disney, of Norton Disney in Lincolnshire, ran a press in London printing pro-Monmouth pamphlets. Within two weeks of Monmouth's landing, Gervase Disney was arrested, tried, and found guilty of treason. Retribution was swift and on 25 June, 1685, he was hung drawn and quartered.²²³ Nevertheless, the effect of the Monmouth rising was contained, and geographically distant from the East Midlands. In contrast to 1688, the gentry of the region did not have to deal with the difficult decision of turning rebel.

However, while the focus for suppressing the rebellion was naturally concentrated in the south-west, the East Midlands was not completely immune from the impact of Monmouth's insurrection. Rumours spread of other possible insurrections, particularly in the north. In Cheshire, the deputy lieutenants were warned of a 'design' and commanded to be watchful, and to disarm all dangerous and suspected persons. Moreover, two of them were instructed to be in constant readiness to receive orders and to secure the arms of the militia so they could not be seized and used against the government. At Ashbourne in Derbyshire, Sir William Boothby ordered the constables to keep a careful watch at night, and to keep a particular eye on those considered disaffected, and, in conjunction with Charles Cockaine and Thomas Boothby, he proclaimed the Duke of Monmouth a traitor.²²⁴

Members of the nobility and gentry were instrumental in raising and leading troops to repel Monmouth. As Lady Herbert of Cherbury wrote to her husband, on 23 June 1685, 'so many of the noblemen and gentlemen are in the regiments that I know few people who have not a husband or a brother to pray for'.²²⁵ This was certainly true of the family of the Earl of Lindsey - the Berties. Lindsey's younger brother, Richard, and half brother, Henry, each raised a troop of horse, and the former definitely saw action in the West. His eldest son Lord Willoughby, raised a troop of horse, whilst

²²² Peter Earle's analysis of the Monmouth Roll, of 2, 611 rebels found they were mainly drawn from form middle ranks of society and urban communities involved in cloth making. Burnet, *History*, iii, p. 46; Peter Earle, *Monmouth's Rebels: The Road to Sedgemore 1685* (New York, 1977) p. 201-5.

²²³ Edward Disney, *A Story of The Disneys - Some Myths Exploded* (Bristol, 1997), pp. 67-9.

²²⁴ Luttrell, *Brief Relation*, i p. 348; HMC 13, Tenth Report, Appendix v, *Kilmorrey Mss.*, p. 364; BL, Add Mss. 71691, p. 216.

his second son, Peregrine, attempted to become a lieutenant in his uncle's, the Earl of Abingdon, regiment, but had to make do with a coronetcy. Robert Leake, Earl of Scarsdale, and Lord Thomas Howard, of Worksop, also raised troops of horse, as did Robert, Lord Lexington, at Newark.²²⁶

Neither was active military participation restricted to the nobility. Sir William Clifton, justice of the peace and knight of the shire for Nottinghamshire, raised a regiment of foot, in which one of the captains was John Stanhope of Elvaston, a Derbyshire justice. Thomas Harrington, a Lincolnshire justice and MP for Grantham, raised a troop of horse there, and William Villiers, son of a Leicestershire justice, raised a troop in Hertfordshire. Two Derbyshire magistrates, John Coke of Melbourne and Roland Okeover of Okeover, were commissioned in mid June in the regiment of Lord Ferrars. Thomas Skipwith, a justice of the peace in Lincolnshire, and Wolstan Dixie, son of Leicestershire justice Beaumont Dixie, of Market Bosworth, served in the Earl of Huntingdon's Regiment of Foot.²²⁷

Away from the south-west, the threat of revolt was countered with a series of pre-emptive arrests. On 20 June, lord lieutenants were instructed to seize 'all disaffected and suspicious persons, and particularly all non-conformist ministers and such persons as served against our royal father and late royal brother'. In addition, they were to secure 'all the horses belonging to any person so seized'. The lord lieutenants of Lincolnshire and Nottinghamshire were to send such suspicious persons to Kingston upon Hull. The lord lieutenant of Derbyshire was to likewise send suspected miscreants to Chester, and the Earl of Rutland was make use of the prison at Leicester.²²⁸ In Derbyshire, Sir John Gell, Colonel Sanders, and Mr Morewood were apprehended and sent to Chester Castle. Whilst it is not known who was affected in Leicestershire, in Nottinghamshire, Mr Slaughter, Mr Charles Hutchinson, Mr Sherbrooke, Mr Mansfield, Mr Reignolds and Mr Whitlock (both Presbyterian ministers), with three other strangers, were sent to Hull, and Mr Samuel

²²⁵ HMC 13, Tenth Report, Appendix iv, *Powis Mss.*, p. 396.

²²⁶ Charles Dalton, ed., *English Army Lists and Commission Registers, 1661-1714* (3 volumes, London, 1960), ii, p. 14-5; HMC 66, *Ancaster Mss.*, p. 431.

²²⁷ *CSPD Feb-Dec 1685*, p. 220; Dalton, *English Army Lists*, ii, pp. 14-5, 29, 34, 36.

²²⁸ *CSPD Feb-Dec 1685*, p. 212; BL, Add Mss. 71691, p. 217; Luttrell, *Brief Relation*, i, pp. 345, 349-50.

Sanders and Mr Sacheverell held prisoner at Nottingham.²²⁹ From Lincolnshire, Sir Drayner Massingberd, Thomas Johnson of Bilsby Esq, and Mr John Nelthorpe of Little Grimsby were all sent to Hull.²³⁰

Those arrested had a history of opposition to the Government. Three of them - Sir John Gell, Richard Mansfield and Charles Hutchinson - lost their place on the commission of the peace at time of the Exclusion Crisis. The latter, along with William Sacheverell, also playing a prominent part in the Nottingham riot of 1682. Sir Drayner Massingberd, an ex-parliamentarian soldier, had arms seized after Rye House Plot in 1683.²³¹ However, apart from Sir Drayner and Colonel Sanders, the available evidence reveals little correlation between those whose houses were searched for arms two years previously and those now arrested. In Nottinghamshire, it is noticeable that John White, John Thornhagh, Mr Gregory, Francis Pierrepont and Sir Scrope Howe, despite previous suspicions, were not at this point incarcerated.

It was the deputy lieutenants who were primarily responsible for rounding up suspects and conveying them to their place of incarceration. In Derbyshire, part of William Fitzherbert's troop took prisoners to Chester whilst he and the rest of his troop, in conjunction with Sir Robert Cooke's company, remained on guard. There were individuals such as Mr Richardson, a suspected non-conformist minister, whom they were reticent in holding. Nevertheless, they kept him prisoner till further instructions were given.²³² However, there is no evidence that the deputy lieutenants of Derbyshire displayed any such reticence in arresting fellow members of the gentry.

Monmouth's bid for the crown was quickly quelled, and the rebels were decisively routed at the battle of Sedgemoor on 6 July. After initially escaping, both Monmouth and Lord Grey were captured in Dorset and, on 15 July, Monmouth was

²²⁹ According to Whitlock he was sent to 'Rev Mr Ashley's Meeting house' at Hull along with 40 others. Morrice, *Entring*, p. 472-3; Jennings, 'Gathering of the Elect', p. 195.

²³⁰ LAO, MM6/10/11 f. 4; Massingberd, *History of the Parish of Ormsby*, pp. 169-70.

²³¹ LAO MM6/10/11 ff. 1-2; Massingberd, *History of the Parish of Ormsby*, pp. 165-6, 169.

²³² BL, Add Mss. 71691, pp. 220-1.

executed, an event which at the very least was celebrated in Leicester.²³³ With the main threat of insurrection over, those men who had been pre-emptively arrested were set at liberty. The Duke of Newcastle promptly arranged the release of the Nottinghamshire men detained at Hull. However, those from Lincolnshire had to wait slightly longer, and on 25 July, Massingberd, Johnson and Nelthorpe complained to Charles Pelham of their continued incarceration.²³⁴ The original reason for the delay in their release appears to have been an administrative misunderstanding. The Earl of Lindsey had promptly ordered the release of those detained in Lincolnshire on 11 July, and it seems he assumed that Plymouth would release those detained at Hull. However, Plymouth would not release any prisoners until he received an order from the lord lieutenant or two of his deputies.

The revelation of this administrative difficulty did not lead to the immediate release of the prisoners. On 31 July, Lindsey sent word to the prisoners at Hull that, since some Lords (referring to Stamford, Delamere and Lord Brandon) were lately put in the Tower, he would 'not hastily send his Order for ye releasing those prisoners at Hull' but desired a few days to consider it. However, rather than being the product of excessive caution, Lindsey's dilatory behaviour was more the result of the offence he had taken at the tone of the prisoners' request for release. Eventually, on, 5 August, Richard Cust wrote, with Lindsey's agreement, to secure their freedom and Drainer Massingberd and his co-detainees were set free on 7 August.²³⁵

In the first six months of his reign James appeared to be in a very strong, and comfortable, situation. He had inherited a healthy position from his brother, and despite the attempts, a few years previously, to exclude him from the crown, his accession was, at the very least, peaceful. The elections to the 1685 Parliament went in the Government's favour and the Parliament, once assembled, proved loyal and was willing to grant the king sufficient revenues. Loyalty to the new king was also in evidence in the plethora of loyal addresses that welcomed his accession, and in the response of Parliament and the vast majority of the country, to the outbreak of rebellion in the summer of 1685. To an extent, James could claim credit for this

²³³ Stocks, *Records of Leicester*, p. 584.

²³⁴ LAO, MM 6/10/11, f. 4; Massingberd, *History of the Parish of Ormsby*, p.169-70.

²³⁵ LAO, MM 6/10/11, f. 3-5; Massingberd, *History of the Parish of Ormsby*, pp. 169-72.

happy state of affairs; his promises to defend the Church of England both at his accession, and at the opening of Parliament did much to relieve the concerns of loyal subjects. However, equally important was a continuing revulsion of the divisions that had been revealed during the Exclusion Crisis. The effusions of support and loyalty present at the beginning of James's reign need to be considered not only as positive support for him but also as reflections of a desire to reassert harmony into political life. This 'honeymoon' period was extended by the outbreak of rebellion in Scotland, in May, and the south-west in June.

However, whilst the king and his subjects appeared to enjoy a 'good correspondence' from the very beginning of James's reign, the potential for a future parting of the ways were clear. The expressions of loyalty both in the addresses congratulating his accession, and in Parliament, clearly revealed that, amongst many Anglicans, loyalty to the new king was equalled by a firm commitment to the Church of England. The Parliament of 1685 was relatively financially generous, but equally, on the day the ordinary revenues were granted, attempts were made to firmly secure the position of Anglicanism. The Parliament of 1685 was amenable, it certainly was not docile. After Monmouth's defeat, the Duke of Ormonde wrote 'there are, as in all governments, some things to be done and other things to be avoided, and I hope God will direct the King in both'.²³⁶ Unfortunately, the guidance God provided James was very different to that desired by a vast majority of his subjects.

²³⁶ HMC 51, *Leyborne Popham Mss.*, pp. 247-8.

Chapter 3: The Impact of James II's Policies on the East Midlands

The sticking point of the 1685 Parliament, James's employment of Catholic army officers, was one of the first overt signs of the Catholic king favouring of his co-religionists. Over the next three years, James's government went to considerable lengths to relieve Catholics from religious and civil penalties of the penal laws, dispensing individuals from the rigors of the legislation and latterly suspending the laws by virtue of the royal prerogative and ultimately attempting to obtain their parliamentary repeal. This section will briefly trace the chronology and course of James's policies, and then examine the impact they had in the four East Midland counties.

I

From the time of James's accession, pressure had been brought to bear to proscribe anti-Catholic sermons.¹ Early in 1686, formal instructions were issued 'advising' clergymen to demur from preaching anything that touched upon the controversy between Protestants and Catholics.² This was intended to curb the worrying number of sermons highlighting the errors of Rome and warning of the current dangers faced by the Church of England. It was the Dean of Norwich, John Sharp's, contravention of this advice which led the government into further conflict with Henry Compton, Bishop of London, who had led resistance to the employment of Catholic officers in the House of Lords in November 1685. On two Sundays in May, 1686, in answer to a letter from a parishioner expressing spiritual doubts, Dean Sharp preached at his parish at St Giles in the Fields on the forbidden topic of Catholicism. Apart from focusing on the king's own conversion Sharp threw doubt on the authenticity of a box of Catholic papers that James had revealed belonged to his brother. The Bishop of London was ordered to suspend Sharp from his rectorship of St Giles, which he refused to do without judicial process. Furthermore, when the Archbishop of Canterbury refused to act against Compton, the government responded by

¹ HMC 52, *Frankland-Russell-Astley Mss.*, p. 59.

² Luttrell, *Brief Relation*, i, p. 373, Morrice, *Entring, P*, pp. 520, 526; *CSPD Jan 1686-May 1687*, pp. 56-7.

establishing the Court of Ecclesiastical Commission, its first act being Compton's suspension.³

The corollary of the attempts to control anti-Catholic 'propaganda' was a relaxation of the controls in place to suppress Catholic literature. Under penal legislation, the printing and distribution of Catholic material was punishable by a 40 shilling fine for each copy, and the offending material was to be seized and burned. In January 1686, a box of books belonging to John Tarleton of Lincoln were seized under this legislation and placed in the custody of the Mayor of Lincoln. In March, 1686, orders were issued to restore any popish books that had previously been confiscated, and impediments on the possession and sale of such literature lifted. A month after this directive, Tarleton's books and papers were returned to him.⁴

Apart from attempting to invigorate Catholicism's public image, a series of measures were taken to allow Catholics to enjoy more freedom in practising their religion. It was also hoped that the removal of the disabilities imposed on Catholics would act as an encouragement to conversions to the old religion.⁵ In the last six months of his reign, Charles II's government had adopted a more pro-Catholic stance, and in January, 1685, a pardon had been granted to a large number of individuals for all previous trespasses, treasons, and penalties, including two men from Derbyshire and seventy-eight people from Lincolnshire.⁶ Under James, the royal pardon continued to be put to use. On 27 February 1685, the government ordered that those in prison for recusancy should be released if they provided recognizances and certificates proving their family's loyalty during the civil wars. Sir Phillip Constable's, of Everingham in Yorkshire, certificate annotated that it protected him from the penal laws forever, testifying to the suffering of his father Marmaduke for the cause of Charles I.⁷

³ An account of the Bishop of London's trial before the Ecclesiastical Commission is given in HMC 64, *Verulam Mss.*, pp. 87-94; Morrice, *Entring*, P, p. 556; Western, *Monarchy and Revolution*, p. 198-9; Jones, *Revolution of 1688*, pp. 68-71.

⁴ Morrice, *Entring*, P, p. 526; *CSPD Jan 86-May 87*, p. 100.

⁵ Miller, *Popery and Politics*, p. 201.

⁶ *CSPD May 1684-Feb 1685*, p. 287; PRO, SP44/335, pp. 436-7, 439.

⁷ Hull University Archives and Special Collections, DDEV/68/248 p. 82; Miller, *Popery and Politics*, p. 204.

In May, 1685, the government began to issue stays of process to those prosecuted for their religious beliefs. On 12 March, 1686, such a warrant was issued for prosecutions against 218 recusants from Lincolnshire.⁸ The warrant does not make it clear exactly where on the religious spectrum the beneficiaries of these stays lay; however, John Miller argued that as Robert Brent's, the Catholic lawyer, name was written in the margins of many of these early warrants, it was likely that vast majority were Catholics.⁹ As far as it is possible to ascertain, the Lincolnshire evidence supports this conclusion. The passing of the Toleration Act of 1689 brought an end to the prosecution of all but the most extreme dissenters. Therefore, by cross-referencing those granted a dispensation in 1686 with those still being prosecuted after 1689 it is possible to ascertain whether the recipients were Catholics. The warrant lists offenders from five locations, four of which, Corby, Fulbeck, Haconby and Hawbeck, fell within Kesteven, the fifth, Lincoln, in Lindsey. Unfortunately, the minute book for Lindsey does not survive for this date. In reference to the Kesteven records, of the 218 named recusants, 75 were prosecuted for religious non-conformity between October 1689 and April 1691. A further 31 appear in the list of reputed Catholics from 1680, another 25 were granted a dispensation in January 1685, and 13 more prosecuted for being 'popish recusants' at the Assizes in July 1693.¹⁰ Therefore, it is probable that at least 65% were Catholics, and this is a conservative estimate. Apart from the omission of Lindsey's records, it is more than probable that by 1689 death had removed some individuals from the records, and as the list includes 89 women, it is not inconceivable that some of them had changed their name on marriage, making simple nominal record linkage impossible.

James's government not only attempted to put a stop to the prosecution of Catholics under penal legislation, but it also made attempts to refund fines they had previously paid. During Charles II's reign, 22 'Receivers of Recusants Forfeitures' had covered

⁸ *CSPD Jan 1686-May 1687*, pp. 66-7.

⁹ Miller, *Popery and Politics*, p. 204.

¹⁰ *Minutes of Proceedings of Quarter Sessions held for the Parts of Kesteven...1674-1695*, ed. S. A. Peyton, Lincoln Record Society, xxvi, (Lincoln, 1931), pp. 341-93; HLRO, Main Papers, 3 December 1680, ff. 47-9, 99, 130; PRO SP44/335, pp. 436-7; LAO, LCL 4878.

England and Wales. However, in July, 1684, they were dismissed, although they were still expected to return money already collected. The receivers covering the East Midlands counties were Mr Hurleston, whose 'patch' included Leicestershire, and Mr Powell, whose responsibilities included Derbyshire, Lincolnshire and Nottinghamshire. Making use of the Pell Receipt Books, J.A. Williams investigated the amounts collected by these receivers between 1680 and 1685. Unfortunately, he was only able to discover the payments made into the Exchequer by twelve of them, and these did not include Mr Hurleston. The records indicate that Mr Powell made no payments after Michaelmas, 1683, and neither did any of his eleven counterparts from the beginning of James's reign. From July, 1685, refunds of previously paid forfeitures began to be paid, the first recorded, in July 1685, being to Sir Phillip Constable of £60, minus various fees.¹¹ However, the records do not indicate which Roman Catholics from the East Midlands were beneficiaries under the scheme.

Legislation had been passed by James I forbidding education other than in a recognised school or university, or in the house of nobleman or gentleman, without licence from an Anglican Bishop. As such, it granted Anglicans a monopoly over secondary and higher education. Members of the Catholic gentry wishing to educate their sons either had to consider a non-Catholic education, or send their progeny abroad, though in doing the latter they risked severe penalties.¹² The Catholic Hunlokes of Wingerworth, and Willoughbys of Cosshall, both in Derbyshire, sent their eldest sons to Cambridge, whilst two of Willam Turville's sons, of Aston Flamville in Leicestershire, became Jesuit priests after an education at the Jesuit School at St Omer.¹³ During James's reign, Catholic schools were established, such as the Jesuit school at Lincoln, and dispensations were given allowing Catholics to hold fellowships at the two English Universities.¹⁴

¹¹ J. A. Williams, 'English Catholicism Under Charles II: The Legal Position', *Recusant History*, vii (1963-4), 138-9; HUASC, DDEV/68/248, p. 8; Miller, *Popery and Politics*, p. 204.

¹² For a first offence they risked being unable to sue at law, act as an executor or hold any official position in the kingdom, and for a second offence they could be deprived of all their property for life. Williams, 'Legal Position', 127-8.

¹³ Venn, *Alumni Cantabrigiensis*, ii, p. 432, iv, p. 423; T.B. Trappes Lomax, 'Roman Catholicism', *The Victoria County History of Leicestershire*, ed. W. G. Hoskins, ii, p. 60.

¹⁴ Holmes, *Lincolnshire*, p. 249.

James also contributed to a restitution of a regular system of Catholic administration. The Catholic laity in England were served both by regular and secular clergy. For the former, the different orders had their similar, but separate, system of organisation. For the latter, from the early 1630s to 1672, the only source of indigenous Catholic ecclesiastical authority was the Chapter of Canons, set up under dubious authority by the first English Vicar Apostolic to advise and assist him, and to preserve jurisdiction in the event of his death. Under Charles II, this Chapter consisted of a Dean, who was Vicar General of the London district, and five or six other Vicar Generals who each supervised a group of counties. They oversaw the work of nineteen Archdeacons, who held responsibility for two or three counties, and ten or eleven other Canons. In 1672, Phillip Howard was appointed Vicar Apostolic, but shortly after was forced into exile and, by the beginning of James's reign, the Chapter of Canons were eager to augment their own legal position and loathe to lose the authority they exercised. Despite their opposition in August, 1685, John Leyburn, a former President of Douay College, was appointed Vicar Apostolic, with orders not to recognise the Chapter, and he was also given jurisdiction over the regular orders regarding the granting of missionary faculties. In 1688, Leyburn divided England and Wales into four districts and appointed Vicars General, from the most senior members of the secular clergy, and Rural Deans, for each district. Oversight of the Midland district was put in the hands of Bonaventure Giffard who was consecrated at the Banqueting Hall on 22 April, 1688. James managed to reconstruct Catholic administration. However, its size, though sufficient in meeting the needs of the relatively low numbers of Catholics, would have been incapable of dealing with large numbers of Catholic converts.¹⁵

In the first two years of James's reign, the loosening of the restrictions proscribing Catholic life were executed through the use of the royal prerogative. Before the second session of the 1685 Parliament, rumours had circulated that changes would be made in the judicial bench and, shortly after parliament had been prorogued, it was understood that the Judges' opinion had been solicited about the employment of unqualified men. Moreover, it was rumoured that the Attorney General, Sir Robert

¹⁵Basil Hemphill, *The Early Vicars Apostolic of England, 1685-1750* (London, 1954), pp. 1-26; Miller, *Popery and Politics*, pp. 37-50, 244-5.

Sawyer, and the Solicitor General, Mr Finch, would be turned out and replaced by two Catholics, Mr Brent and Mr Allibone. In the end, six judges and the Solicitor General were removed.¹⁶ The alterations made to the judiciary in 1686 were in preparation for a test case to determine the Crown's right to dispense individuals from the law. The case was collusively brought by Arthur Godden, a coachman, against his employer, Sir Edward Hales, who had been appointed as a colonel of a regiment of foot in November, 1685, and who, on appointment had failed to take the oaths of Supremacy and Allegiance. Hales had therefore contravened the statute of 25 Charles II 2, and he was duly indicted at the Assizes held at Rochester on 29 March, 1686. His defence was that on 9 January, 1686, James II had dispensed him from taking the oaths.¹⁷ However, the court found in the plaintiff's favour, and the defendant appealed.

All twelve judges of the common law courts, of the Common Pleas, King's Bench and Exchequer heard the appeal. By a majority of eleven to one, the judges found in favour of the dispensing power, although Justice Powell was reported to have wavered.¹⁸ In the judges' opinion, the kings of England were sovereign princes and the laws were the kings' laws. Therefore, the right to dispense with penal laws in particular cases and upon particularly necessary reasons was part of the prerogative. What is more, the king was judged the sole arbiter of these reasons, and this right was not a trust granted to the king by the people, but part of the ancient prerogative of the kings of England.¹⁹ The judgement upheld the Crown's dispensing power, but was clearly contrived and provoked general scorn.²⁰

Whilst from the very beginning of his reign James used his prerogative powers, however questionably, to improve the lot of his co-religionists, such use of the

¹⁶ Morrice, *Entring*, P, pp. 499, 505, 526, 528; Luttrell, *Brief Relations*, i, pp. 367-8, 375-6; Western, *Monarchy and Revolution*, p. 57; HMC 25, Twelfth Report, Appendix vii, *Le Fleming Mss.*, p. 199; HMC 77/1, *Finch Mss.*, pp. 118, 121.

¹⁷ Baron Robert Atkyns, *An Enquiry into the Power of Dispensing with Penal Statutes* (1689), p. 2; Morrice, *Entring*, P, p. 534.

¹⁸ Morrice, *Entring*, P, p. 554.

¹⁹ W. C. Costin and J. S. Watson, eds., *The Law and Working of the Constitution: Documents, 1660-1914* (2 volumes, London, 1952), i, p. 256-8; Luttrell, *Brief Relation*, i, p. 382; Morrice, *Entring*, P, p. 552.

²⁰ *The Autobiography of Sir John Bramston*, ed. Lord Braybrooke, Camden Society, first series xxxii (1845), p. 232; Burnet, *History*, iii, p. 97; HMC 15, Tenth Report, Appendix vi, *Bouverie Mss.*, p. 97.

prerogative did not guarantee these freedoms for the future. James acceded to the throne when he was fifty-one years old. By his first wife he had two daughters, who had been brought up as Protestants and who both demonstrated their determination to stay that way. His second marriage to a Catholic wife, Mary of Modena, was, up until June, 1688, childless. Therefore, for a majority of his reign James believed that a Protestant would succeed him and the only way to secure long term liberty of conscience for Catholics was by securing Parliamentary repeal of the penal laws against them. James had wanted the 1685 Parliament to repeal the legislation. On 21 October, before the second session of Parliament had met, the king had removed George Saville, Marquis of Halifax as President of the Council, because of his opposition to the king's plans in the ensuing session, particularly the passing of parliamentary approbation for the employment of Catholic officers.²¹ In November, James had prorogued it due to opposition to his employment of these officers, but even after prorogation, he hoped it could be persuaded to be of his mind. From the time of its prorogation on 20 November, rumours abounded as to when, and whether, the Parliament elected in 1685 would sit again.²² The prorogations of February 1685, May, and November 1686, were intended to buy the king time, whilst attempts were made to persuade current members of both Houses to agree to the repeal of the Test Act and penal laws.

After the opposition the king experienced during the session, it was widely believed that those 'that had fallen under his displeasure' and had 'voted otherwise then was expected' would shortly be removed from positions granted at the Crown's pleasure.²³ The rumours proved to be true.²⁴ From the East Midlands included in this expression of royal displeasure were John Coke, who lost his captaincy in Lord Ferrers' regiment, despite making a submission to the king.²⁵ In addition, several members of the Earl of Lindsey's family also lost military commands - his eldest son Robert, Lord Willoughby, brother Richard, half-brother Henry and second son Peregrine; the three former, according to Charles Bertie, constituting 'the three

²¹ Morrice, *Entring*, P, p. 483; *Memoirs of Sir John Reresby*, p. 393.

²² For example see Morrice, *Entring*, P, pp. 504, 627, 638, Q, p. 47.

²³ Morrice, *Entring*, P, p. 505; Luttrell, *Brief Relation*, I, p. 367; HMC 75/1, *Downshire Mss.*, p. 60.

²⁴ Morrice, *Entring*, P, p. 508; HMC 25, *Le Fleming Mss.*, p. 198; HMC 75/1, *Downshire Mss.*, pp. 56, 75-77, 79.

²⁵ HMC 75/1, *Downshire Mss.*, p. 75-77.

battering ramms' of the family.²⁶ However, at this time their loss of office appears to have been restricted to their military commissions.

In addition to removing men who had already demonstrated their opposition to the Catholic officers, the king began to closet a range of officeholders to ascertain whether they would support his policies. This canvassing of opinion took place either personally, or by a proxy of the king.²⁷ A number of members of the household were changed and, apart from current MPs, the king also concerned himself with the judiciary and military offices. From the East Midlands, Thomas Skipwith, a captain in the Earl of Huntingdon's Regiment of Foot, was removed in June, 1686, and Roland Okeover of Okeover, in Staffordshire and Mapleton in Derbyshire, quit his place in Lord Ferrers' regiment in December, 1686.²⁸ However, the results of the closeting campaign were disappointing, and members of the Church of England would not co-operate. In the face of their intransigence, James began to make overtures towards Dissenters. The objective of the parliamentary prorogations of February and April, 1687, was to allow the advances being made toward dissenters to take effect. In July, 1687, Parliament was dissolved, and preparations begun to ensure that the next Parliament would be more compliant. These preparations included the extension of the closeting campaign to justices of the peace and deputy-lieutenants, investigations into the opinions of members of enfranchised corporations, and subsequent changes to local office-holding.²⁹

Whilst the earlier dispensations had been mainly made in favour of Catholics, in the face of opposition from the Church of England the Government began to make overtures towards Protestant non-conformists. Admittedly, it was certainly possible that Protestants benefited from James's order of February 1685 releasing those imprisoned for recusancy on production of a certificate testifying to their family's

²⁶ HMC 24/2, *Rutland Mss.*, pp. 97-98.

²⁷ In February 1687 James asked the Duke of Beaufort to talk to parliament men to see where they stood on the repeal of the Test Act and penal laws. HMC 27, Twelfth Report, Appendix ix, *Beaufort Mss.*, p. 89.

²⁸ Morrice, *Entring*, p. 509, 553; Luttrell, *Brief Relation*, i, p. 394, 397; Dalton, *Army Lists*, ii, p. 29, 34.

²⁹ See chapter 4.

loyalty. Nevertheless, the requirement of certification, proving loyalty to Charles I, was intended to largely limit this relief to Catholics.³⁰

The first overt change in the government's attitude to Protestant non-conformists came in the spring of 1686. However, initially the extension of royal clemency appears to have been directed towards the more radical sects, and, in particular Quakers. In March, 1686, the king issued a general pardon to those people in prison for non-conformity and a warrant to discharge Quakers from imprisonment and relieving them from recusancy fines.³¹ In December, the Duke of Newcastle was informed that the king was displeased with the activity of John Smith, a common informer against Quakers. Newcastle was instructed to direct the justices of the peace to give no countenance to Smith. This particular informer's activities were not restricted to Nottinghamshire, and a similar letter was also sent to the Earl of Huntingdon to proscribe his activities in Leicestershire. A few months later, the Earl of Lindsey received like instructions to stop the work of Henry Burrell, clerk of the peace for Lincolnshire, and other informers, from prosecuting Quakers, especially in Holland.³²

It was only now that large numbers of Protestant non-conformists of the East Midlands became beneficiaries of the government's pardons and stays of process. In December 1686, such expressions of royal clemency were directed towards 16 individuals from Leicestershire. In Derbyshire, in January 1687, Robert Mosely of Glossop similarly benefited. On 4 February 1687 the like was granted to seven recusants from Spalding in Lincolnshire, and on 7 March a further 15, also from Holland, were beneficiaries of discharges. On 8 March 1687, 261 recusants from Leicestershire were discharged from their prosecutions, including four who had been given dispensation in January.³³

³⁰ Miller, *Popery and Politics*, pp. 206, 211.

³¹ Luttrell, *Brief Relation*, i, p. 378, Miller, *Popery and Politics*, pp. 210.

³² *CSPD Jan 1686-May 1687*, pp. 315, 329, 389.

³³ The second Lincolnshire discharge of 7 March does not specify where the recusants came from but 14 of them appear as recusants in the Holland Minute book between January 1685 and April 1687. *CSPD Jan 1686-May 1687*, pp. 333, 338, 358, 379-81; LAO, HQS/A/2/3, pp. 1-81; see chapter 4.

It was the issue of the declaration of indulgence in 1687 that marked the real turning point in James's policy. Rumours of a declaration suspending the penal laws had been circulating since 1685.³⁴ However, it was not until 4 April, 1687, that the king issued his *Declaration for Liberty of Conscience*.³⁵ In it, James expressed his desire that all the people of his dominions be members of the Catholic Church. He also expressed his support for religious toleration due to the failure of previous attempts to enforce religious conformity, and the ill effect such enforcement had on trade, in encouraging emigration, and hindering immigration. Therefore, he granted all his subjects 'the free exercise of their religion for time to come', including freedom to 'meet and serve God after their own way and manner', with the proviso that nothing was to be preached against the government, that the assemblies were to be registered with a justice of the peace, and that they were peaceably, openly and publicly held. The indulgence also suspended all punitive aspects of the penal laws and granted a general pardon to those previously prosecuted for recusancy. The king repeated his promises to uphold the Church of England, however, the declaration marked a sea change in the relationship between the Church of England and the state, and the former lost the special protection it enjoyed from the civil power. Moreover, the Declaration also revoked the need for office-holders to take the oaths of Allegiance and Supremacy or the Test. Public office was therefore opened up, not only to religious non-conformists that had been individually dispensed from the law, but to them all.³⁶ Whereas Godden versus Hales had upheld the Crown's right to dispense individuals from penal legislation, the Declaration of Indulgence suspended the Test Acts and all penal laws.

The Indulgence brought an end to all prosecutions under the penal legislation. In Kesteven, cases were brought at the Easter sessions, both at Bourne and Sleaford, for failure to attend church on 26 December, 1686, and 2 and 9 January, 1687, but these were the last recusancy cases brought during James's reign. In neighbouring Holland,

³⁴ Morrice, *Entring*, p. 507; Luttrell, *Brief Relation*, i, p. 367.

³⁵ *London Gazette*, 2231.

³⁶ Browning, *English Historical Documents*, pp. 395-6.

whilst the records of the Kirton session do not record any new cases for recusancy, at Spalding on 8 April there were prosecutions for non-attendance.³⁷

The counterpart of James's attempts to court dissenters was a hardening of attitude towards the Church of England. Earlier in his reign, Catholic converts had been encouraged in the universities, but from early 1687, the government took more definitive steps to break the Anglican monopoly of education. In April, 1687, at Magdalene College the government attempted to establish a Catholic element in the wealthiest of Oxford University's colleges. The fellows were instructed to elect Anthony Farmer, a reputed Catholic, as President of the college. They acknowledged the king's right to nominate to the post, but questioned Farmer's suitability, arguing that he was neither of good character nor eligible under their statutes. In his place they elected John Hough. The Government refused to accept Hough's election as valid, and insisted on the election of the Bishop of Oxford in his place. On the fellows refusal, the case was referred to the Ecclesiastical Commission and a visitation took place to ensure the new royal nominee's installation. Whilst the fellows agreed to submit to the new president, they refused to admit their culpability in the affair, and most of them were turned out of their places and replaced by Catholics.³⁸

On 27 April 1688, the king reissued his Declaration of Indulgence. Incorporating his first Declaration, of April, 1687, in its entirety, he reiterated his intentions to repeal the Test Acts as well as to grant toleration to Dissenters. This second declaration also included an admission that the previous Declaration had failed to attract as much support as anticipated, and an indication that James intended to call a Parliament in November.³⁹ On 4 May, the king, in Council, ordered that the Declaration was to be read out in all churches and chapels in London and the surrounding 10 miles on 20 and 27 of that month, and on 3 and 10 June in the rest of the country. Moreover, the Bishops were to distribute copies of the Declaration

³⁷ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, ii, pp. 310, 314-6; LAO, HQS/A/2/3, pp. 76, 81.

³⁸ Angus MacIntyre, 'The College, King James II and the Revolution, 1687-88', in Laurence Brockliss, Gerald Harris and Angus MacIntyre, *Magdalen College and the Crown* (Oxford, 1988), pp. 30-82.

³⁹ Browning, *English Historical Documents*, pp. 399-400.

throughout their dioceses.⁴⁰ By ordering the clergy to read the Declaration, James was accomplishing several aims. Firstly, by complying the clergy would be advertising James's policy of toleration. Secondly, through the Bishops' transmission and clergy's reading of the Declaration, it would appear that they approved of his policy. Thirdly, any whom refused would be identifying themselves as opponents and could, like the Bishop of London previously, be proceeded against by Ecclesiastical Commission. Fourthly, refusal would also make them appear hostile to toleration for dissenters, driving a wedge between dissenters and conformists. Fifthly, Gilbert Burnet also suggested that it was intended 'to make them ridiculous, and to make them contribute to their own ruin'.⁴¹

The king's demand for the reading of the second Declaration presented the clergy with a moral quandary. Since the Restoration the Church of England, who saw itself and the monarchy as bulwarks against anarchy and sedition had preached a policy of loyalty, passive obedience and non-resistance. In James's reign this became problematical, as he seemed to be intent on dismantling the privileged position that the Church enjoyed within the state. The Anglican establishment, therefore, had to deal with the ever widening chasm between their long-professed beliefs and the actions of a king who was overtly, and cumulatively, undermining them. As Lady Harvey reportedly retorted to several Bishops towards the end of 1686, who had been complaining in her presence about the James's Catholicising policies, 'you have made a turd pye, seasoned it with passive obedience, and now you must eat it yourselves'.⁴² The order to read the Declaration forced the clergy's hand, compelling them to decide whether their first loyalty was to the king or to the Church.

The decision to oppose the king's order was not taken lightly or easily. In London, where there was even less time to react to the order, the response amongst the clergy to the king's missive was a series of meetings. Prominent members of the nobility were also consulted, including the Earls of Danby, Halifax and Nottingham. Whilst Morrice's account of these meetings indicates the vast majority were against reading

⁴⁰ Browning, *English Historical Documents*, p. 83; *London Gazette*, 2344; Morrice, *Entring*, Q, p. 255.

⁴¹ Burnet, *History*, iii, p. 225; Miller, 'James II and Toleration', pp. 21-2.

⁴² Morrice, *Entring*, P, p. 659.

the Declaration, according to another report 'more were for reading it than against it'...but 'those that were against reading, were more active and warm'.⁴³ For many of the clergy, the decision whether to comply with the king was made all the more difficult because of their dependence on the income from their livings, one clergyman responding 'he had 14 arguments, 13 Children and a Wife for reading, and one argument his conscience against it, he could not resist such a number and promised so'.⁴⁴

On 13 May 1688, seventeen divines, headed by the Bishops of Peterborough and Ely, met and produced a resolution pledging the refusal of all present to read the Declaration. As a result, the Archbishop of Canterbury and six bishops signed a petition requesting that James did not insist on their distributing and reading the Declaration, which was presented to the king on the 18 May 1688.⁴⁵ The petition took nearly four hours to frame, and the refusal was given not 'from any want of duty and obedience to Your Majesty...nor yet from any want of due tenderness to dissenters, in relation to whom they are willing to come to such a temper as shall be thought fit when that matter shall be considered and settled in Parliament and Convocation, but ..., because that declaration is founded upon such a dispensing power as hath often been declared illegal in Parliament...'.⁴⁶ Their opposition, therefore, was expressed not in religious, but in political, terms, with particular reference to the legality of the suspending power.

The king was by all reports livid at the bishops's actions, and, considering it an act of rebellion, determined 'they should be made to feel what it was to disobey him'.⁴⁷ The petition soon found its way into print, although the bishops denied any responsibility for its publication.⁴⁸ The bishops were cited to appear at the Court of King's Bench on the charge they had published a false, malicious and seditious libel - a criminal charge, to be presented in front of a jury, in contrast to *Godden versus*

⁴³ Morrice, *Entring*, Q, pp. 255-60; NUL, PwA Portland Mss., f. 2162.

⁴⁴ Jones, *Revolution of 1688*, p. 122; for quotes see NUL, PwA Portland Mss., f. 2162.

⁴⁵ They were William Lloyd Bishop of St Asaph, Francis Turner Bishop of Ely, Thomas Ken Bishop of Bath and Wells, Thomas White Bishop of Peterborough, William Lake Bishop of Chichester and Jonathan Trelawney Bishop of Bristol.

⁴⁶ Browning, *English Historical Documents*, p. 17.

⁴⁷ *Memoirs of Sir John Reresby*, p. 498; for quote see Burnet, *History*, iii, p. 228.

⁴⁸ Gilbert Burnet later suggested that culpability lay within the Court. Burnet, *History*, iii, p. 231-2.

Hales which had been a civil case. On their refusals to give recognizances of £500 they were imprisoned in the Tower of London, though after a week they were bailed by twenty-one peers and eventually appeared in front of the four judges of the Kings Bench on 29 June 1688.

Sir William Williams, the Solicitor General and Sir Thomas Powis, the Attorney General, presented the prosecution case. It rested on the argument that the petition was false, because in ecclesiastical causes the Crown could employ the suspending power, and as the Bishops had failed to use Parliament, the proper channel for petitioning, it was also malicious and seditious. Defending the bishops were Sir Robert Sawyer and Heneage Finch, who respectively had been Attorney General and Solicitor General at the time of James's accession. They argued, in the bishop's defence, that what had been published was true, and, because it had been delivered in a peaceful and legal manner, neither was it malicious or seditious. Lord Chief Justice Sir Robert Wright and judge Richard Allibone both directed the jury to find for the Crown, whilst Sir Richard Holloway and Sir John Powell recommended their acquittal.⁴⁹ On the 30 June, the jury found the defendants not guilty and they were released to general rejoicing.⁵⁰

The main thrust behind James' religious and political policies was to obtain the repeal of the anti-Catholic penal legislation in Parliament. Initially, he held out hopes that the relatively loyal Parliament elected in 1685 would be persuaded to comply. Long after it became apparent that they would not, he began to court the dissenting interest and take a harder line towards the intransigent Church of England. However, tragically for James in the end, the entire effort was unnecessary, as on the 10 June 1688, Mary of Modena gave birth to a Catholic son and heir. Reports of Mary's pregnancy first started circulating in November and a day of Thanksgiving was held in January.⁵¹ After long years of childlessness, the prospect of a Catholic heir was considered too 'fortuitous' and was met with widespread disbelief.⁵² This disbelief continued once the baby was born, and the myth of the 'warming pan'

⁴⁹ Costin and Watson, *Law and Working of the Constitution*, i, pp. 258-71.

⁵⁰ Burnet, *History*, iii, p.237; *Memoirs of Sir John Reresby*, p. 501.

⁵¹ Morrice, *Entring*, Q, p. 210.

readily excepted in some quarters. Such scepticism extended to James's daughters - Anne and Mary. In March, 1688, Anne wrote to her sister of her suspicions, and as she was away from London when the child was born, these misgivings continued. Mary's own doubts about the Prince of Wales are clear from the long list of queries she sent to Anne about his birth.⁵³ Up until the birth of the Prince of Wales, the predominant fear had been that James would have secured the repeal of the penal legislation. After this date, the threat posed was more ominous and the prospect of a perpetual Catholic succession loomed.

II

In the East Midlands, the new Government's attempts to improve the lot of Catholics, and subsequently Protestant non-conformists, by removing the disabilities imposed by the penal legislation impacted upon the 'normal' patterns of religious life and worship. Apart from the relaxation of penal legislation, and the effect this had on prosecutions for religious non-conformity and religious worship, the other main area that James's government directly affected the localities was that of local office-holding.

James's government was slow to institute widespread changes in the offices of local government. Up until the summer of 1687, few alterations were made to the highest post in local administration, the lord lieutenant, despite the peers, who filled this post, having been subject to closeting and the loss other offices. The death of Robert Bruce, Earl of Ailesbury, in October 1685, necessitated his replacement to the lieutenancies of Bedfordshire, Huntingdonshire and Cambridgeshire. John, Earl of Bath, replaced Christopher, Duke of Albermarle, as lord lieutenant of Devon in December, 1685; Robert, Earl of Sunderland gave way to George, Earl of Northampton, in Warwickshire when the latter reached his majority in March, 1686; and Laurence, Earl of Rochester, became lord lieutenant of Hertfordshire in the place

⁵² Burnet provides a long list of contradictory evidence 'proving' that James Stuart was suppositious. Burnet, *History*, iii, 244-257.

⁵³ Sir James Dalrymple, *Memoirs of Great Britain and Ireland* (3 volumes, London, 1790), ii, pp. 171-2, 175-84.

of John, Earl of Bridgewater, in November, 1686.⁵⁴ However, no alterations were made to the post of lord lieutenant in the East Midlands.

Determining changes made to deputy lieutenants is more problematic due to the patchy nature of available sources. However, the militia was affected in a more definite way. After Monmouth's rebellion, James had made it clear that he considered the militia an insufficient defence force.⁵⁵ Lord lieutenants were instructed to investigate the cost of keeping the militia each year and the militia was allowed to go into decay.⁵⁶ Its policing role was largely superseded by the army, and during the winter of 1686–1687, army units were quartered amongst other places at Leicester and Ashby de la Zouch.⁵⁷ Little evidence exists from the East Midlands of how effectively it performed its role, although in Leicester soldiers, caused rather than suppressed, an affray. In mid October 1686, soldiers quartered in the town invaded a meeting house, drank the king's health and demanded that the assembled company followed suit. When one individual refused, the captain of the troop threatened to cuckold his wife, and according to reports, shut the meeting house and 'used and abused the women' to the extent that the recovery of some of the younger women was called into question.⁵⁸ The cost of housing the soldiers largely fell on the local population. In November 1685, in a bid to circumvent these costs, several innkeepers of Stamford declared they preferred to give up their licences than entertain soldiers and their horses. In order to prevent this, the corporation ordered that any of them that refused to accommodate soldiers, or delivered up their licences, would be prevented from selling beer or ale and would be prohibited from holding a licence for the space of three years.⁵⁹

There seems to have been little change in the character of men selected as sheriff during the early part of James's reign. In the East Midlands, three of the four sheriffs pricked in the autumn of 1684 continued in post into the new reign. Leicestershire was the exception where, in January 1685, Thomas Wilson was replaced by John

⁵⁴ Duckett, *Penal Laws and Test Act*, ii, pp. xviii, xx-xxi, xxxi.

⁵⁵ *Autobiography of Sir John Bramston*, p. 205; Grey, *Debates*, viii, 353-71.

⁵⁶ *CSPD Jan-Dec 1685*, pp. 286, 293, 308, 311.

⁵⁷ John Childs, *The Army, James II and the Glorious Revolution* (Manchester, 1980), p. 9n.

⁵⁸ Morrice, *Entring*, P, p. 643.

⁵⁹ STCA, 2A/1/2, p. 112.

Wilson, but even this alteration was carried out before James's accession to the throne.⁶⁰ At Michaelmas 1686, there was an expectation that Catholics would be appointed to the shrievalty; however, once the list of sheriffs appointed for the ensuing year was published, this was discovered to be unfounded. Instead, in general, of the three candidates nominated to the post, two had been in the previous year's roll, and the third was new but of 'such a like sort of men as has been in this year or two last'.⁶¹ In the East Midlands Sir Paul Jenkinson was appointed for Derbyshire, Sir Thomas Haslerigge for Leicestershire, Anthony Ayres for Lincolnshire and Darcy Molineaux in Nottinghamshire.⁶²

James's government was also slow to make changes to the magistracy. Few new commissions of the peace had been issued before the elections of 1685. In the summer of that year, 47 new commissions were sealed, but L.K.J Glassey maintains that there is no evidence suggesting that the changes involved more than adding the circuit judges.⁶³ For Nottinghamshire, the docket book entry simply records that the new commission of 26 August, 1685, was to include 'Lord Chief Baron Montague and Mr Justice Holloway being Judges of Assize for that circuit'. Changes were made to the magistrates of the East Midlands through the rest of 1685 and 1686, but these appear to have been piecemeal alterations. Thomas Burton was added to the Leicestershire commission of peace in March 1686. In Derbyshire, Arthur Warren and William Eyre were added, in June 1686, whilst in Nottinghamshire, William Pierrepont, Earl of Kingston, was included in the new commission of the peace of July 1686.⁶⁴

An extensive review of the commissions of the peace did not take place until October. The regulation was carried out alphabetically, with counties up to E completed first, and the initial review appears to have been completed by 20 November. However, the recommended changes to the commissions of the peace were not recorded in the Privy Council Minutes until 17 December.⁶⁵ For the four

⁶⁰ *London Gazette*, 1997.

⁶¹ Morrice, *Entring*, P, p. 653, Q, p. 17.

⁶² *London Gazette*, 2194.

⁶³ Glassey, *Politics*, p. 66.

⁶⁴ PRO, C231/8, pp. 135, 147, 154, 157.

⁶⁵ Morrice, *Entring*, P, p. 653, Q, p. 10.

East Midland counties, 26 were recommended for removal and 44 for appointment to the bench. However, some individuals were removed from, or added to, more than one bench, particularly in the three parts of Lincolnshire, and in total 24 men were recorded to be put out and 24 put in.⁶⁶ The Government was keen that these changes should be executed before the January sessions, but this apparently only occurred in Middlesex and it was not until February and March that a majority of English counties received a new commission of the peace.⁶⁷ Commissions for Derbyshire, Nottinghamshire, and Leicestershire were sealed on 23 February, with those of the three parts of Lincolnshire following on 5 March, and an additional commission being issued for Lindsey on 23 April, which added William Fitzwilliams.⁶⁸ It is not clear from the docket books whether the council recommendations were fully implemented, as they do not give details of the precise changes. However, it is accepted that, substantively, the Privy Council list does provide a reasonable estimation of those justices of the peace that were removed from, and those that were added to, the bench in this remodelling exercise.⁶⁹

Unfortunately, in the East Midlands only the commission of the peace for the part of Kesteven, in Lincolnshire, from March, 1687, survives.⁷⁰ For the benches of Derbyshire, Leicestershire and Nottinghamshire, it is possible to make some estimation of changes made in the spring of 1687 by comparing the list of magistrates of 1685 with those changes recommended in the Privy Council minutes, and the lists of current justices, produced by the lord lieutenants and local agents of

⁶⁶ Derbyshire Out: Sir Thomas Gresley Bart., John Coke of Melbourne, Robert Coke, Wm Eyre, Alexander Stanhope Esq; Derbyshire In: Sir Benjamin Hunlock Bart., Thomas Eyre of Hassop, Powthrell [sic], Fitzhenry of Norberry, Wm Baker Esq.; Leicester Out: Thomas Viscount Swords, Sir Thomas Dolman Knt, Richard Lister, William Cole Esq.; Leicester In: Earle of Cardigan, Francis Lord Carrington, Sir John Gifford Bart., Henry Nevile of Holt, Thomas Ayres, Charles Byerley, John Beaumont Esq; Kesteven in Robert Lord Willoughby, Sir Francis Fane Knt of Bath, Richard Pell, Robert Fisher Esq, In: Willim Lord Widdrington, Sir Phillip Tyrwhitt, Sir Robert Tyrell [sic], Sir Robert Southcot [sic], Henry Hildeyard, John Thimbleby, William Tirrell of Panton [sic], Edward Compton of Galpy, Allen Percy, George Heneage; Lindsey Out: Robert Lord Willoughby, Dr Daniel Brevint, Marmaduke Darrell Junior, Stephen Rothwell, Edward Boothby Esq, In: same as Kesteven; Holland Out: Robert Lord Willoughby, William Wallet, John Boulton, In: same as Kesteven; Nottinghamshire Out: Sir Thomas Perkins Baronet, Sir Ralph Knight, John Millington, William Skeffington, Francis Stringer Esq; Nottinghamshire In: Lord Thomas Howard, Moore of Kirklington Esq. PRO, PC2/71, pp. 364, 368-369, 371.

⁶⁷ Luttrell, *Brief Relation*, i, p. 390; Glassey, *Politics*, p. 71.

⁶⁸ PRO, C231/8, pp. 168-9, 171.

⁶⁹ In Nottinghamshire it is clear that Francis Stringer was removed from the bench at this juncture. LAO, Monson 7/13, f. 140; Glassey, *Politics*, p. 72.

⁷⁰ LAO, KQS E/1, Commission of the Peace 4 March 1687; PRO C231/8 pp. 168-169.

the Commission for the regulation of Corporations, in Spring, 1688.⁷¹ New commissions of the peace were issued in the summer of 1687; however, the main purpose of these was to add a clause of dispensation to the commissions of the peace, and this mass renewal was not used to make further large scale changes.⁷²

TABLE 3.1

Changes made to the East Midlands Commissions of the Peace 1685 - 1687

	No. on bench 1685	No. died	No. removed	No. continued	No. added	Size at time of three questions	No. Catholics added
	A	B	C	D	E	F	G
Derbyshire	31	3	7	21	5	26	4
Leicestershire	34	1	5	28	10	38	8
Kesteven	41	4	5	32	12	44	12
Nottinghamshire	22	3	7	12	5	17	2
TOTAL	128	9	24	95	33	128	26

As table 3.1 indicates, in this first major remodelling of the commission of the peace in James's reign around 20% of incumbent magistrates in the East Midlands as a whole were removed. However, some counties were more affected than others and in Nottinghamshire over 35% of justices were removed. The removal of some of these justices could well have been a product of a drive for administrative efficiency, and at least one contemporary commentator claimed that a majority of those removed were inactive justices.⁷³ There is certainly a case for this. Of the 24 removed in the East Midlands, 17 had attended no quarter sessions since the beginning of James' reign; Francis Barker had attended only one session (July, 1685) in Derbyshire, a record similar to that of William Wymondsel in Nottinghamshire (April, 1685). However, the other five had attended at least three sessions since February, 1685, and must surely have been removed for political reasons.⁷⁴ One of these, John Millington, had been member for East Retford in the 1685 Parliament.

⁷¹ PRO, C193/12/5; Duckett, *Penal Laws and Test Act*, i, pp. 153-5, 168, ii, 105-7, 271-3, 288-9, 293-5.

⁷² Lindsey, Kesteven and Holland were issued with these commissions 20 July 1688, Nottingham and Leicester in September. PRO, C231/8, pp. 177-9; Glassey, *Politics*, p. 76.

⁷³ Morrice, Entring, Q, p. 10.

⁷⁴ Derbyshire Record Office, Q/SO/1/1, 2/8-3/8; LRO, QS6/1/2/1, ff. 72-99; LAO, KQS A/1/2, ff. 127-247, KQS A/1/3, ff. 1-43; LAO, HQS/A/2/3, ff. 11-74; NAO QSM 1/14.

He was not the only East Midlands MP ousted from the bench at this time, and Robert Coke of Trusley, John Coke of Melbourne, and Robert Lord Willoughby - far less active justices - were also removed. Whilst it is known that the latter two had opposed James in the 1685 Parliament, it can surely be assumed that the two former had also opposed the king. Moreover, Coke and Willoughby had been removed from their military commissions shortly after the second session of Parliament, but it was not until 1687 that their dismissal from their places extended to their offices of local government.

However, the main purpose of the remodelling was clearly to add Catholics to the bench. John Miller has estimated that 64% of the new appointees were Catholics.⁷⁵ In the East Midlands as a whole, this was higher at around 79%, and in all East Midland counties, except Nottinghamshire, the proportion of Catholics added during the remodelling of Spring 1687 was greater than the national average.⁷⁶ By adding Catholics to the bench, James granted them a position in local society that their status had merited but their religion had precluded.⁷⁷ However, whilst Catholics now made up only one quarter of the members of the East Midland's benches, this was far higher than they proportionally deserved - according to the Compton census, the proportion of Catholics in each of the counties was below 6%.⁷⁸

In some counties, in addition to Catholics, the remodelling of 1687 led to the inclusion of soldiers on the commissions of the peace. Luttrell recorded that all field officers, both papist and Protestant, in the army were to become justices in the counties in which they quartered, and Roger Morrice indicated that in counties with relatively few Catholics, any defects were to be made up by soldiers.⁷⁹ Glassey found considerable numbers of military personnel being included as magistrates in Middlesex and non Catholics were also added to the benches of Bedfordshire, Hampshire, Merionethshire, Staffordshire, Sussex and Surrey.⁸⁰ John Childs has suggested that this 'militarisation' of the bench was a conscious attempt to extend

⁷⁵ Miller, *Popery and Politics*, p. 209

⁷⁶ Derbyshire 80%, Leicestershire 73%, Kesteven 90%, Nottinghamshire 50%.

⁷⁷ Glassey, *Politics*, pp. 72-3.

⁷⁸ Whiteman, *Compton Census*, pp. 303-4, 430-1, 562.

⁷⁹ Luttrell, *Brief Relation*, i, p. 388; Morrice, *Entring*, P, p. 658, Q, p. 10.

⁸⁰ Glassey, *Politics*, p. 73.

royal control into the localities.⁸¹ However, if this was the case, the East Midlands counties were relatively unaffected. John Stanhope was an officer, but he had been a magistrate in Derbyshire since before James's accession. The only identifiable soldier added to East Midland benches in the spring of 1687 is John Beaumont appointed magistrate in Leicestershire, but as the younger brother of Thomas, Viscount Beaumont of Swords, and Cole Orton, his appointment was not unusual.

Despite packing the benches with Catholics, in relation to later changes the composition of the East Midlands benches remained relatively stable up to the end of 1687. As table 3.1 indicates, in the East Midlands as a whole, nearly three quarters of the justices of the peace from 1685 continued in post after the remodelling of the spring of 1687. Admittedly, there were marked differences in counties experiences, but even in Nottinghamshire, which witnessed proportionally the most removals over half of the justices of 1685 continued. As it affected the bench, James's catholicising policies in the first two years of his reign involved the addition of his co-religionists rather than massive purges. Whilst the king retained hopes that Anglicans could be persuaded to grant toleration for Catholics, he did not greatly upset pattern of local government. Such stability of personnel was matched in the other main area of administration in the localities - the corporations.

Although most of the new charters issued in the last years of Charles II's reign and the early part of James's reign reserved to the Crown the right to appoint and remove members of corporate bodies, this power was not systematically employed until 1688. This is not to say that the government did not use its powers at all. In February 1687, Adlard Kyme was removed as alderman from the corporation of Boston. However, this order followed a petition from the said alderman, who requested release from the office because 'living about a mile out of that town finds it troublesome' as it took him away from his business and was costly to his already reduced fortune. After receiving the King's order in council, the corporation discharged alderman Kyme from his post and promoted John Christopher, a common council-man in his place.⁸² Elsewhere, *mandamuses* were employed to remove men

⁸¹ Childs, *Army*, pp. 104, 109.

⁸² John Christopher in turn was replaced as common council man by Henry Heron. Bailey, *Minutes of the Corporation of Boston*, p. 300.

from their corporate posts; in June 1686, Sir Richard Hart was turned out of his aldermanship in Bristol, and in August 1687 Oliver Lime, deputy mayor, and Silvester Richmond, a JP, were removed from the corporation of Liverpool.⁸³

TABLE 3.2

Changes Made to Municipal Office-holding in East Midlands Corporations
1685-1687

	No. in Corporation at start of James II reign	No. from 1685 still on the corporation Sept/Oct 1687	No. from 1685 removed from the corporation by Sept/Oct 1687	Percentage of members removed from the corporation since 1685
Stamford	37	31	6	16.2
Lincoln	38	29	9	23.7
Newark	13	11	2	15.4
Grantham	24	20	4	16.7
Leicester	60	45	15	25.0
Boston	32	29	3	9.4
Nottingham	37	33	4	10.8

Note: East Retford and Derby are not included in the table as unfortunately few corporation records have survived. Grimsby is not included as it is an exceptional case.

In general, the changes in the composition of East Midlands corporations from January 1685, to the latter part of 1687 appear to have been restricted to routine removals and appointments.⁸⁴ Members who had died were replaced.⁸⁵ Men were also removed at their request but, unlike Adlard Kyme, this request was made to the

⁸³ Morrice, *Entring*, p. 557, 560; PRO, PC 2/72, p. 497.

⁸⁴ However, there is a chance that as was the case in Coventry some of the removals in early 1685 were extensions of tory reaction and removed the last few vestiges of dissenting and whig representation on the corporations. Judith J. Hurwich, 'A Fanatic Town': The Political Influence of Dissenters in Coventry, 1660-1720', *Midland History*, iv (1977), 26.

⁸⁵ Boston: Sir Charles Dymock replaced by Thomas Elmhurst as alderman 19 March 1687 who in turn was replaced as a council man by John Ward. Grantham: Robert Parkins was replaced as town clerk by Samuel Proctor in July 1686; Mr Pawlet was replaced 4 February 1687 and Thomas Fisher replaced 15 July 1687. Lincoln: John Newcombe coronor replaced by Original Lawrence, 30 April 1687; Joseph Lodington replaced by Richard Dawson. Stamford: William Alsack elected common burgess in the place of Adam Curtis, 26 Aug 1686; Edward Denham elected common burgess in the place of William Anthony, Leonard Thorogood elected common burgess in the place of John Chamberlain, Thomas Linthwaite elected alderman in the place of Philemon Uffington, and Joshua Berry elected to the free place on the common council, 11 April 1687; Thomas Thorogood elected coroner in the place of Daniel Wigmore, 11 July 1687; Robert Curtis mercer elected common burgess in the place of Thomas Oates, 24 August 1687. Bailey, *Minutes of the Corporation of Boston*, p. 301; LAO, Grantham Borough 5/1, p. 696, LI/1/6, pp. 399, 423; STCA, 2A/1/2, pp. 121, 124-5.

corporation rather than to the Crown. In September, 1685, Richard Hill was discharged from being a common councilman of Leicester corporation as he had left the borough.⁸⁶ Robert Fisher asked to be dismissed as alderman of Grantham corporation in July, 1686, and, on 24 August 1687, Richard Buck, a common burgess of Stamford, asked to resign his place as his residence was some distance from the corporation.⁸⁷ In addition, a number of members of the corporations were removed for misbehaviour or other forms of failure to perform their duties. In July 1686, after taking advice from their recorder, the Earl of Huntingdon, Leicester corporation discharged and replaced two of its aldermen, Edmund Sutton and Edward Wood, as they were in prison for debt and therefore unfit to continue their places.⁸⁸ A month later, Boston corporation threatened William Northan, one of its serjeants of mace, with dismissal if he continued to live such a debauched and drunkard life. Whilst it is not clear if he ever mended his ways, in November of the same year the corporation did remove Robert Alsop, one of the common-council men, for failure to attend corporation meetings for a year.⁸⁹ Likewise, in December, 1686, Ambrose Smith was removed as a common-council man from Stamford corporation, as he had 'run'd away' and was incapable of serving the corporation.⁹⁰

In a few instances, corporation officers were removed after they refused to take the oaths and act. In July, 1685, Grantham corporation ordered Thomas Crickloe and Arthur Taylor to appear at the next Court to explain why they should not take their places in the second company. Two months later, an order was made to distrain their goods to the value of £10 for refusing their places on the common-council. This seems to have encouraged a response, for on 16 October, they were unanimously chosen of the common-council. However, on 27 September, 1686, another warrant was issued to distrain the two for refusing to take their places. The following month, they gave their reasons for their refusal, and after they had paid their fines, they were discharged from their places and their fines were returned to them.⁹¹ Likewise, in

⁸⁶ LRO, BR11/18/35, p. 275.

⁸⁷ LAO, Grantham Borough 5/1, p. 696; STCA, 2A/1/2, p. 125.

⁸⁸ LRO, BR11/18/36, f. 29.

⁸⁹ He was replaced as alderman by Samuel Waite. Bailey, *Minutes of the Corporation of Boston*, pp. 292, 296.

⁹⁰ He was replaced in April 1687 by William Berrisford. STCA, 2A/1/2, p. 124.

⁹¹ Arthur Taylor was subsequently re-elected to the common council 4 February 1687. LAO, Grantham Borough 5/1, pp. 696-7, 701-2, 704.

Nottingham, in October, 1687, John Astye and Francis Armstrong did not appear to take their oaths as common-councilmen, were fined £10 each, and were replaced by William Johnson and John Hall.⁹²

The corporation of Grimsby was the one exception to this pattern of routine changes.⁹³ Unlike the other East Midlands corporations, Grimsby had not received a new charter during the period 1681-1685, and was one of the twenty-one corporations who received a new charter after the election of 1685.⁹⁴ The warrant for a new charter was not issued until 31 July, 1686, and the new members were sworn members of the corporation in November. Determining the precise nature of the changes in personnel brought about by this new charter is complicated by the unavailability of a complete list of corporate officers prior to this date. Grimsby's court books do not record full lists of the corporate body, and only the attendance of members of the quorum are recorded at meetings. However, by looking at attendance patterns, it is possible to make some estimation of who lost their place and who remained on the corporation as a result of the new charter. Of the 19 members of the corporation estimated to be serving at the beginning of James's reign, 14 continue on the new charter, five appear to have been removed, and at least five were added to the corporation.⁹⁵ By this estimation, Grimsby lost 26.3% of its members in its new charter of 1686.

From early in his reign, James appointed Catholics to military places, and from the autumn of 1685 he removed Members of Parliament, members of the household, and members of the judiciary who did not support his employment of Catholics.

However, James's government was slow to make changes in local office holding. Men from the East Midlands who had opposed the royal will and had come under

⁹² NAO, CA 3455, p. 6.

⁹³ There is a possibility that Derby received a new charter in June 1686. Morrice, *Entring*, P, p. 550.

⁹⁴ Jones, *Revolution of 1688*, p. 46.

⁹⁵ This estimation was made by assuming that anyone who was listed as attending prior to the new charter being received by the corporation in the Autumn of 1686 was a member of the corporation at the beginning of James's reign. These were then compared to the new charter. The estimation of who was added only includes those men who did not appear to vote in 1685 election. Of the remaining men listed in the charter it is impossible to determine if they had been continued in office or if they were new additions. NELA, 1/102/9/2 ; *CSPD Jan 1686-May 1687*, p. 223.

royal displeasure, lost their places in military establishments but generally retained their places in local government for longer. The first main branch of local government to be regulated was the commissions of the peace. The removals served to act as a warning against opposition to the king, whilst the appointment of Catholics was an attempt to incorporate them into the fabric of local government that had been previously denied them.

III

However, the relatively low level of central interference in the personnel of local government in the first two years of James's reign did not continue. In January, 1687, Edward, Earl of Gainsborough, and Wriotheslie Lord Noel, were replaced as joint lord-lieutenants of Rutland by the single figure of Henry, Earl of Peterborough.⁹⁶ Between August, 1687, and the end of the year, lord lieutenants were removed and replaced in seventeen counties, and in Staffordshire, Lord Ferrers, who replaced Charles, Earl of Shrewsbury, early in September 1687 was himself replaced by Lord Aston in November.⁹⁷ The removal of lord lieutenants continued into 1688, and in the first quarter of that year, three more counties received new lord lieutenants, and two counties had their recently appointed lieutenants replaced.⁹⁸ The earlier changes were likely to be the result of closeting, the latter the product of the lord lieutenants attitudes toward the setting of the three questions.

In the East Midlands, the Earl of Rutland, lord lieutenant of Leicestershire was one of the first to be ousted, being replaced by the Earl of Huntingdon in August 1687.⁹⁹ There was a rumour in early 1687 that the Earl of Lindsey, whose wife had converted to Catholicism, would declare his support for the repeal of the penal

⁹⁶ Duckett, *Penal Laws and Test Acts*, ii, p. xviii.

⁹⁷ August, Cumberland, Leicestershire, Salop, Somerset, Westmorland; September Lancashire, Staffordshire; October Cheshire, Essex, East Riding of Yorkshire; November Buckinghamshire, Staffordshire again, Worcestershire, North Riding of Yorkshire; December Derbyshire, Hampshire, Oxfordshire, Warwickshire. Duckett, *Penal Laws and Test Acts*, ii, pp. xvii-xxxv.

⁹⁸ February 1688: Sussex, March Wiltshire; April 1688: West Riding of Yorkshire. Recently appointed a replaced February 1688: Cheshire, Essex.

⁹⁹ Morrice, *Entring*, Q, p. 167. Also removed in August were Thomas Earl of Thanet from Cumberland and Westmorland, Francis Viscount Newport from Salop, Charles Duke of Somerset from Somerset. Duckett, *Penal Laws and Test Acts*, ii, pp. xxii, xxxi, xxviii-xxix,

legislation, whilst the Earl of Scarsdale would not.¹⁰⁰ Nevertheless, Lindsey, whilst being 'kind' to his wife, retained his antipathy to Catholicism.¹⁰¹ Another rumour circulating in August, 1687, had Lindsey removed; but this proved to be untrue, and Robert Bertie retained his post as lord lieutenant of Lincolnshire throughout James's reign. However, the gossip surrounding the Earl of Scarsdale, lord lieutenant of Derbyshire, proved more accurate and, like Rutland before him, he was replaced by the Earl Huntingdon in December 1687.¹⁰² In Nottinghamshire, the Duke of Newcastle, like Lindsey, remained lord lieutenant throughout James's reign.

With an election in mind, the conservatism previously shown in appointments to the shrievalty did not last, and, as in the lieutenancy, 1687 marked a turning point. On 3 November, 1687, the sheriffs were nominated in the Exchequer. One commentator alleged that on the original list of nominations, all candidates were Protestant, but the king produced a list of Papists and added their names to the roll, and afterward pricked them with a gold bodkin. In Derbyshire and Nottinghamshire, the two selected sheriffs, Sir Henry Hunlock of Wingerworth and George Willoughby of Cossall respectively, were both Catholics. In Lincolnshire, Anthony Eyres, the sheriff from the previous year, was re-pricked, and in Leicestershire, Huntingdon put forward the names of two Protestants and two Catholics, 'all men of Estates and ability', and William Palmer, a Protestant was chosen.¹⁰³ However, both Sir Henry Hunlock and George Willoughby petitioned against serving, and in Derbyshire, John Borrows, a dissenter, became sheriff, whilst in Nottinghamshire, Francis Willoughby, possibly George's son, was appointed.¹⁰⁴

In October 1687, the government extended the closeting campaign to the localities, and lord lieutenants were instructed to ask local office-holders three questions in order to gain their opinion on the repeal of the test acts and penal laws. The answers were then used to conduct another major purge of the bench. The new commission

¹⁰⁰ Morrice, *Entring*, P, p. 527, Q, p. 56, 59; HMC 24/2, *Rutland Mss.*, p. 96.

¹⁰¹ HMC 24/2, *Rutland Mss.*, p. 96; HMC 38, Fourteenth Report, Appendix ix, *Lindsey Mss.*, pp. 446-7.

¹⁰² Duckett, *Penal Laws and Test Acts*, ii, p. xx.

¹⁰³ Morrice, *Entring*, Q, pp. 193, 213; *London Gazette*, 2300.

¹⁰⁴ *London Gazette*, 2302, 2304; HMC 78/2, *Hastings Mss.*, p. 186; Thoroton, *Nottinghamshire*, ii, pp. 209, 212, 214.

for Nottinghamshire and the three parts of Lincolnshire was sealed on 18 February, Leicestershire's ten days later, and Derbyshire's on 10 March, 1688.¹⁰⁵

TABLE 3.3

Changes Made to the East Midlands Commissions of the Peace 1688

	No. justices beginning 1688	Died	Removed	Continued	Added	Size after the three questions	No. Catholics added
	A	B	C	D	E	F	G
Derbyshire	26	0	12	14	13	27	1
Leicestershire	38	1	25	12	12	24	2
Kesteven	44	3	25	16	11	27	3
Nottinghamshire	17	0	12	5	20	25	3
TOTAL	125	4	74	47	56	103	9

As a comparison of tables 3.1 and 3.3 illustrates, the remodelling of 1688 was far more extensive than that of 1687, and this time the number removed exceed the number of justices that were continued. In Derbyshire, Leicestershire, and Nottinghamshire nearly twice as many justices were removed than in 1687, and, in Leicestershire and Kesteven, this rose to five times as many. Whilst in 1687 the main feature of the remodelling of the bench had been the addition of Catholics to the bench involving a relatively limited change to the previous incumbents to the post, in 1688 the remodelling was more clearly a purge.

Again, those removed included inactive justices, however, in this second major remodelling of James's reign, of the 74 justices removed, 28 of them had been active on the bench sometime between 1685 and their removal. What is more, 14 of them had attended 50% or more of sessions, men such as Roger Smith, of Frolesworth, who had attended all sessions in Leicestershire since 1685, or Thomas Charleton of Chilwell, who had attended 10 out of possible 11 in Nottinghamshire.¹⁰⁶ Whereas in 1687 only 29.2% of justices who had been removed had been active, in 1688 this figure rose to 37.8%.

¹⁰⁵ PRO, C231/8, pp. 186-7, 189.

¹⁰⁶ Derbyshire Record Office, Q/SO 1/1, 1/8-3/8; LRO, QS 6/1/2/1, pp. 72-107; LAO, HQS A/2/3, pp. 11-94, KQS A/1/2 pp. 127-247, KQS A/1/3, pp. 1-97; NAO, QSM 1/14.

In terms of those now appointed as magistrates, a few more Catholics were added to the East Midland benches. In Nottinghamshire, where very few Catholics were added in 1687, it is noticeable that more were appointed to the bench in this second major remodelling. However, in general, the additions made to the bench at this time reflect the Government's move towards courting the whiggish and non-conformist interest in order to obtain a new Parliament willing to repeal the Test Act and penal laws. Five of the newly appointed justices had been MPs who had voted for exclusion, George Vernon of Sudbury, Antichell Grey of Risley, Derbyshire, Sir John Hartopp of Freatby, Leicestershire, Sir Richard Cust of Stamford, Lincolnshire, and William Sacheverell of Barton, Nottinghamshire. In addition, a number of them had been justices of the peace who lost their place during the 'tory reaction'. These included these included Sir John Gell of Hopton, Derbyshire, George Hewitt of Dunston, Leicestershire, Sir William Yorke of Burton Pedwardine in Lincolnshire and Sir Scrope Howe, of Langar, William Pinckney of Mansfield Woodhouse, and Richard Mansfield of Leek, in Nottinghamshire. In Leicestershire, William Palmer of Wanlip, who had hosted meetings of the 'schismatic and disaffected party' in the early 1680s, became a JP. In Nottinghamshire, additions also included Charles Hutchinson, George Gregory and Richard Slater of Nuthall who had been involved in the charter riot of 1682, and other whigs, such as Richard Taylor of Wallingwells, John Thornhagh of Fenton and John White of Cotgrave. As Edward Harley noted in relation to Nottinghamshire, those put in were 'all the old Whigs'.¹⁰⁷

A majority of the other additions were dissenters themselves or had close links to dissent. The Presbyterians John Spateman and Thomas Woolhouse were added to the Derbyshire bench, and were joined by fellow dissenter, Samuel Sanders, the latter also being appointed a justice in Nottinghamshire along with Robert Sherbrook of Oxton. Likewise, John Oneby became a magistrate in Leicestershire as did John Nelthorpe of Little Grimbsy in Lincolnshire, and it is possible that other men added

¹⁰⁷ HMC 29/3, *Portland Mss.*, p. 405.

at this time were also dissenters, but whose religious predilections have been unrecoverable.¹⁰⁸

Unlike the first two years of his reign, where the personnel of the corporations had been left largely unaltered - no doubt a product of the relative weakness of urban Catholicism - once James's campaign to pack Parliament began, they too were subject to mass remodelling. In mid-November, a commission had been instituted to oversee the regulation of the corporations. Heading this commission was a committee of the Privy Council consisting of the Earl of Sunderland, the Chancellor George Jeffreys, Sir Nicholas Butler, Father Petre, and the Catholic Earls of Castlemaine and Powis. James himself was also known to attend meetings.¹⁰⁹ However, the day-to-day responsibility of managing the regulation was undertaken by a Board of Regulators under the Catholic lawyer Robert Brent. He co-ordinated the work of local agents who, working in small groups covering each county, investigated each borough. The local agents were sent into the localities with lists of local men that could assist them and instructions to find suitable 'moles' who could both provide information on local officials and act as conduits of propaganda. The local agents were commissioned to discover who supported and opposed the king's measures and to make recommendations of changes in the personnel of corporations. They were also to report on who the corporations were likely to elect to Parliament, and to secure letters of pre-engagement, either stating the corporations preferred choice or willingness to elect the king's candidates. In cases where the corporations indicated unsuitable choices, the agents were to sabotage their election by supporting them.¹¹⁰ Very little is known about these local agents, though, in Nottingham, changes to the personnel of the corporation seem to have been made on recommendation of Timothy Tomlinson, the corporation's solicitor, Caleb Wilkinson, a Dissenter and William Sacheverell. At Leicester, John Oneby helped to

¹⁰⁸ John Borrow, John Morewood, William Hartopp, Samuel Danvers, Francis Grantham, Anthony Colclough, Henry Bassett, Walter Johnson, William Williams, and Thomas Lewis.

¹⁰⁹ NUL, PwA, Portland Mss., ff. 2145-2146.

¹¹⁰ Western, *Monarchy and Revolution*, pp. 222-3; Carswell, *Descent on England*, pp. 113-115; Halliday, *Dismembering the Body Politic*, pp. 244-5; Duckett, *Penal Laws and Test Acts*, ii, pp. x-xiii.

gather information on predilection of the corporation's leaders, and payments were made to Mr Boyer and another regulator.¹¹¹

TABLE 3.4

Changes Made to Municipal Office-holding in East Midlands Corporations
September 1687 to September 1688

	No. 1687	Changes by Order in Council			Changes other		Changes New Charter September 1688				
		Rem	Add	% 87 Rem	Rem	Add	Rem 87	Rem New	% 87 Rem	% New Rem	Adde d
Stamford	37	0	0	0.0	3		No Charter issued				
Lincoln	38	0	0	0.0			No Charter issued				
Grimsby	25*	0	0	0.0			7	-	28.0	-	0
Grantham	23	6	5	26.1		4	10	3	43.4	60.0	13
Boston	31	14	13	45.2	1	2	11	4	35.5	30.8	16
Newark	13	6	6	46.2			No Charter issued				
Derby	38**	21	?	55.2			No Charter issued				
Leicester	60	38	37	63.3	0	2	14	9	23.3	24.3	19
Nottingham	42	34	33	81.0			6	4	17.6	12.1	1

* As of new charter 31/7/1686.¹¹²

** Estimates¹¹³

However, as table 3.4 indicates, the changes wrought on the corporations were neither uniform nor universal. East Retford is excluded from the table because few records of the corporation survive. However, from the evidence of the Privy Council Register, it does not appear that any members of the corporation were removed by order in council, although the Duke of Newcastle is reported to have threatened the corporation with regulation if they refused to promise to select burgesses who were prepared to act as the king wished.¹¹⁴ Likewise, neither Stamford nor Lincoln seem to have lost members of their corporation due to central government interference between late 1687 and September 1688.¹¹⁵ Grimsby only received a new charter in

¹¹¹ Hosford, *Nottingham*, p. 48; Halliday, *Dismembering the Body Politic*, p. 244, 247; Stocks, *Records of Leicester*, p. 593.

¹¹² Unfortunately the corporation minutes do not make clear the changes made to the corporation after this date, so an estimate has been made using the charter of 1686 and what evidence the corporation records reveal. *CSPD Jan 1686-May 1687*, p. 223; NELA, 1/102/9/2, pp. 408-429.

¹¹³ In the absence of corporation records it has been assumed that the number of the corporation in 1687 was the same as 1685. PRO, PC 2/72, p. 567.

¹¹⁴ David Hosford argues that Retford was likely to have been regulated in the same manner as Newark and Nottingham. However, East Retford does not feature as one of the remodelled corporations in the Privy Council Minutes between 20 November 1687 and 9 September 1688, neither did it receive a new charter during this period. PRO, PC 72/2, pp. 534-735; George, 'Charters', 47-56. Hosford, *Nottingham*, p. 40.

¹¹⁵ STCA, 2A/1/2, pp. 126-9; LAO, L1/1/6, pp. 423-36; PRO, PC 72/2, pp. 534-735.

1686, and there is no evidence that the government issued any orders to remove members of the corporation, though it was threatened with a *quo warranto* and a new charter was prepared in September 1688. However, this charter only omitted eight names from 1686 charter and seventeen officers remained.

The other corporations within the East Midlands were more obviously affected by central government's interference. Both Derby and Newark were subject to one major remodelling. Unfortunately, as at East Retford, no corporation minute books survive from the period for Derby. It was the first corporation within the East Midlands to be actively remodelled by James, with an order in council being issued on 1 January, 1688, that removed twenty-one members of the corporation, including the Mayor Leonard Sad. However, no further action appears to have been taken against the corporation, though rumours of *quo warranto* proceedings were circulating in April.¹¹⁶ Two orders in council were issued to Newark on 10 and 24 February, 1688, but apart from the additional removal of John Girton, alderman, the second order was ostensibly a repeat of the earlier missive. On 6 March, the corporation simply acted on the latter and its accompanying *mandamus*, removing the mayor and five aldermen, and electing six new men in their place.¹¹⁷ Likewise, Grantham only witnessed one order, of 7 June, removing six aldermen who were replaced by five new nominees. Further changes were planned in the new charter of 8 September, 1688, when 15 were removed and 13 appointed to replace them.¹¹⁸

In the other three corporations, Boston, Leicester and Nottingham, repeated remodelling from early 1688 was supplemented with the issue of a new charter in September. At Boston, in an order in council and *mandamus* dated 13 and 14 January respectively, eight were removed and seven put in their place, with one common council man, John Brown, being promoted to alderman. At the meeting on 17 February, when Crown nominees were elected, the corporation also elected a

¹¹⁶ PRO, PC2/72, p. 567; Duckett, *Penal Laws and Test Acts*, i, p. 168; Gladwyn Turbutt, *A History of Derbyshire Volume Three: Tudor, Stuart and Georgian Derbyshire* (Cardiff, 1999), p. 1113; Hosford, *Nottingham*, p. 56.

¹¹⁷ PRO, PC 2/72, pp. 608, 616; NRO, DC/NW 3/1/2, p. 20.

¹¹⁸ PRO, PC 2/72, p. 681; LAO, Grantham Borough 5/1, pp. 711-2; *CSPD Jun 1687-Feb 1689*, p. 269.

further two members - George Wright to replace John Brown, and William Alsack to supersede James Sneath, who had died. A second order followed on 26 February, 1688, repeating the order of January with the omission of Roger Rany. On 23 March 1688, a further order was issued, removing a further eight; however, two of these were appointed as aldermen in the accompanying *mandamus* which added a further six members to the corporation. So, in total, in the spring of 1688, the Crown removed nearly half of the corporation, and further nineteen were removed in the new charter issued in September.¹¹⁹

At Leicester, an order in council of 24 February, 1688, which was acted on in March, removed twenty-seven aldermen and common councillors, William Major, the bailiff, John Hackes, the town clerk, and William Brown, its solicitor. However, one of those removed was promoted to an aldermanship.¹²⁰ A second order of 27 April listed 10 names for dismissal, however, Samuel Robinson and Samuel Woodland had already been removed by that of February, and William Walker was promoted to alderman. At a meeting on 30 April, 1688, seven members were elected to the council and, as unusually the minute book records no details of the vote, it can be assumed that this was a result of a Crown *mandamus*. A further order in council followed, listing seven men to be discharged, but one of these, Tobias Walker, was removed in preparation for his promotion. Then, on 10 July, 1688, the town clerk, John Cresswell, was dismissed by a further order in council. However, not even these changes were deemed sufficient, and in the new charter issued in September, a further 28 current members were removed and 24 put in, with the franchise being restricted to members of the corporation.¹²¹

Nottingham, of all the corporations of the East Midlands, was the most rigorously remodelled. An order in council of 13 January removed 17 men, including the

¹¹⁹ PRO, PC 2/72, pp. 570, 618, 636; Bailey, *Minutes of the Corporation of Boston*, pp. 312, 314, 317; CSPD Jun 1687-Feb 1689, p. 263.

¹²⁰ Richard Mason was removed and promoted as alderman in March. PRO, PC 2/72, p. 616; Stocks, *Records of Leicester*, p. 587; LRO, BR 1/3, p. 933. Richard Mason was not included in the new charter but is included on list of 'persons of both companies and officers sworne the 18th and 19th day of December'. Stocks, *Records of Leicester*, p. 562.

¹²¹ PRO, PC2/72, pp. 616, 706; LRO, BRII/1/3, p. 933; CSPD Jun 1687-Jan 1689, p. 263.

mayor, Gervase Rippon, two aldermen, one of the sheriffs and one of the chamberlains, and the subsequent *mandamas* ordered the appointment of 15 replacements. Further remodelling was ordered on 10 February when an additional 17 of the council were removed and 14 added. Subsequently, on 4 March, 1688, a further four were put out and replaced. Nottingham was also issued with a new charter in September.¹²² However, in contrast to the case at Leicester and Boston, this was not used to effect another remodelling. Rather, this new charter was used to legalise the changes in the corporation that had already taken place. The charter of 1682 had not included a clause allowing the Crown to remove members of the corporation and, until the new charter was received by the corporation in October, the Crown's actions had hitherto been illegal.

Whilst in the other corporations the removal of corporate office-holders had been legal, the Crown did not have the right to supply the vacancies. The main limitation to Crown powers granted in the charters issued during the 'tory reaction' was the absence of a clause which allowed the crown to choose the replacements of those corporate office-holders it removed. This loop hole was closed in the charters issued in 1688, as they now included a clause allowing the Crown to fill any vacancy by removal or death by a *mandamus*. Moreover, the new charters opened up membership of the corporations to Catholics and dissenters by including a *non obstante clause* which dispensed corporation members, both in the present and future, from taking the oaths of allegiance and supremacy, subscribing against the Covenants, and obtaining certification of their receipt of the sacrament according to the rites of the Church of England.¹²³

In contrast to the changes in county office-holding, few Catholics were added to corporations, reflecting their low numbers in the towns.¹²⁴ Rather, a vast majority of

¹²² PRO, PC 2/72, pp. 570, 608, 627; NAO, CA 4692b; *Records of the Borough of Nottingham*, v, pp. 79-84, 336-9; *CSPD Jun 1687-Jan 1689*, p. 244.

¹²³ Halliday, *Dismembering the Body Politic*, p. 252; George, 'Charters', 54; *Records of the Borough of Nottingham*, v, pp. 83-85; Martin, *Royal Charters of Grantham*, pp. 223-31.

¹²⁴ For example, the only Catholic added to Leicester corporation was John Hewitt. David L Wykes, 'Religious Dissent and the Trade and Industry of Leicester, 1660-1720', Ph.D thesis, University of Leicester (1987), p. 246.

them appear to have been whigs and or dissenters. The changes made to the personnel of corporations during the 'tory reaction' and early part of James's reign were intended to remove those opposed to the court, and as such, whilst not a completely accurate indicator, it is likely that those removed included a large proportion of men who were at least whiggish in sympathy.¹²⁵ Of the seven men added to Boston corporation in January, six had previously been members of the corporation that had been removed by the Charter of 1685. In addition, William Pistor, another ex-member of the corporation, was added in March.¹²⁶ In Leicester, nine of those added to the corporation in February had been on corporation prior to 1685.¹²⁷ In the case of Nottingham, it has often been assumed that those removed by the charter of 1682 were now added to the corporation. However, this did not occur to any great extent. Thirty-three men were added to the corporation by orders in council; of these, only three, John Sherwin, Samuel Smith, and Thomas Trigg, had been members of the corporation prior to 1682. The other 13 members removed by Charles II's last charter did not reappear.¹²⁸ Likewise, at Grantham, only two of those added to the corporation in 1688 had been removed in 1685.¹²⁹

Many of the new appointees were non-conformist. Of the 26 men added to Leicester corporation in March, 11 were known dissenters, two were possibly non-conformists, and a further three known to be sympathetic to religious dissent.¹³⁰ In Nottingham of the 13 new appointees were either dissenters themselves or had strong links with dissenting congregations.¹³¹ At Boston, if dissenters were added they were not radical. From the evidence of the minute book, of the 13 members added by order in council, all took the oath of allegiance and supremacy.¹³²

¹²⁵ Chapter 2.

¹²⁶ Bailey, *Minutes of the Corporation of Boston*, pp. 249-50, 313, 319; CSPD Feb-Dec 1685, p. 50.

¹²⁷ LRO, BRII/18/35, f. 142, 161, BRII/I/3, p. 914; Stocks, *Records of Leicester*, pp. 567-9.

¹²⁸ D. H. Hosford noted the low number of those opposing the 1682 charter that were restored in 1688. J. R. Jones, 'James II's Whig Collaborators', *Historical Journal*, iii (1960), 67n; Jones, *Revolution of 1688*, p. 156; Halliday, *Dismembering the Body Politic*, p. 244. Hosford, *Nottingham*, p. 49.

¹²⁹ William Burbridge added in August 1688 and Edward Leivsey added in the charter of September. LAO, Grantham Borough 5/1, p. 686, 712; Martin, *Royal Charters of Grantham*, pp. 172-213, 269.

¹³⁰ Wykes, 'Religious Dissent', p. 246.

¹³¹ Jennings, 'Gathering of the Elect', p. 221n.

¹³² Bailey, *Minutes of the Corporation of Boston*, pp. 314-5, 319-21.

IV

It was during James's efforts to secure a more compliant Parliament that the most drastic changes took place in the personnel of local government. Sir John Reresby was not unique when, in April, 1688, he complained in his memoirs that the 'prime of the gentry' in the East and North Ridings of Yorkshire had been removed from the bench, and those that replaced them were 'ordinary persons both as to quality and estates'.¹³³ Norma Landau found that the evidence of the social composition of the Kentish bench after 1688 supported this interpretation. In Kent, 92% of James's new appointees had no experience as justices of the peace, and in relation to a number of other social measures such as previous familial magisterial experience and education, represented 'marginal members, if members at all, of the community of those who ought to rule Kent'.¹³⁴ In the East Midlands, it is certainly the case that those removed from the bench during James' reign, and particularly in 1688, represented most of the leading lights of local county society. In Derbyshire, none of the four baronets on the bench in 1685 had retained their place by 1688, although two of three knights did. In Leicestershire, only Henry Beaumont, baronet, out of the four of similar social standing in 1685, were still on the bench in the last year of James's reign, and none of the knights retained their places. Only one baronet, John Oldfield of Spalding, and one knight, Christopher Neville of Auborne, out of a total of 18 of their class from 1685, were still magistrates in Lincolnshire Kesteven after James's second purge, and in Nottinghamshire, none of the baronets or knights survived.

However, whilst James's government removed the prime Anglican gentry, the 'revolution' in the social composition of local benches can be overstated. Catholicism was a socially top-heavy religion, and many of the Catholic appointees, at least on paper, enjoyed a similar social status to their Anglican counterparts.¹³⁵ Glassey notes that those Catholics added in 1687 were 'on the whole, entitled in social terms to be

¹³³ *Memoirs of Sir John Reresby*, p. 494; for other complaints see Glassey, *Politics*, p. 88.

¹³⁴ Landau, *Justices of the Peace*, p. 302; See also Jones, *Revolution*, p. 135; George Hilton Jones, *Convergent Forces: Immediate Causes of the Revolution of 1688 in England* (Ames, Iowa, 1990), p. 68.

¹³⁵ Miller, *Popery and Politics*, p. 12.

justices' whilst the Catholic additions in 1687-8 were of a lesser social status.¹³⁶ However, in the East Midlands the evidence for this is limited. In the course of research, it has been impossible to identify a number of men added to the bench in 1688, possibly reflecting their lower social status and of whom some could possibly have been Catholics, yet there is not a marked difference to the proportion of unidentified gentlemen who were magistrates 1685.¹³⁷ In Lincolnshire, Jerome Bertie is at times described as gent in the Kesteven Quarter session minutes, but in most cases he is noted as an esquire.¹³⁸ On the other hand, in Leicestershire, both identified Catholics added to the bench in 1688 were esquires; in Derbyshire, the son of Thomas Eyre, of Eastwell and Hassop, was added, but he already seems to have been on the bench in Leicestershire; and in Nottinghamshire, one of the later additions was Edward Golding, a baronet.¹³⁹

As with the case in Kent, a lower proportion of the men sitting on the East Midland benches in 1688 had attended university than those on the bench in 1679. Attendance at university appears to have been more popular with the East Midland magistrates than their southern counterparts. In 1679, compared to 35% of Kent justices, 65% of the magistrates of Derbyshire had matriculated at either Cambridge or Oxford, 58% of those from Lincolnshire Kesteven, 56% from Leicestershire and 43% from Nottinghamshire. In contrast, in 1688, Landau found that only 14% of James's appointees had been university educated, representing a drop of around 20%. On the Leicestershire and Kesteven benches, the drop was even more marked than in Kent, and of the magistrates appointed by James who were still on these benches in 1688, only 18% and 27% respectively had been matriculants. However, in Derbyshire and Nottinghamshire, the drop was less marked, and 50% of James's magistrates in the former had attended university and 40% in the latter. What is more, this fall in university attendance needs to be put in the context of changing

¹³⁶ Glassey, *Politics*, p. 85.

¹³⁷ Percentage identified. 1685 - Derbyshire 100%, Leicestershire 97%, Kesteven 95%, Nottinghamshire 95%. 1688 - Derbyshire 100%, Leicestershire 96%, Kesteven 83%, Nottinghamshire 100%.

¹³⁸ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, ii, pp. 196, 215, 237, 245, 275, 299, 310, 371, 377, 384.

¹³⁹ Leicestershire - both Charles Fortescue and William Turville appear higher in the House of Lords list of suspected papists than Charles Byerley who was added to the Leicestershire bench in 1687. HLRO, Main Papers, 3 December 1680, f. 130.

social norms, and in the latter half of the seventeenth century, time spent at university was becoming a less popular educational choice.¹⁴⁰

Moreover, many of the new magistrates of 1688 were those men ousted after the Exclusion Crisis and, unlike their Catholic counterparts, they had experience on the bench.¹⁴¹ In contrast to the Anglican Reresby's lament, in February, 1688, the non-conformist Roger Morrice was effusive about the changes that had taken place on the bench, claiming that the 'list of names they have given in are generally sober, rich persons, where there are sufficient number of such'.¹⁴²

TABLE 3.5

Previous Magisterial Experience of the East Midlands Benches in 1688

	No. on COP 1688	No. experienced as JPs	No. Family had previously supplied JPs	No. Catholics.	No. new to the bench.
Derbyshire	27	14	2	5	6
Leicestershire	24	5	5	9	5
Lincolnshire K	27	12	2	11	2
Nottinghamshire	25	10	5	4	6

In Leicestershire, under half of the magistrates of 1688 had personal experience of serving as a justice of the peace, or came from a family with a tradition of magisterial service. In the other three counties, the changes were less radical, and around 60% of justices listed in the commission of the peace in 1688 had either served as magistrates, or came from families from whom justices had previously been recruited. Overall, in each county, the proportion of baronets and knights listed as justices of the peace fell during James's reign, but in Kesteven, they still made up over one third of the bench, and in Leicestershire, there was very little change.¹⁴³ In terms of the personnel of the bench, any 'social' revolution carried out was of the muted kind.

¹⁴⁰ Chapter 1.

¹⁴¹ Fletcher, *Reform in the Provinces*, p. 35.

¹⁴² Morrice, Q, p. 238,

¹⁴³ Proportion of commission of the peace that were baronets and knights: 1685 Derbyshire 22.6%, Leicestershire 24.2%, Kesteven 48.6%, Nottinghamshire 28.6%. In 1688 these respectively were 7.4%, 24.0%, 34.5%, 16.0%.

However, it was in the municipalities that Jones identified the main social revolution, as James attempted to create 'a synthetic ruling class' from amongst the urban middle classes and allied with them against the land-owning gentry.¹⁴⁴ To an extent this pattern can be identified in the East Midlands. As outlined above, in Boston and Leicester many of James's new appointees had been actively involved in charter struggles during 'tory reaction'. In these two corporations, James promoted men who had previously shown their determination for corporate independence against the Anglican gentry. However, for other boroughs this model needs to be set against the very different experiences of certain corporations, for example at Nottingham and Grantham few of the former excluded councillors were reinstated and nor does it account for boroughs such as Stamford and Lincoln which were not remodelled. In the process of attempting to pack Parliament, not all corporations were equally affected, and if the government was attempting to create a new ruling class, its efforts were at the best patchy.

Nevertheless, in the East Midlands, whilst the social 'revolution' was muted, this did not mean that the alterations wrought on the bench had little effect on administration. Glassey posits that, apart from the removal of prosecutions under penal legislation, there was no radical change on administration in the counties, and, whilst the average number of justices attending quarter sessions fell, there was no breakdown of local government until the autumn and winter of 1688 to 1689. Likewise, Jones also argued there was no administrative breakdown, finding the new JPs competent, and the newly enlarged standing army able to free James from a reliance on the lieutenancy and militia. However, A.M. Coleby did not find this to be the case in Hampshire, where the purges both detrimentally affected central government's hold over the localities and the smooth running of administration.¹⁴⁵

¹⁴⁴ Jones, *Revolution of 1688*, pp. 11, 139-40 174-5.

¹⁴⁵ More recently he has typified the condition of local government in the autumn and winter of 1688/9 as being in a state of 'suspended animation'. Glassey, *Politics*, pp. 93-4; L. K. J. Glassey, 'The Provinces During the Interregnum of 1688-9', *Ideas, Aesthetics and Inquiries*, viii (2003), 230; Jones, *Revolution of 1688*, p. 135; Coleby, *Hampshire*, p. 174-8.

Unlike other areas of the country, in the East Midlands the changes wrought on personnel of the bench did not prohibit the regular holding of Quarter Sessions.¹⁴⁶ Though there were no recorded sessions at Leicester in October 1687 and January 1688, it is not clear whether this was a product of omitted sessions or merely the loss of records. However, both these sessions took place before James's second major purge in April, and most other 'missing' sessions records during James' reign also occur before this date, when the vast majority of traditional active justices were still in post. However, apart from Derbyshire, there was a distinct decline in the average number of justices attending each session.¹⁴⁷

In Derbyshire and Leicestershire, sessions were generally held at one location per quarter. However, determining the average number of attendees in the other counties is complicated by the fact that sessions were held at more than one location per quarter and justices took their place on the bench at more than one place.¹⁴⁸ In order to make the level of attendance between quarter sessions comparable, table 3.6a represents the total number of justices that attended at least one session in the quarter. It therefore does not reveal justices who attended more than one session. Additionally, in relation to Nottinghamshire and Lincolnshire, when locations appear to have been omitted from particular sessions, these have been ignored. Table 3.6b represents the number of magistrates who were active in three different periods of James's reign. These periods are broadly similar in the time they cover, although it should be noted that the period from April 1688 to October 1688 covers one less session.

¹⁴⁶ Quarter session did not meet in Shropshire for 12 months after Easter 1688, and in Hampshire the minute books contain no evidence of Quarter session taking place between Easter 1688 and January 1689, though the Pipe Rolls indicate that some sort of skeletal session were held. Forster, 'Government in Provincial England', 47; Coleby, *Hampshire*, p. 177.

¹⁴⁷ DRO, Q/SO 1/1 2/8-3/8; LRO, QS6/1/2/1, pp. 72-113; LAO, HQS A/2/3, pp. 14-118, KQS A/1/2 pp. 125-47 and A/1/3, pp. 1-129; NRO, QSM 1/14.

¹⁴⁸ For example in Nottinghamshire William Cartwright attended session meetings at both Nottingham and Newark October 1685, January - July 1686, January, July and October 1687 and Jan 1688. In Holland John Oldfield attended sessions at both Kirton and Spalding in October 1686. In Kesteven Thomas Shuttleworth attended sessions at both Bourne and Sleaford April and July 1685 and Folkingham and Sleaford in January 1687.

TABLE 3.6a**Average Number of Magistrates Attending Quarter Sessions during James II's Reign**

	April 85-Jan 87	April 87-Jan88	April 88-Oct 88
Derbyshire	7.6	11.3	9.0
Leicestershire	7.9	5.5	5.0
Lincolnshire H	5.7	4.8	4.7
Lincolnshire K	10.7	7.7	5.0
Nottinghamshire	8.7	6.3	3.0
Total	38.6	35.6	26.7

TABLE 3.6b**Number of Magistrates Attending at Least One Session**

	Apr 86-Jan 87	Apr 87-Jan 88	Apr 88-Oct 88
Derbyshire	15	14	10
Leicestershire	13	8	8
Lincolnshire H	7	6	8
Lincolnshire K	16	13	5
Nottinghamshire	10	8	3 (+1)
Total	60	49	34 (+1)

Note: +1 refers to the Duke of Newcastle

As table 3.6a demonstrates, in Leicestershire, Holland, Kesteven and Nottinghamshire, the average number of justices attending per session dropped. Moreover, in all counties, bar Holland, the number of active justices also fell. However, in the former two cases, this was unlikely to have effected the smooth running of quarter sessions. In Leicestershire, with a single meeting per session, an average of five justices attending would have been sufficient to maintain normal business. In Holland, the fall-off in attendance during James's reign was not that marked, and the pool of active justices actually increased.

In contrast, the number of justices attending sessions in Kesteven and Nottinghamshire fell dramatically, as did the number of active justices. In both of these counties, the average size of the local benches more than halved, and the number of active justices reduced by more than one third. This made the attendance of those that were active almost obligatory. Moreover, in both these counties, multiple meetings per session made the task of maintaining local government all the more onerous for those involved. Previously in Kesteven during James's reign very few justices attended more than one meeting per session, appearing either at Sleaford

or at Bourne/Folkingham.¹⁴⁹ This continued to be true for four of the five active justices between April and October 1688. However, Edward King began to appear at both, although previously in James's reign he had only attended one. Without his willingness to travel and join Christopher Neville on the bench at Sleaford, sessions would have had to be cancelled in July 1688.¹⁵⁰

In Nottinghamshire, the situation was even worse. Despite Roger Morrice's assertion in March 1688, that in Nottinghamshire 'the Wiggs and Fanatick DL for Notts appeared very ready to act, and so did Justices at the Assize in that county' in practice, the administration was put under severe strain.¹⁵¹ Traditionally, a larger proportion of justices had previously appeared at more than one meeting per session than was the case in Kesteven. From April 1688, with only three justices attending, this became a necessity. In April, the three meetings were maintained only because Arthur Warren and the Catholic Thomas Markham were prepared to travel from Nottingham on 23 April, then on to Newark and East Retford on subsequent days. Thomas Markham repeated this in July, and was joined in the trinity of meetings by John Millington, who had only been reinstated as a magistrate in May 1688, with Arthur Warren attending the Nottingham session, and the Duke of Newcastle unusually being present at East Retford.¹⁵² At Michaelmas, there is no record of a session being held at East Retford, whilst Thomas Markham and Arthur Warren sat on the bench at Nottingham on 1 October, and two days later, the former was joined by John Millington at Newark. In the East Midlands, unlike Hampshire and Shropshire, county government did not break down after April 1688; however, in Kesteven, and particularly Nottinghamshire, this was a result of the extraordinary efforts of a very small minority of justices. It is questionable that, if the revolution had not happened, just how long they would have been able to continue.

What is more the work of magistrates was not merely restricted to their work in sessions. Analysing the effect of James's changes to personnel of the bench to out-

¹⁴⁹ The exceptions being Thomas Shuttleworth who appeared at Bourne and Sleaford in April and July 1685, and Folkingham and Sleaford in January 1687, and William Buck who attended both Folkingham and Sleaford sessions in October 1687. LAO, KQS A/1/2, pp. 125-247, A/1/3, pp. 1-97.

¹⁵⁰ LAO, KQS A/1/3, p. 115.

¹⁵¹ Morrice, *Entring*, Q, p. 247.

¹⁵² PRO, C231/8, p. 192; NAO, QSM 1/14.

of-sessions work is harder to trace due to a paucity of sources. However, some evidence exists which indicates that even in counties where there were sufficient magistrates willing to attend sessions the normal running of administration was affected. In Leicestershire, in 1688 the new commission of the peace arrived in the county a week before the Assizes and detrimentally affected attendance there. Furthermore, concerns were also expressed in April about the effect the new commission would have on the monthly hundred meetings.¹⁵³ In the other counties the effect of the remodelling on out-of-sessions and petty sessions activity can only be conjectured.

Dr Coleby also found that the campaign to pack parliament detrimentally effected the smooth running of some of the Hampshire corporations. Record keeping broke down at Winchester between January and November 1688 and at Southampton between 18 May and 24 October.¹⁵⁴ This also appears to be the case at Boston, one of the more extensively remodelled municipalities, where no minutes are recorded from 20 April, 1688, until 29 October, 1688.¹⁵⁵ The Stamford minute book also records no meetings between 26 January and 11 July, 1688; however, in this corporation, meetings were traditionally held less frequently.¹⁵⁶ It is difficult to test the extent to which the normal business of the corporation was affected in boroughs that were repeatedly remodelled. At Leicester, there was an 'acceleration of corporation affairs', as noted by P. Murrell at Saffron Walden, as meetings became more regular, and certainly in this borough an unprecedented amount of time was spent on electing new members to the corporation.¹⁵⁷ However, it is impossible to determine the effect that James's remodellings ultimately would have had on the

¹⁵³ The new commissions prevented the old justices from appearing at the Assize so the only ones present were Sir Thomas Burton, Sir Henry Beaumont, Dr Gery and Charles Byerley. HMC 78/2, *Hastings Mss.*, p. 183; Hastings Letters, 1254, 3990. Thanks to Mr Neil Paterson at Nottingham University for references to the Hastings Papers.

¹⁵⁴ Coleby, *Hampshire*, p. 177.

¹⁵⁵ In the original minute book folios 138b to 141a are blank. However, as a result of the changes there is a possibility that separate records were taken that have not survived. Bailey, *Minutes of the Corporation of Boston*, pp. 320-1.

¹⁵⁶ The norm appears to have been quarterly meetings. STCA, 2A/1/2, p.128.

¹⁵⁷ In Leicester average number of meetings in February - December 1685 was 0.83, between January-September 1688 it was 1.71; in Lincoln these figures were 0.73 to 1.11 respectively. P. Murrell, 'Bury St Edmunds', 194.

corporations, as few meetings were held after the wave of new charters in the summer and early autumn of 1688.¹⁵⁸

However, the financial effect of the successive new charters between 1682 and 1688 is more easily traced. The last years of Charles's reign and James's reign proved costly to the corporations. During the period 1682-1685, Derby's new charter cost it 300 livres; Stamford set aside £200, and Grantham £150 for the same purpose, and new charters of Boston and Leicester cost £189 0s 4d and £186 11s 7d respectively. The expenses were met out of the corporations' coffers, and, at Grantham in 1686, the corporation levied an assessment to recoup some of its costs, but there is no evidence showing that the same occurred in other corporations.¹⁵⁹ Moreover in Boston, Leicester, Nottingham, Grantham, and Grimsby, the costs of two new charters had to be met within a relatively short period of time.¹⁶⁰ In these corporations, the difficulties of costs were compounded by a loss of credit due to the uncertainty surrounding their charters. At Nottingham, members of the corporation had to stand assurity personally for the £140 borrowed to meet the costs of the second charter. As a result of these unprecedented expenditures, corporations tightened their belts. In October, 1685, due to their 'vast expense', Boston reduced the number of people able to attend session dinners and ordered that, if the Mayor chose to invite other guests, he was henceforth expected to pay five shillings per person. If he did not, then a fine of £5 was to be deducted from his annual salary. In July, 1688, by reason of the 'great debts which the Towne is in at present', Nottingham corporation ordered that no public feasts were to henceforth take place.¹⁶¹

¹⁵⁸ M. J. Short however speculates that at Hull if the new regime had survived in time it would have been able to form the nucleus of a workable bench. Short, 'Corporation of Hull', 190-1.

¹⁵⁹ *CSPD Oct 1683-Apr 1684*, p. 126; LRO, BR11/18/35, f. 145; Stocks, *Records of Leicester*, p. 585; STCA, 2A/1/2, pp. 113, 115; LAO, Grantham Borough 5/1, p. 691, 695, 700; Bailey, *Minutes of the Corporation of Boston*, p. 267

¹⁶⁰ NELA, 1/102/9/2, pp. 427-28; NAO, CA 3449, p. 9, 16, CA 3450, p. 10, CA 3453, p. 16, CA 3455, p. 59, CA 4492c/5.

¹⁶¹ Bailey, *Minutes of the Corporation of Boston*, p. 275-6; NAO, CA 3455, p. 79, CA 4692c/5.

V

On the day that the Bishops were acquitted, the Immortal Seven, Edward Russell, Henry Sidney, Lord Lumley, the Bishop of London and the Earls of Shrewsbury, Devonshire and Danby, despatched the Invitation to William Prince of Orange asking him to intervene in England. William's interest in English politics had ostensibly begun on his marriage to James's daughter in 1677. However, it was following the arrival of William's special envoy Dijkvelt, in February 1687, that regular contact was made with the English opposition.

James was relatively slow in accepting the reality of a Dutch invasion and, through the summer of 1688, pushed on with his programme of reforms, issuing the writs for Parliamentary elections on 18 August. His first recorded flicker of alarm came in August, and he finally seems to have realised the full threat of an invasion in the latter weeks of September.¹⁶² John Drummond, Earl of Melfort, one of the Secretaries of State, advised James to follow a course broadly similar to that adopted after the exposure of the Rye House Plot and Monmouth's Rebellion, recommending the king suppress sedition and arrest all suspected persons. The Earl of Sunderland, on the other hand, advised a policy of conciliation, arguing that 'there was no need of driving things so fast' now the succession was secure.¹⁶³ It was the latter's advice that James followed, and in sharp contrast to 1683 and 1685, the government did not institute a series of pre-emptive arrests. Instead, James recalled the parliamentary writs and invited nine Bishops to an audience to inform them of the concessions he intended to make. Dissatisfied with the vagueness of his promises, on 3 October, the Bishops presented the king with a petition, under ten heads, outlining their proposals for an Anglican settlement. It called for the abolition of the commission for ecclesiastic causes, the removal of the Vicars Apostolic, the revocation of Catholic teaching licences, that the king discontinued using his dispensing powers, that appointments to be made to the vacant archbishoprics and bishoprics of England and Wales, the restoration of the fellows of Magdalene College, that local government to be returned into the hands of those that were legally qualified, and the restoration of

¹⁶² Morrice, *Entring*, Q, p. 289; *Memoirs of Sir John Reresby*, p. 509; *The Correspondence of Henry Hyde, Earl of Clarendon*, ed. S. W. Singer (2 volumes, 1828), ii, pp. 189, 191.

¹⁶³ Burnet, *History*, iii, pp. 262-3, 314.

corporate charters. In addition, a free parliament was to be called as soon as possible, and James was encouraged to reconvert to the Anglican Church.¹⁶⁴ To an extent, the king went some way towards satisfying them of proceeding along the lines of the Anglican settlement outlined by the Bishops. On 5 October, he abolished the ecclesiastic commission, returned the Charter of London, and restored the fellows of Magdalene College and partially reversed the changes that had been made in office-holding.¹⁶⁵

However, the king's concessions were only partial. James did not renounce his dispensing power, and the Declaration of Indulgence remained in force, and as late as 21 September, the king reiterated his intention of establishing universal liberty of conscience.¹⁶⁶ In late October 1688, Sir Simon Degge was chided for obstructing the meetings of dissenters in Derby and ordered to desist from such activity in future.¹⁶⁷ Also limited were the reversals made to local office holding during the course of James's reign. In October and November 1688, over 50 new commissions of the peace were issued.¹⁶⁸ For the East Midland counties the only recorded commissions sealed during this period were for the three parts of Lincolnshire on 2 October 1688. The first commission that the docket book specifically records was for placing in those 'who were in Commission in 1687' was not until 6 October 1688. Therefore, it is not clear to what extent the Lincolnshire commissions reversed the changes made during James's reign. At the very least, Sir John Oldfield was restored in Holland, Sir Henry Monson in Lindsey, and Sir Thomas Hussey in Kesteven, all of whom had been removed after the three questions. In the other East Midlands counties there is no record of any new commissions issued in this period.¹⁶⁹

In the corporations more extensive restorations took place. On 17 October, 1688, *A Proclamation for Restoring Corporations to their Ancient Charters, Liberties, Rights and Franchises* which, excluding 29 corporations (including Nottingham), where the

¹⁶⁴ F. C. Turner, *James II* (London, 1948), p. 419.

¹⁶⁵ Burnet, *History*, iii, p. 315-6; *Memoirs of Sir John Reresby*, p. 516.

¹⁶⁶ *London Gazette*, 2384.

¹⁶⁷ *CSPD Jun 1687-Feb 1689*, p. 329.

¹⁶⁸ Glassey, *Politics*, pp. 94-5.

¹⁶⁹ Dr Glassey suggests that in counties in which new commissions were not issued that senior magnates made their own substitutions, but there is no evidence from the East Midlands that either supports or contradicts this. PRO, C231/8, pp. 199-205; Glassey, *Politics*, pp. 96-7.

surrender of the old charter had already been enrolled in Chancery, ordered the removal of all corporate office holders that had been appointed since 1679, thereby reversing the changes made by both James and his brother Charles.¹⁷⁰ At Leicester, the corporation minutes note the publication of the king's proclamation on 18 October, and at a meeting of common hall two days later, members of the restored corporation met. At Boston, which had held no recorded meetings since April the restored corporation assembled on 29 October, Lincoln on 30 October, and Stamford on 1 November officeholders 'which were in office at the time of surrendering ye late Charter granted by his late King Charles II did appear and take their severall places'. The corporation of Grantham was slower to act, and at the mayoral election of 19 October no mention was made of the king's proclamation and it was not until 7 November that the king's proclamation was read.¹⁷¹

TABLE 3.7

Number of Municipal Office-holders Restored in October 1688¹⁷²

	No. on old Charter	No. Restored	% Restored
Boston	30	25	83.3
Grantham	23	15	65.2
Leicester	72	59	81.9
Lincoln	46	28	60.9
Newark	12	10	83.3
Stamford	37	29	78.4

As table 3.7 indicates, in the period since the revocation of the old charters, a number of corporate office-holders had either died or moved away, and the most immediate concern of the restored corporations was filling their deficiencies. Immediately on its restitution, the corporation of Boston elected five new common council men, and John Brown was promoted to alderman, in the place of the deceased John Inkershall. On 6 November, Stamford promoted three of the common council to aldermen, and elected eight new common council men, and the following day the corporation of Grantham supplied the deficiencies in its membership. Likewise, on 20 November,

¹⁷⁰ *A Proclamation for Restoring Corporations to their Ancient Charters, Liberties, Rights and Franchises* (London, 1688); *London Gazette* 2391.

¹⁷¹ LRO, BR II/1/3, pp. 938-9; Bailey, *Minutes of the Corporation of Boston*, p. 326; LAO, L1/1/6, p. 134, Grantham Borough 5/1, pp. 713-4; STCA, 2A/1/2, p. 132.

¹⁷² The corporations of East Retford and Derby are excluded due to lack of records, Grimsby as it was impossible to reconstruct the restoration and Nottingham because its charter was not restored.

the corporation of Grimsby co-opted two new members and elected Thomas Barnardiston as its recorder, three further members being elected in December.¹⁷³

In the light of the military threat, the government's main concern was the lieutenancy. At the end of September, lord lieutenants had been instructed to restore deputy lieutenants and other officers as they thought fit.¹⁷⁴ It is not clear if the Duke of Newcastle made changes in Nottinghamshire. The Earl of Lindsey appears to have made some changes to the deputy lieutenants of Lincolnshire. In mid November, Drayner Massingberd made a complaint against three deputy lieutenants including Vincent Grantham, who had not been appointed deputy lieutenant in January 1688.¹⁷⁵ Likewise, the Earl of Huntingdon at least attempted to restore deputy lieutenants in Derbyshire and Leicestershire.¹⁷⁶ However, the hurried manner in which restorations were made either served to encourage confusion and further resentment towards the government. In Yorkshire, Sir John Reresby reported on the possible ill effect the receipt of a new commission of the peace that left 'several gentlemen' out would have on 'unanimity in this time of distraction'.¹⁷⁷ In Derbyshire, Huntingdon attempted to appoint Sir Simon Degge a deputy lieutenant by issuing him with a blank commission.¹⁷⁸

From early October, in those counties in which a Catholic had been appointed lord lieutenant, a majority were now dismissed.¹⁷⁹ As no Catholics had been appointed lord lieutenant in the East Midlands, the main effect of this was the Duke of Newcastle's appointment, on 5 October, as lord lieutenant of the three Ridings of Yorkshire, stretching his already rather limited resources even further.¹⁸⁰

¹⁷³ Bailey, *Minutes of the Corporation of Boston*, pp. 326-7; STCA, 2A/1/2, p. 134; LAO, Grantham 5/1, p. 714; NELA, 1/102/9/2, pp. 433-4.

¹⁷⁴ Morrice, *Entring*, Q, p. 296; *CSPD Jun 1687-Feb 1689*, p. 288; *Autobiography of Sir John Bramston*, p. 316.

¹⁷⁵ A Francis Grantham had been but these appear to be different individuals. *Lincolnshire Pedigrees*, p. 424; Massingberd, *History of Ormsby*, pp. 166-7; LAO, MM 6/10/11, f. 8; *CSPD Jun 1687-Feb 1689*, p. 132; Duckett, *Penals Laws and Test Acts*, ii, p. 271.

¹⁷⁶ HMC 6, Seventh Report, Appendix i, *Graham Mss.*, p. 412; *CSPD Jun 1687-Feb 1689*, p. 146; LRO, 14D32, f. 493.

¹⁷⁷ HMC 6, *Graham Mss.*, p. 415.

¹⁷⁸ HMC 6, *Graham Mss.*, p. 412.

¹⁷⁹ The Earl of Dover seems to have remained lord lieutenant of Cambridgeshire, the Duke of Berwick in Hampshire, the Earl of Peterborough in Northamptonshire and Rutland, Lord Aston in Staffordshire, and Lord Carrington in Worcestershire.

¹⁸⁰ Duckett, *Penal Laws and Test Acts*, ii, xxxiii; *CSPD Jun 1687-Feb 1689*, p. 297.

However, there were also question marks about the Earl of Huntingdon's religious sympathies, and whilst it does not seem that he actually converted to Catholicism, he had failed to take the Tests and was not legally qualified to act.¹⁸¹

The king's belated concessions were further limited in that the government issued orders to replace those that had been removed, it did not insist on the removal of those that had been appointed as magistrates and deputy lieutenants.¹⁸² In the East Midlands, the Earl of Huntingdon initially retained Catholic deputy lieutenants and Sir Henry Hunloke was still acting at the beginning of November.¹⁸³ From around the country reports survive of how this affected the attempts to respond to the Dutch threat. According to Sir John Bramston, in counties where papist lord lieutenants had been appointed, gentlemen often refused to take commissions under them.¹⁸⁴ A petition of 70 gentlemen from Yorkshire told the king that some of Ridings did not have a lord lieutenant, and in those that did, they could 'not in conscience obey'.¹⁸⁵ Similarly, the justices of Norfolk explained in October, 1688, 'when it was his Majesty's pleasure to honour us with his commission we served him with loyalty and fidelity and was we are obliged by the Church of England and our allegiance. But we cannot act with unqualified people'.¹⁸⁶ In Lancashire, the Protestant gentry refused to join in 'the execution of any office, with such as will not qualify themselves to act according to law'.¹⁸⁷ Likewise, in Derbyshire, it was reported that it was 'disgustful to the county in general to obey any orders or to act under any Roman Catholic' and this seriously hampered any defensive effort because there were only two deputy lieutenants qualified to act, and one of those was reportedly sick.¹⁸⁸

Further complicating the defensive preparations being put in place was the state of the county militias. Neglect of the militia since Monmouth's Rebellion had allowed

¹⁸¹ HMC 6, *Graham Mss.*, p. 412.

¹⁸² PRO, C231/8, pp. 199-205; Glassey, *Politics*, pp. 95, 96n.

¹⁸³ HMC 6, *Graham Mss.*, p. 412.

¹⁸⁴ *Autobiography of Sir John Bramston*, p. 325.

¹⁸⁵ HMC 25, Twelfth Report, Appendix vii, *Le Fleming Mss.*, p. 215.

¹⁸⁶ HMC 62, *Lothian Mss.*, pp. 132-3. For the Duke of Norfolk's response see *CSPD Jun 1687-Jan 1689*, p. 316.

¹⁸⁷ HMC 35, Fourteenth Report, Appendix iv, *Kenyon Mss.*, p. 198.

¹⁸⁸ HMC 6, *Graham Mss.*, p. 412

them to fall into a relative state of decay.¹⁸⁹ In Lincolnshire, in September, according to the Earl of Lindsey, the militia was 'in great disorder by the removal of the chief gentry out of commission, and hearing musters were not pleasing to your Majesty they have met but once since your coronation'. However, once the militia had been mustered, Lindsey returned a more optimistic assessment as he found them 'in a much better posture for his Majesties service than I could reasonably have expected'.¹⁹⁰ In other East Midland counties, the militia was not in so healthy a condition, and on 10 November Geoffrey Palmer informed the Earl of Huntingdon that in Leicestershire the lieutenantcy found itself in 'ill circumstances'. Three of the troops of horse had a full compliment of officers, but Sir William Halford's had no cornet, and Lord Sherrard's no commissioned officers at all, and was mustered by the quartermaster. What is more, it was only the troops of horse that had continued to muster during James's reign. According to Palmer's dismal report for the troops of foot 'there was neither colonel, lieutenant colonel, nor Major and but two captain's both of whom were Catholic and whose soldiers as a result mutinied'.¹⁹¹

During the course of his short reign James's policies had a direct impact on four main areas of life in the localities. Firstly, his dispensation of individuals from the penal laws and subsequent suspension of them granted more extensive religious toleration than that formerly proposed by Charles II, or delivered by the Toleration Act of 1689.¹⁹² Secondly, his contempt for the militia led to the army largely assuming its local policing role, which resulted in large numbers of soldiers quartering in the localities. Thirdly, his reign witnessed extensive changes in local office-holding in the institutions of both the county and the corporations. Fourthly, as far as can be ascertained these changes had a detrimental effect on the smooth running of local administration and justice.

¹⁸⁹ For a discussion of the state of the militia see John Miller, 'The Militia and the Army in the Reign of James II', *Historical Journal* xvi (1973), 659-79.

¹⁹⁰ *CSPD Jun 1687-Feb 1689*, pp. 210, 284; BL, Add Mss. 41805, f. 85.

¹⁹¹ LRO, 14D32/493.

¹⁹² Miller, 'James II and Toleration', p. 23.

Unfortunately, tracing the full impact of these in the East Midlands is hampered by lack of sources. In terms of local office-holding James was slow to implement widespread changes, and the commissions of the peace were largely left alone until 1687. The first major remodelling of the bench in 1687 mainly involved the addition of Catholic magistrates to the commissions of the peace, and the number of removals was limited in terms of what was to come. In the second major remodelling in the wake of the three questions, the government conducted a purge that was more extensive than any that had occurred since the Restoration. Likewise, in the corporations it was not until James's campaign to pack parliament that extensive remodelling took place in borough office-holding. Nevertheless, when it did, in some corporations the changes were radical, and more extensive than those conducted under Charles II.

The evidence from the East Midlands indicates that any 'social revolution' carried out in local office holding during James's reign was not uniform and apparently more muted than in other areas. Nevertheless, the changes detrimentally affected the normal functions of local administration, the true extent to which this was the case probably being hidden from historical view due to the lack of surviving material on magistrates' work outside of the quarterly sessions meetings. The deleterious effect of James's alterations in the personnel of local government was not necessarily relieved by his belated and partial concessions in the face of the Prince of Orange's invasion. Rather, the manner in which the government back-pedalled from September 1688 further hampered the effort to create a firm defensive stance against the Orangist threat. However, as will be seen in the next chapter, the problem was exacerbated by the widespread negative reaction to the government's offer of a rather dubious olive-branch.

Chapter 4: The East Midlands Response to the Reign of James II

The previous chapter traced the impact James's policies had on the East Midlands. This section will focus on the reaction in the region to these policies of the three main political/religious groups, beginning with a discussion of the disenchantment of the loyal tory Anglicans, who in the course of James's reign saw the king actively promote his co-religionists, attack the ascendant Anglican position in local government, dismantle the safe-guards that assured the primacy of the Church of England and attempt to court their erstwhile enemies. It will then focus on the response of James's co-religionists and, making use of the three questions argue that 'country catholics' were not as reticent in demonstrating their support for James as has previously been depicted, before considering the response of the dissenters and whigs to the new found freedoms and opportunities that James's reign afforded.

I

James II's accession was well received by the Anglicans and tories of the East Midlands. Despite initial fears, the first 'normal' succession in sixty years went smoothly, and James' first declaration from the throne promised the continuation of the tories' ascendant position acquired in the last years of Charles II's reign. However, the 'good correspondence' between the new king and his Anglican subjects was not as solid as the declarations of loyalty expressed in 1685 seemed to indicate. Over the next three years, the relationship turned sour as the king's Catholicising policies saw the Crown not only following a course that was an anathema to a majority of his subjects, but, in the means he employed and the effects it had, further alienated those who, in 1685, had appeared as his most loyal supporters.

In 1685, James hoped that the removal of the barriers to the free practice of Catholic worship, Catholics' inclusion in public life, and a propaganda campaign countering the misrepresentations of the old religion would encourage mass conversions. However, the large number of desired conversions to Catholicism never materialised. In the East Midlands, the available evidence indicates that the proselytising effort went largely un-rewarded. In 1687, the newly appointed Vicar Apostolic, John

Leybourn, toured the north and midlands and reportedly confirmed 20, 859 people.¹ However, whilst the papists were reported to have perceived this as evidence that the 'true religion doth so greatly and wonderfully prevail', the high number of confirmations cannot be seen to be a product of the missionary effort, but rather the result of so many old Catholics requiring confirmation after the absence of a Bishop for over fifty years.² In terms of the Anglican gentry, during James's reign the owner of Clifton Hall in Nottinghamshire became a Catholic, but this was not the result of apostasy but the death of Sir William Clifton and the inheritance of the Clifton estates by popish member of a minor branch of the family. The son of Thomas Staveley, of Belgrave, in Leicestershire, became a Catholic, but it is not clear if this was a product of the proselytising effort.³ Additionally, the Countess of Lindsey became an overt Catholic. However, in the absence of other evidence, it appears that Reresby's assessment of April 1687 that few 'prosselties, considerable either as to estates or quality, goe over to the Roman Church' could easily be applied to the East Midlands.⁴

James underestimated the vast majority of Anglicans' genuine attachment to the Church of England, and the pro-Catholic propaganda campaign advanced during his reign could not counter the long tradition of anti-Catholicism. Moreover, the literature of his Catholic presses was met with strong repudiations from Anglican quarters. Published shortly after the Revolution, *The Catalogue of all the Discourses Published Against Popery During the Reign of King James II By the Members of the Church of England And by the Nonconformists* listed 228 texts by Anglicans and two by non-conformists. These tracts covered a range of topics from theological controversy, such as *The Absolute Impossibility of Transubstantiation Demonstrated by Mr Samuel Johnson*, through condemnation of the forms and practices of Catholic worship, for example *A Treatise in Confutation of the Latine Service practised, and by the Order of Council of Trent continued in the Church of Rome* by Dr Whitby, to responses to proselytising such as *A Few Plain Reasons, why a Protestant of the Church of England should not-turn Roman Catholick* by Thomas Barlow, Bishop of

¹ Miller, *Popery and Politics*, p. 239; Hemphill, *Early Vicars*, pp. 11-12.

² Morrice, *Entring*, Q, p. 203.

³ Nichols, *Leicestershire*, ii, p. 677.

⁴ *Memoirs of Sir John Reresby*, p. 452.

Lincoln. Such tracts were avidly collected and read. In the Massingberd of Gunby papers, forty-eight titles in the above catalogue were annotated with 'x' and or 'v', in what appears a contemporary hand. Included in the collection are two of those marked with an 'x', and therefore it is possible that the annotated pamphlets were those that had been collected and/or read.⁵ William Boothby in Derbyshire was also an avid collector of such tracts, and much of his correspondence at this time is with his London and local booksellers in attempts to obtain the latest contributions to the controversies. For example, on 30 May, 1688, he writes to Mr Watts of the pamphlets he has read or wants to procure and comments it 'is well done to the reproach of them who call themselves Catholics'.⁶

James made a further miscalculation when he assumed that Anglicans would be party to his attempts to repeal anti-Catholic legislation, and justices of the peace of the East Midlands demonstrated their opposition to the Crown, introducing toleration for Catholics from the beginning of James's reign. In January, 1685, Charles II issued a pardon to over 700 individuals for all misdemeanours they had committed and all penalties which had therefore been imposed, of whom 78 were from Lincolnshire and four from Derbyshire.⁷ From the Lincolnshire evidence, it appears that, at the very least, a vast majority of them were Catholic.⁸ At the first quarter sessions held in James' reign in Kesteven, no cases for failing to attend church are recorded in the minute book. Nevertheless, the relief enjoyed by recusants in this part of Lincolnshire in the spring of 1685 was not extended to their co-religionists in the neighbouring division of Holland. No cases of recusancy were recorded at the sessions that met at Kirton on 30 April, 1685, but the same was not true at Spalding the following day. Even in Kesteven, the lapse in prosecutions under the penal laws was temporary, and, at the midsummer sessions, the usual business of the court resumed. At Bourne, on 13 July, 1685, 49 individuals were ordered to appear before the justices at the next sessions for failing to come to church on three consecutive

⁵ LAO, LD 35/3, ff. 13-14, 16.

⁶ BL, Add Mss. 71692, p. 16.

⁷ Miller, *Poperie and Politics*, p. 195; *CSPD May 1684-Feb 1685*, p. 287, prints the pardon but merely summarises the names to whom it applied. For the names see PRO, SP44/335, pp. 430-439.

⁸ Fifty of the 78 from Lincolnshire either appeared in the House of Lords list of suspected papists and or were prosecuted for recusancy after the passing of the Toleration Act. HLRO, Main Papers, 9 December 1680, ff. 47-48; *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 363, 368, 372, 375, 381; LAO, LCL 4878.

Sundays, and at Sleaford on 14 July, 109 non-conformists suffered the same fate.⁹ Of the 78 beneficiaries of royal magnanimity from Lincolnshire, at least twelve were re-presented for non-attendance at Church in July, 1685, and a further four later in James's reign.¹⁰ What is more, the number that were quickly re-presented for Catholicism was likely to be higher, as these figures do not include those presented in Lindsey. Admittedly, this pardon was for 'crimes' that had been committed prior to James's accession, but in 1686, Lincolnshire justices of the peace again demonstrated their refusal to stop prosecuting individuals who had previously been pardoned for their Catholic non-conformity. Of the 218 individuals granted a stay of process in March 1686, 46 of them were presented again in Kesteven at the Michaelmas session for the crime of *non accesserant ad ecclesias suas parochiales* on three consecutive Sundays.¹¹ Moreover, James's instructions to lord lieutenants to put a stop to the work of informers, reflected not only the king's desire to institute a period of religious toleration, but the failure of this message to be adopted in the localities.¹² Prosecutions for recusancy had always been patchy, and upturns in the rate of prosecutions generally followed crises. During James' reign, despite the government's obvious desire to prevent such causes, the opposite occurred. The evidence of the Quarter sessions records between 1685 and 1687, in Kesteven at least, demonstrates the antipathy felt by justices of the peace to James's religious policies.

Prosecutions for recusancy came to an end with the issue of the first Declaration of Indulgence in April 1687. That year, at the Easter session, recusancy processes were still underway in Kesteven and Holland, and new indictments were brought for failure to attend the parish church in January.¹³ However, from then until the end of James's reign, no further cases for recusancy are recorded.¹⁴ However, whilst recusancy prosecutions stopped, this did not mean that there was widespread support

⁹ LAO, HQS A/2/3, pp. 11-19; *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 229-42.

¹⁰ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 237, 239-40, 244, 250, 296, 299.

¹¹ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 285-297.

¹² Chapter 4.

¹³ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 308-319; LAO, HQS A/2/3, p. 81.

¹⁴ *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 320-346; LAO, HQS A/2/3, pp. 82-121. Prosecutions begin again in Kesteven in October 1689 and in Holland in January 1690.

for James's policy of toleration. The period after April 1687 witnessed another swathe of loyal addresses thanking the king for his indulgence. Between the issue of the Declaration and the following April, 193 addresses were printed in the *London Gazette*. Six of these addresses came from ecclesiastical authorities, including two from diocese covering most of the East Midlands. The four counties were part of three separate dioceses. Both Lincolnshire and Leicestershire were part of the Diocese of Lincoln, whilst Nottinghamshire was part of the Diocese of York, and Derbyshire that of Litchfield and Coventry. Addresses were received from the 'Bishop, Clergy and Diocese of Coventry and Litchfield' and the Bishop, Dean, ArchDeacon, Clergy of the Diocese of Lincoln'. All six ecclesiastical addresses followed a common form, and whilst thanking the king for his promises to protect and maintain members of the Church of England in the free exercise of their religion and for his former favours to the church, they made no mention of the general religious toleration granted in the Indulgence.¹⁵ The low number of addresses reflected opposition to them from within the Anglican hierarchy, and considerable pressure was exerted to suppress them. Thomas Barlow, Bishop of Lincoln, claimed that he had supported an address from his diocese and sent six of his archdeacons to promote it, because he believed that all Bishops had supported such a move. However, once he found this was not the case he withdrew his support - characteristically too late.¹⁶

During the same period, in addition to the ecclesiastical addresses, 59 were also received from the ruling elite of boroughs and corporations.¹⁷ There were also a number of addresses from towns that simply said freeholders or subjects, and not specifically from corporation officeholders. This is in stark contrast to the 142 addresses sent by corporations at the beginning of James's reign. Admittedly, it is possible that some addresses simply were not printed in the *London Gazette*; however, in the East Midlands, there was definite resistance to presenting. Whereas nine of the ten enfranchised corporations congratulated James on his accession, only

¹⁵ The others were the Bishop of Chester and the Clergy of his diocese, the Bishop, Dean and Chapter of the Cathedral Church of Durham, Dean and Chapter of the Collegiate Church of Ripon and the Bishop and Clergy of St Davids. *London Gazette*, 2243, 2246, 2256-8, 2283.

¹⁶ Morrice, *Entring*, Q, pp. 118, 127.

¹⁷ The total number of addresses from corporations is 46 however, of these four Bath, Exeter, Gloucester and Newcastle under Lyme sent two. *London Gazette*, 2242, 2252, 2271, 2312-3, 2315.

Nottingham sent thanks for the Declaration of Indulgence, and this was not until March 1688, after the personnel of the corporation had been drastically altered.¹⁸ The records of the corporations of Boston, Lincoln, Grantham, Grimsby, Stamford, and Newark make no note of an address, whilst at Leicester, a draft thanking the king for his Indulgence in the name of the corporation was rejected by a majority of 15 votes.¹⁹

Failing to implement the spirit of the king's religious policy, and declining to send thanks for it, did not directly involve refusing to do the Crown's bidding. Some of the MPs representing East Midland seats had more overtly displayed their opposition to James's pro-Catholic policies in the second session of the 1685 Parliament.²⁰ More East Midland gentry and nobility had directly refused their support when closeted at court. However, a far larger number were forced to decide whether their first allegiance was to their king or their religion when the closeting campaign was extended to the localities towards the end of 1687 and into 1688. Initially, in order to conduct the survey of local opinion, the Crown turned to the traditional conduits of central and local government - the lord lieutenants. The original plan appears to have been to personally interview each of the lord lieutenants about the opinions of the local office-holders within their respective counties. On 13 October, 1687, letters were sent to several of them, requesting their presence in London, to give an account within their respective lieutenancy's 'of the affections of the magistrates and officers' in order to 'make such regulations and changes' as were deemed fit.²¹ However, shortly after, this idea was abandoned in favour of 'paper of instructions'.

On 25 October, 1687, a circular letter under Robert Spencer, Earl of Sunderland's signature was sent to the lord lieutenants instructing them to call together the magistrates of his county and ask them 'jointly or separately as he shall think fit', three questions:

¹⁸ *London Gazette*, 2328.

¹⁹ LRO, BR11 18/36, f. 66.

²⁰ Chapter 2.

²¹ *CSPD Jun 1687-Feb 1689* p. 82; J. P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702* (1958), p. 171; Glassey, *Politics*, p. 79.

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 fore 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 persuasions, as subjects of the same prince and christians ought to do.

The instructions also dictated that the answers, whether 'consents, refuseth or is doubtful', were to be sent to the Privy Council with all possible speed. In addition, the lord lieutenants were to report on the state of opinion of each parliamentary constituency within their jurisdiction, and to suggest potential candidates for the next Parliament, as well as providing a list of Catholics and dissenters who could possibly be added to the Bench.²²

Nationally, approximately 80% of these answers from England and Wales survive, including all four East Midland counties, and they appear to provide a tempting means by which the strength of opposition to, and support for, James's policies can be measured. Thomas Babington Macaulay believed that the answers to the three questions demonstrated a polite but emphatic negative from the Anglican gentry – whose refusal was often termed in an evasive way rather than as an outright refusal. He stressed the level of collusion in the returns, reflected in the large number of identical answers, and argued that, because the bench had previously been purged, and the negative replies were from the Tories, the answers demonstrated just how far James had alienated his natural supporters, and, as such, was a terrific blow.²³ John Carswell tabulated the results nationally and found the answers came out into four roughly equal bands of consents, refusals, doubtfulness and absences. He accepted that some of the answers were 'evasive, often collusive', but emphasised that what was more important was the divisions that the answers revealed.²⁴ He stressed that more

²² The three questions are printed in a number of sources – HMC 27, Twelfth Report, Appendix ix, *Beaufort Mss.*, p. 91; *CSPD Jun 1687-Feb 1689*, pp. 87-88; and in a number of places in Duckett, *Penal Laws and Test Act*.

²³ Macaulay, *History of England*, ii, p. 978.

²⁴ Carswell, *Descent On England*, p. 110.

than half of the respondents were prepared to be specific one way or the other, which, in his assessment, neither demonstrated a completely evasive, nor united, negative response. However, whilst Carswell argued the results were far less unfavourable than had previously been depicted, he agreed that, as two thirds of the gentry were either open or potential opponents of the repeal of the Test Act, the results were still a disaster for James.²⁵ J. R. Western's analysis of the answers to the three questions further undermined the traditional depiction, and he posited that the result was by no means a complete catastrophe for the government. Rejecting Carswell's method of tabulation, he applied the Government's own categories, and found that the answers fell into three roughly equal bands of consent, refusal, and doubtful. Whilst the majority of those asked did not support the Government's policy, he argued that Sunderland, as a political realist, was less interested in what men ideally wanted than in what they could be persuaded to accept. He suggested that, in addition to the men who consented to the repeal of the Test Act and penal laws, some of the doubtfuls represented a body of men who could be bullied into compliance. He highlighted that within this category were a number of gentlemen who refused to pre-engage, and argued that this reflected not only their belief that Parliament should be free, but that the country as a whole was compelled to follow the decision of Parliament. Therefore, if Parliament voted to repeal the Test Act and penal laws, they would concur with its decision. Moreover, he suggested that whilst the answers demonstrated that a majority of men opposed James's religious policy, because much of this opposition was caged in terms of submission, then the answers were not as bad a result for the government as had previously been maintained.²⁶

However, due to the changes made in local office-holding during the 1680s, there is a caveat to the comprehensiveness of the opinions revealed in the three questions returns. Following the Exclusion Crisis, the bench was purged of whigs and the answers to the three questions reveal little about the opinions of this important section of the body politic.²⁷ Moreover, during James's reign itself, the remodelling of spring 1687 removed, amongst others, those Anglicans who had already

²⁵ Carswell, *Descent On England*, p. 240.

²⁶ Western, *Monarchy and Revolution*, pp. 210-222.

²⁷ Chapter 2.

demonstrated their opposition to James.²⁸ Therefore, rather than providing a general indication of the local response to James's policies, the answers provide an insight into the views of Anglicans who had survived as officeholders up to 1688 and those added to bench, both Protestant and Catholic, by James before the questions were set. In the following discussion, it is only the answers of the Protestants that will be considered - those of their Catholic colleagues are considered in a later section. Whilst the government set three questions, the answers to the first two questions have been analysed together, as in effect they were both asking whether the respondent would support Parliamentary repeal of the penal laws and Test Act.

TABLE 4.1a

Protestant Answers from the East Midlands to Questions One and Two of the Three Questions

	Derbyshire	Leicestershire	Lincolnshire	Nottinghamshire	Total
Yes	2	5	7	1	15
No Test/Yes Penal Laws	0	0	13	1	14
Wait till Parliament	1	0	3	1	5
Evasive	0	2	1	7	10
King Knows	2	2	0	0	4
No	15	17	0	2	34
Absent Recorded	5	9	0	4	18
Catholic Answers	4	7	6	2	19
Total	29	42	30	18	119

Note: The figures for Derbyshire excludes William Barker who was recorded as not existing and those of Leicestershire John Coke who is recorded as out of the commission.

TABLE 4.1b

Protestant Answers from the East Midlands to Question Three of the Three Questions

	Derbyshire	Leicestershire	Lincolnshire	Nottinghamshire	Total
Yes	15	16	18	8	57
Yes all 3	2	4	6	0	12
No all 3	0	1	0	0	1
No	1	0	0	0	1
Evasive all 3	0	2	0	3	5
No Answer	2	3	0	1	6
Total	20	26	24	12	82

Table 4.1a represents a breakdown of standardised answers from Protestants to the first two questions and the number of Catholic's answering the three questions in the

²⁸ Chapter 3.

lord lieutenants' returns from the East Midland counties. It differs considerably to the figures given by Carswell, partly as a result of my application of a slightly different method of categorisation and the inclusion of all answers, whilst it is possible that Carswell only considered the responses of JPs.²⁹ Nevertheless, the overall pattern corresponds with his in that support for James's policies appears to be strongest in Lincolnshire and opposition strongest in Derbyshire.³⁰

However, despite their apparent simplicity, the three question returns are complicated sources, making it problematic to use them as a form of seventeenth century MORI poll. In the East Midlands, the Duke of Newcastle and Earl of Huntingdon seem to have recorded a majority of absentees. Due to a lack of surviving records, it is difficult to reconstruct the commissions of the peace accurately in Derbyshire and Nottinghamshire. However, by taking into account all available evidence, it seems that in Nottinghamshire only one person, Thomas Gladwin, of Tupton in Derbyshire, who was added to the bench shortly before Newcastle set the questions, was erroneously left out of the returns.³¹ Likewise, in Leicestershire, Huntingdon only appears to omit the Catholic Charles Byerley.³²

²⁹ For example Carswell's total for Derbyshire is 23. In Huntingdon's returns some form of reply is recorded for 30 gentlemen. One of these, William Barker, is marked 'there is no such man' and as such can be discounted; another, Arthur Warren, 'replied in Nottinghamshire' and following Carswell's technique of excluding those marked 'answers in another county' would have been omitted. A further two are recorded as resident in another county, one of whom, Roland Okeover, replied in Staffordshire, and could also possibly have been omitted from Carswell's Derbyshire figures. Yet the returns still record the answers of 27 men. In addition Carswell indicates that there was only 1 absentee from Derbyshire, yet the returns include Reginald Pinder, who was resident in Gloucestershire but did not make a return there, Edward Abney, who was recorded absent, John Stanhope, an officer in the army, and the Earls of Chesterfield and Scarsdale, who according to Huntingdon the King was already informed of their opinions. To a degree these differences may be explicable by the fact that Carswell's figures refer to the magistracy, which seems apparent because in Oxfordshire the 23 answers from the justice of the peace match Carswell's totals and he does not seem to include the separately listed answers from the deputy lieutenants. As such he could have ignored answers made by deputy lieutenants. However such a treatment does not appear to have been uniformly applied. In Leicestershire, Carswell records seven consents, four of these are marked deputy lieutenant and, whilst Sir Thomas Burton and Sir Henry Beaumont were both justices of the peace, Sir William Halford and Richard Roberts were not. Carswell, *Descent on England*, pp. 240-241, Duckett, *Penal Laws and Test Acts*, i, 167, 329-33, 337-41, ii, pp. 102-3. For criticisms of Carswell's tabulation see John Miller, *James II*, p. 41.

³⁰ Carswell's figures indicate that support was strongest in Lincolnshire at 42.9%, whilst opposition was strongest in Derbyshire at 60.1%.

³¹ Thomas Gladwin of Tupton was added to the Nottinghamshire commission on 21 October 1687 PRO, C 231/8, p. 181.

³² There is no obvious reason for this and Byerley attended the Assizes in March 1688. HMC 78/2 p. 183.

However, in Lincolnshire this simply is not the case. Determining which local office-holder did not provide a reply from Lincolnshire is complicated by the lord-lieutenant's failure to differentiate between the answers of justices of the respective parts, and the lack of surviving commissions of the peace for Holland and Lindsey during James' reign. However, from the surviving commissions for Kesteven, the numbers of magistrates omitted from the returns can be reconstructed. In the one of July 1687, 44 local gentlemen are named justice of whom 12 were Catholic. From the remaining 32, two, William Lister of Colby and Daniel Wigmore of Stamford, were dead before the questions were set, having died in April and July 1687 respectively.³³ However, of the 30 whom, at the very least, should have answered the three questions, only the responses of 12 are recorded in the lord-lieutenant's returns. This means that the answers at least 18 local Anglican justices of the peace are missing from the Earl of Lindsey's list.

TABLE 4.2

Unrecorded Absences in the Three Questions Returns

	Derbyshire	Leicestershire	Lincolnshire (K)	Nottinghamshire	Total
Recorded Answers	17	22	12	11	62
Recorded Absences	5	8	0	3	16
Unrecorded Absences	0	0	18	1	19
Total Number of Potential Answers	22	30	30	15	97
% Absences	22.7	26.7	60.0	26.6	38.1

Note: The figures differ slightly from those in tables 4.1 a and b, as table 4.2 does not include Deputy Lieutenants.³⁴

The effect of ignoring unrecorded absences from the returns is clearly shown in the case of the Lincolnshire results. When the absences from Kesteven alone are taken into account in the Lincolnshire answers the rate of consent drops from that given by Carswell of 43% to only 22.0%.³⁵ Not all previous surveys quantifying the three questions have taken the level of absenteeism, particularly unrecorded absenteeism,

³³ LAO, KQS E/1, commission of the peace, 25 July 1687; *Lincolnshire Pedigrees*, iii, p. 1079, iv, p. 1280.

³⁴ Those discounted in table 4.2 are, Derbyshire: Earl of Scarsdale, Earl of Chesterfield, and Robert Burdett; Leicestershire, Earl of Rutland, Lord Ferrars, Lord Beaumont, William Halford, and Richard Lister; Nottinghamshire: William Stanhope and Ralph Knight.

³⁵ This was calculated by taking into account Protestant and Catholic replies and unrecorded absences from the three questions. Carswell, *Descent on England*, pp. 240-242.

into account, and as such their conclusions about individual counties and, indeed, totals are therefore somewhat suspect.³⁶

Moreover, the survey of the gentry was not conducted in conditions that would be approved by today's collector of opinions. The questions were often set by the lord lieutenants in a far from impartial way. Whilst Lord Craven told the justices of Middlesex that 'he neither prest them one way nor another,' other lord lieutenants were less neutral.³⁷ The Earl of Northampton announced to the Warwickshire gentlemen that he did not intend to comply with the king's proposal to repeal the penal laws and Test Act himself.³⁸ The Earl of Rochester, despite being accused of being 'over zealous in persuading people to take off the Test', told the deputy lieutenants and magistrates of Hertfordshire 'that he still was as he alwaies pretended to be a true son of the Church of England', which reportedly gave them great encouragement to return negative answers.³⁹ Alternatively, in a number of counties the lord lieutenant actively encouraged a positive reply. In Wiltshire, William, Earl of Yarmouth, 'prevailed with Mr Chivers to be for the taking of the penal laws and test'.⁴⁰ Likewise, in the East Midlands, the Duke of Newcastle instructed the local office-holders that 'he himself as he always had, ... would comply with his Majesties pleasure in that case, and so he hope they would'.⁴¹ If the answers to the three questions are to be treated as a form of national opinion poll, then any analysis would need to take into account the different attitudes of the lord lieutenants.

The attitude of the lord lieutenants also affected when the questions were set, and their response to the circular letter was mixed, both in their assiduity in carrying out Sunderland's missive, and in the way in which they carried out these instructions. At one end of the spectrum, some were very quick to act. Henry, Earl of Peterborough,

³⁶ Neither Western, nor Carswell take into account unrecorded absences. Glassey takes into account the problem of unrecorded absences by comparing counties 'in which a reasonably high proportion of the total number of justices gave answers'. Carswell, *Descent on England*, pp. 240-2; Western, *Monarchy and Revolution*, pp. 210-222.; Glassey, *Politics*, p. 81.

³⁷ Morrice, Entring, Q, p. 201.

³⁸ Glassey, *Politics*, p. 80.

³⁹ NUL, PwA, Portland Mss. ff. 2104, 2113; Morrice, Entring, Q, p. 207.

⁴⁰ Carswell, *Descent on England*, p. 111; Duckett, *Penal Laws and Test Act*, i, p. 214; Glassey, *Politics*, p. 80.

⁴¹ He is also recorded as consenting to repeal in a list of peers despatched by the French envoy. Morrice, Entring, Q, p. 214; David H. Hosford, 'The Peerage and the Test Act: a List, c. November 1687', *Bulletin of the Institute of Historical Research*, 42 (1969), p. 119.

'immediately communicated the letters in Northamptonshire', and Lawrence Hyde, Earl of Rochester, Lord Craven, Francis Molineaux and John, Earl of Bristol, had at least communicated the questions to their respective lieutenancies of Hertfordshire, Middlesex, Lancashire, and Dorset by the end of that month.⁴² However, a number of lord lieutenants, like the Earl of Northampton, refused to set the questions in their lieutenancies.⁴³ In the counties where the lord lieutenants had recently been changed, the questions were often set later. For example, in Sussex, the lord lieutenant's returns are dated May 1688, and the questions were not put to the justices of the West Riding of Yorkshire until August, 1688.⁴⁴ Moreover, in a number of lieutenancies, there appears to be a long delay between when the questions were originally addressed to the gentry, and the answers forwarded to the Privy Council. In Dorset, the returns themselves are dated May, 1688; however Roger Morrice claims on 12 November, 1687, 'the Earl of Bristol acquainted the deputy lieutenants and justices with the questions and they generally returned their answers.'⁴⁵ The results from the national questionnaire were not published, but information about the outcome of the exercise was at least circulating in London, and it could well be that

⁴² In Northamptonshire the returns themselves are dated 20 December 1687. In Hertfordshire the returns do not survive but Morrice notes on 26 November 1687 that Rochester had sent the circular letters to the deputy lieutenants and justices of the peace, and a newsletter of 8 December complained that he had been more zealous than was necessary in putting the three questions. In Middlesex the returns do not survive but Morrice notes on 12 November 1687 that Lord Craven had acquainted the lieutenants and justices of the instructions. . In Lancashire the returns do not survive but Morrice reports on 26 November 1687 that Lord Molineux set the questions and the county universally refused. In Dorset the returns are not dated till May 1688, but Morrice reports on 12 November 1687 that Bristol had acquainted the local office-holders of the questions and they generally returned negative answers to the first two, and a positive to the third. Morrice, *Entring*, Q, pp. 191, 201-2, 207; Duckett, *Penal Laws and Test Act*, ii, p. 89; BL, Add Mss. 34515, f. 41.

⁴³ These included Thomas Viscount Fauconberg, Thomas Earl of Pembroke and Richard Viscount Preston. Fauconberg was replaced as lord-lieutenant of North Riding of Yorkshire by Charles Viscount Fairfax on 19 November 1688 and the latter set the questions in January. Pembroke was joined by William Paston, Earl of Yarmouth as Lord Lieutenant of Wiltshire on 2 March 1688 and the latter set the questions in this county some time after this. Preston eventually set the questions to the gentlemen of Cumberland and Westmoreland towards the end of January 1688. BL, Add Mss. 34515, f. 33; Duckett, *Penal Laws and Test Act*, pp. i, 31-43, 92-100, 212-220.

⁴⁴ In Sussex Charles Earl of Dorset was replaced by Francis Viscount Montague on 28 February 1688 and the latter made the county's return in May. In the West Riding Richard Earl of Burlington was replaced by Thomas Lord Howard 23 March 1688, who held meetings at Skipton 14 August and Pontefract 20 August 1688. Duckett, *Penal Laws and Test Act*, i, pp. 84-9, 179-194.

⁴⁵ Morrice, *Entring*, Q, pp. 201-2.

those answering the questions later in 1688 were effected by knowledge of answers of other counties.⁴⁶

In a majority of counties, it appears the lord lieutenant sent the questions by post to justices of the peace and deputy lieutenants, and then called a meeting to collect the answers. However, this was not the case universally, and in Northumberland, the Duke of Newcastle not only dispatched the questions by post, but also received the answers in this manner. Variations in the manner in which the questions were asked and answers collected could well have had an influence on the type of answers that were returned. In Cumberland and Westmorland, Lord Preston called the local office-holders to a meeting at Penrith on 25 January, 1688. After the gentry had taken their seats and had been asked by Preston to return their answers, Sir John Lowther proposed that each should retire to write their own answers. This resulted in the Protestants going into one room to compose their answers and the Catholics into another.⁴⁷ A large proportion of the answers emanating from the meeting are verbatim, or close, copies of others.⁴⁸

In Nottinghamshire, the Duke of Newcastle records single answers for 16 individuals; however, Lawrence Sturtivant and William Cartwright of Normanton's answers are simply recorded as 'Hee gives ye same answer Mr Lee doth'.⁴⁹ In contrast, in Lincolnshire 12 individuals subscribe 'to all the above written Questions in the affirmative, That we will'. A further 13 jointly answer that whilst they cannot consent to repeal the Test, they will consent to the repeal or alteration of some penal statutes. The two clergymen replied jointly, whilst a further 3 answer together that they will wait Parliament and chuse 'men of knowne integritie and Loyalty'.⁵⁰

Another variance is the way in which the answers were recorded. In some counties, lord lieutenants returned long verbatim answers written by the respondent in the first person. In others, the answers were returned in the third person, but again were

⁴⁶ In Nottinghamshire a large number of the answers were evasive, whilst in Lincolnshire evasion came in the form of returning no answer at all.

⁴⁷ Duckett, *Penal Laws and Test Act*, i, p. 50.

⁴⁸ Duckett, *Penal Laws and Test Act*, i, pp. 31-43.

⁴⁹ Duckett, *Penal Laws and Test Act*, ii, p. 126.

⁵⁰ Duckett, *Penal Laws and Test Act*, i, pp. 152-3, 155-7.

relatively long. However, in Dorset, the lord lieutenant simply tabulated the answers. In the East Midlands, Newcastle includes answers in the first person, as does Lindsey in Lincolnshire; however, in both Derbyshire and Leicestershire, Huntingdon mainly reports the answers from the respondents. This means that there are differences between counties in the level to which the results have been 'percolated' through the lord-lieutenants. Indeed, the Duke of Beaufort seemed particularly proud that in the counties under his tutelage he had 'at last reduced all their several discourses to' whether they consented, refused or were doubtful.⁵¹ Moreover, where summarised answers are given, such as that of Roger Smith of Frolesworth in Leicestershire, who was reported 'doubtful', it is impossible to know just what shade of opinion the respondent was giving, and it is therefore problematic to include it with other more full answers.

The difficulty in determining what influenced an answer is most clearly shown by comparing the answers of individuals who returned an answer proper in more than one county. The cleric, Dr William Foster, made an answer in both Leicestershire and Bedfordshire, and on both occasions he consented to all three questions.⁵² However, Sir Simon Degg made two very different returns to the three questions in Staffordshire and Derbyshire. In Staffordshire, the questions were set by Lord Aston, who had recently replaced Robert, Lord Ferrers. The returns from Staffordshire as a whole are dated 3 February, 1688; however, the beginning of the returns are dated December and January. In this county, Sir Simon Degg consented to all questions.⁵³ However, in the return from Derbyshire he only consents to the third question and 'cannot promise' to the first two. The two answers were given at different times but within a relatively close time period. Both lord-lieutenants were relatively new appointments. The major difference appears to be that in Staffordshire Degg recorded an answer in his own right, but in Derbyshire he was one individual in a listed joint answer.

⁵¹ Duckett, *Penal Laws and Test Act*, i, p. 288.

⁵² This is likely to be the same individual as both are recorded as Doctors of Law, and William Foster was Archdeacon of Bedford. Duckett, *Penal Laws and Test Act*, i, pp. 229, ii, p. 55; Morrice, *Entring*, Q, p. 50.

⁵³ Duckett, *Penal Laws and Test Act*, ii, p. 197.

Moreover, counties produced a wide variety of 'types' of answer that appear to be unique to particular counties. This is clearly demonstrated in two cases from the East Midlands. Firstly, only in Lincolnshire was an answer refusing to accept the repeal of the Test, but accepting some relaxation of the penal laws, given, though in Nottinghamshire, Thomas Parkyns of Bunney indicated a willingness to repeal some penal laws. This makes categorising this answer difficult, as it is not clear if this particular opinion was common elsewhere but simply not explicitly given.

Secondly, only in Derbyshire does a lord lieutenant record that absent Catholics would have answered affirmatively. Huntingdon does not do the same in Leicestershire, where Sir John Gifford, Thomas Markham, Thomas Eyres, John Fanning and Roland Eyres are listed under the heading of absent and non-resident and simply marked 'All Catholics'.⁵⁴ What is not clear from the returns is whether Huntingdon had secured positive replies from these three Catholics in Derbyshire, even though they were not present at meeting, or whether in this county he has simply made an assumption about their opinions.

The complexity of the three questions returns means that any assessment of the level of support for, and opposition to, James revealed within them needs to take into account a multiplicity of factors. As such, some historians have even doubted their worth at all.⁵⁵ However, with a reflexive approach and the application of database technology, the effect of these factors could be taken into account and the production of national picture possible. However, it would require more careful consideration than the current national analyses have done. In the analysis of the Anglicans answers to the three questions from the East Midlands that follows, there is an attempt to take into account as many variants that could effect the returns as possible, in order to build up a comparative picture of the response of the East Midlands Anglican gentry to the James's campaign to repeal the Test Act and penal laws.

Most obviously, the usefulness of the survey results are affected by the high number of local Anglican office-holders who do not record an answer to the three questions,

⁵⁴ Duckett, *Penal Laws and Test Act*, ii, p. 103.

⁵⁵ Glassey, *Politics*, p. 81.

as shown in table 4.2.⁵⁶ It has been suggested that those justices failing to record any kind of opinion, be they absent or utterly evasive in their answer, could arguably be 'an element capable of being bullied into submission'.⁵⁷ Admittedly, there were a number of reasons given for failure to answer the three questions. In the East Midlands, Christopher Packe of Prestwold was sick, Richard Lister of Thorpe Arnold had absconded for debt, and a large number of Nottinghamshire respondents were out of the county and, particularly, in London.⁵⁸ However, there is no reason to suggest that these men could be bullied more easily into accepting the repeal of the Test Act and penal laws than others. Absence from the returns could well be the product of a pointed attempt to avoid the three questions. Whilst Reason Mellish recorded an ambivalent answer in Nottinghamshire, he had considered going to London in order to avoid the questions.⁵⁹ He was not alone, and attendance at the Middlesex Quarter Sessions at the time of the three questions was reportedly very low, due to the expectation by justices that the circular questions would be put to them there.⁶⁰ Moreover, it is noticeable that in Lincolnshire, where no absolute refusals were recorded, that the level of absenteeism was particularly high. Therefore, in order to analyse the three question returns from the East Midlands, it is necessary to ascertain the opinions of these absentees towards James's policies.

In a limited number of cases, the opinion of East Midland magistrates who failed to answer the three questions in Derbyshire, Leicestershire, Lincolnshire Kesteven, or Nottinghamshire can be checked against answers they gave elsewhere. However, it must be noted that these answers were given at different times and in different circumstances. Lewis Palmer, of Carlton Curlieu, did not provide an answer in Kesteven and was subsequently removed from the bench. However, in Northamptonshire, in November 1687, when questioned by Henry, Earl of Peterborough, he did consent to repeal of the Test Act and penal laws.⁶¹ Conversely,

⁵⁶ This figure is likely to be higher for it does not take into account deputy lieutenants who do not appear as justices and whose names are not recorded.

⁵⁷ Western, *Monarchy and Revolution*, p. 216.

⁵⁸ Duckett, *Penal Laws and Test Act*, ii, pp. 103, 123-6.

⁵⁹ Morrice, *Entring*, Q, p. 214.

⁶⁰ Morrice, *Entring*, Q p. 219.

⁶¹ Duckett, *Penal Laws and Test Act*, ii, p. 84.

both Roland Okeover and John Newton, who failed to record answers and were subsequently dismissed as magistrates in Derbyshire and Kesteven respectively, answered less positively elsewhere. In the Staffordshire returns, the former reported to the Catholic Lord Aston, in February, that he needed to hear the debates in Parliament before he could answer the Questions.⁶² In Gloucestershire, in December 1687, the latter, had replied negatively to the first two questions to the Duke of Beaufort.⁶³

However, such a technique is limited in value for the low numbers of justices that this applies to. For justices of the peace who failed to record a substantive answer, such speculation about the 'meaning' of their absence from the lord lieutenant's returns can largely be decided by examining their subsequent fate on the bench. The three questions were asked with a very specific purpose in mind. The Court's intention to use the replies to make changes to the bench were clear from the instructions. These changes, however, were not merely to be limited to adding catholics and dissenters to the local Benches. William Blaythwayt reported to Sir Robert Southwell on 3 November, the king 'will immediately putt out of all offices and places of trust such as do not comply and fill the vacancies with such as declare themselves ready to concur with his Majesties desires'.⁶⁴ This policy was publicly affirmed on 11 December, when the *London Gazette* announced that 'being resolved to maintain the liberty of conscience and to use the utmost endeavours that it may pass into law' the king would review county office-holding 'that those may continue who are willing to contribute to so good and necessary a work and such other added from whom he may reasonably expect the like concurrence'.⁶⁵

In the East Midlands, of the 13 Anglican magistrates who recorded a positive answer, all, bar Samuel Fuller, Chancellor of Lincoln, retained their positions,

⁶² The answers to the three questions from Staffordshire do not indicate when they were set. However Roger Morrice reports on 4 February 1688 that Aston had proposed the questions in Staffordshire. Duckett, *Penal Laws and Test Act*, ii, pp. 195, 200; Morrice, *Entring*, Q, p. 234.

⁶³ Newton's negative response came despite the pressure Beaufort exerted to gain positive replies. Duckett, *Penal Laws and Test Act*, i, p. 266.

⁶⁴ NUL, PwV, Portland Mss., f. 56.

⁶⁵ *London Gazette*, 2302

whilst, of the 30 magistrates who recorded a negative answer to the first two questions, 27 were removed. Only in Derbyshire did justices who recorded a negative answer remain magistrates. Henry Every, Henry Balgay and Sir Simon Degg are listed by Huntingdon amongst a group that answered that they could not promise to Questions one and two but answered affirmatively to the third, but, unlike the rest of the men on the list, these three retained their offices in the remodelling of the Bench in the spring of 1688. However, for the two former there is also a note in the returns that both 'have not returned their answers; they never acted as Justices of the Peace' and there is a possibility that there was some confusion as to their answer.⁶⁶ In the case of Sir Simon Degg he had, as we have seen, answered positively in another county. Nevertheless, bar very few anomalies, it is clear from the fate of those justices who answered negatively the three questions that those opposing the king's plans were subsequently dismissed and those agreeing retained. Therefore, by linking changes made to the commissions of the peace in the spring of 1688 to the three questions returns, it is possible to gain some insight into the position the absentee justices actually took on the issue of James religious policy.

TABLE 4.3

Subsequent Office-holding Fate of Protestant Magistrates Who Did Not Record an Answer to the Three Questions

	Total Absences	Absentees who where Removed	Removed %
Derbyshire	5	2	40.0
Leicestershire	8	7	87.5
Lincolnshire (Kesteven)	20	15	83.3
Nottinghamshire	4	2	50.0
Total	37	26	74.2

As table 4.3 indicates, in the East Midlands nearly 75% of justices of the peace who failed to record an answer to the three questions were removed. The East Midlands sample does not indicate that a majority of those who were absent from the returns were likely to be enthusiastic supporters of James's religious and political campaign.

A similar technique can be used to unpack the doubtful or evasive answers. There is anecdotal evidence that supports Western's contention that within the body of magistrates returning a doubtful answer was a number of men who could be

⁶⁶ Duckett, *Penal Laws and Test Act*, i, p. 167.

persuaded to accept the repeal of the Test Act and penal laws if such a repeal was carried out by Parliament. Dr Allworth, of Magdalen College, Oxford, stated he could not 'declare himself for the taking away of all penal laws and Test', yet agreed to 'submit to such laws, and repeals of such laws, as the king with his Parliament shall think fit'.⁶⁷ Roger Morrice accused those who refused to make a formal promise of 'gallantry' because he maintained that eventually they would 'certainly do as they are bid to all intents and purposes when they are chosen, and by their refusal they get such a reputation in the country that they are very like to be chosen'.⁶⁸ Conversely, another contemporary commentator reported that 'the Presbyterians and Independents...such of them declare themselves for taking off the Test, etc have promised their voices to men who have told them they will never consent to it'.⁶⁹

However, such turn-coat behaviour was not necessarily universal. One of the examples of a possible 'soft-doubtful' answer referred to by Western is that of the Honourable John Darcy, who replied to the three questions in Yorkshire.⁷⁰ In fact, Darcy's answer does not necessarily indicate that he was open to persuasion. In answer to the first question, he states 'If I am chosen a member of Parliament I will give my opinion according to the debate of the house, that way which my reason shall tell me the most advantageous to the king and Government, but my present opinion is not to repeale the penal lawes and Test'; in reply to the second, 'If I doe give my interest to any to serve in Parliament, it shall be to such as I thinke knowing men, and well affected to the king and government as established'.⁷¹ His answer is termed submissively, but what is more important is that he stresses his support for king and Government and, as his reply to the second question indicates, to the king and Government *as established*.⁷² What is more, this is the same John Darcy who had been particularly outspoken in the 1685 Parliament on the question of Catholic officers, and had, as a result, subsequently lost his place.⁷³ Moreover, he

⁶⁷ Western, *Monarchy and Revolution*, p. 217; Duckett, *Penal Laws and Test Act*, i, p. 329.

⁶⁸ Morrice, *Entring*, Q, p. 234.

⁶⁹ NUL, PwA, Portland Mss., f. 2100.

⁷⁰ Western, *Monarchy and Revolution*, p. 217n.

⁷¹ Duckett, *Penal Laws and Test Act*, i, p. 96.

⁷² Italics are mine.

⁷³ Morrice, *Entring*, P, pp. 499, 501, 505.

subsequently attended the Whittingdon meeting, in Derbyshire, which prepared for the English led risings against James in October 1688, and was an active participant in the rising at York in November, 1688. It seems improbable to suggest that such a man represented part of a soft-centre who would accept the repeal of the Test Act and penal laws.

James never called another Parliament, and the Test Act and penal laws were not repealed; therefore, both Morrice's contemporary suspicions and Western's historical hypothesis remain largely untestable. However, as in the case of those magistrates returning no answer to the three questions, the fate of those returning some form of doubtful or evasive answer can be considered and a more accurate picture of their opinion can be obtained.

TABLE 4.4

Subsequent Office-holding Fate of Magistrates who Recorded a Doubtful or Evasive Answer to the Three Questions

	Total Evasive	No Died	Doubtful/Evasive		Wait till Parliament		No to the Test, Yes some penal laws		Total Out
			Continue	Out	Continue	Out	Continue	Out	
Derbyshire	1		0	0	0	1	0	0	1
Leicestershire	2		0	2	0	0	0	0	2
Lincolnshire (k)	8	1	0	1	1	0	0	5	6
Nottinghamshire	8		0	6	0	1	0	1	8
TOTAL	19		0	9	1	2	0	6	17

As table 4.4 shows, in the East Midlands a majority of those that gave one of a variety of answers that can be considered doubtful were subsequently turned out of their place. In Nottinghamshire, which had the highest percentage of doubtful or evasive answers in the East Midlands, all eight were subsequently removed from the bench. Of these, five had attended over 50% of Quarter Sessions.⁷⁴ It seems surprising that, if these men returning doubtful answers were a contributing factor to Sunderland's assertion that the Government was 'morally certain of victory', such men were ousted from their positions in local government.⁷⁵

⁷⁴ William Cartwright of Ossington (82%), Edward Lee of Norwell (82%), Lawrence Sturtivant of Norwell (82%), Francis Sandys of Teversall (73%), Thomas Parkyns of Bunny (73%).

⁷⁵ Western, *Monarchy and Revolution*, p. 221.

By taking into account the answers recorded in the three questions returns, in conjunction with the subsequent fate of magistrates who recorded evasive or no answers, a superior estimation of how James's religious policies were received by Anglican officeholders can be obtained than is revealed in the answers themselves.

TABLE 4.5

Answers to the Three Questions and the Subsequent Office-holding Fate of Magistrates Who Were Absent or Who Answered Inconclusively

	Derbyshire	Leicestershire	Lincolnshire Kesteven	Nottinghamshire	Total
Yes	2	4	5	1	13
Absent Continued	3	1	3	2	5
Doubtful Continued	1	0	1	0	2
Total Support	6	5	9	3	20
No	14	16	0	2	30
Absent Removed	2	7	15	2	27
Doubtful Removed	0	2	5	8	16
Total Opposed	16	25	20	12	73
TOTAL ANSWERS	22	30	29	15	93

Note: The figures for Lincolnshire Kesteven do not include the 3 justices who were absent or gave an evasive answer and subsequently died.

Table 4.5 by including estimations about the opinions held by office-holders who either did not answer the three questions, or who answered evasively or inconclusively, naturally over-simplifies the range of responses given. Nevertheless, its advantage is that it serves to allow the broad patterns of opposition and support for James in the East Midlands to be measured. The source enriched results demonstrate that amongst the Protestant gentry, who were still office-holders at the time the questions were set, over 75% were opposed to James's attempts to repeal the Test Act and penal laws.⁷⁶ However, it fails to take into account the changes made to local office-holding earlier in James's reign. As described in Chapter 3, whilst the removals in the regulation of the commission of the peace in 1687 mainly consisted of inactive justices, it did remove a number of active magistrates, who had demonstrated their opposition to James. When the active justices are added to the number which the three questions reveal opposed the king, a more accurate estimate of the levels of opposition to James's policies are obtained.

⁷⁶ The respective figures are Derbyshire 73%, Leicestershire 83%, Lincolnshire Kesteven 69% and Nottinghamshire 80%.

Admittedly, the results shown in table 4.6 are far from exact, but they do enable a comparison of the levels of support and opposition to James in the East Midlands.

TABLE 4.6

**Levels of Support and Opposition for Repeal of the Test Act And Penal Laws
from the Protestant Gentry of the East Midlands**

	Derbyshire		Leicestershire		Lincolnshire (K)		Nottinghamshire	
	No.	%	No.	%	No.	%	No.	%
Support	6	26.1	5	16.1	9	30.0	3	16.6
Oppose	17	73.9	26	83.9	21	70.0	15	83.3
TOTAL	23	100.1	31	100	30	100	18	100

Once those individuals who had already been removed for their opposition to James are taken into account, the level of opposition amongst the protestant gentry rises to 80%. Due to the small size of the sample, the differences between Derbyshire and Leicestershire can largely be discounted. Nevertheless it indicates that opposition was particularly strong in Nottinghamshire, and support strongest in Lincolnshire. However, simple tabulations can still obscure the true picture, and the way that the questions were asked and answered also needs to be considered.

The way that the questions were set in the East Midlands were broadly similar and does not greatly affect the interpretation of table 4.6. The returns from all four counties were taken from meetings attended by the lord lieutenant. The Earl of Lindsey, lord lieutenant of Lincolnshire, called together the deputy lieutenants and justices of the peace for all three Parts of Lincolnshire at a meeting at Sleaford on 10 November 1687. The returns from Nottinghamshire as a whole are undated; however, the answer of Newark corporation is dated 11 November, and Roger Morrice had knowledge of the Nottinghamshire returns by 3 December, 1687.⁷⁷ The speed of the Leicestershire and Derbyshire returns is also impressive. The Earl of Huntingdon, a recent appointee as lord lieutenant of both Leicestershire and Derbyshire, met the Leicestershire office-holders on 12 January at Leicester and less than a week later, on 18 January, their counterparts in Derbyshire at Derby.⁷⁸ The East Midland returns, therefore, were all gathered at a relatively early period in the survey of the gentry as a whole. However, the respondents of Derbyshire and

⁷⁷ Duckett, *Penal Laws and Test Act*, ii, pp.123-9, Morrice, Entring, Q, p. 212.

⁷⁸ Duckett, *Penal Laws and Test Act*, i, p.166, ii, p. 102.

Leicestershire did have the opportunity of knowing how their counterparts had responded in the neighbouring counties, and it is noticeable that opposition to James in both Derbyshire and Leicestershire is more explicit. In Derbyshire, 13 out of 21 magistrates made a distinct negative reply to the three questions, whilst in Leicestershire this figure is 16 out of 30. In contrast, in the two counties that had been surveyed in November, opposition to James was more discrete. In Nottinghamshire, refusals were couched in evasive terms; in Lincolnshire, by not recording an answer at all. However, for analysis purposes, as table 4.6 make estimations of the justices' opinions who were either evasive or absent, this variation in the timescale in which the gentry of the East Midlands provided their answers is largely removed.

There were variations in the length of tenure of the East Midlands' lords lieutenants. However, whilst the Earl of Huntingdon had only recently been appointed, he and his family had a history of leadership within Derbyshire and Leicestershire. Unlike other counties, none of the East Midland's gentry returned their answers to a completely 'green' or Catholic interloper, and further research is required to test exactly how this affected the answers in these counties. However, there were differences in the attitude of the lord lieutenants to James's attempts to obtain the repeal of the penal legislation. The Duke of Newcastle and the Earl of Huntingdon both supported the king's measures.⁷⁹ The Earl of Lindsey's retention of office appears to show that during closeting he had given a positive reply to the king, and the French envoy François d'Usson de Bonrepaux indicated in the autumn that he agreed to support the repeal.⁸⁰ However a question mark remains about his actual opinion. Unlike Newcastle and Huntingdon, Lindsey made no effort to record non-attendance at the meeting where the Questions were set. In addition, there had been rumours during 1687 that he did not support the king and was likely to lose his place.⁸¹ Therefore, there is a strong possibility that Lindsey's declarations of support,

⁷⁹ The Duke of Newcastle's attitude is outlined above, for the Earl of Huntingdon's opinion see Andrew Barclay, 'The Impact of James II on the Departments of the Royal Household', Ph.D thesis University of Cambridge (1994), p. 185. Hosford, 'Peerage and the Test Act', 119.

⁸⁰ Hosford, 'Peerage and the Test Act', 119.

⁸¹ Chapter 3.

if he made them, were disingenuous, and by the time the three questions were set Lindsey, was already moving into a position of overt opposition to the king. At the very least, it seems probable that Robert Bertie did little to encourage the Lincolnshire gentry to return positive replies.

In the light of the lord lieutenants' attitude, it is clear that opposition to the repeal of the Test Act and penal laws was particularly resolute in Nottinghamshire, and support for James's policies surprisingly high in Lincolnshire. What is more, the pattern of answers provide important insights in the relationship between the noble leaders of the counties and the gentry beneath them. Despite Lindsey's ambivalence Lincolnshire seemed to contain the highest percentage of support for James. In Nottinghamshire, Newcastle was reported to have enjoyed particular influence over the local office holders there 'for he had made them such, and they had alwaies yielded intire obedience to him, and he had laid great personal obligations upon them'.⁸² Moreover, Newcastle was one of the lord lieutenants that had definitely encouraged a positive reply to the questions. In this county, all indicators were in place for a relatively positive result for the king, yet the magistrates appointed before James's reign did not follow their lord lieutenant's lead. When Newcastle set the questions, they demanded a week to consider their answers.⁸³ Whilst their answers, when given, were termed evasively, their subsequent fate on the Bench indicates that they were ostensibly opposed to James's policies. In Nottinghamshire, members of the office-holding class seem to have considered the issues raised by the three questions important enough to have acted against their lord lieutenant's wishes. A year later, the rising in Nottingham would yet again force them to make a difficult choice.

Whilst the vast majority of Anglicans refused to agree to repeal of Test Act and Penal laws, their response to the third question appeared to be more positive, and very few respondents pointedly refused to agree to live in peace with their neighbours. In the East Midlands, only Thomas Boothby of Tooley Park, Leicestershire and Sir Henry Every of Eggington, Derbyshire directly answered the

⁸² Morrice, *Entring, Q*, p. 214.

⁸³ Morrice, *Entring, Q*, p. 199.

third question in the negative, the former replying 'to the three questions, he answers in the negative', the latter 'to the first, 2d & 3d, he will not promise'.⁸⁴ As such, the answers have been interpreted as being indicative of underlying support for religious toleration. However, the phrasing of the third question was heavily weighted in favour of attracting positive replies and some of the answers from the East Midlands indicate that there were clear limits to their tolerance, for example William Cartwright of Normanton, and Lawrence Sturtivant and Edward Lee, both of Norwell, pointed omitted a reference to Catholics and merely replied they had 'never been a persecutor of Dissenters'.⁸⁵

The converse side to James's attempt to relieve the position of his co-religionists was an attack on the Anglican Church. Whilst the king maintained the hope that the Anglican majority would assist him in improving the lot of his co-religionists, this attack was limited in scope. Once they proved themselves to be unsuitable bedfellows, the attack on the Church of England became more overt and it is noticeable that the beginning of the assault on Magdelene College, Oxford, corresponded to the issue of James's first Declaration of Indulgence. Unfortunately, lack of surviving records prohibits an analysis of the response in the East Midlands to this attack on the heartland of Anglicanism.

However, it is possible to some degree to trace the reaction from the East Midlands to two other overt attacks on the Church, James's insistence that the clergy read the second Declaration of Indulgence and the subsequent trial of the Seven Bishops. Sir William Boothby, of Ashborne, Derbyshire 'a true son of the Established Church of England' was aghast at the king's order demanding the reading of the Declaration. On 26 May, he was 'full of trouble for the great concerne of our church and religion' and feared 'sad concequents', his recommended response being 'let us keep to our Religion and be stedfast therein in all peaceable wayes and gods will be done', and he hoped that 'an expedient were found to stop or remove this storme before it fall'.⁸⁶ Boothby's reaction, if representative, indicates the considerable fears that men of his class and outlook experienced as James undermined the privileged position the

⁸⁴ Duckett, *Penal Laws and Test Act*, i, p. 167, ii, p. 104.

⁸⁵ Duckett, *Penal Laws and Test Act*, ii, p. 126.

⁸⁶ Glover, *Derbyshire*, ii, p. 35; BL, Add Mss. 71692, pp.15-6.

church of England enjoyed within the state. It is also instructive in that, whilst Boothby demonstrated how deeply the attack on the Church affected him, he put his faith in God to solve the difficulties of the Church and promulgated the Anglican policy of passive obedience and non-resistance.

Around the country, the vast majority of the episcopacy supported the stand of the Seven Bishops and clergy of London in opposing the reading of the Declaration, the Bishop of Carlisle reporting on 2 June that 16 or 17 of the 24 Bishops would also refuse to be party to reading of the second declaration, with only five definitely supporting the king's wishes. He himself resolved 'to concur with my brethren...in the matter of their late Petition', whilst the Bishops of Norwich, Gloucester, Salisbury, Winchester and Exeter signed copies of a petition supporting the Seven Bishops, and the Bishop of Worcester refused to distribute the Declaration.⁸⁷ However, in three of the East Midland counties the Bishops presiding over the see in which they were located at the very least did not oppose the reading of the Declaration. Dr James Wood, Bishop of Coventry and Litchfield, supported the Court. Thomas Barlow, Bishop of Lincoln, initially wavered and attempts were made to persuade him not to comply, but he eventually obeyed the Court.⁸⁸ In Nottinghamshire John Dolben, Archbishop of York, had died in April 1686, and the king deferred appointing a successor, however, the dean and chapter at York appear to have encouraged the clergy under them to desist.⁸⁹ Therefore, the majority of the clergy of the East Midlands did not enjoy the support of the ecclesiastical hierarchy in opposing the reading of the Declaration. The king's order in council presented a quandary for all the clergy. In places where they did not enjoy the backing of their Bishop in refusing to read the declaration, the dilemma presented by the king's order was even more acute.

It is uncertain how much pressure was exerted to encourage the clergy of Derbyshire and Nottinghamshire to read the Declaration, but Thomas Barlow characteristically

⁸⁷ According to the Bishop of Carlisle those that were willing to distribute the Declaration were the bishops of Durham, Rochester, Chester, St Davids, and Litchfield, whilst Lincoln and Hereford were doubtful. According to Narcissus Lutterell the bishops who supported the reading of the declaration were Durham, Lincoln, Hereford, Rochester, Chester and St Davids. HMC 25, *Le Fleming Mss.*, p. 210. Lutterell, *Brief Relation*, i, p. 440.

⁸⁸ HMC 25, *Le Fleming Mss.*, p. 210; Morrice, *Entring*, Q, p. 265.

left the full weight of the decision on the clergy under him. Replying to the Vicar of Horncastle, Thomas Lodington's, concerns Barlow wrote that he had distributed the Declaration because it was the king's order. In answer to whether Lodington should read it, he replied it is 'a Question of that Difficulty- in the Circumstances were are now in, that you cannot expect that I should hastily answer it'. Moreover, whilst the Clergy of London generally refused, he would 'neither persuade, nor dissuade you, but leave it to your Prudence or Conscient, whether you will, or will noe read it. Only this I shall advise, that, [if] after serious consideration you find cannot read it...in that case to read it will be your sin and you to blame for doing it'.⁹⁰ Pressure and advice was not restricted to ecclesiastic channels. The Reverend Theophilus Brookes, of Foremark, Derbyshire, solicited the advice of Huntingdon on 'how to behave myself in my difficult circumstances'. Not only had he been sent two copies of a pamphlet recommending against reading, but he had also come under considerable pressure from members of the local gentry and nobility. He was not alone, Lord Ferrars of Walton upon Trent swearing that it would not be read in his church.⁹¹

Nationally, Gilbert Burnet insisted that those who obeyed were few and inconsiderable and not more than 200 in England as a whole.⁹² From the surviving evidence from the East Midlands, it does not appear that the king's order was followed in very many parishes. From Lincolnshire it was reported that numerous ministers of the Diocese of Lincoln declined to read the Declaration.⁹³ In Derbyshire, Theophilus Brookes seems to have complied for, in December, he noted that 'the gentry look evilly upon me, so that I sit uneasily'.⁹⁴ As for rest of the Derbyshire clergy, as Brookes predicted, it seems he was in the minority for, William Boothby reported that 'very few (almost none) have read it here'.⁹⁵ In Leicestershire, John Gery read the Declaration in both of his churches, but his

⁸⁹ Hosford, *Nottingham*, p. 60.

⁹⁰ LRO, DE 3128/212.

⁹¹ HMC 78/2, *Hastings Mss.*, p. 184.

⁹² Lutterell concurs that 'the kings declaration mett with a cold reception in the country, it having been read in very few places that I can hear of'. Burnet, *History*, iii, p. 229; Lutterell, *Brief Relation*, i, p. 442.

⁹³ HMC 29/3, *Portland Mss.*, p. 409.

⁹⁴ John H. Pruett, *The Parish Clergy Under the Later Stuarts: The Leicestershire Experience* (Urbana, 1978), p. 157; HMC 78/2, *Hastings Mss.*, p. 211.

⁹⁵ BL, Add Mss. 71692, p. 18; HMC 78/2, *Hastings Mss.*, p. 184.

Registrar returned the order, and it was reported that Gery's support for the Declaration 'hath met with too much disdain from his brethern of the Clergy and others'. Moreover, as late as September, John Oneby detailed the continued aversion much of the Leicestershire clergy felt towards the Declaration of Indulgence.⁹⁶

James's decision to prosecute the Seven Bishops provoked further concerns and tensions. On hearing of the Bishop's arrest William Boothby spent the day in prayers for the Bishops, and later wrote to a friend 'but as they said Gods will be done and grant we may be prepared for suffering and count it our honour to suffer for his name and Religion'.⁹⁷ For this Anglican gentleman his only solace was the support displayed for the Bishops from the London dissenters.⁹⁸ Unfortunately, he does not record his response to the Bishops' acquittal, but it is likely that he, like many of his neighbours, no doubt shared in the general rejoicing.⁹⁹

Between the Bishops' arrest and acquittal, Mary of Modena gave birth to a son. According to the London Gazette, the official day of thanksgiving for the birth of the Prince of Wales was observed throughout the kingdom.¹⁰⁰ At Grimsthorpe, home of the Earl of Lindsey, Bridget Noel reported that 'great joy was expressed' and 'ther was a bonfire, if not more'.¹⁰¹ However, it is not certain that such joy was equally expressed amongst other members of the Anglican nobility and gentry, and, according to one commentator, prayers for the Prince of Wales were often ignored.¹⁰² In his letter book, William Boothby does not refer to the birth of a Catholic heir at all.¹⁰³ At Welbeck, the Duke of Newcastle celebrated the news, and was congratulated for having 'made your neighbours rejoice with you'.¹⁰⁴ Moreover, Bridget Noel hinted at the importance of the influence of the Catholic Lady Lindsey

⁹⁶ HMC 78/2, *Hastings Mss.*, p. 186-7; Pruett, *Parish Clergy*, p. 157.

⁹⁷ BL, Add Mss. 71692, p. 18.

⁹⁸ BL, Add Mss. 71692, pp. 24, 26.

⁹⁹ Lutterell *Brief Relation*, i, p. 449; *Memoirs of Sir John Reresby*, p. 501.

¹⁰⁰ The birth of James's son was to be officially celebrated in London on 17 June and on 1 July in the rest of the Kingdom. *London Gazette* 2355, 2361.

¹⁰¹ HMC 24/2, *Rutland Mss.*, p. 119.

¹⁰² Morrice, *Entring*, Q, p. 274

¹⁰³ BL, Add Mss. 71692, pp. 20-31.

¹⁰⁴ HMC 29/2, *Portland Mss.*, p. 159.

in the celebrations at Grimsthorpe, and Bridget's own attitude can only be described as unequivocal, focusing as she did on the Princess of Denmark's decision to go to Bath before the baby was born.¹⁰⁵ In the East Midland corporations which had not been extensively remodelled after the autumn of 1687 - East Retford, Lincoln, Stamford and Grimsby - where it can be assumed a fair proportion of Anglican's remained as office-holders, only evidence of Lincoln's celebrations have survived. In this corporation, the magistrates met in the Cathedral and the Prince's birth was celebrated 'with the ringing of bells, bonfires and great acclamations of the people and other expressions of publick joy agreeable to so great an occasion, the conduits running wine a great many hours'.¹⁰⁶ However, whilst the birth of the Prince provoked at least 40 loyal addresses congratulating the king on the safe arrival of his son, none are recorded from the East Midland corporations.¹⁰⁷

Throughout the course of James's reign, the Anglican majority in the East Midlands, as elsewhere, consistently demonstrated their opposition to James's attempts to alter the religious and political settlement that he inherited from his brother. However, their objections were not limited to the changes in the settlement he was trying to institute, but also the means he employed. After the Revolution, the illegality of James's use of the dispensing and suspending power was stressed. Unfortunately, there is no recorded response from any members of East Midlands gentry to the Godden versus Hales case, though, as in Yorkshire, it was undoubtedly a topic for deliberation and discussion.¹⁰⁸ However, if actions speak louder than words, the continued indictments for religious non-conformity brought against individuals granted pardons, and dispensations by the Crown demonstrate not only opposition to general toleration, but the means by which this was being carried out. Justices of the peace followed the letter of the law, not its spirit. Likewise, opposition to the suspension power can be detected in the failure to send addresses to the king thanking him for his Declaration of Indulgence, and it was the illegality of this power that was the focus of the Bishops' petition. Furthermore, qualitatively the

¹⁰⁵ HMC 24/2, *Rutland Mss.*, p. 119.

¹⁰⁶ *London Gazette*, 2366; LAO, L1/1/6, p. 436.

¹⁰⁷ *London Gazette*, 2358-2383.

¹⁰⁸ In the Constable of Everingham papers and pamphlets at Hull University Library is *An Enquiry into the Power of Dispensing with Penal Laws* including a copy of an *Act for preventing Dangers which may happen from Popish Recusants 25 Car II Cap 2*; *Memoirs of Sir John Reresby*, p. 429.

answers to the three questions reveal opposition to the king's attempts to pack parliament to repeal the penal legislation. The respondents, like Roland Okeover of Okeover, Robert Wilmott of Osmaston, Christopher Berrisford, Daniel Rhodes and Robert Fisher, who replied that they would wait till Parliament to make their decisions, were explicitly refusing to pre-engage.¹⁰⁹ James policies provoked opposition not only by themselves, but in the way that he executed them though it is difficult to precisely delineate which caused more offence,

As James's government employed increasing numbers of Catholics in public office, the Anglican majority who traditionally manned these posts had to learn to develop working relationships with the new appointees. In July, 1688, Sir John Reresby, on attending the Middlesex sessions, complained that he 'found such a change of justices of the peace, and soe many papists and fenaticks put into commission, that I did not seek business, and mix with them as little as I could'.¹¹⁰ In the East Midlands, the Catholic Henry Hunloke experienced the converse side of these sentiments claiming the 'people look on us with a jealous eye'.¹¹¹ However, there is scant evidence from the East Midlands that previously active magistrates refused to act with the new Papist justices. Up to the Spring of 1687, William Hyde, of Langtoft, had attended, either at Bourne or Folkingham, most of the sessions during James's reign, excluding January and October, 1686. However, he did not attend once from the time that Catholics could possibly have taken a place on the bench until his dismissal in Spring 1688.¹¹² In Leicestershire, Roger Rooe of Normanton Turville, had attended every Quarter Session since the beginning of James's reign, but failed to attend at Trinity, 1687, when the Catholic, Charles Byerley took his place on the bench. Unfortunately, the Leicestershire Quarter Session Order book provides no details of attendance for the next two sessions and it is not clear whether Rooe's failure to appear was a repeated phenomenon.¹¹³ By the time that the order book starts to record attendance again, Roger Rooe had been removed from his places. However, all other justices on the East Midlands benches that had previously been

¹⁰⁹ Duckett, *Penal Laws and Test Act*, i p. 157, 167.

¹¹⁰ *Memoirs of Sir John Reresby*, p. 502.

¹¹¹ HMC 78/2, *Hastings Mss.*, p. 186.

¹¹² LAO, KQS A/1/2, pp. 127-247, KQS A/1/3, pp. 1-97.

¹¹³ LRO, QS6/1/2/1 pp. 69-107.

active in quarter-sessions, and who remained justices after the spring of 1687, attended at least one session where a Catholic was present.¹¹⁴

A larger number of individuals had to deal with their own removal from office, particularly in 1688. Determining exactly how individuals reacted is difficult due to the paucity of surviving sources. For some, the release from office must have been a relief. Sir William Boothby had wanted to relinquish his responsibilities in 1685, and he makes no mention in any of his letters at being disgruntled at being removed as justice of the peace or deputy lieutenant.¹¹⁵ From the few sources available, it seems that publicly, at least, ousted office-holders accepted their dismissal stoically. In 1688, shortly after the new commissions for Lincolnshire had been received, the Earl of Lindsey reported to his brother-in-law Danby 'that the country gentlemen are so well satisfied with their dismissal from their employments that it will be very difficult upon any account to court them to the acceptance of new commissions'.¹¹⁶ Positions of local office brought their holders local prestige which was effected on their removal, but justices of the peace and deputy lieutenants were unpaid, and dismissal did not bring direct pecuniary disadvantages. The same was not true of other offices such as military commissions.

John Beaumont, second son of Sapcote, Viscount Beaumont of Swords, of Cole Orton, was a career soldier who became lieutenant colonel of one of James II's new regiments in 1685.¹¹⁷ In the spring of 1687, he was added to the Leicestershire bench and, despite being absent from the three question returns, common to other justices holding a military post, he retained his place on the bench.¹¹⁸ However, in September, 1688, the Duke of Berwick sent orders to officers at Portsmouth, including Beaumont, to remove 4 soldiers from each of their companies and replace them with four Irishmen. Beaumont, along with others, refused and they were court-

¹¹⁴ Derbyshire: William Boothby, Simon Degg, Thomas Eyre, Thomas Gladwin, John Low, John Stanhope, Arthur Warren, Robert Wilmot, William Fitzherbert, Henry Kendall; Leicestershire: Henry Beaumont, Thomas Burton, Samuel Cotton, Jeremiah Dove, John Gery, Roger Smith; Lincolnshire Holland: John Empson, Walter Johnson; Lincolnshire Kesteven: Christopher Berrisford, William Buck, William Goodhall, Edward King, Christopher Neville, Richard Rothwell, Thomas Shuttleworth, John Thorold, Lister Tigh; Nottinghamshire: Arthur Warren.

¹¹⁵ BL, Add Mss. 71691, p. 136, 71692, pp 1-81.

¹¹⁶ HMC 79, *Lindsey Mss.*, p. 50.

¹¹⁷ Henning, *House of Commons*, i, p. 614; Dalton, *Army Lists*, ii, p. 29.

¹¹⁸ PRO, PC2/71, p. 368; Henning, *House of Commons*, i, p.614.

martialled. At the court martial, they initially claimed that the orders were not regularly sent and this excused their disobedience. However, the orders were deemed to have been sent in due form and they were informed that if they would now take in the papists 'no advantage should be made of their mistake'. They refused again and were dismissed from their places.¹¹⁹ Of his dismissal, John Beaumont wrote to his niece that, although he had lost his command and place, he had retained his honour and his conscience. As a result of his discharge, he had lost a thousand pound a year income, and, though he had 'left so much as to live splendidly, yet I hope enough to be independent, and contented', having dismissed his servants and sold his goods, he intended a life of 'privacy'.¹²⁰

However, such public expressions of contentment were surely used to hide deeper feelings of resentment. It is telling that John Beaumont only proposed to accept this quiet life after he had seen the nation settled from the alarm of the Dutch invasion. Ten days after William landed, he joined the Prince of Orange, and after the Revolution, rather than adopting a life of privacy, he accepted promotion as colonel to his old regiment and restoration to his position of lieutenant governor of Dover Castle.¹²¹ The offence caused to other individuals through their removal from office is also revealed by their response to offers of re-employment once the king began to back-pedal in the face of the Dutch threat. There is some evidence of James's conciliatory measures being well received.¹²² However, around the country, in counties where commissions of the peace were issued in the Autumn of 1688, there are examples of gentlemen refusing to return to office. For example, in Essex, when the undersheriff came to administer the oaths to Sir John Bramston he refused, explaining 'I was old, and out of the countie, and found much quiet by the ease his Majesty had given me, and should not trouble myself any more in kind'.¹²³ Likewise, a large number of gentlemen refused to act as deputy lieutenants. From Kent, Lord Teynham reported that, of the 14 deputations he had sent out, 10 recipients were

¹¹⁹ HMC 75/1, *Downshire Mss.*, p. 299; HMC 51, *Leybourne-Popham Mss.*, p. 266-7; Morrice Entring, Q, p. 292.

¹²⁰ HUASC, DDBM 32/2/3.

¹²¹ Henning, *House of Commons*, i, p. 614.

¹²² HMC 20, Eleventh Report, Appendix v, *Dartmouth Mss.*, p. 139, HMC 52, *Frankland Astey Mss.*, p. 69; *CSPD Jun 1687-Feb 1689*, pp. 286-7, 304.

¹²³ *Autobiography of Sir John Bramston*, p. 321.

away from home and 4 deputations were 'waived and returned'.¹²⁴ In Bedfordshire, the deputy lieutenants only accepted restoration to their posts as a result of considerable pressure exerted by the lord lieutenant, and then, according to Robert Bruce, Earl of Ailsbury, 'for my sake only'.¹²⁵ As Bramston succinctly summed it up to the Earl of Oxford, 'some would thinck one kick of the breech enough for a gentleman'.¹²⁶

This lack of enthusiasm for re-joining the ranks of local government can in part be explained by the limited scope of James's concessions. The government made efforts to restore those office-holders previously ousted, but made few moves to remove the vast majority of the Catholics and Dissenters that had been appointed. In the East Midland counties, no new commissions of the peace making wholesale restorations were issued in the autumn of 1688.¹²⁷ However, there is evidence that a number of men refused to serve as deputy lieutenants. From Leicestershire in November, Geoffrey Palmer reported that Sir Henry Beaumont would not act in issuing out militia warrants, and that Sherrard desires to be excused.¹²⁸ In Derbyshire, Robert Wilmot and Sir Simon Degg also refused to act as deputy lieutenants.¹²⁹ In Lincolnshire, however, Lindsey reported that militia was in a better condition than he expected due to the 'industriousness of the eminent gentry of the county'.¹³⁰ The reason for this difference possibly lay in the lord lieutenant. Lindsey was the long standing lord lieutenant of Lincolnshire and, like Ailsbury, could tap into the gentry's personal allegiance to himself. However, Huntingdon, whilst from an influential local family, was too closely connected to the court and had failed to qualify himself to act.¹³¹

Within the corporations, there is further evidence of officeholders who had previously been ousted refusing to serve once the old Charters were restored.

¹²⁴ *CSPD Jun 1687-Feb 1689*, pp. 302-3.

¹²⁵ *Memoirs of Thomas, Earl of Ailesbury*, ed. W. E. Buckley, (Roxburghe Club, Edinburgh, 1890), i, p. 182.

¹²⁶ *Autobiography of Sir John Bramston*, p. 326.

¹²⁷ Although this may have been in the case in the three Parts of Lincolnshire. Chapter 3.

¹²⁸ LRO, 14D32/493.

¹²⁹ HMC 6, *Graham Mss.*, p. 412; Eveline Cruickshanks, Stuart Handley and D. W. Hayton, eds., *The House of Commons 1690-1715* (5 volumes, Cambridge, 2002), v, p. 886.

¹³⁰ BL, Add Mss. 41805, f. 85.

¹³¹ HMC 6, *Graham Mss.*, p. 412.

Nottingham was unaffected by the king's order for the restoration of corporations, and no records survive for Derby or East Retford. However, at Leicester, in December, William Major, who had been removed as Bailiff for the borough in February, 1688, refused to be restored to his office.¹³² He was ordered to appear before the common council and declared they could 'chose whom they would, for hee being formerly turned out by a mandamus from the king for the regulating of corporations would not act or officiate the said office any longer'. Likewise, John Goodhall also asked to be dismissed from Leicester corporation, and George Read the same from Grantham.¹³³ There is also the possibility that two people restored to Stamford Corporation also refused to act. On 6 November, members of the corporation under the old Charter were called to meet. Not everyone attended, and the vacancies were supplied with the election of five common burgesses and three aldermen. Of those missing, two of the aldermen, Daniel Wigmore and Phileimon Uffington, were dead, as were two of the common burgesses, William Anthony and John Chamberlain. A further two, James Langton and Richard Buck, had previously resigned from the corporation, the former as he had left the town, the latter because he lived some distance away. However, William Stroud, an alderman, and Nicholas Ellis, a comburgess, also did not appear. That they were expected seems likely as the Serjeant of the Mace had to swear under oath that he had informed all the aldermen and common burgesses of the meeting and had either delivered the message in person at their homes or had left a message for them.¹³⁴ Although the East Midlands evidence is limited, it does reveal that James had antagonised some members of the local elites to such a degree, that even once they were given the chance to return to local government, as in the rest of the country, a proportion of them refused to do so.

II

The response of James's provincial co-religionists to his reign has attracted rather less attention from historians than other segments of community, indeed one

¹³² PRO, PC2/72, p. 616.

¹³³ LRO, BRII/18/36, ff. 106, 116-7; LAO, Grantham Borough 5/1, p. 714.

¹³⁴ STCA, 2A/1/2, pp. 124-5, 134.

historian of the East Midlands claimed in the 1940's that 'local Catholics had little history in the second half of the seventeenth century'.¹³⁵ Recusant history of the period tends to focus on the tenacity of pockets of Catholicism, the vigour of persecution, and Catholic appointments in the army and navy.¹³⁶ Also relatively barren are general accounts of James's reign and the Glorious Revolution. In part, this paucity of research on Catholic attitudes is a reflection of the difficulty of discovering their opinions. As John Miller has stressed, there are few surviving personal papers and no Catholic equivalent to Sir John Reresby.¹³⁷

Thomas Babington Macaulay drew a distinction between Court and Country Catholics, arguing that the former supported, indeed encouraged, James in his attempts to employ increasing numbers of Catholics in public office, and to repeal the Test Acts and penal laws, whilst the latter, the local Catholic gentry, were more reticent in their support because of fears of reprisals under a Protestant Successor.¹³⁸ This depiction of local Catholic attitudes is more than plausible. Until the birth in June 1688 of James's first legitimate son, the next in line to the throne was his Protestant daughter Mary, married to William, Prince of Orange. For most of James's reign, therefore, it was unlikely that a Catholic heir would succeed him, and any changes he instituted would be short-lived.

John Miller affirmed Macaulay's interpretation of a distinct divide between Court and Country Catholics, and argues that local Catholics were willing to accept the benefits of the relaxation of anti-Catholic legislation, in practising their religion more freely and accepting office. He acknowledged that some Catholics, like Henry Hunlock, of Wingerworth, in Derbyshire, refused the office of sheriff; however, he could find no evidence of Catholic gentry refusing the post of magistrate, although he describes how William Goring in Sussex reproached his co-religionists for

¹³⁵ A. C. Wood, *A History of Nottinghamshire* (Nottingham, 1947), p. 206.

¹³⁶ J. C. H. Aveling, 'The Catholic Recusants of the West Riding of Yorkshire, 1558-1790', *Proceedings of the Leeds Philosophical And Literary Society*, x (1963), 191-306; J. C. H. Aveling, *Northern Catholics: The Catholic Recusants of the North Riding of Yorkshire, 1558-1790* (London, 1966); J. A. Williams, *Catholic Recusancy in Wiltshire, 1660-1791* Catholic Record Society, i, (1968).

¹³⁷ Miller, *Popery and Politics*, p. 223.

¹³⁸ Macaulay, *History of England*, ii, pp. 704-10, 980-2.

serving as justices and deputy-lieutenants, complaining 'you will ruin us all by it'.¹³⁹ However, Miller also maintains that members of the local Catholic gentry did not whole-heartedly support James's increasingly ruthless campaign to secure a compliant Parliament.¹⁴⁰ Disappointingly, he provides little evidence of how Catholic misgivings toward James's campaign to pack parliament is reflected in practice, and he makes surprisingly little use of the Catholic answers to the three questions.

From the available evidence, it appears that the small Catholic community of the East Midlands indeed took the opportunity to worship more freely. East Midland Catholics also petitioned for, and were granted, stays of process to protect them from the rigors of the penal laws.¹⁴¹ A small Jesuit mission and school were set up at Lincoln, and large numbers of Catholics were confirmed by John Leyburn during his tour of the north and Midlands in 1687.¹⁴² There is also limited evidence that their Catholic priests became a more overt feature of society. In December 1688 Lord Sherrard interrogated two Catholic priests from Leicestershire.¹⁴³

After the declaration of indulgence, no loyal addresses were received from Catholics of the East Midlands, or indeed from the other small Catholic communities around the country. Instead, in May 1687, a generic address was presented by Henry, third Lord Arundell of Wardour, on behalf of Roman Catholics of the kingdom, which was reported to have been signed by 'Lords and many Gentlemen of Quality'.¹⁴⁴ This is unsurprising considering the relative size and dispersal of the Catholic communities, but there is also limited evidence outside the East Midlands that Catholic efforts to organise loyal addresses were quashed. In July, 1687, an address was proposed at the Assizes at York, thanking the king for the Declaration of indulgence and for making his subjects 'easie and secure in our lives and fortunes',

¹³⁹ Miller, *Popery and Politics*, p. 220. Hugh Aveling also found, in his study of Yorkshire papists, that a majority of local Catholics were appointed as Justices of the peace. Aveling, *Northern Catholics*, p. 336.

¹⁴⁰ Miller, *Popery and Politics*, pp.26-7, 220-5.

¹⁴¹ Chapter 4.

¹⁴² Holmes, *Lincolnshire*, p. 249; Hemphill, *Early Vicars*, pp. 11-12.

¹⁴³ HMC 6, *Graham Mss.*, p. 421.

¹⁴⁴ *London Gazette*, 2245.

and for quelling the storms of difference in religion. However, the Grand Jury refused to support it and the proposal was dropped.¹⁴⁵

In terms of local office-holding, in some counties there is evidence that some Catholics did possibly refuse to be appointed as magistrates. In the West Riding of Yorkshire, Thomas Tempest of Broughton, of an old and famous Catholic family, was not added to the bench in spring 1687.¹⁴⁶ In Wiltshire, none of the Gawens of Hurcott, a landed family of some antiquity and eminence, though admittedly experiencing a downturn in their fortunes, were included in the Wiltshire bench during James's reign.¹⁴⁷ Such failure to appear on a commission of the peace could be a product of refusing to serve, but it could also indicate a lord lieutenant's lack of local knowledge. Catholic families, whilst often maintaining close links with their neighbours, were not usually part of the traditional ruling elite and could possibly be less well known. However, in the East Midlands this does not seem to be the case. Whilst not all potential Catholic appointees were added to the East Midland bench in the first major remodelling of James's reign in spring 1687, particularly in Nottinghamshire, this was largely rectified in the second major remodelling of 1688. In the East Midlands as a whole, only John Wildman of Burton on Wolds, named as an esquire in the House of Lords list of 1680, and who did not die until 1693, seems to have been obviously missed as magistrate.¹⁴⁸

However, determining the level of Catholic willingness to participate in local government can be approached from another angle. The number of Catholics appointed to the bench can be compared to the number who took an active role. Admittedly, the Anglican gentry's participation could be more than a little patchy. Lord Chancellor Jeffrey's *liber pacis* of October 1685 lists 36 local justices for the Lincolnshire Part of Kesteven; at the session held at Folkingham on 5 October, 1685, only six justices appeared; the next day, at Sleaford, four came to sit on the bench. In Holland, the total number of local gentry justices was 25; of these, four appeared at Kirton on 8 October, and three at Spalding on the following day. Likewise, in

¹⁴⁵ HUASC, DDEV 68/248, f. 84.

¹⁴⁶ Glassey, *Politics*, pp. 73-4.

¹⁴⁷ Williams, *Catholic Recusancy in Wiltshire*, pp. 222-25.

¹⁴⁸ Nichols, *Leicestershire*, iii, p. 379; HLRO, Main Papers, 3 Dec 1680, f. 130.

Derbyshire the respective numbers were 31, compared to six who attended quarter sessions at Chesterfield on 6 October. As in the earlier seventeenth century, the desire to appear on the commission of the peace often had less to do with a sense of public service than with a keen sense of personal advantage and status.

Nevertheless, in the East Midlands, active Catholic participation in local office holding was far from impressive. In Derbyshire, of the five Catholics appointed, only one, Sir Henry Hunlock, attended quarter sessions, taking his seat from Michaelmas, 1687, to Michaelmas, 1688. In Leicestershire, only three, Thomas Burton, Charles Byerley and William Turville, out of 10 Catholic justices attended at least one quarter session. In Nottinghamshire, only Thomas Markham, and in Kesteven, only William Thorold of Panton appear to have attended quarter sessions.¹⁴⁹ Magisterial activity was not restricted to attendance at quarter sessions - in the latter seventeenth century, petty sessions were becoming increasingly common. However, whilst petty sessions were no doubt invaluable for seventeenth century magistrates, for subsequent historians they have the distinct disadvantage in that they have left few records. In a limited number of East Midland counties, the minute books reveal the number of bonds taken by local magistrates, but in neither Kesteven or Holland do any of the identified Catholic justices appear to have taken a recognisance.¹⁵⁰

There were a number of hurdles in the way of Catholics taking up office. Firstly, as Dr Glassey has shown, Catholic appointees could experience a number of technical difficulties on their way to taking a place on the bench. The first commissions of spring 1687 containing Catholic appointments to the bench did not include clauses dispensing justices from taking oaths and the Test. Therefore, prior to the Declaration of Indulgence in April, 1687, they were unable to legally act if they failed to take such oaths, and dispensation clauses were not issued until the summer. This was not the only barrier impeding Catholic participation in local government, and Catholics still needed to be 'sworn in', a process which seems to have been obstructed by the Clerk of the Crown. Indeed, in late 1687, both Catholic justices in

¹⁴⁹ DRO, Q/SO 1/1 3/8; LRO, QS6/1/2/1, pp. 103-115; LAO, KQS A/1/3, pp. 45-137; NAO QSM 1/14.

¹⁵⁰ LAO, KQS A/1/2, pp. 45-247, KQS A/1/3, pp. 1-137, HQS A/2/3, pp. 76-126.

Nottinghamshire were still 'not sworn'.¹⁵¹ Secondly, Catholic nominees could experience direct opposition from their Anglican neighbours. Reresby reports that in July, 1688, at the General Sessions held at Westminster he 'found such a change of justices of the peace, and soe many papists and fenaticks put into commission, that I did not seek business, and mixe with them as little as I could'.¹⁵² In the same month, Henry Hunlock wrote from Wingerworth to the Earl of Huntingdon that the 'people look on us with a jealous eye'.¹⁵³

Nevertheless, some Catholics did perform their magisterial roles, demonstrating that 'technical barriers' were not insurmountable and papists could qualify themselves to act. Neither did all people look upon the new appointees with equal antipathy, and Samuel Sanders was fulsome in his praise of Catholics appointed to local office in Derbyshire and Nottinghamshire.¹⁵⁴ Undoubtedly, there were difficulties associated with Catholics sitting on the bench. Nevertheless, there is a chance that the relative failure of the East Midlands' Catholic gentry to act in their newly appointed offices could possibly indicate their reticence in taking up such offices.

However, the Catholic answers to the three questions reveal a very different picture. Historians who have analysed the three question returns posit that the positive replies were greatly augmented by Catholic responses. Indeed, John Carswell used the contemporary annotation of 'Catholic' recorded against a name as a suitable qualification to interpret that individual's answer as unqualified support for the king.¹⁵⁵ This is understandable, as contemporaries appear to have done the same. In Derbyshire, the Earl of Huntingdon included in the list of gentlemen who had answered in the affirmative to all three questions Thomas Eyre of Hassop esquire, 'a Catholick but absent', and Basil and William Fitzherbert esquires of Norbury, 'Catholick but absent'.¹⁵⁶

¹⁵¹ Glassey, *Politics*, pp. 75-6; Duckett, *Test Acts*, ii, p. 125.

¹⁵² *Memoirs of Sir John Reresby*, p. 502.

¹⁵³ HMC 78/2, *Hastings Mss.*, p. 186.

¹⁵⁴ HMC 78/2, *Hastings Mss.*, pp. 182-3.

¹⁵⁵ Western, *Monarchy and Revolution*, p. 212; Carswell, *Descent on England*, pp. 238-9.

¹⁵⁶ Duckett, *Penal Laws and Test Act*, i, p. 166.

TABLE 4.7

**Catholic Answers from the East Midlands to Questions One and Two of the
Three Questions**

Answer	Derbyshire	Leicestershire	Lincolnshire Kesteven	Nottinghamshire	Total
Yes	1	2	5	0	8
Absent but noted as yes	3	0	0	0	3
Absent Recorded	0	5	0	2	7
Absent Unrecorded	0	1	7	0	8
Total	4	8	12	2	26

What is more, in the East Midlands as whole, eight Catholics provided definite answers to the three questions: Henry Hunloke of Wingerworth in Derbyshire, Thomas Burton of Stockerston, and Henry Nevill of Holt in Leicestershire, and Edward Compton of Borsby, Phillip Tyrwhit of Stainfield, William Thorold of Panton, Allen Percy of Barnetby, George Heneage of Hainton and, as table 4.7 indicates, all of them replied in the affirmative.¹⁵⁷

The first two questions were in effect asking 'will you support the repeal of anti-Catholic legislation and by implication are you willing to pack Parliament'. This implication was not lost on those asked the three questions, as shown by the number of Anglicans who, in their answers, stressed the importance of the freedom of Parliament. For example, the answer of Christopher Berrisford, Daniel Rhodes and Robert Fisher in Lincolnshire explained that 'where the Legislative power (Being King, Lords and Commons), have concurr'd in the making of Acts, it were a presumption in men of our private stations to arraigne or censure the same, but as to their being prejudiciall or not prejudiciall to the Nation, is wholly to be left to the determination and judgement of the succeeding Parliament'.¹⁵⁸ Answers such as these provide less evidence of the respondents attitude towards the Test Acts and penal laws than they do the process of packing parliament. Catholics who answered positively to the three questions were not merely revealing, unsurprisingly, their support for religious toleration, they were also agreeing to the means by which James

¹⁵⁷ William Fitzwilliam, a Catholic also replied positively in the Lincolnshire returns but as he was not a justice of the peace in Kesteven his answer has been ignored.

¹⁵⁸ Duckett, *Penal Laws and Test Acts*, i, p. 157.

would obtain that repeal. In other words, they expressed their support for James's campaign to pack Parliament. Therefore, the overwhelmingly positive response of the majority of Catholics who answered the three questions does not fit neatly with the model of a cohort of cautious Catholics in the counties.

Not all Catholic appointees responded with an affirmative reply, and what is striking is the number that fail to record a response to the questions. In Leicestershire, Huntingdon recorded five absent Catholics compared to the two that gave a consenting answer. In Nottinghamshire, both Catholics on the commission at the time of the questions, Thomas Markham of Ollerton and John Moore of Kirklington, did not return answers. In Kesteven, whilst five Catholics agreed to the repeal of the Test Acts and penal laws, seven failed to give an answer. In total, of the 26 Catholics on the East Midlands commissions of the peace at the time of the three questions, nearly 60% failed to record an answer.¹⁵⁹ In contrast, less than 40% of their Anglican colleagues did the same.¹⁶⁰

The high proportion of Catholics who failed to answer the three questions, could possibly indicate a tacit refusal to answer the questions, in other words, a probable negative reply. However, in contrast to their Protestant counterparts, a majority of the Catholics failing to answer the three questions were not ousted from the bench, the exceptions being Ralph Eures of Washingborough and Phillip Constable of Everingham, who appeared on Kesteven's commission of the peace in July, 1687, but not in the subsequent surviving commission of July, 1688.¹⁶¹ Little is known about the former, and it could be that he died. Constable's dismissal was unlikely to be the result of his attitude to the repeal of the penal legislation - in the East Riding of Yorkshire, he consented to all three questions.¹⁶²

Instead, the reasons given for absenteeism in the three questions returns themselves seem to point to a very different explanation. Unfortunately, due to the Earl of

¹⁵⁹ This does not include the three Catholics in Derbyshire who Huntingdon indicated were positive by dint of their religion. If these are included the figure is closer to 70%.

¹⁶⁰ See table 4.2.

¹⁶¹ LAO, KQS/E1 Commissions of the Peace 25 July 1687 and 6 July 1688. Neither do they appear in the regulator's lists. Duckett, *Penal Laws and Test Acts*, i, pp. 149-151, 153-5.

¹⁶² Duckett, *Penal Laws and Test Acts*, i, p. 70.

Lindsey's failure to record absences, we only have 'excuses' for absenteeism from the other three counties. In Derbyshire, the three Catholics who fail to provide an answer were simply recorded as absent. However, whilst the Fitzherbert father and son's absence is currently inexplicable, it is possible to infer the reason by the absence of Thomas Eyre of Hassop. The Eyre family also had property in Eastwell, Leicestershire, and, due to the second marriage of Thomas in 1664 to Sir Henry Bedingfield's daughter, a new estate near Newmarket.¹⁶³ According to a historian of the family, the death of his father, Roland Eyre, in 1672, marked the end of an epoch in Eyre family history, as the family's attention turned away from their Derbyshire estates.¹⁶⁴ In Leicestershire, five Catholics are listed as 'absent and non resident', two of these were again from the Eyre family. The absence of Sir John Gifford from Burstall and John Fanning of Lubenham again is impossible to determine. However, it is possible to discern possible reasons why Thomas Markham did not record a reply. Markham was from Ollerton, in Nottinghamshire, but as the Nottinghamshire returns indicate, he was in London at the time the three questions were set as indeed was the other Catholic justice from Nottinghamshire.¹⁶⁵ The failure of the majority of Catholic justices to answer the three questions could well be the result of them simply not being in situ.

This phenomenon also goes at least some of the way towards explaining why so few of the East Midland's Catholics failed to act as justices of the peace - reticence to act was compounded by their not being clearly located in the county of whose commission they had been added. None of the East Midland counties had particularly large Catholic communities. Their exact size during James's reign is difficult to determine. However, the Compton Census returns of 1676, though problematic, serves to provide some indicators of the size of the East Midlands Roman Catholic community in the late seventeenth century. The 'estimations' of 1676 show that there were 580 papists in Lincolnshire, 148 in Leicestershire, 596 in Derbyshire and 186 in Nottinghamshire.¹⁶⁶ Obviously, not all of the Catholic

¹⁶³ Nichols, *Leicestershire*, iv, p. 398.

¹⁶⁴ Rosamund Meredith, 'A Derbyshire Family in the Seventeenth Century: The Eyres of Hassop and their Forfeited Estates', *Recusant History*, viii (1965-6), 66.

¹⁶⁵ Duckett, *Penal Laws and Test Act*, ii, p. 125.

¹⁶⁶ Whiteman, *Compton Census*, p. 304.

community were eligible for office due to their sex, age or social status. A more accurate indicator of the number of likely candidates for local office is provided by the House of Lords lists of Papists of note, compiled in December 1680. In Kesteven, five men are listed with the status of esquire or above, eight in Nottinghamshire, 10 in Leicestershire and seven in Derbyshire.¹⁶⁷ Whilst it is difficult to ascertain how many were actually eligible for office during James's reign, the figures indicate that there were insufficient Catholics of a high enough social standing to stock the offices of local government.

As a result, East Midlands' Catholics were often added to the bench of more than one county. For example, Thomas Markham was added to the bench in his Nottinghamshire, Leicestershire and Lindsey, and, as already noted, Sir Phillip Constable was not only magistrate in his native Yorkshire but also in Lincolnshire.¹⁶⁸ Whilst it was common practice for Lincolnshire justices to be included on the commission of the peace for more than one division of that county, it was not the norm to be represented on more than one bench in other parts of the East Midlands. Such 'doubling - up' was not limited to Catholics, but it appears to be a particularly common phenomenon during James's reign. In 1685, in the whole of the East Midlands, excluding Lincolnshire, only two justices of the peace, Edward Abney of Willesley and Henry Kendal of Twycross and Smithsby, were included on the commission of the peace for more than one county, both of these being justices in Leicestershire and Derbyshire.¹⁶⁹ These same individuals also appear to be the only dual-county justices in the early 1690s.¹⁷⁰ However, at the time the three questions were set, seven magistrates within the East Midlands were included on the commissions of the peace of more than one East Midland county.¹⁷¹ After the

¹⁶⁷ HLRO, Main Papers, 3 December 1680, ff. 48-9, 99, 130.

¹⁶⁸ Duckett, *Penal Laws and Test Act*, i, pp. 58,70; LAO, KQS E/1, commission of the peace 25 July 1687.

¹⁶⁹ PRO, C193/12/5, pp. 23-5,74-86, 108-11.

¹⁷⁰ DRO, Q/SB 1/4, 25 April 1693; LRO, QS1/2-7, 25 March 1689 - 24 July 1694; LAO, KQS E/1 commissions of the peace, 10 July 1691, 1 June 1692, and 5 December 1694; NAO, QSC/2-3 18 February 1691, 4 July 1694.

¹⁷¹ Edward Abney of Willesley (Derbyshire/Leicestershire); Henry Kendall of Twycross and Smithsby (Derbyshire/Leicestershire); Thomas Eyre of Eastwell/Hassop (Derbyshire/Leicestershire); Thomas Gladwin of Tupton (Derbyshire/Nottinghamshire); William Hickman of Gainsborough (Lindsey/Nottinghamshire); Thomas Markham of Ollerton (Leicestershire/Nottinghamshire); Arthur Warren of Toton (Derbyshire/Nottinghamshire). The number of dual justices are likely to be even higher if other counties are taken into account.

remodelling following the three questions, this figure was five.¹⁷²

To a large degree, the personal response of local Catholic gentry to the reign of James II remains enigmatic in the absence of rich seams of personal papers. However, the answers of those returning answers to the three questions does call into question just how reticent local Catholic gentry were in supporting James's campaign to pack parliament in 1688. Admittedly, not all Catholics recorded an affirmative answer, and it is possible that, within the body of absentees, were a number of Catholic gentlemen who were cautious in assigning their support to this most ambitious of James's campaigns. However, this reticence, in conjunction with the Catholic justices' failure to participate in local government, can also be explained by a structural approach. The relatively low number of suitable Catholic gentlemen and the patterns of their land-holdings, meant that they could be geographically remote from the counties in which the government now invited them to act.

III

The Act of Uniformity had created two legal types of Protestant, conformists and non-conformists. However, in practice Protestant religious dissent was not so easily delineated in bi-polar terms. The non-conformists community composed of a range of beliefs and 'levels' of deviance from the rigors of strict conformity to the restrictive settlement of the Restoration church.¹⁷³ Some of an individual's personal beliefs could lay outside of the confines of the established church, but, depending on the issue and personal convictions, this did not always result in complete separation from the Church of England, and the practice of occasional conformity meant that many moderate dissenters were, at least, publicly conformists. What is more, amongst Presbyterians and some Independents hopes for some form of

¹⁷² Roland Eyre of Eastwell/Hassop (Derbyshire/Leicestershire); Anchitell Grey of Risley (Derbyshire/Nottinghamshire), Thomas Markham of Ollerton (Leicestershire/Lindsey/Nottinghamshire), Samuel Sanders of Caldwell (Derbyshire/Nottinghamshire); Arthur Warren of Toton (Derbyshire/Nottinghamshire).

¹⁷³ Likewise Church Papists existed within the Catholic community. Alexandra Walsham, *Church Papists: Catholicism, Conformity and Confessional Polemic in Early Modern England* (Woodbridge, 1999).

comprehension had not died with the restrictive Restoration settlement, and in some quarters the language of unification was still current. On the other hand the void between the theological positions of the radical sects and the established church placed them outside the remit of any potential comprehension, which meant they were less interested in reforming the boundaries of conformity than in ensuring liberty of conscience.

At James's accession Protestant non-conformists did not enjoy the same level of government sponsored relief from religious persecution as did his co-religionists, and it was not until the spring of 1686 that the government took firm steps to improve their position, as James attempted to attract their support for his programme of religious and political reforms. The consensus is that whilst, at least initially, the radical sects were more open to the government's overtures, moderate dissenters were as suspicious of the king's motives as their Anglican counterparts.¹⁷⁴ It is argued that, in the year prior to the Declaration of Indulgence, while dissenters had to actively seek dispensation from the penal laws, the vast majority that applied were Quakers and Anabaptists, whilst Presbyterians and Congregationalists were more reticent in applying for constitutionally dubious dispensations, although it has been suggested that moderate dissenters did take advantage of the government's more tolerant attitude and began to hold meetings without licences.¹⁷⁵

In the East Midlands, over 500 individuals applied for relief from the penal legislation prior to the Declaration of Indulgence.¹⁷⁶ Determining the religious orientation of those that did so is problematic but, as far as can be ascertained, the vast majority were from the radical sects. The only individual whose religious persuasion has been identified from those granted a stay of process in December 1686, was a Quaker. At least ten of the 22 recusants from Holland granted reprieves in February and March 1687 were also Quakers.¹⁷⁷ Nevertheless, there is evidence

¹⁷⁴ Macaulay, *History of England*, ii, pp. 872-884; Douglas R. Lacey, *Dissent and Parliamentary Politics in England 1661-1689* (New Brunswick, New Jersey, 1969), pp. 178-208; Miller, *Poperly and Politics*, pp. 216-7.

¹⁷⁵ Lacey, *Dissent*, p. 179.

¹⁷⁶ Chapter 3.

¹⁷⁷ In the Holland Minute Book, Thomas Johnson, Thomas Mathers, John Winkley of Pirkell, Thomas Summers, Robert Killingley, John Watson, Thomas Lawson, William Southam, John Pickerton, John

demonstrating that not all non-conformists applying for stays of process from the East Midlands were exclusively Baptists or Quaker. In the dispensation granted to 261 recusants from Leicestershire in March 1687, 26 came from the county town, eleven of whom were male. Of these, three were Quakers, three Baptists and three most probably were Presbyterians.¹⁷⁸

What is more, the Presbyterian John Oneby used the opportunity of delivering an address thanking the king for his Indulgence to petition the court for relief for himself and his friends. He asked that two of his co-religionists, in prison for failing to pay fines imposed for religious offences, be set free. In addition, he personally desired the return of nine cautionary bonds lodged with the spiritual courts, a refund of money already paid, and a pardon from the remaining outstanding debt.¹⁷⁹ At a similar time, Thomas Sanders of Little Ireton, in Derbyshire, petitioned the Privy Council for release from a recognisance taken by Sir Henry Every in 1683, arguing that, since making the bond, he had kept the peace. Despite opposition from some members of the council board, the petitioner's request was granted, which Morrice noted as 'a very peculiar president, and I saw no tract before me, but a person was willing to rescue the family of Sanders's from the Tyranny of Sir Henry Every'.¹⁸⁰

After the Declaration of Indulgence it is difficult to ascertain whether the vast majority of the dissenting population of the East Midlands took the opportunity of worshipping more freely. There appears to be no evidence from the region of dissenting congregations erecting purpose-built chapels as they did in Birmingham, but the Quakers certainly met at Leicester, Samuel Sanders attended a conventicle in Derbyshire, and in Nottingham the Presbyterian ministers John Whitlock, William Reynolds and John Barrett returned to continue their ministry.¹⁸¹ The Declaration of Indulgence was primarily intended to attract support from dissenters to the

Scarlett are all prosecuted for recusancy in January 1686 for being present at a Quaker meeting in Spalding and for not burying their dead in consecrated ground. LAO, HQS A/2/3, p. 42.

¹⁷⁸ The Quakers and Baptists identified from David L. Wykes, 'Religious Dissent', pp. 78 and 246; the Presbyterians from the access he kindly granted to some of the index cards created during the process of research.

¹⁷⁹ Morrice, *Entring*, Q, pp. 132-3

¹⁸⁰ Morrice, *Entring*, Q, pp. 154, 156

¹⁸¹ David L. Wykes 'James II's religious indulgence of 1687 and the early organization of dissent: The building of the first non-conformist meeting-house in Birmingham' *Midland History*, 16 (1991), 92-3; Stuart Jennings, 'Gathering of the Elect', pp. 195, 221.

government's intention to repeal the Test Act and penal laws. Of all the addresses printed in the *London Gazette* between April, 1687, and April, 1688, thanking the king for his declaration, over one third came from dissenting groups. Of these, about half do not indicate which denomination of non-conformity they come from; of the rest, seven were Baptists, 21 Presbyterians or congregationalists and six Quakers.¹⁸² Whilst it appears that the highest number of addresses come from Presbyterians, this needs to be weighed against the even larger number of addresses from dissenters whose denomination is unknown, the respective size of the different denominations, and the large geographical areas that the Quaker addresses covered. Fifteen of the addresses from Presbyterian or Congregationalists came from towns and their surrounding areas, and a further four from within one county. In contrast, of the addresses from Anabaptists and Quakers, only two came from specific towns and eight from geographical areas covering more than one county, for example the 'Quakers of the North West Part of England and the Principality of Wales', indicating a higher level of co-ordination. It is also noticeable that 50% of the addresses identified as coming from Baptists were delivered in April and May 1687, whilst the proportion of addresses from Presbyterians and Congregationalists during this time period was under 20%, indicating a more spontaneous response from the former.¹⁸³

The response from East Midlands, particularly from Lincolnshire, was distinctly lack lustre, with only five addresses being presented from dissenters within the region. In May, 1687, John Oneby presented an address from the Anabaptists of Leicestershire, which was shortly followed by an address from Anabaptists from Staffordshire, Derbyshire and Nottinghamshire. In September, the Presbyterian ministers of Derbyshire and Nottinghamshire recorded their thanks for the Declaration of Indulgence, as did the Presbyterians in the town and county of Nottingham. In December, 1687, several ministers and dissenters of Leicestershire made their presentation, but no address was sent from Lincolnshire non-conformists until May, 1688, with the address of the dissenting soldiers of Lincoln.¹⁸⁴

¹⁸² *London Gazette*, 2234-2341.

¹⁸³ Quaker addresses are concentrated around the midsummer of 1687, and tend to cover a wider geographical area than their Baptist counterparts.

¹⁸⁴ Morrice, *Entring*, P, pp. 132-3; *London Gazette*, 2241, 2244, 2278, 2282, 2304, 2344.

However, taking advantage of newly granted religious freedoms and sending an address to the king did not necessarily indicate that the dissenting communities concurred in the legality of the use of the suspending power. Lacey notes that many of the addresses from dissenting communities thanking the king for his Indulgence registered their disapproval of tolerance by royal decree by making specific reference to Parliamentary concurrence.¹⁸⁵ None of the addresses sent by dissenting communities from the East Midlands made specific reference to subsequent Parliamentary approval for liberty of conscience. However, they all made it very clear that they perceived that responsibility for their new found liberty lay with a higher authority than James himself. The Anabaptists of Leicester thanked God 'in the first place' for 'that Ease and Peace we now enjoy', and only thanked the king 'in the next place...who God hath raised up to make such a Declaration for Liberty of Conscience'.¹⁸⁶ The address from their co-religionists in neighbouring Staffordshire, Derbyshire and Nottinghamshire acknowledged the benefit they received from the king's Declaration, but also acknowledged the thanks due 'to the God of Heaven, as owning Him to be the Original of this and all our Blessings'.¹⁸⁷ The Presbyterian Ministers of Derbyshire and Nottinghamshire noted the 'great Providence of the Almighty, and your Majesties uparalleld clemency, expressed in your late surprizing Declaration' and their adoration for 'the Divine Providence, influencing the Great mind of so Generous a Prince'. What is more, their thanks was for the king's declaration 'that conscience ought not to be constrained', rather than the suspension of the penal laws.¹⁸⁸

Further reticence to respond whole-heartedly to the government's overtures towards the dissenting population is evidenced by their response to the opportunity to take up posts in local government. Of the eight East Midlands men who were added to the commission of the peace, and who are clearly identifiable as non-conformists, the only ones that acted at Quarter Sessions were John Spateman, who attended the Derbyshire sessions between April, 1688, and January, 1689, and John Oneby, who

¹⁸⁵ Lacey, *Dissent*, pp. 180-1.

¹⁸⁶ *London Gazette*, 2241.

¹⁸⁷ *London Gazette*, 2244.

¹⁸⁸ *London Gazette*, 2273.

attended at Leicester from July 1688 to January 1689.¹⁸⁹ Unlike their Catholic counterparts, these men were more closely wedded to the counties in which they were appointed and, apart from John Hartopp, who lived in London, their place of residence did not preclude their acting. The dissenters failure to act in the East Midlands is notable, and, as was the case in Hampshire, reflects a distinctly lacklustre response to James II's attempts to court the dissenting gentry interest.¹⁹⁰

Also added to the commissions at this time were number of ex-exclusionists - James's so-called whig collaborators.¹⁹¹ Their return to the offices of local government has been interpreted as demonstration of their support.¹⁹² Certainly, there is some evidence that indicates that this is the case. In April, 1688, the government did not reappoint all the justices that they could who were excluded in the aftermath of the Exclusion Crisis. Henry Gilbert did not return to the Derbyshire bench, neither did John Grey, Thomas Pochin or William Skeffington in Leicestershire, or Molineux Disney and William Ellis in Kesteven, or William Harbord in Nottinghamshire, indicating that the government only appointed those former whigs who demonstrated their support for the king.¹⁹³ Moreover, according to the surviving agents' reports, a number of those appointed provided verbal promises pledging the support for the king's attempts to secure Parliamentary repeal of the penal legislation. William Sacheverell, the most prominent of James' whig collaborators, was reportedly 'free with our Agents, and declared himself hearty in your Maties interest'. Richard Slater, like Samuel Sanders, had declared fully for the king, whilst Sir John Gell was described as 'very right', and Richard Taylor, John Thornhagh, and Robert Sherbrook, 'right' men.¹⁹⁴ All of these were also recommended as MPs by Sunderland in September, along with George Vernon and Cornelius Clarke.¹⁹⁵ What is more for the Nottinghamshire whigs, further support for their collaboration comes from the attitude of Nottingham corporation. In the summer of 1688, George

¹⁸⁹ DRO, Q/SO 1/1 3/8; LRO, QS6/1/2/1, pp. 103-115; LAO, KQS A/1/3, pp. 45-137; NAO, QSM 1/14. *Minutes of Proceedings in Quarter Sessions held for...Kesteven*, pp. 336-346.

¹⁹⁰ Coleby, *Hampshire*, p. 225.

¹⁹¹ Chapter 2.

¹⁹² For example Henning, *House of Commons*, ii, p. 384; iii, p. 503.

¹⁹³ What is more the number of those who failed to be re-appointed could be higher as the list excludes men who were removed in the early 1680s and whose dates of death is unknown Leicestershire: Clement Clarke, John Stafford; Nottinghamshire William Clarkeson, Thomas Warren.

¹⁹⁴ Duckett, *Penal Laws and Test Act*, ii, pp. 245-6, 441.

¹⁹⁵ PRO, SP 44/56, pp. 432-3; BL, Add Mss. 34516, ff. 50-51; CSPD June 1687-Feb 1689, p. 273.

Langford, the new mayor, was very keen that William Sacheverell, Charles Hutchinson, Francis Pierpoint, Samuel Sanders, Richard Slater, Francis Jessop, William Greaves, Lawrence Althrope and Tim Tomlinson be appointed Commissioners for Charitable Uses in order to help secure the election for the Crown.¹⁹⁶

However, again, as in the case of the dissenters added to the bench, it is noticeable that few of these whiggish ex-magistrates attended quarter sessions, though again it is possible more acted at the Assizes.¹⁹⁷ George Vernon attended sessions from April, 1688, to January, 1689, in Derbyshire; in neighbouring Leicestershire, George Hewitt attended at Michaelmas, 1688, and Epiphany, 1689; but in Nottinghamshire and Kesteven, none of the old whigs appointed by James acted.¹⁹⁸ In some cases, the records show that they had never been regular attendees of quarter sessions. However, William York, Richard Cust, George Gregory, and Scrope Howe, had been active justices when they had been on the bench prior to James reign, but when appointed by him, they did not act.¹⁹⁹ There is also evidence that at least one of them was actively working against the king's designs, in Derbyshire, Sir John Gell was involved in attempts to find compromise candidates between the churchmen and supporters of dissent to ensure government candidates were not elected to the abortive 1688 parliament.²⁰⁰ Whigs and dissenters were appointed to office by James's government after their tory Anglican counterparts had been removed, but appointment alone does not provide an automatic indication of support for James's religious and political policies.

Likewise, in the corporations, the regulators' overtures to whigs and dissenters does not seem to have been overwhelmingly successful. As outlined in Chapter 3, not all office-holders removed from the region's corporations during the period 1682-1686, which were remodelled again in 1688, were restored to office.

¹⁹⁶ NAO, CA 4748, CA 4758.

¹⁹⁷ DRO, D258/17/31/58.

¹⁹⁸ DRO, Q/SO 1/1 3/8; LRO, QS6/1/2/1, pp. 103-115; LAO, KQS A/1/3, pp. 45-137; NAO, QSM 1/14.

¹⁹⁹ DRO, Q/SO 1/1 1/8-2/8; LRO, QS6/1/2/1, pp. 1-69; LAO, KQS A/1/1, pp. 3-372, KQS A/1/2, pp. 1-124; NAO, QSM 1/4.

²⁰⁰ DRO, D258/17/31/58.

TABLE 4.8

Number of Municipal Office-holders Removed 1682-1686 That were Restored
January - September 1688

	No. removed by new charters 1682-1686	No. added by order in council 1688	No. added by new charter 1688	% added in total
Boston	18	7	1	44.4
Grimsby	8	-	0	0.0
Grantham	11	1	1	18.2
Leicester	13	9	0	69.2
Nottingham	16	3	0	18.8
TOTAL	67	20	2	32.8

East Retford and Derby are omitted from table 4.8 due to insufficient surviving records, Stamford and Lincoln because they were not remodelled in 1688, and Newark because no office-holders lost their place in the new charter of 1684. Of the other corporations, Grimsby is a special case as it was only remodelled in 1686. At Leicester of four who were not restored to the corporation in 1688 two, at least, were still alive; at Boston, of the ten remaining in the wilderness six were alive; and in Nottingham, Ralph Edge had died in 1684, but the vast majority who failed to be returned to their places could have been.²⁰¹ At Grantham, of the nine who did not regain their places on the corporation, three at least were still alive, appearing on the corporation after the Revolution, although Thomas Rouly was subsequently dismissed for being 'disguised in drink' and guilty of several other misdemeanours.²⁰² In the absence of detailed information on the process for recommending changes in the corporation during this period, one tentative conclusion that can be drawn is that those members previously excluded from the corporations who were not re-appointed had refused to support the king's measures.

There is further evidence of opposition to the king even amongst those who were now appointed to the corporations during the campaign to pack Parliament. At Nottingham, Thomas Trigg, one of the three newly appointed ex-members, refused

²⁰¹ Leicester: John Buxton, William Elliot, Nicholas Smith, James Lee, the two former appearing in records in December 1688. Boston: Thomas Marcall, John Boulton, Thomas Tresse, John Gilbert, Tim Jenkinson, Jonathan Brown, John Murphyn, Thomas Lodowicke, Samuel Kirk, Robert Clerke, the first six names appearing on a list of the corporation in October 1688. LRO, BRII/1/2 p. 939, BRII/18/36, ff. 106, 120; Bailey, *Minutes of the Corporation of Boston*, pp. 325-6.

²⁰² LAO, Grantham Borough 5/1, pp. 714, 716.

to be sworn and had to be replaced.²⁰³ In reference to Leicester corporation, Henry Beaumont noted that 'several new aldermen of the dissenting party have refused to act'.²⁰⁴ William Shears attended only two out of a possible 10 meetings, and Mathew Simmonds none. Of the 34 other appointees, a further two aldermen and five common council men attended less than half the meetings, with the worst culprit being George Laxton, who, added to common council in April, only attended one of a possible seven meetings.²⁰⁵ In Boston, the minutes only continue until the end of April, but they indicate that all of those appointed did act in some way, although Thomas Abbot only appears to have attended one of the seven possible meetings.²⁰⁶

At Boston, Thomas Abbott's failure to attend many corporation sittings was rewarded by removal from the corporation under the new charter of 1688. He was not alone, and in the corporations that were issued with a new charter in the summer of 1688, a number of James's appointees previously added by order in council were now removed. As table 4.9 indicates in total over one fifth of those appointed by James were subsequently removed.

TABLE 4.9

New Municipal Office-holders Subsequently Removed by the New Charters of 1688.

	All appointees appointed by order in council 1688			Those who had been removed during the tory reaction		
	No. Added	No. removed by new charter of 1688	% Removed	No. Added	No. removed by new charter of 1688	% Removed.
Boston	13	4	30.8	7	4	57.1
Grantham	5	3	60.0	1	0	0.0
Leicester	37	9	24.3	9	3	33.3
Nottingham	33	4	12.1	3	2	66.6
TOTAL	88	20	22.7	20	9	45.0

At both Nottingham and Grantham, the government's overtures to those whigs who had been removed from the corporations earlier in the 1680s appear to have met with relatively short shrift. In these two corporations, few took the opportunity to revenge

²⁰³ NAO, CA 3455, p.32.

²⁰⁴ HMC 78/2, *Hastings Mss.*, p. 184; R. W. Greaves, 'Parliamentary History, 1660-1835', *Victoria County History of Leicester*, iv, p. 118.

²⁰⁵ LRO, BRII/18/36, ff. 83-102.

²⁰⁶ Bailey, *Minutes of the Corporation of Boston*, p. 315.

themselves on their political opponents. In the former corporation's case, this did not present James's government with a particular problem, because, as outlined in Chapter 1, the borough had a large dissenting population providing a large pool of potential officeholders from which the regulators of the corporations could choose. It is noticeable that in this borough a relatively low proportion of James's appointees were subsequently removed by the new charter of 1688. The far smaller dissenting populations in the other East Midland corporations presented more of a problem. In the main, those appointed to the corporations by order-in-council in 1688 seemed to have acted. However, it is noticeable that at Grantham 60% of those appointed by James were subsequently removed. In Boston and Leicester, although a number of whigs ousted in the 'tory reaction' were restored to the corporation, a far higher number of them were subsequently ousted in September 1688, than James's 'green' appointees. Indeed, at Boston they constituted all those men removed by the new charter.

As with the corporations left relatively untouched in 1688, the response to the birth of the Prince of Wales from the remodelled corporations was generally positive. At Derby, according to George Vernon, a 'handsome dinner' was held at the corporation's charge where all present drank the royal family's health 'and her Majesty's good bigning again (as our country gossips call it)', the corporation also moving to send a congratulatory address.²⁰⁷ At Leicester, a day of 'Feasting and rejoycing' was held at the 'Angell', with the health of the Prince of Wales, and that of the Royal family, toasted and the corporation also inviting the local Catholic William Turville of Aston.²⁰⁸

If the Lincolnshire sample is representative, from the very beginning of his reign the Anglican gentry demonstrated their implacable opposition to the king's attempts to remove the penal disabilities imposed on his co-religionists, and their persistence in prosecuting Catholics is notable. For the vast majority of local Anglicans, their opposition to the king was not really put to the test until the closeting campaign was extended to the localities in the winter of 1688. Whilst the answers to the three

²⁰⁷ HMC 78/2, *Hastings Mss.*, p. 185.

²⁰⁸ HMC 78/2, *Hastings Mss.*, p. 185; LRO, BR11/18/36, f. 92; Stocks, *Records of Leicester*, p. 593.

questions indicate there was a body of opinion within the Anglican community that was willing to accept the repeal of the penal laws, the answers themselves cannot be used to test the strength of this. The answers were formulated in a variety of different contexts, and the respondents devised different strategies in which to frame their replies. However, in the East Midlands, as elsewhere, the vast majority of respondents demonstrated their refusal to support the king's attempts to remove the penal laws and Test. To do so would undermine the protection afforded to the Church of England. Combined with the threat that the king's policies represented to the Church, were objections to the 'unconstitutional' methods employed by the king, although it is impossible, and indeed pointless to disentangle the two. Popery and arbitrary government were closely connected, and with every step that the king took, he merely reaffirmed the connection. What is more, the comparative levels of support and opposition shown in the East Midlands indicate that the gentry demonstrated that the issues at stake were so important they were unwilling to follow the lead of their local lord-lieutenant.

James's attempts to pack parliament also led to the removal of the vast majority of Anglicans from local office, and represented a pointed incursion into local interests. From what is recoverable at a personal level, the responses to this appear to have been stoic resignation. More ominously for the king was the effect this had when he made his political u-turn in the face of William's invasion. In the corporations, very few ejected members appear to have refused to return to their places. Amongst the gentry it appears a more common phenomenon. Although it is difficult to trace the precise extent this effected the king position in autumn of 1688, as will be seen in Chapter 6, there was no effective resistance to the rising that took place at Nottingham towards the end of November.

The response of James's co-religionists is more difficult to trace, however, the overwhelmingly positive replies to the three questions does at least raise some doubts about just how reticent local country Catholics were to James's campaign. A large number of them were absent from the three question returns from the East Midlands, but this reflected the relative weakness of Catholicism within these counties, demonstrated by the number of Catholics added to more than one bench.

Limited evidence also hampers the degree to which the responses of East Midlands' dissenters can be analysed. Nevertheless, from what has been found, it appears that applications for relief under the king's dispensing powers primarily, but not exclusively, came from Quakers and Anabaptists. If loyal addresses are used as an indicator of support for the king, then the response from the East Midlands was not promising. In terms of local government, there is no simple way to typify the reaction of the whig and dissenting interest to the opportunities that the government came to offer. Appointment to office did not necessarily indicate support for the king's measures. Some whigs and dissenters appear to have responded positively to the chance to return to, or indeed serve in, local offices. However, this was not universal. Not all of those removed from the bench or corporations during the 'tory reaction' were now re-appointed, and in the latter a number of municipal office holders who were initially appointed were subsequently removed in later re-modellings.

Chapter 5: The Campaign to Pack Parliament

The relaxation of the penal laws by virtue of the royal prerogatives, firstly, by individual dispensations, and secondly, by the suspension of all penal legislation, affected the patterns of religious worship and persecution in the East Midlands as elsewhere. In themselves James's religious policies, in the favour they extended first to Catholics, and then dissenters, and the alteration they made in the religious settlement, engendered concern and opposition. In addition, the constitutional implications of their implementation provoked further fears amongst many of the king's subjects. However, it was his campaign to effect Parliamentary repeal of the Test Acts and penal laws that had the most impact on patterns of local office-holding, and which upset the balance of vested interests established in the 1680s. The Parliament that James, and his government, invested so much effort in creating never sat, and it is impossible to definitively determine whether James would have been successful in sufficiently preparing a Parliament that carried out his wishes. Nevertheless, as the campaign was of primary importance to the king, and a major contributing factor in destroying the 'good correspondence' between him and his subjects enjoyed at his accession, the question remains whether he would ultimately have been successful.

During the campaign itself contemporary opinion was clearly divided as to whether the king would achieve his aim. George Savile's, Marquis of Halifax, convictions that the 1685 Parliament would not be persuaded to comply with royal wishes was extended to the new Parliament James was hoping to mould. In May 1687, Halifax reported to the Prince of Orange '...I have no kind of apprehension that the legislative power can ever be brought to pursue the present design'.¹ Three months later, after the dissolution of James's first Parliament, he was still convinced that the 'great design' would fail because, in his opinion, all men were 'settled in their dislike of the unwelcome thing that is endeavoured to be imposed on them'.² In July, 1688,

¹ Dalrymple, *Memoirs*, ii, Appendix Book v, p. 70.

² Dalrymple, *Memoirs*, ii, Appendix Book v, p. 82.

he was still steadfast in this belief and he found 'that every new attempt bringeth a fresh disadvantage upon the great design, which is exposed and disappointed by so many repeated mistakes'.³ Heneage Finch, Earl of Nottingham, shared Halifax's opinion; for example, in July 1688, he recounted that:

the birth of a Prince of Wales and the designs of a further prosecution of the bishops and of new modelling the army and calling of a parliament, are matters, that afford various reflections. But I cannot apprehend from them such ill consequences to our religion, or the just interests of your Highness, that a little time will not effectually remedy.⁴

However, other contemporaries were less sanguine, one commentator reporting in February 1688, that the corporation regulators had adopted 'most effectual' methods, so that the king was to be sure of a majority'.⁵ More importantly the king, and Sunderland, also seemed convinced that they would be able to secure the necessary majority to exact repeal.⁶

Just as T. B. Macaulay argued that the local gentry's response to the three questions represented a dismal result for the Government, his depiction of the regulation of the corporations was one that was likely to result in failure for the Crown. Likewise, his nephew G. M. Trevelyan argued that James would have been unsuccessful. In contrast J.R. Jones argued that the regulation of the corporations could well have resulted in the election of a compliant Parliament. He maintained that, hitherto, historians had been overly reliant on the negative assessments of contemporary commentators, and had made no serious analysis of the campaign in the electorally more important corporations. In Jones's view, the three questions had failed to attract support for the Government's measures amongst the gentry, but this was due to their social cohesion. However, in the socially less prominent and politically divided boroughs, the Government had a far higher chance of creating the conditions for electoral success. Moreover, the regulation of the corporations was systematic, planned and logical, and the agents' reports, in conjunction with the evidence of the Government's nominations in September, indicated that, at the very least, James was able to guarantee 400 'right' candidates out of 513 Members of Parliament. In the

³ Dalrymple, *Memoirs*, ii, Appendix Book v, p. 116.

⁴ Dalrymple, *Memoirs*, ii, Appendix Book v, p. 118.

⁵ NUL, PwA, Portland Mss., f. 2146.

end, James ultimately failed to pack Parliament but this failure was the result of William's invasion and not the product of the campaign itself.⁷

Local case studies examining the campaign in the corporations have not provided a great deal of support for Jones's hypothesis. In Norwich, J. T. Evans found that the corporation accepted the changes wrought upon its personnel and privileges, and the agents' reports on the town in April were optimistic that suitable candidates would be returned for the borough. However, in September, the Bishop of Norwich still believed that the corporation would return members who were loyal to the church of England.⁸ Pat E Murrell's analysis of the regulation of Bury St Edmunds highlighted that in this small Suffolk borough, where the franchise was restricted to members of the corporation, the Crown struggled to secure the nomination of suitable candidates. Therefore, she argued that in other boroughs with larger, less controllable electorates, the Government would have experienced even greater difficulties.⁹ A. M. Coleby shared Murrell's reticence in believing the abortive Parliament of 1688 would have complied with the king. In his investigation of the campaign in Hampshire, he found that the agents were far from efficient, and they often failed to take advantage of all available opportunities to influence the forthcoming elections, and, they were cautious about treading on the toes of existing local electoral managers. In addition, he was unconvinced by the accuracy of the agents' reports, and stressed that the few individuals who responded positively to the government's overtures were generally self-seeking and isolated from the main body of county society.¹⁰ David Hosford posited from an examination of the corporations of Derbyshire and Nottinghamshire that, whilst corporate regulation had theoretically increased central control over the boroughs, it was not clear whether this would have produced Parliamentary candidates acceptable to the Crown.¹¹ More recently, P. D. Halliday's study of the campaign in a number of corporations shares this belief,

⁶ Although Morrice himself remained skeptical. Morrice, *Entring*, Q, pp. 254, 291; J. P. Kenyon, 'The Earl of Sunderland and the Revolution of 1688' *Cambridge Historical Journal*, xi (1953-5), 278.

⁷ Jones, *Revolution of 1688*, pp. 129-175.

⁸ J. T. Evans, *Seventeenth Century Norwich: Politics, Religion and Government: 1620-1690* (Oxford, 1979), pp. 312-5. J. R. Jones uses the same piece of evidence to support his argument that the campaign could well have succeeded as he stresses that the Bishop indicated that in Norfolk Norwich would be unique in electing MPs loyal to the Church of England. Jones, *Revolution of 1688*, p. 169.

⁹ Murrell, 'Bury St Edmunds', 188-206.

¹⁰ Coleby, *Hampshire*, p. 222-5.

¹¹ Hosford, *Nottingham*, pp. 45-58.

arguing that, although the Crown was successful in effectively purging the corporations, this led to alienation and obstructionism undermining the likelihood of corporate members assisting the king in producing a more compliant Parliament.¹² In contrast, M. J. Short, in his study of the campaign in Kingston upon Hull, argued that, in this large freeman borough it was likely that suitable candidates would have been returned, and thus the campaign to pack Parliament should not be dismissed outright.¹³ However, his along with Jones's, are lonely voices and most historians remain dismissive of the king's chances of success.¹⁴

Obviously, evidence from the 14 East Midland seats does not definitively reveal whether the government would have managed to obtain a parliamentary majority, but an examination of the process and progress of the campaign in the region does contribute to our understanding of the effectiveness of the Government's measures. Moreover, as the heart of the campaign lay in the corporations, the sample is particularly pertinent as the demographic, economic, social, political and religious complexion of the ten East Midland enfranchised corporations were very different. Both Grimsby and East Retford had populations of under 800 and only the four county towns were populated by over 3000 people. Whilst most of the corporations experienced demographic growth during the seventeenth century, Grimsby, Newark and East Retford were in decline. Economically, Derby, Leicester, and Nottingham were expanding, and within a local context were becoming increasingly important industrial or market centres, whilst Lincoln never fully recovered from the decay of the English wool trade and remained essentially an administrative centre. Grantham, Stamford, East Retford and Newark were essentially market towns, and the two ports, Boston and Grimsby, had both become overshadowed by Hull, although the former fared better than the latter and remained an important supply centre for southern Lincolnshire. In confessional terms, most of the corporations contained relatively small dissenting communities, but at Nottingham Protestant non-conformity was far stronger and was particularly well represented in the corporation, a factor may well have contributed to its 'unique' experience during the remodelling process.

¹² Halliday, *Dismembering the Body Politic*, pp. 237-262.

¹³ Short, 'Corporation of Hull', 172-195.

¹⁴ See for example Miller, *James II*, pp. 178-80, 196-7; Speck, *Reluctant Revolutionaries*, pp. 131-5.

More pertinently in relation to packing Parliament the elections in the regions corporations were conducted on the basis of franchises of differing character. In the previous election of 1685, the basis for all ten of the local enfranchised corporations had been very similar. In this election, at Derby, Boston, Grantham, Grimsby, Lincoln and East Retford MPs were elected by the freemen, whilst at Newark in addition to the freemen of the borough the vote was also granted to certain freeholders. At Leicester and Nottingham, the franchise was slightly more restricted to those inhabitants paying scot and lot.¹⁵ During the tory reaction, both Leicester and Derby had requested restrictions in their franchises, but their requests had been unsuccessful.¹⁶ However, in 1688, Leicester did obtain a reduction in its franchise to members of the corporation, which drastically cut the size of the electorate, and which meant if forced to a poll the election would be more easily controlled. Likewise Boston and Grimsby's new charter restricted the franchise to members of the corporation. In the other corporations, it appears that the 1685 franchise continued.¹⁷ However, despite the apparent uniformity in their franchises, the ease with which elections could be controlled in the East Midland corporations was in reality very different, most notably because of the different sizes of their freeman populations. At Retford the electorate consisted of approximately 50 voters, whilst at Stamford, Grantham, and Newark it ranged between 200 and 300 and the county towns over 400. Therefore, by the time of James's Parliament, if an election had taken place, Grimsby, Boston, Retford and Leicester should have been more easy to control than the other corporation seats in the East Midlands.

Overall the campaign itself was multifaceted, the first major step being the Declaration for granting Liberty of Conscience and the subsequent pressure exerted on dissenting communities to present addresses thanking the king for his indulgence, which tested whether the non-conformists represented a viable political alternative to

¹⁵ Henning, *House of Commons*, i, pp. 188-9, 295-308, 351-56.

¹⁶ Chapter 2.

¹⁷ The warrants for Boston, Grimsby, Leicester and Grantham's new charters all indicated that 'the elections for Parliament to be in the Mayor, Aldermen, and Common Council'. However, Grantham's charter did not include this clause. *CSPD Jun 87-Jan 89*, p. 263-4, 269; Martin, *Charters of Grantham*, pp. 214-33; Halliday *Dismembering the Body Politic*, p. 252n.

the Anglican majority.¹⁸ Convinced of the strength of dissenting support the Crown then attempted to identify unreliable individuals in order to purge them from their offices and substitute them with more dependable replacements. In the localities, part of this process was the survey of local opinion in the form of the three questions and the information collected was supplemented by the intelligence of the local agents for the commission of the regulation of the corporations set up in November. Whilst the recently politically screened lord lieutenants initially retained responsibility for administering the survey of the gentry, from the start the campaign in the corporations was kept more firmly under central control. In the instructions to the three questions, the lord lieutenants were to provide 'as good an account' as they could of the corporations within their lieutenancies and list 'what persons of such as are willing to comply with these measure, have credit enough of their own to be chosen parliament-men, or may be chosen, if assisted by their friends'.¹⁹

In the East Midlands, the lord lieutenants interpreted these instructions very differently. In Nottinghamshire, the Duke of Newcastle did not list potential members, but rather set the three questions to the corporations.²⁰ The Earl of Huntingdon, however, made recommendations for both Derbyshire and Leicestershire. In the former, he proposed George Vernon and Anchitell Grey for Derby and Sir John Gell and Cornelius Clarke for the county; in the latter, Sir William Villiers and Sir Henry Beaumont for Leicester and Sir John Hartopp for the county.²¹ In Lincolnshire Lindsey's response was subtly different, and rather than recommending candidates and reporting their likelihood of being elected, he collected information, and intimated which men likely to be the representatives in the next Parliament. There are two surviving versions of his investigations. In one he reported that Lincoln had 'resolv'd' on Sir Henry Monson and Sir Thomas Meres, Stamford were 'thought' to choose Mr William Hide and Mr Charles Bertie and that Grimsby 'they will chosse the same members they had before, vizt Sir Edward Ascough, and Sir Barnardiston' whilst at Grantham 'Sir William Ellis has such an influence that hee will not only be chosen himselfe, but his interest will allsoe

¹⁸ Jones, *Revolution of 1688*, p. 132.

¹⁹ CSPD Jun 1687-Feb 1689, p. 88.

²⁰ Duckett, *Penal Laws and Test Act*, ii, 126-9.

²¹ Duckett, *Penal Laws and Test Act*, i, 168, ii, 105.

choose any other'.²² In the other version of his investigations, the same probable members for Lincoln are listed, however, at Stamford Sir Henry Heron's name replaced that of Sir William Hide, at Grimsby Sir Thomas Barnardiston is substituted by Edward King and at Grantham rather the William Ellis's electoral domination Thomas Harrington and John Thorold were considered likely to carry the day. Additionally, the second report indicates that at Boston Sir Edward Hussey and Sir William York were likely to be successful, whilst for the county the same was true for Lord Castleton and Sir Thomas Hussey or Sir William Ellis.²³

Whilst the lord lieutenants were asked to provide baseline information on the corporations, it was clear that in this part of the campaign the government intended that they were only to have a restricted role compared to the recently appointed commission for the regulation of the corporations. There is no surviving evidence that the government objected to the Duke of Newcastle asking the officeholders of the three Nottinghamshire boroughs the three questions. However, Sunderland chided Lord Molineaux, the recently appointed lord lieutenant of Lanchashire, for setting them to corporate office-holders in that county. On a letter of 16 November Sunderland made it clear to Molineaux that he was only to provide 'information of the state of the corporations and the disposition of the members and ask them no questions' till given further orders.²⁴ The tighter central control exerted in the campaign in the corporations was a reflection of their electoral significance. Not only did corporate seats return the vast majority of Parliamentary candidates, but with their often more restricted franchises their elections were also more easily controlled.

However, whilst it was certainly the case that corporate constituencies held the key to packing Parliament, just as boroughs did not exist in an economic vacuum separate from the economic life of the countryside surrounding them, neither did they exist in a political vacuum, and the balance of powers within the corporations needs to be set within the context of the politics and influence of the surrounding county society. It was not only in the county seats that the local nobility and gentry

²² Duckett, *Penal Laws and Test Act*, i, pp. 146-7.

²³ Duckett, *Penal Laws and Test Act*, i, pp. 147-8.

²⁴ *CSPD Jun 1687-Feb 1689*, p. 102.

played important roles in elections as candidates, voters, campaign managers and influencers of opinion. Between 1661 and 1685, gentlemen and sons of the nobility made up the vast majority of members of the lower house of Parliament.²⁵ During this period, in the East Midlands this was true for both the county and corporation seats, and only the representatives from Derby in 1661 became MPs by virtue of their positions within the corporation.²⁶ Moreover, in some, but by no means all, East Midland corporations members of the rural gentry had come to hold prominent positions in the towns neighbouring their estates.²⁷ In the East Midlands, during the tory reaction, country gentlemen were added to the corporations of Boston, Stamford, and Grantham. In addition at the latter, shortly before the 1685 election, of the 31 individuals admitted as freeman (and therefore meeting the franchise qualification for the borough), at least nine were prominent members of local county society.²⁸

Moreover, at election time the nobility and country gentlemen did not only attempt to influence the poll. As Mark Kishlansky has shown, prior to the Civil War, the avoidance of divisive contests was widely considered the ideal, as it reflected the essential unity of the body politic. The crisis of the mid-seventeenth century had witnessed changes in attitude towards Parliament, politics and parliamentary selection, and elections became a more common phenomenon of the political landscape of the Restoration period. However, the tradition of unity had not completely withered, and efforts were still made to avoid elections by restricting nominations to the number of seats available, and between the Restoration and the Glorious Revolution, only one third of 'elections' were forced to a poll.²⁹ In the majority of East Midland seats, contests were more frequent than the national

²⁵ Henning, *House of Commons*, i, pp. 55-6.

²⁶ These were John Dalton a draper, son of vintner, and Roger Allestry from a mercantile family. Roger's son William was representative for Derby in 1685 but it does not appear that he was a member of Derby corporation. Henning, *House of Commons*, i, p. 530 and ii, p. 187; Glover, *Derbyshire*, ii, pp. 88-97.

²⁷ For this phenomenon in non East Midland corporations see Western, *Monarchy and Revolution*, pp. 73-6; M. A. Mullett, 'Men of Known Loyalty': The Politics of the Lancashire Borough of Clitheroe, 1660-1689', *Northern History*, xxi (1985), 109.

²⁸ Of these eight of them were, or were to become magistrates: Sir John Oldfield, Christopher Berrisford, William Ambler, Edward King, John Fanning, William Wallet, Peregrine Bertie, Lord Willoughby, and John Orme was described as an esquire. LAO, Grantham Borough 5/1, p. 695.

²⁹ Mark Kishlansky, *Parliamentary Selection: Social and Political Choice in Early Modern England* (Cambridge, 1986).

average, and between 1661 and 1685, in the county elections at Derbyshire and Lincolnshire, over 40% of elections were contested, whilst in Nottinghamshire and Lincolnshire it was even higher and closer to 70%. In the corporations, no contests were held in East Retford during the period, only one at Boston in 1661, and at Derby, Lincoln, and Newark a third of elections were contested. However, closer to 40% of elections resulted in a poll at Grimsby, over 40% at Stamford, and nearly 60% at Leicester.³⁰

In the county seats, 'comprehension' was often achieved at pre-election meetings of the gentry and local nobility.³¹ In the boroughs, the selection process was more complicated and depended on the complex interaction of the boroughs needs, local customs, patrons, neighbours and the court.³² In general, the kaleidoscopic effects of interest and patronage are particularly difficult to define, and this is particularly true in terms of electoral influence.³³ In the East Midlands, the Dukes of Newcastle enjoyed considerable influence over the Nottinghamshire seats, but as George Saville's star rose, he too became an important electoral patron. In Lincolnshire, from the Restoration onwards, the Earl of Lindsey's family had successfully managed to increase and extend its influence over the parliamentary boroughs of that county. At Boston, the principal interest had resided with the Irby family, but gradually became the preserve of the Berties. At Stamford, the Bertie family's influence had traditionally been balanced by that of the Cecil family, of the neighbouring Burghley Hall, but, partly as a result of the Earl of Exeter antagonising the corporation in 1682, by imposing Henry Fane as its deputy recorder, and partly through the adroit manoeuvring of the Berties, its new charter of 1685 saw the latter come to dominate the corporation.³⁴ Similarly, Lindsey's influence at Lincoln was augmented by his appointment as Recorder in 1685. In the other Lincolnshire seats the Bertie clan's influence was more tenuous. Grimsby's seats tended to go to the highest bidder, whilst at Grantham, which had been under the interest of the Thorold

³⁰ Henning, *House of Commons*, i, pp 107-8, 112, 116-7.

³¹ HMC 24/2, *Rutland Mss.*, p. 87.

³² Kishlansky, *Parliamentary Selection*, pp.148-62.

³³ Chapter 2.

³⁴ *CSPD Jan-Dec 1682*, pp. 589-90.

family, after the Exclusion Crisis, the corporation came to be dominated by Thomas Harrington and the Earl of Rutland. Across the border in Leicestershire, one corporation seat had traditionally been at the disposal of the presbyterian Earl of Stamford. However, the Grey family's influence over the corporation had been broken during the tory reaction, and in 1685, John Grey noticeably did not stand for the seat and rather Huntingdon, Rutland and Aylesbury all attempted to exert their influence, whilst at Derby, with the death of the Earl of Devonshire, in 1684, the election following James's accession was largely managed by members of the local gentry, in conjunction with the wishes of the corporation. The main thrust of James's campaign to pack Parliament was directed towards the corporations, but any attempt the government made to control the corporations necessarily needs to take into account the opinions and influence of the surrounding county society.

During the closeting campaign, the king had identified which local lord lieutenants supported his measures and removed those that did not. In Leicestershire and Derbyshire, the Earls of Rutland and Scarsdale were both replaced by the Earl of Huntingdon. Theophilus Hastings remained loyal to the king, as did Henry Cavendish in Nottinghamshire. However, the Earl of Lindsey's continuing loyalty is more questionable, although his retention of his places indicates that the king did not consider him politically suspect.³⁵ The answers to the three questions from members of the county office-holding elite indicated that the vast majority of James's Anglican subjects, despite their residual loyalty, were not prepared to tolerate parliamentary repeal of the Test Acts and penal laws.³⁶ However, this did not necessarily mean that the survey of the gentry was a disaster for the Crown.

The king no doubt would have preferred it if a majority of country gentlemen had agreed with him, that they did not cannot have been a complete surprise - the closeting campaign that had begun in 1685 had not proved particularly fruitful. The three questions were set, not merely as a means to test the loyalty of local office-holders, but, in conjunction with reports of local agents, as means of identifying those that supported him and those that did not, intelligence that could be used to

³⁵ Hosford, 'Peerage and the Test Act', 118-9; Duckett, *Penal Laws and Test Act*, ii, xx, xxii, xxviii; chapter 3, chapter 4.

³⁶ Chapter 4.

implement an overhaul of power in the localities that would further the aim of obtaining a more compliant Parliament.

Part of the influence that members of the local nobility and gentry enjoyed was a product of their posts in local government, by removing them from these the government was hoping to affect their local prestige. In many respects, the working of interest is intangible to the historian and the overall effect of removal from county office on the overall balance of power in the localities, and subsequently elections, is difficult to determine. However, removal from local offices was not restricted to the post of magistrate and deputy lieutenant, and the intelligence was also used to remove county gentlemen from their offices in the corporations, partially reversing the incursions the gentry had made into the boroughs. This had a more obvious electoral impact. In the corporations into which members of the local gentry had successfully made inroads during the earlier 1680s many were now removed. At Grantham, Robert Fisher had already requested, and obtained, his dismissal from the corporation. Thomas Harrington consented to the three questions and remained on the corporation, but John Thorold did not provide a reply and whilst initially retaining his place on the commission of the peace he was excluded from the new charter of 1688.³⁷ The new charter also saw the removal of John Manners, Earl of Rutland, as the borough's recorder, who was replaced by Charles Bertie.³⁸ At Boston, none of the county gentlemen who had been added to the corporation during the tory reaction returned an answer to the three questions. The elder Peregrine Bertie and John Bishop were removed by order in council in January, 1688. The younger Peregrine Bertie and Charles Dymoke originally kept their places, but like Robert, Lord Willoughby, the recorder, they were removed by the charter of September 1688, the latter being replaced by his father. In contrast both Henry Heron and Charles Bertie kept their places throughout.

³⁷LAO, Grantham5/1, p. 696; Duckett, *Penal Laws and Test Act*, i, pp. 152; *CSPD Jun 1687-Jan 1689*, p. 269.

³⁸ The change of Recorder is not noted in the warrant for the new charter, but it seems that Charles Bertie did replace the Earl of Rutland. *CSPD Jun 1687-Feb 1689*, p. 269; Martin, *Royal Charters of Grantham*, pp. 193, 219-221.

What would possibly have been more disappointing for the government than the number of gentry who opposed its plans was the quality of men who indicated their support. Admittedly, in order to pack Parliament the government only required a minority of country gentlemen to concur. On the one hand, they could act as local contact points for the regulators of the corporations; on the other, they could be used to compile a list of approved parliamentary candidates.³⁹ In the East Midlands, in this first respect, the outcome of the three questions for the government was mixed. Lack of records makes it difficult to determine the influence Thomas Eyre, Thomas Gladwin or Arthur Warren had in the corporation of Derby, but what does survive does not indicate they held particular sway over the corporation. Neither does any evidence exist pointing towards the latter two's influence in Nottingham. At Leicester and Grantham the result was more positive. In the former, Henry Beaumont lived close to the corporation and had long standing links to the corporation.⁴⁰ In the latter, Thomas Harrington had been instrumental in arranging the surrender of the corporation's charter in 1684 had come to enjoy a dominant position in the corporation.⁴¹ However, overall the local gentry that had replied positively to the three questions from the East Midlands were, as in Hampshire far from being leaders of local society.⁴²

In terms of identifying suitable experienced Parliamentary candidates from amongst the Anglican gentry, the results from the East Midlands were even more disappointing. In Derbyshire, none of the five men who appeared to support the king had previously been a member of Parliament (of whom Arthur Warren and Thomas Gladwin were the only magistrates retained in Nottinghamshire after the three questions), although Edward Abney had stood unsuccessfully at Derby in 1685 and Robert Wilmot had been considered a possible candidate by the 'fanatics' in 1685.⁴³ In Leicestershire, again, the situation was slightly better, and Henry Beaumont had been MP for Leicester in all three Exclusion Parliaments and James's first Parliament, whilst John Beaumont had been MP for Nottingham in 1685.⁴⁴ In

³⁹ Jones, *Revolution of 1688*, p. 135

⁴⁰ LRO, BR11/18/35, f.175; HMC 78/2, *Hastings Mss.*, p. 184.

⁴¹ Henning, *House of Commons*, i, p. 302, ii, 499.

⁴² Coleby, *Hampshire*, p. 224.

⁴³ Henning, *House of Commons*, i, pp. 187-9; HMC 24/2, *Hastings Mss.*, p. 87.

⁴⁴ Henning, *House of Commons*, i, pp. 296, 355, 613-4.

Lincolnshire three of the men who were retained on the commission of the peace after remodelling had been MPs in 1685 - Thomas Harrington, John Thorold and Edward Ayscough, whilst Charles Bertie had been a member for Stamford in both 1678 and 1685.⁴⁵

However, by the time that the campaign to pack Parliament began, it is likely that James's government had already given up on hopes of widespread co-operation from Anglicans. James's 'test-run' of imposing toleration in Scotland had failed due to concerted opposition, and since the Restoration the Scottish Parliament had been a body far more loyal to the Stuarts than its English counterpart.⁴⁶ The decision to dissolve Parliament in July, 1687, was an admission by the Crown that Anglicans were unsuitable partners in the government's efforts to secure repeal of the penal legislation. That is not to say that if local Anglicans were willing to co-operate James would not make use of them, as indeed he did in the East Midlands, but rather he had already decided to put his faith elsewhere.

Whilst those members of the East Midlands gentry who had been set the three questions, and responded positively did not represent the mainstream of county society, the men that replaced them enjoyed more impressive pedigrees in terms of political experience. In Nottinghamshire, Scrope Howe, William Sacheverell, Richard Slater, and John White had all previously sat in the House of Commons.⁴⁷ In Derbyshire, John Gell had represented the county during the Protectorate, and his son, Phillip, the borough of Steyning in 1681. George Vernon had been elected by the corporation to the three Exclusion Parliaments, and Antichell Grey between 1665 and 1681.⁴⁸ John Hartopp, added to the Leicestershire commission of the peace, also had Parliamentary experience during the Exclusion Crisis, and across the county border, in Lincolnshire, William York, William Fitzwilliam and Richard Cust also

⁴⁵ Henning, *House of Commons*, i, p. 300, 303, 306.

⁴⁶ Tim Harris, 'Morrice and the Law in the reign of James II', a paper given at The World of Roger Morrice: Politics, Religion, Law, and Information, 1675-1700, Clare College, Cambridge 10-12 July 2003.

⁴⁷ Henning, *House of Commons*, i, pp. 187, 349, 355, ii, pp. 611-2, iii, pp. 370-6, 439, 705-6.

⁴⁸ Henning, *House of Commons*, i, pp. 188, ii, pp. 384-5, 439-41, iii, pp. 636-7.

enjoyed respectable Parliamentary pedigrees.⁴⁹ In the East Midlands, whilst James's government still employed those members of the Anglican majority who agreed to support him, the success of his campaign to pack Parliament was largely dependent on the attitude of former exclusionists.

This caucus of whig gentlemen had not yet returned to their local offices when the three questions were set, thus their opinions on the repeal of the test act and penal laws are more obscure than their Anglican or Catholic counterparts. However, supplementing and qualifying the information provided by lord lieutenants were the reports sent by the local agents to the commission for regulating corporations. Only summaries of the local agents reports survive for eight counties from April and 18 from September.⁵⁰ Unfortunately, none of the East Midland counties are included in the April summaries, though it was reported that Lincolnshire, along with Hampshire, Sussex, and Yorkshire were likely to return the same proportion of 'right' men (approximately 70%) as Wiltshire, Dorset, Cambridge, Norfolk, Sussex, Essex, Somerset and Devon.⁵¹ The agents' assessment of the political reliability of these whig candidates from the East Midlands was extremely positive, and the electoral intelligence collected by lord lieutenants and local agents was used by Sunderland to make recommendations to particular seats. In Nottinghamshire, Sunderland's endorsements matched those of the agents - John Taylor and John Thornhagh at East Retford, Francis Stringer and Robert Sherbrook at Newark, Richard Slater and Samuel Sanders at Nottingham and William Sacheverell and Nathan Wright for the county.⁵² Similarly, in Leicestershire, Sunderland supported the nominations of those men originally proposed by Huntingdon. Likewise, in Derbyshire, Huntingdon's advice was followed for the town, the agents advice concerning the limitations of Sir Simon Degg's influence being ignored, and he and George Vernon obtaining the government's recommendation.⁵³ In Lincolnshire, Sunderland recommended Colonel Butler at Boston, Captain Harrington at Grantham, Charles Bertie at Stamford, and

⁴⁹ Henning, *House of Commons*, i, pp.299, 306, ii, pp. 182-3, 329, 503, iii, p. 792.

⁵⁰ In April these were Cambridgeshire, Devon, Dorset, Norfolk, Essex, Somerset, Suffolk and Wiltshire. In September Berkshire, Buckinghamshire, Cambridgeshire, Derbyshire, Devon, Dorset, Norfolk, Essex, Somerset, Kent, Nottinghamshire, Hampshire, Suffolk, Surrey, Sussex, Worcestershire, Staffordshire and Yorkshire. Duckett, *Penal Laws and Test Act*, ii, pp. 221-53.

⁵¹ Duckett, *Penal Laws and Test Act*, ii, pp. 218-21.

⁵² *CSPD Jun 1687-Feb 1689*, pp. 273, BL, Add Mss. 34516, f. 50.

⁵³ *CSPD Jun 1687-Feb 1689*, p. 273; BL, Add Mss. 34516, f. 51.

Edward Cooke and John Darnell for Grimsby.⁵⁴ By September 1688, the government had clearly identified what it considered 'suitable candidates' in 20 of the 28 parliamentary seats of the East Midlands.

Nevertheless, it is noticeable that, despite all the preparatory work in three of the East Midland corporations Sunderland appears to have only recommended one candidate. Admittedly, this omission could be the product of the loss of the other recommendations. Potentially this could well be the case at Grantham, where Lindsey was not the traditional electoral manager, and Charles Bertie had replaced the Earl of Rutland as recorder. However, at Boston and Stamford, where Lindsey was the recorder, such an explanation is less likely. In the East Midlands the government was generally successful in identifying candidates that it considered would support the repeal of the Test Act and penal laws. Yet, as the list of candidates suggests, the government was highly dependent on whig collaboration. As argued in the previous chapter, whilst the agents were sure of the dependence of the whig interest, their own assessments were not entirely dependable, and a number of historians have thrown doubt on accuracy of the agents' reports.⁵⁵

A comparison of the summaries of agents' canvassing and commission for regulating the corporations report in April clearly demonstrates their proclivity for optimism. In their summary report for April, the central commission reported that in the counties of Cambridgeshire, Devon, Dorset, Essex, Norfolk, Somerset, Suffolk and Wiltshire, which sent 140 members to Parliament, the king could expect the return of over 100 suitable men to the House of Commons. However, when summaries of the local agent's canvassing are examined this does not seem certain.

⁵⁴ *CSPD Jun 1687-Feb 1689*, p. 275; BL, Add Mss., 34516, f. 52.

⁵⁵ Coleby, *Hampshire*, p. 223; Speck, *Reluctant Revolutionaries*, p. 201; Miller, *James II*, p. 197.

Table 5.1

Summary of the Local Agents Reports from Cambridgeshire, Devon, Dorset, Essex, Norfolk, Somerset, Suffolk and Wiltshire, April 1688.

Agents' assessment of candidates suitability	Named Candidate	Unnamed Candidate	Total
Right	75	12	87
King's nomination	0	14	14
Dissenter/Dissenter's choice	8	0	8
Possibly Right	13	5	18
Doubtful	2	0	2
Ill	1	0	1
Unknown	5	5	10
Total	104	36	140

As table 5.1 indicates, if those described as 'right' are added to the King's and dissenters nominees then the local agents do intimate that in over 100 seats suitable candidates had been identified. However, their accompanying predictions for the elections do not indicate that over 100 would necessarily be chosen. Of the 87 right candidates, 37 were deemed likely to be elected, eight had promises they would be elected, and a further eight were deemed likely to be elected once the corporations had been regulated. For seven candidates there was only a chance of their successful election, and for two of these only after regulation. A further six required a new charter, and no indication was given whether this would result in suitable elections, and in an additional 21 cases the local agents did not comment on the chances of a successful election. For seats in the king's nomination, 10 were described as likely to be elected and four once regulated. So, according to the more detailed local reports, whilst over 100 candidates had been identified their successful elections was by no means guaranteed.⁵⁶

Furthermore, these assessments are from a relatively early stage of regulation, and they make the assumption that in this respect the government's tactics would work. In the few cases where agents' reports survive from April and September this does not seem to have universally been the case. In April the reports from Dorset indicated that 'Mr Freak will be chosen who is moderate, and Mr Michael Harvey, their election being secured by the numerous Dissenters, 150 freeholders in Portland at the Governors devotion and besides these two gentlemen have soe great a interest

⁵⁶ Duckett, *Penal Laws and Test Act*, ii, pp. 221-34.

in the county that it is not to be supposed that any can oppose them'.⁵⁷ However, by September the report for the county seats was materially different, that 'no return yet made, but yet very doubtful'.⁵⁸ In April it was indicated that Shaftesbury corporation 'propose to choose Sir Mathew Anders and Mr Bennett, of whom we hope to have full satisfaction', but, by September this election was also considered doubtful.⁵⁹ Correspondingly, at Colchester Mr Eldred junior, a dissenter, and Mr Mott, a counsellor, or Captain Reynolds, who had 'fully declared themselves' were listed as possible candidates, the certainty of their election being guaranteed by the making of 'Freemen upon their new charter'. However, later reports stated that the regulation carried out under the instance of Captain Reynolds had been a mistake as further enquiry had demonstrated that he 'hath noe interest heer'. Admittedly, in this instance, it was also indicated that the corporation had promised to elect Sir John Shaw and another right man, but this was dependent on further regulation.⁶⁰

The local agents' identification of suitable parliamentary candidates was only one aspect of their role, and they were also ordered to ensure that the right men were elected. This in part was to be accomplished by changes made to the commissions of the peace and other local office-holders to help change the balance of power within the counties. It also involved changes in the corporations, to bring them more firmly under central control and ensure that they would elect right men. J. R. Jones argued that in the corporations the purges were conducted in a systematic and efficient manner, and that repeated remodelling was a consciously chosen tactic, as it gave the government the time to fully test the reliability of certain candidates for municipal office.⁶¹ Certainly, there seems to be an element of truth in this, and there were other administrative reasons for adopting such an approach. As we have seen whilst the charters issued during the tory reaction largely gave the Crown the right to remove officers of the corporations, they did not give it the right to fill vacancies.⁶² During the remodelling of the corporations in 1688, the Crown made 'recommendations' for the vacant position which had to be succeeded by due election by the corporation.

⁵⁷ Duckett, *Penal Laws and Test Act*, ii, p. 221.

⁵⁸ Duckett, *Penal Laws and Test Act*, ii, p. 242.

⁵⁹ Duckett, *Penal Laws and Test Act*, ii, p. 222, 242.

⁶⁰ Duckett, *Penal Laws and Test Act*, i, p. 410.

⁶¹ Jones, *Revolution of 1688*, p. 149.

⁶² Chapter 2.

For example, at Newark, those men recommended for a place on the corporation in the government's *mandamus* of 25 February, 1688, were duly elected by the remaining members of the corporation on 6 March. In Leicester, those to be added to the corporation following the first purge in February 1688 were duly elected on 13 March, those in the second purge, of 22 April, eight days later, and those of the third purge, of 27 April, again were legally co-opted on to the corporation by the surviving office-holders once the *mandamus* had been received. Similarly, at Grantham those suggested by the *mandamus* of 8 June elected late evening of 25 June.⁶³ This process of election by remaining members of the corporation lent a certain appearance of legality to the proceedings. Indeed, if James had removed wholesale recalcitrant office-holders from the corporations, then few would have remained to 'elect' the new nominated members, particularly in those corporations party to extensive remodelling.

However, there is more compelling evidence that all was not as efficient and systematic as Jones has argued. A number of East Midland seats, East Retford, Lincoln, and Stamford, do not appear to have been remodelled in any way. At the latter this meant that Peregrine Bertie remained on this corporation, although he had been removed from all other local offices.⁶⁴ In addition orders in council are repeated almost in full. Those of the 13 January and 26 February, 1688, sent to Boston corporation, are almost identical, as are those of 10 and 24 February pertaining to Newark.⁶⁵ Moreover, the main evidence of the government's intention to conduct regulation in successive waves, William Blaythwayt's letter, does not serve to explain the number of men in Boston, Grantham, Leicester and Nottingham corporations that became corporate office-holders as a result of a *mandamus* from the government, that were subsequently removed either by a later order in council, or by the issue of a new charter in September 1688.⁶⁶ In addition, at Derby, those office-holders on the corporation prior to the purge of January, 1688, were reported to have been ready to co-operate in surrendering the charter, but the people that

⁶³ NRO, DC/NW 3/1/2, p. 20; LRO, BR II/1/3, p. 933, BR II/18/36, ff. 86, 88; LAO, Grantham Borough 5/1, p. 712.

⁶⁴ It is not clear if this is the elder or younger Peregrine Bertie, but both were removed from their offices.

⁶⁵ Bailey, *Minutes of the Corporation of Boston*, p. 369; PRO, PC 2/72, pp. 608, 616, 618.

⁶⁶ NUL, PwV, Portland Mss., f. 62.

replaced them were not.⁶⁷ Whilst the government may have envisaged successive remodelling, the actual pattern of remodelling as it was executed in the East Midlands corporations surely cannot have represented its intentions. Certainly, the result does not reflect the workings of a smooth well-oiled electoral machine.

By the time Parliamentary writs were issued, some East Midland boroughs had been relatively untouched, whilst others extensively remodelled. In the three corporations with the smallest electorates Boston, East Retford, Grimsby and Leicester, which theoretically should have been easier to control, the evidence indicates that the government's chances of success were mixed. At Boston the government's chances of securing the return of two reliable candidates were hampered by its failure to identify two suitable individuals. At East Retford, whilst few corporation records survive, it does seem likely that the corporation would at least have returned one of the government's nominees. The corporation's answer to the three questions did not directly indicate their consent to the repeal of the Test Act and penal laws, but rather promised to 'endeavoure to chuse such members as wee thinke shallbee the most ready to serve his Matie' and specifically requested the advice of the Duke of Newcastle 'soe that nothing may bee done by us that may bee displeasing to his Matie'.⁶⁸ What is more John Thornhagh lived close to the corporation and had been building an interest in the borough since 1682 and by 1685 had reportedly laid out enough to threaten John Millington.⁶⁹ Following the 1685 Parliament, Millington himself had come under royal displeasure and was removed from Nottinghamshire's commission of the peace, but in July 1688, he was re-admitted and, along with Newcastle, threatened the corporation with regulation unless they agreed to elect candidates opposed to the Test.⁷⁰ In this small loyal borough, under pressure from its recorder and deputy recorder, it is likely that at the very least the government would have secured the return of one of its favoured members.⁷¹

⁶⁷ Hosford, *Nottingham*, pp. 56-7.

⁶⁸ Duckett, *Penal Laws and Test Act*, ii, p. 127.

⁶⁹ Henning, *House of Commons*, iii, pp. 556-7.

⁷⁰ Henning, *House of Commons*, i, p. 352; PRO, C231/8, p. 192.

⁷¹ Though it is still not certain that John Thornhagh was a willing collaborator, and he did not act as a justice of the peace.

By contrast, the situation in Grimsby and Leicester was very different. In January, Lindsey had considered it likely that the two MPs from 1685 would be re-elected, or that Edward King would be elected in the place of Thomas Barnardiston. Both Edward Ayscough and Edward King responded positively to the three questions, but Thomas Barnardiston was one of the many Lincolnshire magistrates who failed to return an answer and, it would appear, he did not support the king. In April, the local agents had suggested him as one of three possible candidates for Suffolk, along with his uncle Sir Samuel Barnardiston. However, whilst the elder Barnardiston was considered 'right, out of principle, for Liberty', the agents were less sure of his nephew's opinion and it was only supposed that he would be right 'either out of inclination or Sir Samuells influence'.⁷² These expectations of the regulators were obviously unfulfilled, and Sir Thomas was removed from the Kesteven commission of the peace after the three questions, and by September the recommended candidates for Suffolk were his uncle and Sir Phillip Skippon.⁷³ In September, it was Edward Ayscough and Edward King that were recommended by the local agents as members for Grimsby, but, possibly as a sop to corporation interests, Sunderland recommended Edward Cooke, probably a kinsman of the mayor and the rising lawyer John Darnell.⁷⁴ It is uncertain whether the corporation would have elected these members, and in May it had decided to fight the surrender of its charter.⁷⁵

Whilst East Retford remained relatively unaffected by the remodelling, and Grimsby's new charter of 1688 made only minor changes to the personnel of the corporation from 1686, Leicester's corporation was more extensively remodelled, and, during the course of 1688, over 80% of its office-holders were removed.⁷⁶ What is more, besides Huntingdon's influence, one of the candidates, Sir Henry Beaumont, enjoyed considerable interest in the borough and the new charter of 1688 restricted

⁷² The other suggested candidate was Sir Henry Felton of Playford who was reported 'will goe right, though he be an infirme man, and answered wrong to the Lord Dover'. Duckett, *Penal Laws and Test Act*, ii, p. 225-6.

⁷³ The History of Parliament incorrectly identifies Sir Thomas rather than Sir Samuel as Sunderland's recommendation. LAO, KQS E/1 commission of the peace 25 July 1687 and 6 July 1688; Duckett, *Penal Laws and Test Act*, ii, p. 246; CSPD Jun 1687-Feb 1689, p. 276; Henning, *House of Commons*, i, p. 597.

⁷⁴ Duckett, *Penal Laws and Test Act*, i, p. 148; CSPD Jun 1687-Feb 1689, p. 275; Henning, *House of Commons*, i, p. 304.

⁷⁵ NELA, 1/102/9/2, p.427; George, 'Charters', p. 50n.

⁷⁶ Chapter 3.

the franchise to members of the corporation. In this corporation the government's efforts should have guaranteed a successful result. Yet, in September, John Oneby could only report that he hoped that Sir William Villiers and Sir Henry Beaumont would be elected.⁷⁷

In the other corporations with larger franchises, controlling the outcome of the election was likely to be even more problematic. M. J. Short has argued that, in many respects, the tradition of avoiding a poll negates the uncontrollability of the larger freeman franchises.⁷⁸ In the East Midlands, it is impossible to determine whether a poll could have been avoided. However, it seems unlikely, in the context of the overwhelming opposition to James's proposals, evidenced by the answers to the three questions, and the changes made in the personnel of municipalities, that the selection process would negate elections. In this respect, the example of Derby is instructive. In this corporation, Sunderland had recommended Simon Degg and George Vernon to the two seats. Of these, the former was reported by the agents to have little interest in the town, and the latter was clearly unpopular locally.⁷⁹ In August, John Gisborne wrote from the corporation to Sir John Gell asking for his support for a composition between the Churchmen and dissenters, as had previously been agreed for the county seat. He intimated that John Coke was an unacceptable candidate to the dissenting party, unless John Spatemen, Cornelius Clark, or Edward Abney were accepted by the churchmen, which he considered unlikely. He wanted Gell to intercede with compromise candidates and demonstrated that his main concern was to prevent 'the election of Mr Vernon, and some other recommended person with him'.⁸⁰ Certainly, at Derby, evidence exists of an attempt to obtain a composition and avoid a poll. However, this was not to ensure the election of the government's preferred candidates, but rather to preclude it.

As was the case at Boston, in two other Lincolnshire corporations with larger franchises, Stamford and Grantham, the government failed to nominate more than one candidate. At Lincoln, in January, Sir Thomas Meres was considered by

⁷⁷ HMC 78/2, *Hastings Mss.*, p. 187.

⁷⁸ Short, 'Corporation of Hull', 174-5.

⁷⁹ Duckett, *Penal Laws and Test Act*, i, p. 440; HMC 23, *Cowper Mss.*, p. 344.

⁸⁰ DRO D258/17/31, f.58

Lindsey likely to be elected, and the government's other nominee, Henry Stone, was a generous benefactor of the corporation.⁸¹ As such, their election would appear to have been relatively secure. However, it should also be noted that Thomas Meres pointedly failed to gain the seat in 1689, although admittedly by this point the political landscape had radically changed.⁸²

In Nottinghamshire, in September the agents' reports from Newark indicated that 'the towne is generally inclined to Liberty of Conscience' and that they would choose Robert Sherbrook and Francis Stringer.⁸³ However, in November, the corporation had 'unanimously' answered 'in the negative' to 'the takeing away the Penall Laws and Test' and whilst, in February, nearly half of the corporation were removed the other aldermen remained.⁸⁴ What is more, even if Sherbrook and Stringer had been returned, questions still remain about the extent of their commitment to the government's cause. At the end of January 1688, Stringer wrote to his father-in-law 'soloman saith that good news, froma farr country is like cold water to a thirsty soule, it is always soe but cheifly now when the affaires of this world are in an unusable position, as they seame to be att this time'.⁸⁵

Nottingham corporation witnessed the most extensive changes to its personnel during the course of 1688, and the government appears to have successfully created a compliant corporation. The corporation went to considerable lengths to ensure that amenable candidates were returned, including packing the local commission for charitable uses, which, it was hoped, would 'be of very great use to us in reason of the Election of Burgesses for Parliament' and would hopefully 'check our adversaries as much as incourage our friends'.⁸⁶ In addition, the mayor requested that the ex-chamberlains and sheriffs who had been recently purged and who 'acted contrary to the interest of the corporation' also be excluded from the franchise.⁸⁷ However, Nathan Wright, the newly appointed recorder, assured the mayor that he did not

⁸¹ Duckett, *Penal Laws and Test Act*, i, p. 147; *CSPD Jun 1687-Feb 1689*, p. 275; HMC 37, Fourteenth Report, Appendix viii, *Corporation of Lincoln Mss.*, pp. 110-2.

⁸² Henning, *House of Commons*, i, p. 305.

⁸³ Duckett, *Penal Laws and Test Act*, ii, p. 246.

⁸⁴ Duckett, *Penal Laws and Test Act*, ii, pp. 128-9.

⁸⁵ LAO, Monson 7/13, f.141.

⁸⁶ NAO, CA 4748, CA 4758.

⁸⁷ NAO, CA 4692 c/3.

think they had anything to fear from the displaced officers during the election as 'their discontent will keep them from meddling in elections and I am almost of his mind, especially since ye king may displace such as they elect.'⁸⁸ In terms of the experiences of the town during the charter crisis of 1682, or indeed after the Glorious Revolution, such restraint from displaced officers seems unlikely.⁸⁹ Realistically, it appears that Nathan Wright was placing more faith in the election of unsuitable candidates being voided. Whilst this may have ensured that ultimately right men would have represented Nottingham if James's new Parliament had ever sat, such a tactic could not have been used universally if the integrity of parliamentary repeal was to be maintained.

Overall, the East Midlands' experience of the campaign to pack Parliament indicates that it was highly improbable that James would have procured a majority of candidates from this region that would have agreed to repeal the Test Act and penal laws. Admittedly, the Crown managed to identify what it considered to be 'suitable candidates' in the majority of seats. However, the actual suitability of these candidates is questionable. Moreover, identifying supporters was only part of the process and ensuring their election another. The regulation of the corporations was unique in both its breadth and depth, but it did not necessarily produce the results the government was aiming for. Whilst the available evidence indicates that in some seats the recommended candidates could possibly have been elected this was by no means guaranteed. In fact the campaign served to further alienate the king from the vast majority of his subjects and in the closing months of James's reign the demand for a 'free parliament' united men of very different political and religious hues. How far men were willing to take their opposition is discussed in the next chapter.

⁸⁸ NAO, CA 4692 c/6.

⁸⁹ Chapter 2.

Chapter 6: The Nottingham Rising

The Prince of Orange landed at Torbay on 5 November 1688 and, later in the month, the East Midlands was one of the few areas of the country that witnessed a pre-arranged armed uprising. Whilst the government was not slow to launch a propaganda attack on the Dutch landing, James was more hesitant in formulating his military response and did not rendezvous with his army at Salisbury until 19 November. It was whilst here, prone to nosebleeds and unable to sleep, that the king had his enigmatic 'psychological breakdown'. At a council of war on 23 November, against the advice of most of his officers, but following that of the Earl of Faversham, James took the decision to retreat and return to London. On his return, he called a meeting of Lords Spiritual and Temporal in order to determine an accommodation, and commissioners were sent to Hungerford to negotiate with the Prince. The sincerity of the negotiations on both sides is open to question and, in a pre-arranged plan, James left London on 11 December. Captured at Faversham, he returned to London on 16 December but, with William's 'assistance', made a second successful flight on 23 December.

The initial plans for the risings at York and Nottingham were predicated on a Dutch landing in the north, at Bridlington Bay or the northern shore of the Humber estuary. Historians disagree as to whether William had initially determined to land in the north and subsequently changed his plans, or had always intended to land in the south-west.¹ However, the English conspirators were convinced that a northern landing was planned, and it was in light of this that they devised their strategy. William's failure to land in the north sidelined the overall strategic importance of the main English-led contribution to the revolt against James II. In light of William's southern landing, and the king's flights, in many respects the northern landings, in

¹ David Hosford concurs with Gilbert Burnet's assessment that William had determined on a northern landing but later had to change his plans. However, both Lucille Pinkham and J.P. Kenyon argued that the Prince of Orange landed in the south in order to maintain his freedom of action. Burnet, *History*, iii, p. 302-5; Hosford, *Nottingham*, p. 32; Kenyon, *Nobility in the Revolution*, pp. 12-3; Pinkham, *Respectable Revolution*, pp. 149-50.

the words of one historian, were the 'side streams and backwaters' of the Glorious Revolution.²

The main historiographical contribution of such supposed side streams has been the support they appear to provide of the distinctly limited and aristocratic nature of active English opposition to James II. Lucille Pinkham stressed that all the conspirators in touch with William were either themselves, or related to, peers.³ J. P. Kenyon, whilst highlighting that only a minority of the political nation participated in the revolution, either for or against James, agreed that organised opposition was largely aristocratic, and that those gentry who appeared for William 'in the midlands and north did so usually in the train of some nobleman or other'.⁴ In fact, the most extensive study of the Nottingham rising has argued, that in many respects, it represents the apogee of this phenomenon.⁵ In the following discussion the 'aristocratic nature' of the Nottingham rising will be reassessed.

I

Certainly, it was members of the aristocracy who were the chief conspirators and leaders of each of the northern risings. The first conspirator to move was Henry Booth, second Lord Delamere, who declared for the Prince on the 15 or 16 November and spent the next few days raising his tenants and others at Warrington, Manchester and Ashton before rendezvousing with them at Bowden Downs near Altrincham.⁶ Delamere and his party departed Cheshire on 17 or 18 November to rendezvous with fellow conspirators at Nottingham.⁷ In Derbyshire, William

²Wood, 'Revolution of 1688', 72.

³Pinkham, *Respectable Revolution*, pp. 36-37, 238-9.

⁴Kenyon, *Nobility in the Revolution*, p. 5.

⁵Hosford, *Nottingham*, chapters vi and vii.

⁶There is conflicting evidence as to the date when Delamere actually rose in arms. Roger Kenyon's diary records that he declared for the Prince on 15 November and raised his tenants and others in Warrington, Manchester and Ashton and was raising his new levies at Bowden Downes in Cheshire on 16 November. However, an undated letter from John Gorman to Captain Lee indicates that Delamere rode through Manchester on Friday 16 November and he was on Bowden Downes on Saturday 17 November. A.C. Wood, L.K.J. Glassey and D. H. Hosford all date Delamere's rising to the 15 December. HMC 35, *Kenyon Mss.*, p.201; BL, Add Mss. 41805, f. 232; Wood, 'Revolution of 1688', 84; L.K.J. Glassey, 'The Revolution of 1688', 38; Hosford, *Nottingham*, 86.

⁷A.C. Wood records that Delamere left for Nottingham on 17 November whilst D. H. Hosford indicates it was the following day. Either way he was reported to have arrived at Newcastle upon

Cavendish, Earl of Devonshire, met with supporters at the county town on 17 November. Two days later, he was joined by Thomas Grey, second Earl of Stamford, who arrived with wagons and arms.⁸ This party left Derby for the short ride to Nottingham on the morning of Tuesday 20 November.⁹ At Nottingham, Devonshire received word from Thomas Osborne, Earl of Danby, of the final preparations in York, where on 22 November Danby led the rising that was initiated, under the guise of a meeting of the gentry and freeholders to prepare an address of loyalty to the king.¹⁰ As the draft address was being circulated, a signal was given that the Catholics were attacking the militia. In the ensuing confusion, Danby and his conspirators took the control of the militia away from the loyal Governor of York, Sir John Reresby, and, after failing to gain his support, confined him.¹¹

Once the initial stands had been made, these three aristocratic leaders, Delamere, Devonshire and Danby, continued to have an important influence on the sequence of events. Delamere, after a night spent at Derby, arrived in Nottingham on the afternoon of 21 November and stayed at the Feathers Inn, on Wheeler Gate, in the centre of the town.¹² According to Roger Morrice, on arrival he was disappointed with the number of men Devonshire had been able to muster, and was eager to make his way to the Prince of Orange's camp. Fearful that this would leave the town exposed to a possible attack by a Royalist force, a ruse was devised to test the resolve of the local inhabitants by raising an alarm that the king's forces were within

Lyme on the evening of Sunday 18 November. Wood, 'Revolution of 1688', 84; Hosford, *Nottingham*, p. 89. BL, Add Mss. 41805, f. 234.

⁸ D. H. Hosford indicates that the Earl of Stamford was waiting for the Earl of Devonshire at Nottingham. However, a newsletter of 21 November 1688 indicates after describing the rendezvous at Derby states Stamford 'came hither' on Monday, which was the 19 November when Devonshire was still in Derby. Hosford, *Nottingham*, p. 92; BL, Add Mss 41805, f. 245.

⁹ Historians disagree as to when this party of conspirators left Derby for Nottingham. A. C. Wood states that Devonshire rose at Derby on the 21st and then moved to Nottingham, however, D. H. Hosford maintains that Devonshire arrived in Nottingham on 20 November. Contemporary accounts also conflict, a newsletter from Nottingham, of 21 November, stating that Devonshire and his party are expected in Nottingham that day, however a newsletter from Derby of the same date indicates that Devonshire left the town on the morning of Tuesday 20 November. This would seem to be the more accurate because Devonshire left Derby before Delamere arrived on the evening of 20 November. Wood, 'Revolution of 1688', p. 84; Hosford, *Nottingham*, p. 84; BL, Add Mss. 41805, ff. 240, 245.

¹⁰ Hosford, *Nottingham*, p. 92.

¹¹ For accounts of the York rising see *Memoirs of Sir John Reresby*, pp. 524-45, 583-7 and *The True State of York being Taken* printed in HMC 6, *Graham Mss.*, p. 420. Wood, 'Revolution of 1688', pp. 72-104; Speck, 'The Revolution of 1688', *Northern History*, xxv (1989), pp. 188-204.

¹² BL, Add Mss. 41805, f. 250; Charles Deering, *Nottinghamia Vetus et Nova* (Nottingham, 1757), p. 260; NAO, DD 806/1.

four miles of Nottingham.¹³ The response was immediate; those with horses armed themselves and mounted, whilst those on foot appeared with weapons ranging from fire-locks to pitchforks. Under the supervision of Delamere, and his lieutenants, the passage over the river Trent from the south was secured, all available boats were drawn to the north bank, and the bridge was barricaded.¹⁴

Although a Declaration in the names of the 'Nobility and Gentry of the Northern Parts of England' had previously been made at Derby by Devonshire before he departed the town, no such public pronouncement was made at Nottingham until 24 November, although Devonshire and Delemere had been in the town since 21 November 1688. The delay in making a Declaration at Nottingham has been attributed to tensions that developed between Delamere and Devonshire, although it could well be the product of nothing more sinister than their waiting until market day.¹⁵ Appearing at the Malt Cross in front of a full market, Delamere was the first to address the crowd, followed by speeches by the Earl of Devonshire and Sir Scrope Howe. The addresses were reported to have met with a rapturous reception from those present who cried out for 'a free parliament! a free parliament!'.¹⁶

The two Declarations made in the East Midlands cited their grievances against James II. The Derby address making reference to the 'invasions made of late years on our religion and laws', whilst the Nottingham Declaration was more expansive in elucidating the causes of discontent. Broadly following the Declaration made by the Prince of Orange outlining 'the reasons inducing him to appear in armes in the kingdom of England', it cited the king's dispensing of established laws, the displacement of office-holders, the destruction of charters, the preferences extended to papists, the dismissal of judges, the burden of a standing army, the king's attacks on Protestantism and the preclusion of petitioning. Unlike the Prince's Declaration, it did not make explicit reference to the birth of the Prince of Wales, and neither was it so carefully phrased to appeal to as wide an audience as possible, including as it

¹³ Hosford, *Nottingham*, p. 92-3.

¹⁴ Deering, *Nottinghamia*, p. 260.

¹⁵ Hosford, *Nottingham*, p. 92.

¹⁶ Deering, *Nottinghamia*, p. 260.

did an explicit reference to the subjects right to resist.¹⁷ Also central to the declarations made in the north was the demand for a free Parliament. The petition used at York as a ruse for the rising there called for 'a Parliament-regular and free in all its circumstances'.¹⁸ Delamere's speech at Bowden Downs made no mention of Parliament, or indeed any type of settlement, but this was directed to his tenants and atypical.¹⁹ His speech before the market at Nottingham on 24 November stressed that providence had sent the Prince of Orange to rescue them from Popery and slavery by means of free Parliament. Devonshire's address to the corporation of Derby stated that 'we cannot think of any other Expedient to compose our differences, and prevent effusion of Blood, then that which procured a Settlement in these Kingdoms after the late Civil Wars, the meeting and settling of a Parliament, freely and duly Chosen'. Likewise, Delamere and Devonshire's joint Declaration at Nottingham focused its hopes on a free Parliament. It was under the standard of a free Parliament that the insurgents of the north, of all political hues, articulated their opposition to James. However, it is noticeable that, beyond the panacea of a free parliament, little public mention was made of the actual contours of a settlement, or the respective roles of James or William in it.²⁰

After the Malt Cross 'rally', Delamere, accompanied by Lord Stamford and a majority of the Cheshire contingent, left Nottingham to join the Prince of Orange. Deering, in his account of the rising, implies that this departure was the product of Delamere's satisfaction that Nottingham was relatively secure, and he had stayed in the town only long enough to participate in reading the rebels' proclamations.²¹ However, Roger Morrice hints that Delamere's quick exit from the town a few days after he arrived was the result of disagreements with Devonshire over questions of policy and strategy.²² Following Delamere's departure, those left in Nottingham busied themselves with disarming papists, recruiting men, collecting funds and

¹⁷ *The True Copy of a Paper delivered by the Lord De to the Mayor of Darby, where he Quartered the One and Twentieth of November, 1688* (1688); *The Declaration of the Nobility, Gentry and Commonalty at the Rendevous at Nottingham, November 22 1688* (1688); *The Prince of Orange's Declaration, shewing the Reasons why He invades England, with a short Preface, and some modest Remarks on it* (1688); Schwoerer, *Declaration*, pp. 109-115.

¹⁸ HMC 35, *Kenyon Mss.*, p. 208.

¹⁹ *CSPD Jun 1687- Feb 1689* p. 253-4.

²⁰ *The True Copy of a Paper...to the Mayor of Darby; Declaration of the Nobility...Nottingham.*

²¹ Deering, *Nottinghamia*, p. 260.

²² Morrice, *Entring*, Q, p. 370; Hosford, *Nottingham*, p. 92.

gathering arms. Close links were maintained with the rising in Yorkshire, with a party leaving the East Midlands for York on 28 November. Devonshire also attempted to secure the support of his cousin the Duke of Newcastle, but this was met with a flat refusal. As a result, on 1 December, Lord Dunblane, son of the Earl of Danby, and John Coke, of Melbourne, went to the Duke's residence at Welbeck, arriving early in the morning and took horses and arms, the latter filling three carts.²³

The aristocratic clique of leaders were joined by a number of their rank, either in arms or with more indirect demonstrations of support. Viscount Chomley accompanied Delamere from Cheshire, and as we have seen, Lord Stamford joined Devonshire at Derby, and there is a possibility that Lord Fairfax also attended there, though by 22 November he was in Yorkshire.²⁴ On 29 November, the rebels were belatedly joined by a contingent that had originally converged at Northampton which included the Earls of Manchester, Northampton, and Scarsdale, and Lord Grey de Ruthin, and they were also joined by Lord Carteret and Lord Cullen.²⁵ Other reported to be involved before the beginning of December include the Earls of Exeter, and Rutland, and Lord Ferrars and Chaworth. However, it is difficult to determine the extent of their active involvement, or to accurately time their appearance at Nottingham. Even if Rutland did not actually appear in arms, he had been made party to the conspiracy in the autumn, and at the very least made a financial contribution of £1000.²⁶

In London, Princess Anne, hearing of her father's return, fled Whitehall on the night of Sunday, 25 November.²⁷ Assisted by Bishop Compton and his nephew, the Earl of Dorset, she began her journey to Nottingham on the morning of 26 November. Their first destination was Copt Hall in Essex, home of Dorset, before moving on to

²³ Morrice, *Entring*, Q, pp. 337, 370; HMC 6, *Graham Mss.*, p. 419.

²⁴ BL, Add Mss. 41805, ff. 234, 240, 245; HMC 25, *Le Fleming Mss.*, p. 220.

²⁵ Morrice, *Entring*, Q, pp. 331, 369. The group of peers from Northampton were originally expected in Nottingham a few days earlier for a possible explanation for the delay see Hosford, *Nottingham*, p. 97.

²⁶ Morrice, *Entring*, Q, pp. 331, 337, 369; *A Catalogue of the Nobility and Principal Gentry (said to be) in Arms with the Prince of Orange, And in several other Parts of England (1688?)*.

²⁷ For arguments on whether her flight was timed with her husband's defection see Hosford, *Nottingham*, p. 101-2.

Hawnes in Bedfordshire. The party was reported to have passed through Hitchin, in Hertfordshire, on Tuesday, and arrived at the Earl of Northampton's residence at Castle Ashby the following day. From here, she travelled through Leicestershire, arriving at the county town on 30 November. She departed Leicester two days later on the grey mare of Mr Richard Mason, a mercer of Leicester 'and very corpulent man', no other horse being considered 'safe to carry the princess', and arrived in Nottingham on 2 December 1688. During her journey north, a rumour circulated that she would be intercepted, so Devonshire marched out to meet her, escorting her into Nottingham on 2 December.²⁸

Whilst prior to Anne's arrival those up in arms were clearly in rebellion, after her arrival the presence of a member of the royal family almost gave the proceedings the stamp of royal approval, for as it has been noted, 'with Anne, Mary and William united against the king, the revolution could be viewed as an attempt by the immediate heirs to prevent the wasting of the family estate'.²⁹ By waiting on Anne, the act of rebellion, if not muted, at least could be self-justified to a number of tory nobility and gentry. The Earl of Chesterfield had been invited to join the conspiracy when Danby travelled north but had declined. He now went to Nottingham to protect the Princess, reportedly arriving with Lord Ferrars and about 80 horse.³⁰ Likewise, William Boothby, of Ashbourne in Derbyshire, had been approached to join the rising and refused, but in early December he did briefly journey to Nottingham to wait on Princess Anne.³¹ Anne's importance to the rebels was clear, and reflected in the Earl of Danby's eagerness for the Princess to continue her journey north to York because of 'the great addition it would give to our interest in these parts, which would be no less than the securing the whole North'.³² Whilst Anne's arrival boosted the insurgents' cause, and swelled the numbers in arms in the Midlands, as David Hosford highlighted, there are questions about how committed to

²⁸ Morrice, *Entring*, Q, p. 338; Nicholls, *Leicestershire*, ii, p. 507; Kennet, *Memoirs*, p. 26; Morrice, *Entring*, Q, p. 338, 345.

²⁹ Hosford, *Nottingham*, pp. 6, 100, 103-4.

³⁰ However, there is limited evidence indicating that Chesterfield was at Nottingham on 22 November. *Letters of Phillip, Second Earl of Chesterfield, to several celebrated individuals of the time of Charles II, James II, William III, and Queen Anne, with some of their replies* (1829), pp. 336, 338; Morrice *Entring*, Q, p. 337, 369.

³¹ BL, Add Mss. 71692, ff. 119, 121, 129.

³² Andrew Browning, *Thomas Osborne, Earl of Danby and Duke of Leeds, 1632-1712* (3 volumes, Glasgow, 1944-51), ii, p. 145.

the rising those attending on Anne actually were. The Earl of Chesterfield overcame his previous reticence in turning rebel, but he made a public statement declaring his only reason for taking up arms was to protect the princess, and he refused to sign the Association supporting the Prince's cause, as did a number of men who arrived at a similar time.³³

However, in Hosford's account, the feature that members of the gentry who appeared in Nottingham, both before and after Anne's arrival, shared was that they did so in the train of a nobleman. Delamere was accompanied to Nottingham by at least a dozen or so gentlemen, the common denominator between them being a 'family connection or previous political association' with him. Just as Delamere had appealed to his tenants, so Devonshire entered Derby accompanied by tenants and members of his household. Hosford further argues that the gentry that originally came into Nottingham were minor gentry, men such as Francis Palmes of Stapleford, and John Charleton of Breason, and their social status was important, because it made them more amenable to influence from the Earl of Devonshire, and was a reflection of clientage among the lesser gentry. After Princess Anne's arrival in Nottingham, Hosford indicates that it was the Earl of Chesterfield, and, to a lesser extent, Lord Ferrars who 'initiated and established the limits of semi-insurgency', bringing with them a swathe of tory gentlemen from southern Derbyshire. Moreover, Chesterfield's refusal to sign the Association set a precedent for a number of peers and about 100 gentlemen. According to Hosford, in Nottingham the role of the nobility in leading and dominating the insurgents is shown particularly clearly in comparison to York. This difference, however, was due to an accident of geography and the differences in the concentration of nobility in the two areas, which meant that Danby was more reliant on member of the gentry.³⁴

Hosford reiterates the role of the aristocracy in determining support from local squires by comparing the response of the Derbyshire, Leicestershire, and Nottinghamshire gentry to the calling out of militia to protect Princess Anne. He argues that, whilst the insurgents were successful in drawing out the gentry of

³³ Hosford, *Nottingham*, pp. 103, 107-27. Morrice, *Entring*, Q, p. 372.

³⁴ Hosford, *Nottingham*, pp. 8-9, 88-9, 96-7, 109, 120-2.

Derbyshire and Leicestershire, they were less successful in drawing out those of Nottinghamshire, the key difference being the attitude and location of the counties peers. From Derbyshire, the Earls Devonshire and Scarsdale were in arms before 2 November. The former was the son of a previous lord lieutenant of the county, and Scarsdale held the post until James II ousted him in 1687. The Earl of Chesterfield, whose principal residence was at Bretby in the southern tip of Derbyshire, arrived in Nottingham after Princess Anne. Just south of the border in Leicestershire, the Earl of Rutland, was, if not active, at least supportive. Moreover, the current lord lieutenant of both counties, Theophilus Hastings, Earl of Huntingdon, was well away from the area, as he had been called into service at Portsmouth. In contrast, neither of the two most influential aristocratic figures of Nottinghamshire, George Savile, Marquis of Halifax, nor the Duke of Newcastle, supported the rising, and, at least in the latter's case, were close by. From the time he lost his post as Lord Privy Seal, Halifax had consistently maintained that James would be unsuccessful in his plans, and had been recommending a strict policy of inaction to tories and the Prince of Orange.³⁵ The Duke of Newcastle, whilst ineffective, remained constantly loyal, and Hosford suggests that their opinions precluded the gentry of Nottinghamshire from joining the insurrection at their county town. The Nottingham rising has been depicted as a particularly aristocratic affair, a case study that more completely than any other area fits the 'semi-feudal' depiction suggested by Kenyon. The risings were not only initiated and led by members of the nobility, their influence was also vital in determining whom, and how many, of the gentry took up arms.³⁶

However, there are problems with this depiction of the character of the Nottingham rising. Hosford provides evidence of the connections between gentrified Cheshire insurgents and Delamere - for example, Sir Robert Duckenfield's family had close political ties with the Booth family since the Civil War, and maintains that the pattern established in Cheshire, was repeated elsewhere in the north, but provides no supporting evidence of this.³⁷ Only three members of the gentry can definitely be identified as having originally risen with Devonshire - Sir Scrope Howe, John Noel, and Sir William Russell, and there are questions as to whether at least two of these

³⁵ Chapter 5.

³⁶ Hosford, *Nottingham*, pp. 109-11.

³⁷ Hosford, *Nottingham*, pp. 38n, 88, 148.

were influenced by members of the aristocracy.³⁸ Sir Scrope Howe's closest familial link to a peer was with the Earl of Rutland. John Manners's involvement in the Nottingham rising is unclear, and could have been limited to donating £1000 to the cause. In this case, it could well be that, rather than Howe joining the rising on Rutland's coat tails, a peer followed a gentleman into a state of at least semi-insurgency.³⁹ Likewise, Sir William Russell baronet came from Chippenham in Cambridgeshire, and, whilst his relationship to Devonshire before the rising can only be guessed at, after the Revolution their relationship appears to have been far from close.⁴⁰

Neither can an absolutely clear link be established between the gentry who entered Nottingham after Anne's arrival and either the Earl of Chesterfield or Lord Ferrers.⁴¹ Sir William Boothby's letter book gives no indication that his decision to wait upon Anne was the result of the actions of either the Earl of Chesterfield or Lord Ferrers. Boothby's letter books from March 1683 to March 1686, and March 1688 to September 1689, give an insight into his patronage relationship with local nobility. During this period, his position as deputy lieutenant, and his requests for aristocratic assistance, find him writing to the Duke of Newcastle and Earls of Devonshire, Scarsdale, and Rutland. Of these, the two most important to Boothby are clearly the two former. When Boothby's son marries in April 1685, he requests venison from their Park's, and the Newcastle at least obliged the request and also supplemented it with the loan of his cook.⁴² None of William Boothby's letters either indicate, or give the impression, that he is particularly in the pall of the Earl of Chesterfield. Furthermore, whilst in Nottingham, Boothby made a 'donation' to the cause to John Coke. In September 1689, after hearing rumours that some of these donations had been returned, he attempted to secure the return of his money. The appeal he makes

³⁸ BL, Add Mss 41805, f. 245.

³⁹ Morrice, *Entring*, Q, p. 370.

⁴⁰ HMC 52, *Frankland Astley Mss.*, pp. 71-2.

⁴¹ Morrice, *Entring*, Q, p. 369.

⁴² Earl of Devonshire - BL, Add Mss. 71690, pp. 35, 42, 58, 60-1, 65, 79, 124, 225, 239, 274-5, 260-1, Add Mss. 71691, pp. 12, 192. Duke of Newcastle - BL, Add Mss. 71690, ff. 69, 93, 132, 252-3, Add Mss 71691, p. 205. Earl of Rutland - BL, Add Mss. 71690, pp. 252-3, 263. Earl of Scarsdale - BL Add Mss. 71691, p. 216, 220, 224.

is not to a member of the local nobility, but one of his gentry neighbours, Sir Gilbert Clarke.⁴³

Equally problematic is the contention that, apart from Sir Scrope Howe and John Coke, other members of the cream of gentry society generally refused to turn rebel, and it was members of the minor gentry who were predominantly active in assisting recruitment, and who served as officers.⁴⁴ Certainly, there is evidence to suggest that some leaders of local county society refused to participate in the rising. In Derbyshire, both Sir John Gell and Sir Nathaniel Curzon were reported to have 'moved not', though the former was to later send money to Nottingham to protect Princess Anne, and Sir John Coke reported on 24 November 'few or none of the gentry of this county are engaged or meddle'.⁴⁵ In Nottinghamshire, William Sacheverell from Barton, and his neighbour, Sir Thomas Parkyns of Bunny, also reported to have refused to act, and the Duke of Newcastle confidently reported to Lord Preston on 1 December that 'I do not hear but of one gentleman of this country that is with them'.⁴⁶ Widespread refusals from members of the local gentry to participate in the rising could help to explain why Henry Compton, Bishop of London, complained to Danby on 5 December 'we are here a considerable body of men...But we want officers extreamly'.⁴⁷

However, Coke, Newcastle, and Compton's comments need to be placed in context. By 27 November at the latest, John Coke himself had joined the rising.⁴⁸ The Duke of Newcastle seems to have been neither a good judge of character, nor particularly effective in gathering local information. On 11 October, after he had been made lord lieutenant of the three Ridings of Yorkshire, Newcastle assured Sunderland 'I give

⁴³ BL, Add Mss. 71692, f. 116.

⁴⁴ Hosford, *Nottingham*, pp. 96-7.

⁴⁵ D. H. Hosford indicates that it was Sir Phillip Gell and Sir John Curzon who ignored appeals for assistance. In fact it was Sir John Gell who did not 'move' and his son Phillip went to join Anne at Nottingham taking a donation of a hundred pounds from his father and fifty pounds of his own money. Sir John Curzon had died in 1686 and it was his son Sir Nathaniel Curzon who 'refused to do any thing'. Hosford, *Nottingham*, p. 96; Morrice, *Entring*, Q, p. 370; HMC 23, *Cowper Mss.*, p. 344.

⁴⁶ George R. Sitwell, *The First Whig* (Scarborough, 1894), p. 176; HMC 6, *Graham Mss.*, p. 419; Hosford, *Nottingham*, p. 66.

⁴⁷ Browning, *Thomas Osborne*, ii, p. 146n.

⁴⁸ D. H. Hosford argues that John Coke was recruited by Devonshire on 26 November, however, it is equally possible that Coke's claim on 24 November of not being involved were disingenuous. BL Add Mss. 69953, ff. 4-5; HMC 23, *Cowper Mss.*, pp. 344-5; Hosford, *Nottingham*, p. 96.

not deputations but to such as I speak with and are willing to serve his Majesty'.⁴⁹ Yet the list of deputy lieutenants that he submitted a few days later includes the names of several individuals who were active conspirators or participants in the York rising.⁵⁰ Moreover, his departure from York after a disagreement about the planned address to the king, greatly facilitated the York rising, Danby later telling Reresby that 'the Duke's going away had given room for their design'.⁵¹ Whilst Newcastle lived in Nottinghamshire, and therefore is likely to have had superior local knowledge of this county, Sir Scrope Howe's rebellious activity alone indicates that the Duke was incorrect. Additionally, it is unlikely in his reports to Lord Preston that he wanted to emphasise his loss of control over his longest held lieutenancy. To do so would have not only displayed his failings, but necessitated action on his part, the latter being something he seems persistently loath to do.⁵² Finally, Bishop Compton's complaint needs to be seen as part of a campaign to gain more assistance from the Yorkshire insurgents as, despite the pre-arranged plan, Danby was reluctant to travel south.⁵³

Moreover, there is anecdotal evidence to suggest that the rising did attract a considerable number of the local gentry. White Kennet, in his *Memoirs of the Cavendish Family*, insisted that those at Nottingham made a 'Number and Figure very considerable', and Deering reported that an 'abundance of the gentry of the county of Nottingham' did join Devonshire.⁵⁴ Admittedly, both of these accounts were written after the event, and, as such, are susceptible to inaccuracy, as well as a tendency to inflate the success of the rising in the light of the successful outcome of the Glorious Revolution. However, Sir William Boothby reported to one correspondent on 2 December that 'many great persons' were up in 'Armes in this County', and to another, that 'many great men' were up.⁵⁵

⁴⁹ CSPD Jun 1687-Feb 1689, p. 309.

⁵⁰ For example, Lord Latimer, Lord Fairfax, Sir Henry Goodricke, Christopher Tankard, and John Darcy. CSPD Jun 1687-Feb 1689, p. 315; For a further description of Newcastle's ineffectiveness see Hosford, *Nottingham*, pp. 68, 83.

⁵¹ *Memoirs of Sir John Reresby*, p. 532.

⁵² CSPD Jan-Jun 1683, p. 300; CSPD Jan 1686-May 1687, p. 260; CSPD Jun 1687-Feb 1689, p. 309.

⁵³ Browning, *Thomas Osborne*, ii, pp. 145-6, 148.

⁵⁴ Kennet, *Memoirs* p. 25; Deering, *Nottinghamia*, p. 260.

⁵⁵ BL, Add Mss. 71962, pp. 119, 121.

In fact, despite there being no complete lists of those who took part in the Nottingham rising, the partial evidence that survives indicates that more members of important county families did participate than has previously been depicted. From Nottinghamshire, Charles Hutchinson joined in issuing the Declaration.⁵⁶ From Leicestershire, John Noel was one of the gentry who rendezvoused with Devonshire in Derby and Thomas Hartopp, son of Sir William Hartopp of Rotherby in Leicestershire.⁵⁷ Roger Morrice cryptically reported that from Derbyshire Captain Every, son of Henry, is with the Earl of Devonshire.⁵⁸ This could possibly be John Every, Sir Henry's third son, but it just as likely to be Henry Every, his eldest son, who gained a permit to travel to Derbyshire with his family on 2 November 1688.⁵⁹ From Lincolnshire, Pury Cust, active at least before 29 November, was the eldest son of Sir Richard Cust of Stamford.⁶⁰ To these members of greater gentry families that can definitely be said to be active prior to Anne's arrival in the city can be added other men, where the date of their commitment to the Revolution is unknown. These included Charles White, probably the son of prominent Nottinghamshire whig John White of Tuxford.⁶¹ In addition, there is a possibility that Thomas Babington of Rothley Temple was also involved at an early stage.⁶² Therefore, representatives of at least 9 local gentry families, from whom justices of the peace were recruited, were either definitely or likely to have been involved in the Nottingham rising.⁶³

⁵⁶ John Blackner, *The History of Nottingham* (Nottingham, 1815), p. 337; Hosford, *Nottingham*, p. 96.

⁵⁷ D. H. Hosford identifies Thomas Hartopp as a possible relation of the non-conformist radical Sir John Hartopp, but it is more likely to be the son of Sir William Hartopp because according to Sir John Hartopp's pedigree none of his uncles, brothers or sons were called Thomas. William Palmer of Wanlip could also possibly have been active. HMC 8, *Morrison Mss.*, p. 460; Hosford, *Nottingham*, p. 96n; Nichols, *Leicestershire*, ii, pp. 128, 267; Henning, *House of Commons*, ii, pp. 503-4.

⁵⁸ Morrice, *Entring*, Q, p. 371.

⁵⁹ John Every was an ensign in the Queen Consort's Regiment of Foot in February 1685, an ensign in Queen's Regiment of Foot in November 1687, and a Lieutenant in 1688. However, 'Capt. Henry Every' and his family obtained a pass to go from London to Eggington on 2 November 1688. Hosford, *Nottingham*, p. 108, Dalton, *English Army Lists*, ii, pp. 27, 135, 207; *Staffordshire Pedigrees Based on the Visitation of that County Made by William Dugdale... 1663-1664*, ed. Sir George Armytage, Harleian Society, lxi (1912), p. 84; *CSPD Jun 1687-Feb 1689*, p. 339.

⁶⁰ BL, Add Mss. 69953, ff. 5, 23; Cust, *Records of the Cust Family*, i, pp. 357-8.

⁶¹ D. H. Hosford identifies Thomas Hartopp as a possible relation of the non-conformist radical Sir John Hartopp, but it is more likely to be the son of Sir William Hartopp because according to Sir John Hartopp's pedigree none of his uncles, brothers or sons were called Thomas. Hosford, *Nottingham*, p. 96n; Nichols, *Leicestershire*, ii, pp. 128, 267; Henning, *House of Commons*, ii, pp. 503-4.

⁶² BL, Add Mss. 69953, f. 24.

⁶³ Howe, Noel, Cust, Hutchinson, Every, Coke, Hartopp, White, Babington.

To these can be added members of influential families from other counties. William Russell from Cambridgeshire, Justinian Isham of Northamptonshire and members of the gentry from Staffordshire and Warwickshire are also reported to have come to Nottingham.⁶⁴ Moreover, as there is no complete list of those that did rise, it is more than possible that the list of gentlemen from important county families that participated in the Nottingham insurrection could be much longer. The sources of those who rose at Nottingham generally list the nobility, and whilst they sometimes list members of the gentry, they are often subsumed under the label of 'others'.⁶⁵ That members of greater families are not listed does not necessarily mean they did not participate. It is important to keep in mind that, in reconstructing who took part in the rising, historians are forced to work from limited and incomplete information, and there is an important distinction between those whom we know participated and those who did participate.

Incomplete, or more accurately, skewed information is also likely to account for the apparent difference in the support given to the rising by the gentry of Derbyshire, Leicestershire and Nottinghamshire. The two main sources for determining the gentry participants in the Nottingham rising are Roger Morrice's *Entring Book* and John Coke's papers. Roger Morrice was born in 1628, son of a north Staffordshire yeoman farmer, and after studying at Cambridge he became vicar of Duffield in Derbyshire, but was ejected from his living in 1662, and his knowledge of Derbyshire, and Derbyshire families, is likely to have been more complete than that of Leicestershire and Nottinghamshire.⁶⁶ He makes virtually no reference to Leicestershire in his *Entring book* during James's reign, and whilst he displays an obvious interest in Nottinghamshire affairs, his information on the county was not always accurate and he is likely to have been better informed of events in Derbyshire.⁶⁷ Likewise, John Coke's manuscript has a definite 'Derbyshire bias' as he was from Melbourne on the Derbyshire/Leicestershire border.

⁶⁴ Morrice, *Entring*, Q, p. 371.

⁶⁵ BL, Add Mss. 41805, f. 256.

⁶⁶ *Sunday Times*, 14 October 2001, p. 20; Mark Goldie, 'Roger Morrice and his *Entring Book*', *History Today*, 51, (2001), p. 42.

⁶⁷ Chapter 3.

The accounts from John Coke's manuscripts, although an enlightening source, may also provide an incomplete picture. It is clear that there were more captains than Sir John Coke's papers reveal. For example, Sir William Russell clearly held this post during the Revolution, even if the Earl of Devonshire was distinctly un-impressed with his abilities, later complaining that 'I am easily persuaded to believe that it was neither your embroidered coat nor the fine scarf or hose that favoured your commission, nor by the neighing of your horses that you were chosen a captain'.⁶⁸

Yet Russell's name does not appear in John Coke's papers. It is likely, therefore, that there were accounts for other regiments, and certainly John Coke was not the only individual involved in collecting money to pay for the 'late expedition'.⁶⁹

Alternatively, it could also be possible that the dominance of payments to Captains of troop who originated from the lesser gentry of the shires was a reflection of the paucity of their means. Captains from wealthier families could well have financed their own troops, and therefore failed to appear in the accounts kept for John Coke. Sir William Russell certainly claimed to have financially ruined himself in the Revolution, and John Coke's own expenses were extremely high, as he complained to Devonshire after the Revolution, 'it has cost me above five hundred pounds out of my own money in waiting upon your lordship in that expedition besides the money I am out of pockett upon ye account of ye Regiment'.⁷⁰

What is more, it was not unusual for captains of the foot to be appointed from the ranks of the lesser gentry. In Leicestershire in 1681, numbered amongst the captains of the horse for the county were Lord Roos, Lord Beaumont and Lord Sherard, with Richard Lister junior, John Wilkins, and John Hackett as their lieutenants. However, the captains of the foot were Richard Lister, Wolstan Dixie, William Cole, James Harrison, Henry Farnham and Timothy Hemsley.⁷¹ Of these, the first three were from the class of gentry from which justices of the peace were recruited, but the latter three were not.

⁶⁸ HMC 52, *Frankland Astley Mss.*, p. 71-2.

⁶⁹ BL, Add Mss. 71692, f.116; *Records of the Borough of Nottingham*, v, pp. 354-5.

⁷⁰ HMC 52, *Frankland Astley Mss.*, pp 71-2; BL, Add Mss. 69953, f. 101.

⁷¹ Nichols, *Leicestershire*, i, p. 470; HLRO, Main Papers, 19 November 1680, f. 59.

In fact, it can be argued that the gentry played a far more important role in the Revolution than has previously been depicted. Whilst the insights that Roger Morrice provides into the spreading of the conspiracy demonstrates that it was mainly noblemen who were approached, at least one member of a prominent gentry family was approached - a Mr Montague of Houton 'who promised'.⁷² It is clear that both Sir Scrope Howe and John Noel, both East Midlands gentlemen, were party to the conspiracy to the rising in Nottingham, but it is unclear who else was. Sir John Coke denied all prior knowledge of the rising in a letter of 24 November. However, it is clear that he was shortly after involved. Hosford claims that it is likely that Coke was recruited by Devonshire on 26 November on his return to Derby, however, it is equally possible that Coke's letter was disingenuous.⁷³ It could well be the case that sources illuminating the gentry's involvement in the conspiracy simply do not survive. Involvement in the conspiracy was a treasonable act, and, as such, incriminating papers were often burnt. Devonshire left little contemporary evidence of his involvement, and it should be noted that pages in William Boothby's letter books covering the period from the 10 November to 29 November have been removed.⁷⁴ Therefore, there is a possibility that the East Midlands gentry were involved in recruitment for the rising as they were in Yorkshire.⁷⁵

However, whilst evidence of their involvement in the conspiracy is scant, the important role they played in recruitment and organising the rising once it was under-way is clearer. Scrope Howe sent a representative to Leicestershire to seek men willing to take up arms there.⁷⁶ Once Anne arrived in Nottingham, the Derbyshire militia was called out to protect Princess Anne ostensibly in the name of the Earl of Devonshire.⁷⁷ However, the execution of this order would have been in the gentry's hands. The management of the Leicestershire militia, once it had been raised, seems to have been in the hands of Lord Sherard and Sir John Coke.⁷⁸ For

⁷² Morrice, *Entring*, Q, p. 374; Hosford, *Nottingham*, p. 97.

⁷³ Hosford, *Nottingham*, p. 96.

⁷⁴ BL, Add Mss. 71692, ff. 112-116.

⁷⁵ HUL, DDBM 32/1.

⁷⁶ HMC 35, *Kenyon Mss.*, p. 209; Hosford, *Nottingham*, p. 95.

⁷⁷ HMC 78/2, *Hastings Mss.*, pp. 204-6.

⁷⁸ HMC 23, *Cowper Mss.*, p. 345.

Northamptonshire, the actual order went out under the signatures of Justinian Isham, John Andrews, and Christopher Montague - three former deputy lieutenants from this county.⁷⁹ The accounts kept by Coke demonstrate the important organisational input he and his servants had in the rising. Purchases were made from arms and ammunition, horse, uniforms and other accoutrements necessary for a military exercise. They also arranged messengers, guards on the roads to Nottingham, and for 'heading a drum at Nottingham'.⁸⁰ Payments were also made for dinners, and salaries, and expenses for soldiers, including the 'maides at Leicester at Mrs Masons'.

John Coke and his servants were also instrumental in arranging the collection of money from public finances. Whilst travelling to Nottingham, Delamere had started seizing money from the collectors of the Excise and Hearth taxes.⁸¹ White Kennet claimed that Devonshire only started to 'borrow' public money when his 'stock fail'd' after Anne's arrival in Nottingham, but evidence points to the fact that Coke's servants were collecting this money prior to Anne's arrival in Nottingham.⁸² In the Coke papers is an account of the money received by *Lord Devonshire from the publick revenue for the expedition in the late Revolution*, which lists payments received from both Excise money and Hearth Tax. This money was collected from Chesterfield, Nottingham Mansfield, Northampton, Leicester and Brackley.⁸³ Also contributing financially to the insurrection, particularly after Anne's arrival, were Henry Cavendish of Doveridge who sent at least £30; William Boothby of Ashbourne, £107 10s; Henry Kendall of Twycross and Smithsby, £102 4s 6d; William Allestree of Walton £109 13s 6d; and donations were also received from Sir Thomas Gresley of Drakelow, Mr Gilbert Thacker of Repton, and Anchitell Grey of Risley. Sir John Gell may have refused to rise, but his son Phillip went to Nottingham to visit Anne with £100 from his father and £50 of his own money.⁸⁴ All of these were justices of the peace from Derbyshire before, during, or after the Revolution. In addition, contributions were made by members of Nottingham and Derby corporations, the latter including Henry and John Cooke, Gilbert Munday, Mr

⁷⁹ Hosford, *Nottingham*, p. 110.

⁸⁰ BL, Add Mss. 69936, ff. 20, 22.

⁸¹ BL, Add Mss. 41805, f. 234.

⁸² Kennet, *Memoirs*, p. 26; BL, Add Mss. 69953, f. 5.

⁸³ BL, Add Mss. 69953, ff. 5, 99, 102.

⁸⁴ BL, Add Mss. 69953, ff. 36, 57; Morrice, *Entring*, Q, p. 370.

Samuel Ward, and Mr Samuel Gooden.⁸⁵ The local gentry, therefore, played important roles in the Nottingham rising in recruitment, organisation and finance, and it was far from an exclusively aristocratic affair. More gentry participated than has previously been depicted, and the reason for their involvement cannot automatically be assumed to be the result of a connection with a revolting lord.

II

Over concentration on the aristocratic flavour of the rising belies the dilemma in which the East Midlands gentry found themselves in November and December 1688. Dr Glassey has highlighted the difference between active and inactive areas.⁸⁶ I would argue that the Nottingham rising set off reverberations that echoed through the counties of Nottinghamshire, Derbyshire, Leicestershire and Lincolnshire. Whilst Nottingham was the final destination of the conspirators, preparations for the rising meant that other areas of the East Midlands were also affected. Delamere's progress from Cheshire to Nottingham can be tracked from reports sent from Post officers to Sir Phillip Froude. On Sunday evening, he arrived at Newcastle under Lyme in Staffordshire, where he spent the night. From there, it seems his party may have split, with some going to Stafford, though Lord Delamere himself took a more direct route, and spent Monday night at Uttoxeter. From Uttoxeter, he headed to Derby where he spent the night of Tuesday 20, arriving in Nottingham on 21 November. In the towns that Delamere stopped at en route to Nottingham, he used the opportunity to encourage support for the revolt. Apart from collecting excise and hearth taxes in the areas through which he passed, Delamere also seized arms and money. From Newcastle under Lyme, parties were sent out to several places in search of arms, and at nearby Layton Gate, arms for Captain Lee's company were seized.⁸⁷ It was also alleged that, whilst travelling toward Nottingham, Delamere and his men had plundered the house of Mr Savage and taken money destined for the royal coffers from Mr Walmsley - both unfortunate victims being Roman

⁸⁵ Morrice, *Entring*, Q, p. 371; *Records of the Borough of Nottingham*, v, pp. 354-5.

⁸⁶ Glassey, 'Revolution of 1688', p. 47.

⁸⁷ BL, Add Mss. 41805, ff. 234, 240, 245, 250, 254, 258, 263.

Catholics.⁸⁸ The shock and surprise of the local inhabitants affected by his march, as horse and troops descended upon their towns, is clear from letters sent to Phillip Froude.⁸⁹ Such a shock was also in store for the towns he passed through on his way south after leaving Nottingham. The movement of troops as a product of the revolution meant that more areas than Nottingham were affected as a result of the rising there. At Leicester, not only did the corporation host Princess Anne, and Scrope Howe attempted to recruit for the rising, but the corporation were also instructed to sign the Association.⁹⁰

A number of towns were particularly affected by the rising as they were apparently used as staging posts prior to the stand at Nottingham. Once Devonshire had arrived in Derby on 17 November, he invited the local gentry, and those that 'adventur'd', to come and join him. However, Derby was not simply used as a stepping stone into Nottingham. Devonshire's supporters secured the post house there, money was collected, and Devonshire returned on 26 December.⁹¹ For the party from the South Midlands who arrived in Nottingham on 29 November, Northampton appears to have fulfilled a similar role.⁹² There is also a possibility that Mansfield was another staging post. Roger Morrice reports that three merchants from London attended Devonshire at Derby before riding on to Mansfield as a prelude to their arrival at Nottingham.⁹³ Mansfield was certainly important in Sir John Coke's preparations for the rising, with purchases being made there of such items as horns, gunpowder, horses and saddles.⁹⁴ Moreover, a cousin of John Darcy, one of the conspirators present at the Whittingdon meeting between Danby and Devonshire, also named John Darcy, was in Mansfield in the weeks preceding the rising.⁹⁵ The latter John Darcy appears to have had an estate in the Bishopric of Durham, yet spent large periods in London. Inexplicably, he was in Mansfield from at least 19 October and,

⁸⁸ *News from Cheshire: or, an Account of the Lord Delamers Insurrection In a Letter to a Gentleman in London* (1688?).

⁸⁹ For example see BL, Add Mss. 41805, f. 240.

⁹⁰ HMC 35, *Kenyon Mss.*, p. 209; LRO, BR11/18/36 f. 120; Stocks, *Records of Leicester*, pp. 593-4.

⁹¹ BL, Add Mss. 41805, f. 263.

⁹² Morrice, *Entring*, Q, p. 331; HMC 6, *Graham Mss.*, p. 418.

⁹³ Morrice, *Entring*, Q, p. 369.

⁹⁴ BL, Add Mss. 69936, ff. 20, 22; HMC 23, *Cowper Mss.*, p. 345.

⁹⁵ DRO 258/23/22 f. 18.

on 3 November, wrote 'that considering the reports all a long as I came I thought it convenient to delay my journey for London some time longer'. He was still in Mansfield on 17 November, though he had returned to London by 4 December.⁹⁶ Whilst his reasons for coming to, and staying at, Mansfield can only be conjectured, there is a possibility that he was aware of the conspiracy, and active in preparations in this town just north of Nottingham.

Lincolnshire apparently stayed quiet, and Robert Bertie, Earl of Lindsey, remained in Lincolnshire throughout the period of the risings. He certainly knew of the conspiracy, and was in close contact with his sister and brother-in-law the Earl of Danby, and his brother and sons were in arms in York.⁹⁷ They were not the only Lincolnshire gentlemen active in one of the northern risings, and, whilst Pury Cust was in Nottingham, Matthew Lister, eldest surviving son of Michael Lister of Burwell, accompanied Lord Willoughby to York.⁹⁸ Moreover, there is a chance that a rising was also planned in Lincoln. Hosford suggests that a Lincolnshire rising may have been planned if William had landed in the north, but in the event it did not, Lindsey played a waiting, game only summoning a meeting of the gentry in the second week of December.⁹⁹ However, the evidence can be interpreted differently. In Lindsey's letter to the Countess of Danby on 10 December, before James II had fled for the first time, he says 'on Thursday we meet the gentry who I believe will act conformly with the gentry of Yorkshire'.¹⁰⁰ In a letter to Danby the following day, he makes it clear that the reason for the delay in meeting was the non-appearance in the county of Lord Castleton, despite his 'declaring hee would come down' which 'very much retarded the accomplishment of what some of us had designed'. He continues that Danby will be 'informed what resolution they there take and you must believe your owne great name has a powerful influence to make the Gentry follow such an Heroicke example'. Moreover, he enquires into Danby's route to Oxford, and where they could meet him, or whether they should 'goe in a body, by ourselves,

⁹⁶ DRO, 258/23/22, ff. 66-69; for quote see f. 67.

⁹⁷ The Earl of Lindsey's eldest son was certainly at York, his nephew Peregrine had carried the first express from the Earl of Danby to the Prince of Orange, and his nephew Phillip carried the third. BL Egerton Mss. 3337, f. 175; HMC 38, *Lindsey Mss.*, pp. 449, 453.

⁹⁸ BL, Egerton Mss. 3337, ff. 175, 177.

⁹⁹ Hosford, *Nottingham*, pp. 111-2.

¹⁰⁰ HMC 38, *Lindsey Mss.*, p. 452.

in all these affaires'.¹⁰¹ From evidence of this letter it can be argued that a Lincolnshire rising was a possibility. It was all the more likely because Phillip Bertie, Lindsey's son, after taking a message from York to William did not stay in the south but returned to Lincolnshire.¹⁰²

The rising in Nottingham therefore turned many parts of the East Midlands into at least temporarily active areas. As such, a large number of men had to make the very difficult decision on how to act. In light of the potential bias of the sources of information on who actively participated in the rebellion, it is problematic to draw definitive conclusions about the types of men that took part. Amongst the aristocracy, in terms of political affiliation the rising certainly appeared to enjoy bipartisan support. Delamere and Devonshire being joined by the tory Scarsdale, and possibly Lord Rutland. Amongst members of the gentry, who arrived in Nottingham before Princess Anne, were both whigs and tories. Scrope Howe, Charles Hutchinson, and Pury Cust either had whiggish pasts or connections, whilst John Coke, Justinian Isham, and Thomas Babington, were tories, and in the Convention Parliament voted against the transference of the Crown to William.¹⁰³ The later arrivals to the town also represented a range of party affiliations, though it is notable that it was at this point that larger numbers of tories such as William Boothby, Sir Henry Every and Sir Gilbert Clarke found Princess Anne's presence conducive to their attendance.

White Kennet's depiction of the decision to be made painted it starkly in terms of bravery or cowardice - Devonshire 'treated with many of his Friends and Neighbours, but found them reflecting upon the Duke of Monmouths unhappy Attempt, and bearing in mind the Western Inquisition. He had the Hearts and wishes of many who dar's not to stir their Hands'.¹⁰⁴ William Boothby's letter book provides a fascinating insight into the very difficult decisions facing an Anglican gentleman in these disturbing times. It reveals that he had been consistently appalled at the direction James's policies were taking, particularly from the time the seven Bishop

¹⁰¹ BL, Egerton Mss. 3336, f. 44.

¹⁰² BL, Egerton Mss. 3336, f. 56.

¹⁰³ Browning, *Thomas Osborne*, iii, p.166, 168-9.

¹⁰⁴ Kennet, *Memoirs*, p. 25.

were put on trial.¹⁰⁵ Yet Boothby's deeply held Anglican views prevented him from participating in any active expedient. On 30 September, in his last letter to Dr Horneck before the revolution, he wrote 'we are all in a strange Gaze in the country...God grant we may all Act agreeable to the great principles of our Religion; and not to be (sway'd by Interest or ambition) but wayt Gods time'.¹⁰⁶ When he was forced to make a choice, he assured Dr Horneck 'I act accordingly though I have great temptations to the contrary...yet I will ever keep to my principles, let ye consequences be never so fatall as to my life or estate...'.¹⁰⁷

William Boothby did not answer the call to arms, though he briefly waited upon Princess Anne, and, as his internal struggle reveals, whilst antipathetic to James, he could not bring himself to actively oppose the king. Yet neither did this member of the loyal party actively oppose those that did choose to rise.

In part the response of men like Sir William Boothby was a product of the king having managed to alienate so many of his subjects. Thus, whilst they were reticent in supporting the cause of the rising they were equally slow in actively rallying to support the king, which 'created a vacuum of power which the minority of activists were able to fill'.¹⁰⁸ Eveline Cruickshanks has highlighted that there were expressions of loyalty to James in 1688. On hearing of the Prince of Orange's successful landing, the corporation of Exeter, with one exception, professed their loyalty to the king, and as William and his army descended on the town, shut their gates against him. Once the Prince had successfully entered the borough, their resistance continued, churchmen of the town refused to attend a service in William's honour, and like their dissenting counterparts, resisted attempts to use their pulpits as organs of Orangist propaganda. At York, the Governor, Sir John Reresby, refused to be drawn into Danby's undertaking, and his counterpart at Chester declared his intention of defending the garrison against Delamere despite the inadequacy of the forces under his control. In Cumberland and Westmorland, Sir Christopher Musgrave, who also professed his loyalty to the Crown, opposed the suggestion of Sir John Lowther of Lowther for a general meeting of the militia, and thereby

¹⁰⁵ BL, Add Mss. 71692, f. 15-6 18, 21, 26, 37, 66, 81, 119.

¹⁰⁶ BL, Add Mss. 71692, f. 81.

¹⁰⁷ BL, Add Mss. 71692, f. 119.

¹⁰⁸ Speck, 'Revolution of 1688', 193.

precluded a similar 'rouse' to the one employed at York. At Durham, Dean Granville reacted with horror to news of William's invasion, and urged the prebendaries of the chapter to assist the king. When Lord Lumley entered the town, Granville continued to resist rebellion and, like Reresby, was placed under house arrest. From the East Midlands, Cruickshanks cites the example of the Earl of Chesterfield's loyalty in initially refusing to join the rising, and subsequently for refusing to sign the Association.¹⁰⁹

Nevertheless, there were clearly limits to Chesterfield's loyalty. Certainly he refused to join the conspiracy, but, like Halifax and Nottingham, he was made aware of the conspirators plans at a relatively early stage, and chose not to inform the government.¹¹⁰ There are a few indications of men willing to act in support of James. In early November the isolated George Vernon and Catholic Henry Hunloke had promised to 'raise a force to keep the country quiet', and when the Duke of Newcastle ordered the militia to meet at Southwell several men came, but overall for the region there is scant evidence of men actively loyal to James.¹¹¹ However, failure to act cannot merely be attributed to antipathy to James's reign. In several important ways the loyalists cited by Eveline Cruickshanks found themselves in very different situations than the men of the East Midlands. Cumberland and Westmorland was clearly an inactive area, and Musgrave's refusal to assist Lowther's plans also needs to take into account their intense local rivalry.¹¹² Likewise, in Durham, Dean Granville's loyalty was not initially expressed in the face of the insurrection of his neighbours. Lord Lumley's descent into the city temporarily made the area active, but Lumley and his forces were not as deeply imbedded in the fabric of local society as were the rebels involved in the Nottinghamshire rising. The south-west was certainly an 'active' area, but it should be noted that at Exeter the expressions of loyalty to the king were made in the first few days of William's landing, and before his expedition had attracted many supporters amongst the gentry. It was one thing opposing the Prince, another a neighbour. Chester and York are more similar to the

¹⁰⁹ E. Cruickshanks, 'The Revolution and the Localities: Examples of loyalty to James II', in E. Cruickshanks, *By Force or Default*, pp. 28-43.

¹¹⁰ *Letters of... Chesterfield*, pp. 336, 338.

¹¹¹ HMC 6, *Graham Mss.*, p. 412; HMC 35, *Kenyon Mss.*, p. 209; Hosford, *Nottingham*, p. 93.

¹¹² HMC 35, *Kenyon Mss.*, 226-7, 229; HMC 33, Thirteenth Report, Appendix vii, *Lonsdale Mss.*, pp. 97-99.

East Midlands situation. However, Reresby's refusal to countenance the rising there is noteworthy by being atypical. At Chester, Shakerley declared his loyalty to the Crown, whilst Derby adopted a somewhat more ambivalent position. Yet L.K.J. Glassey has shown how one of the primary concerns in Cheshire was averting civil war, quoting one witness who reported that 'many of the Cittisens, fell to their Armes to preserve the Peace the streets full of the Rabble and very great disorder'.¹¹³ Derby's actions also reflect a determination to avert civil war. If men loyal to James had taken up arms, the country would have been divided as it had been in during the Civil Wars. Charles I had raised his standard at Nottingham in 1642, and the surrounding counties had divided. In 1688, in order to avoid such divisions, men did nothing.

The risings, therefore, whilst dominated by the landed sort, presented a terrifying spectre for local land-owners, particularly in the context of memories of the Civil War. The average age of the six local gentlemen known to have been active prior to Princess Anne's arrival was 36 years.¹¹⁴ The average age of those that followed in her wake, or merely contributed horses or money, was far higher at 49 years.¹¹⁵ Whilst the sample is unfortunately small, it appears that younger men were more likely to commit themselves to active rebellion. For many men, it is possible that the shadow of the experience of the Civil Wars, even if it had not touched them directly, could well have conditioned their response to this later call to arms.

Moreover, whilst the risings themselves were short-lived, and like William's invasion, never brought to a violent denouement, it should not be forgotten that the country was very close to civil war in the winter of 1688.¹¹⁶ That civil war did not

¹¹³ Glassey, 'Revolution of 1688', 41.

¹¹⁴ Scrope Howe 40, John Noel 20, Pury Cust 33, Charles Hutchinson 52, Henry Every 35, John Cook 37. Cockayne, *Complete Baronetage*, ii, p. 86, iii, p. 77, iv, p. 91; Henning, *House of Commons*, ii, pp. 100, 611; Nicholls, *Leicester*, ii, p. 267, iii p. 784, iv, pp. 770, 772; Foster, *Alumni Oxensis*, pp. 755, 778, 1073.

¹¹⁵ Sir Henry Every 59, Robert Burdett 48, Gilbert Thacker 46, Gilbert Clarke 43, William Boothby 50, Thomas Babington 53, Anchitell Grey 64, Thomas Gresley 59, Henry Kendall 31, William Allestry 46, Henry Cavendish 40. The ages of Charles Cockayne, John Dalton, Charles White, Thomas Hartopp are unknown. Cockayne, *Complete Baronetage*, i, p. 40, 119, ii, 85-6, iii, p. 82; Henning, *House of Commons*, i, p. 530, 578, 750, ii, 82, 439; Nicholls, *Leicester*, iii, 352, 954; *Familiae Minorium Gentium*, i, 336; Foster, *Alumni Oxensis*, p. 280, 1468; Venn, *Alumni Cantabrigiensis*, iii, 6; DLSL, Box 57.

¹¹⁶ Speck, 'Revolution of 1688', 192; Glassey, 'Revolution of 1688', 50-51.

occur was the result of the king's flight, but this could not have been foreseen, and the fear provoked in the winter of 1688 to 1689 should not be overlooked. On 10 December 1688, in the face of 'many comotions and disturbances now arising', the corporation of Stamford considered it 'very necessary yt a diligent watch be kept every night for ye prevention of any mischeivous actions yt may be committed within this Corporation'. As such, they agreed that twelve men and one constable would be set to watch every night between 8 o'clock at night until the morning.¹¹⁷ The effect that William's invasion and the risings had on the collection of rents was an immediate reminder of proximity of greater troubles. Sir William Boothby had a number of problems collecting his rents, which after the king's flight, he hoped would be over, writing to his agent in Oxfordshire on 17 December 'now I hope things will suddenly be so settled (as to our publick affaires) so that tenants may be better able to pay'.¹¹⁸ His experiences were not unique. John Fleck informed Sir John Newton on 24 November 'times are worse and more distracting every day amazing rumours of warre discouring all Business and undertakings to that degree that neither Farms can be lett nor Rents gott in'.¹¹⁹ Whilst John Darcy found that those at Mansfield paid their rents 'very well', he did experience very real problems with his own tenants.¹²⁰ Neither does it appear that the financial repercussions of the revolution period were restricted to unpaid rents and it was reported that 'ye prizes of all things now rise'. Whilst the political revolution itself did not lead to social revolution, the precursors of social disturbance were clearly present and understood by the gentry onlookers.

Concerns over what was happening were extenuated by a lack of knowledge, and men in the localities desperately sought to find out what was happening in the West and in London. From the time of the Bishops' refusal to order the reading of the second Declaration of Indulgence, Sir William Boothby sent frequent requests to Mr Watts, his regular bookseller and apparent London agent, for information. He also regularly complained when he believed Watts was not sending him all the information available, because he had seen pamphlets in the county that had not been

¹¹⁷ STCA, 2A/1/2, p. 135.

¹¹⁸ BL, Add Mss. 71692, pp. 120-1; for quote see p. 127.

¹¹⁹ LAO, Monson 7/12, f. 61.

¹²⁰ DRO, D258/23/22, ff. 67-8.

sent on. Apart from his weekly packet of news, in the middle of May he additionally arranged that a Mr Fox send him a newsletter every week in his parcel 'with what papers you can & the instance of all the weeks news'. In the autumn of 1688, his desire for information became increasingly frantic. When his weekly parcel did not arrive at the end of September, he lamented that he would 'rather have given 20 shillings then this week to have missed' it. On 6 November, he instructed Mr Fox 'if their be anything extraordinary writte some times again by the post - for I would not Live in ye Dark' and advised him to spare no cost. On 2 December, he wrote again to Mr Fox that, due to the changes and disorders, he desired two newsletters a week by the carrier and another by post.¹²¹

Beyond these professional conduits of news, William Boothby also attempted to make use of his contacts. His complaints about non-received pamphlets demonstrate that information sent to Derbyshire was being shared. He applied to Mr Horton, schoolmaster at Derby, on a number of occasions for any accounts he had about 'our present affaires' as he knew Horton received 'accounts from Goodhands' and he could also provide much wanted knowledge about local affairs. He made use of neighbours, newsletters, and was much put out when a Mr Rossel did not trust him with what was in his packet and had the audacity 'to blobb out so many lines'. Sir William Boothby also made regular requests to his friend Dr Horneck for accounts of what happening. Whilst desire for news was not extraordinary, the desperation with which William Boothby sought it was. During Monmouth's rebellion, he made no special arrangements for extra newsletters, and whilst he regularly complains to his booksellers on a variety of counts, apart from these few months, he did not bemoan their failure to send him everything. The fact that these extraordinary times provoked this desire for information is underlined by the repetition of Boothby's phrases such as the times of 'these great changes' or 'present disorders'. What is more, on 25 December 1688, after the brunt of the crisis had passed, he abruptly broke off his arrangement with Mr Fox, using the excuse that the 'very same letters come to us from Derby three times a weeke'.¹²²

¹²¹ BL, Add Mss. 71692, pp. 13, 16, 24, 41, 82, 102, 108, 110-11, 121-2.

¹²² BL, Add Mss. 71692, pp. 19, 26, 30, 82-3, 119, 133, 138.

Coupled with a desire for political information, the events of autumn and winter 1688 provoked intense concern about friends and family members. Sir John Newton resided most of the time in Gloucestershire, and its proximity to the West placed him in a particularly hazard situation. On 12 November 1688, his son-in-law Francis Stringer wished that Sir John and his family could come to Sutton, and requested 'frequently to hear or your wellfares and how affairs goe with you in the West'.¹²³ The same concern for Sir John's well-being was displayed by his son and steward, the former writing to him, on 16 November, 'I am impatient of hearing how you all doe at Barrscourt these unstable troublesome times, & ye more being alarum'd at the newes of ye Dutch landing in ye Western parts & not very far from you', and again urges him to leave Barrs court and to come and stay with him at Thorpe in Lincolnshire.¹²⁴ The latter, on the same date, echoed these concerns, stating 'I was extremely overjoyed with your welcome account yours brought of your health and safety in these threatening and tempetous times...'.¹²⁵

The very real terror generated in the autumn and winter of 1688 was increased by the prevalence of false information and rumours. White Kennet reports that whilst Devonshire was in Derby, a messenger came from London with a message in the heel of his boot, which reported that James had returned from Salisbury and the Prince was advancing to London. However, shortly after, the joy of this news was disrupted by the arrival of a second messenger, who arrived with the opposite news which 'left the wisest of them in suspence, and the rest in Consternation'.¹²⁶ In the middle of the month, rumours of a marauding Irish Army spread throughout the country with Newcastle, Chester, Halifax, Birmingham, Northampton all reported to have been attacked.¹²⁷ Further south, at Ampthill, 'the alarm was raised that Irish were cutting all the throats of Protestants and the inhabitants barricaded the five entrances into the town and ...messengers on horseback came crying out from Bedford, Luton, Dunstable and Osborne that these towns were all set on fire by Irish

¹²³ LAO, Monson 7/13, f. 163.

¹²⁴ LAO, Misc. Dep. 197, f. 24.

¹²⁵ LAO, Monson 7/12, f. 62.

¹²⁶ Kennet, *Memoirs*, p. 26.

¹²⁷ HMC 25, *Le Fleming Mss.*, p. 229; HMC 22, Eleventh Report, Appendix vii, *Leeds Mss.*, pp. 28-9; BL, Egerton Mss. 3336, f. 56.

papists'.¹²⁸ In Kent, the mayor of Rochester claimed he had not been to bed for three nights for fear of having his throat cut by Irish papists' and through Chatham and Sittingbourne 'the women were crying at their doors on each side...rather to be murdered there than in their beds'.¹²⁹ In the East Midlands, the Mayor of Chesterfield reported to the Earl of Danby on 14 December 1688, that Sir William Boothby had sent him an express from Bakewell under the signatures of Mr Eyre of Holme, Mr Wilson and Mr Thomas Bagshawe 'that the papists & Irish to the number of seaven thousand are come towards these parts have burnt and seized Birmingham & are soe to come to Darby Ashbourne and Uttoxeter this night...We have particular notice they are up in arms at Darby this afternoone'.¹³⁰ At Leicester, the corporation sent scouts to Northampton and Harborough to ascertain the truth of the report.¹³¹

Despite their previous refusal to take up arms, many local gentlemen were now prepared to arm themselves in the light of the 'Irish threat'. Anchitell Grey, Sir William Boothby, Sir John Gell and Robert Coke of Trusley hurriedly raised forces in Derbyshire which rendezvoused at Derby and Chesterfield, and William Jessop and John Gill in Sheffield, which included more than 500 horse and more foot.¹³² Whilst the rumour ultimately proved to be false, and the forces were disbanded, the gentry's response in rising to repel an external threat is instructive. In November, they were not prepared to protect James, but they quickly rose to protect the peace. The local gentry's preoccupation with maintaining the peace was in further evidence after the king's second flight.¹³³ In January 1689, sessions were held in all East Midland counties bar Kesteven. In this part of Lincolnshire, the clerk of the peace completed the minute book with pro forma information, but no justices are listed as appearing and the cases are crossed out. In contrast, at Derby on 15 January, Simon Degg, George Vernon, John Stanhope, Thomas Eyre, Henry Kendall, Thomas Gladwin, John Maurewood and John Spateman attended the sessions. In Leicestershire, Bennett Lord Sherard, Thomas Burton, John Gery, George Hewitt and John Oneby attended the epiphany session. In Holland, on 16 January, Daniel

¹²⁸ *Memoirs of Ailesbury*, i, p. 200.

¹²⁹ *Memoirs of Ailesbury*, i, p. 205.

¹³⁰ BL, Egerton Mss. 3336, f. 58.

¹³¹ Stocks, *Records of Leicester*, p. 594.

¹³² BL, Egerton Mss. 3336, f. 95, Add Mss. 71692, pp. 125-6, 129; Morrice, *Entring*, Q, p. 370.

¹³³ Glassey, 'The Provinces During the Interregnum', 225-30.

Rhodes was joined on the bench by John Empson and John Butler, and at Spalding two days later, Henry Burrell, Walter Johnson, and Edward Stephens sat as magistrates. In Nottinghamshire, on 14 January, John Millington and Arthur Warren are listed as appearing at the Nottingham sessions, but no sessions are recorded for East Retford or Newark.¹³⁴

In Derbyshire and Nottinghamshire, those justices that attended had all been on the last commission of the peace, but in Leicestershire, it is not clear if Bennett, Lord Sherard, had been officially restored, and the same is true for Daniel Rhodes and Henry Burrell in Holland. Apart from these three, those that arrived for the sessions in January 1689 included 11 Tories who had maintained their places on the bench throughout James's reign, one justice who had been removed in the exclusion crisis and restored to the bench by James, and six of James's new appointees.

Participation in the Nottingham rising was an act of treason, and as such our knowledge of the true number of men who actually participated is incomplete. Peers provided the leadership for the insurrection, however, the role of the gentry should not be overlooked. What is more by concentrating on the aristocratic nature of the rising there is a tendency to overlook the critical dilemma that the gentry faced during the crisis, particularly in active areas like the East Midlands. As far as the records show there were few overt expressions of loyalty for the king in the area, beyond refusing to sign the Association. Whilst this was no doubt a product of the level to which James had alienated a majority of his subjects during the course of his reign, it could also have been a product of the very real fear of civil war. Both during the rising itself and later during the Interregnum, it was ostensibly the gentry who kept the counties quiet and maintained order. If the rebellion of the landed interest had initiated social revolution, neither the risings in the north, or the Glorious Revolution itself would subsequently have been seen to have their particularly aristocratic flavour.

¹³⁴ DRO, Q/SO 1/1/ 3/8; LAO, KQS A/1/3, p. 131-7, HQS A/2/3, pp. 191-227; LRO, QS6/1/2/1 p.115; NRO QSM 1/14.

Chapter 7: Epilogue and Conclusion

The Nottinghamshire rising had presented a particularly acute set of dilemmas to the gentry of the East Midlands. The king's subsequent flight on 23 December whilst largely precluding the threat of civil war presented a new set of challenges. Before outlining some general conclusions this final chapter will briefly consider what the East Midlands case study reveals about the character of the elections to the Convention Parliament, and outline the responses of men of the region to the changing and uncertain circumstances in which they now found themselves.

I

Before James departed Whitehall, in his first failed flight to the continent, he recalled the election writs that had been ordered on his return to London, and threw the Great Seal into the Thames in a futile attempt to preclude a settlement with anyone but himself. Nevertheless, some writs had already been despatched and a number of elections took place, including three in Lincolnshire. At Grantham, on 13 December, Sir John Brownlow was elected with Sir William Ellis. Grimsby returned Edward Ayscough and Thomas Barnardiston, the two members elected in 1685, and in Lincoln, Sir Thomas Meres, obtaining only nine votes, was defeated by Sir Henry Monson and Sir Christopher Neville.¹

Following the king's second flight William issued writs for elections to a Convention that was to sit in January and resolve the crisis.² Two main debates surround the elections to the Convention, firstly, to what extent they indicate a consensus of opinion, and to what extent local or national concerns played a part in determining their outcome. In Macaulay's often quoted opinion, they were carried out 'rapidly and smoothly' with 'scarcely any contests' as a result of a general animosity towards the king and the extensive electoral preparations that preceded them.³ J. H. Plumb questioned the degree to which the extensive preparations had resulted in the election

¹ Henning, *House of Commons*, i, pp. 302, 304-5.

² For a description of how a Convention was decided upon see Schwoerer, *Declaration*, pp. 126-37.

³ Macaulay, *History of England*, iii, p.1256.

of men opposed to James, but commented on how little the dynastic issue appeared to feature, although the 'wider religious question was occasionally of some force'.⁴ Whilst accepting that the election was conducted 'with a minimum of incident under the circumstances', Henry Horowitz highlighted that up to 60 contests took place and that the dynastic issue played an important role in determining voter behaviour in at least nine cases, and concluded the apparent absence of division was a product of the 'long run-up' to the elections.⁵ Louis Schwoerer concurred that national issues were more important than they had traditionally been depicted, and identified a further five cases. She also argued that the vibrancy of the pamphlet literature current during the elections was a more accurate reflection of the importance of national issues and divisions than the relatively low number of contests indicated.⁶ Conversely, W. A. Speck, whilst accepting the dynastic issue was indeed important in certain elections, returned to a consensus model. Using Yorkshire as a case study, he pointed to the high incidence of constituencies that returned one whig and one tory.⁷

However, the surviving evidence from the East Midlands elections show that no simple model can be used to typify the elections to the Convention in 1689. In this region the number of contests was not markedly different to those held in 1685 or during those that would be held in 1690.⁸ Yet, at least six of the East Midlands seats were split between a candidate who can be identified as being encompassed within a broad definition of the term whig and a candidate who was more obviously associated with tory principles. At the Derbyshire election, Sir John Gell, removed from the bench during the Exclusion Crisis, was returned alongside Sir Gilbert Clarke, nominee of the church party. In the county town, the whig Anchitell Grey was matched with the tory John Coke. In Leicester, the old adversaries the Earls of Stamford and Rutland agreed to split the seat, and the moderate whig lawyer

⁴ J. H. Plumb, 'Elections to the Convention Parliament of 1689', *Cambridge Historical Journal*, v (1937), 235-54, for quote see p. 253.

⁵ Henry Horowitz, 'Parliament and the Glorious Revolution', *Bulletin of the Institute of Historical Research*, xlvii (1974), 37-52.

⁶ Schwoerer, *Declaration*, pp. 138-52.

⁷ Speck, *Reluctant Revolutionaries*, pp. 92-94.

⁸ In 1685 contests had taken place in three constituencies, in 1689 in three possibly four, and in 1690 also four. Horowitz indicates that no contest took place at for the election to the Convention in 1689 whilst the History of Parliament is less sure. Horowitz, 'Parliament', 42n; Henning *House of Commons*, i, p. 305.

Lawrence Carter was returned with Thomas Babington, tory member previously elected in 1685. In Boston, William Yorke was elected with Lord Willoughby, at the Newark election Nicholas Saunderson, a moderate whig from Lincolnshire, was returned with Lord Eland, and in Grantham, in a repeat of the abortive election in December, William Ellis 'the excluder' was returned with Sir John Brownlow.⁹

Evidence of the issues that determined the election results in the East Midlands is limited, but what does survive suggests that a variety of factors of both local and national significance played a part. In the county election for Lincolnshire, Lord Willoughby lost out to Viscount Castleton, and it was reported that 'if your Lordship had given timely notice and appeared in person you would have carried it'.¹⁰ In Boston, where Willoughby was successful, elements of the corporation were clearly concerned at the prospect of possible retribution for their former co-operation in the forfeiture of their charter and hoped that Lord Willoughby would offer them some protection.¹¹ In both of these cases the evidence indicates the primacy of local over national concerns. In contrast in two of the elections, those of Derbyshire and Stamford, the surviving evidence indicates that the dynastic issue played a more prominent part. In the former, William Sacheverell lost by 600 votes, and his lack of electoral success in the county was attributed by Edward Harley to 'his not appearing for the Prince'.¹² In the latter, Pury Cust who, unlike Sacheverell, had participated in the Nottingham rising, was defeated. After the election, it was alleged that his failure was the result of gerrymandering on behalf of Charles Bertie and that 'thirty voters were shut up till they had promised to vote for Mr Bertie' and a 'mob violently assaulted' Cust's house 'calling him rebell for appearing in arms with the Prince of Orange in defence of the Protestant Religion'.¹³ Ironically Charles Bertie himself had been involved to at least some degree in planning the northern risings.¹⁴

⁹ Henning, *House of Commons*, i, pp. 187-9, 294-308, 349-356; HMC 22, *Leeds Mss.*, p. 32; HMC 37, *Corporation of Grimsby Mss.*, p. 286

¹⁰ BL, Egerton 3336, f. 150.

¹¹ BL, Egerton 3336, f. 146.

¹² Quoted in Horowitz, 'Parliament', 41.

¹³ Cust, *Records of the Cust Family*, i, p. 359.

¹⁴ Henning, *House of Commons*, i, p. 642.

However, rather more material exists for the political manoeuvrings behind the Derybshire election that calls into question the methods that have been employed to reach conclusions about, and typify, the nature of the elections to the Convention. Amongst the gentry, definite preparations for elections in Derbyshire stretched back at least to the summer of 1688, when an attempt had been made to reach a composition between the church and dissenting parties.¹⁵ In December 1688, when an election again appeared imminent, these efforts appeared to pick up where they had left off, Sir William Boothby contacting Mr Adderley, Mr Cheshire (the Mayor of Derby), William Fitzherbert, Roland Okeover, and Sir John Gell about the matter, with the letter to the latter exhorting him to keep to his 'former resolution' to stand with Sir Gilbert Clarke for the county.¹⁶ However, these renewed preparations were conducted in very different circumstances. In the summer it was hoped that a compromise would defeat the court nominees, by the winter the intent behind the composition of moderate churchmen and dissenters appears to have been directed towards opposing the candidacy of William Sacheverell. Sir William Boothby expressing his obvious relief at leading Derbyshire's dissenters' eventual commitment to the Clarke and Gell ticket.¹⁷

However, it is unlikely that Boothby's apprehensions regarding William Sacheverell's candidacy were based on Sacheverell's previous failure to demonstrate support for the Prince of Orange's undertaking. Up until January, William Boothby clearly hoped that some kind of accommodation could be reached with the king. On 19 December, he wrote of the 'great troubles' he was under for the king and hoped 'he may return to his people in peace...so as to make him a blessing to us all'.¹⁸ Even after the king's second flight he was unwilling to accept the full implications of James's removal and feared the king:

should think he is not used as he ought by our Bishops and Cleargy; and this may fix him more in his own religion, and against ours; were as else we might have hoped under these great confusions he might have harkened to the sincere advice of others as to his Religion.¹⁹

¹⁵ DRO, D258/17/31, f. 58; Chapter 5.

¹⁶ BL, Add Mss. 71692, pp. 145-48.

¹⁷ BL, Add Mss. 71692, p. 148.

¹⁸ BL, Add Mss. 71692, p. 129.

¹⁹ BL, Add Mss. 71692, p. 135.

As it became clearer that the likelihood was that the crown would be bestowed on the Prince of Orange, he expressed his concerns at the constitutional implications of this, worried that it 'lookes like ye old Principles of our unhappy times to make ye king but as if weare a trustee for the people'.²⁰ Boothby's objections to Sacheverell therefore did not rest on his not appearing for the Prince. Rather, he found common ground with moderate whigs in order to oppose those who were not 'firme in their principles to the church and lawes' and who 'make themselves to be taken notice of, who else might dye as obscurely as they have Lived'.²¹

It is possible that, underpinning William Boothby's efforts to achieve a composition, was a perceived weakness in the 'church party's' electoral interest. In October 1688, James had restored the corporations to the condition in which they were before the remodelling of 'Tory reaction'. Whilst Boothby's letters are mainly concerned with the county election, he was also in touch with the Mayor of Derby exhorting him to ensure that men voted for loyal candidates.²² During the elections of 1679 to 1681, of the four candidates returned from Derbyshire, three had voted for exclusion.²³ It is not inconceivable that men like Sir William Boothby, concerned about the direction events were taking, chose to ally themselves with moderate whigs to ensure that at least one representative of the church party was returned to the Convention.

Unfortunately, Sir John Gell's motivations with persisting with the electoral pact are less clear, and on 8 February he died without having taken any known part in the convention. On 25 March 1689, Sir William Boothby wrote to Sir John's son Phillip, who intended to replace his father, enquiring whether 'you have any service to command my attendance upon you Either before or at ye Election at Derby'.²⁴ However, his actions since 8 February indicate that this expression of support was more than a little disingenuous. Shortly after hearing of Sir John's demise, Boothby

²⁰ BL, Add Mss. 71692, p. 144.

²¹ BL, Add Mss. 71692, p. 148.

²² BL, Add Mss. 71692, pp. 146, 148.

²³ Chapter 2.

²⁴ BL, Add Mss. 71692, p. 189; DRO, D258/24/50, f. 16.

and two other gentlemen met to consider a replacement, 'believing this convention will be very short now' they thought it 'twill be best for us to have an united interest then a single one'.²⁵ The possible candidates suggested by these 'churches friends' were Sir Edward Coke and Sir Robert Burdett, the latter currently member for Staffordshire, who had voted against the transfer of the crown.²⁶ Whilst William Boothby and the loyalists publicly expressed their support for Gell's candidature, they hoped to find a very different 'type' of candidate to replace Sir John. Whether this was a product of increased optimism about the chances of securing the election of two loyalists, or the result of changing priorities is not clear.

On Sir Phillip's side, there was obvious mistrust of the tory gentlemen and particularly Sir Gilbert Clarke. There had been some delay in the despatch of the writs for the election, which Gell was clearly suspicious of, and it appears that Antichell Grey was instructed to make enquiries at the Crown office. Grey's enquiries led him to believe that the delay was attributable to no more sinister a design than the pressures of work in William's newly formed administration.²⁷ However, Gell was obviously unconvinced, and still saw the political machinations behind the hold up. On 30 March 1689, Phillip's brother Francis met Sir Gilbert Clarke who 'was 'very inquisitive...whether there was any opposition' and whom admitted to having the election writs in his pocket, which he indicated he had just received. Distrustful, Francis refused to take him at his word and made enquiries with Clarke's servant, reportedly finding 'he had it ten days agoe'. He also questioned Mr Adderley on the matter, who testified to the fact that Clarke had only had the writs for a 'day or two', which, as it had been issued on 25 March, was probably more accurate.²⁸ Nevertheless, it is apparent that Francis Gell did not believe him and a considerable amount of distrust remained.

This discussion of the Derbyshire election indicates some of the problems in the ways in which the elections have been analysed. In the county election a contest took place, yet the actual result was determined by a temporary compromise that, on at

²⁵ BL, Add Mss. 71692, p. 171.

²⁶ BL, Add Mss. 71692, f. 168, 171.

²⁷ DRO, D258/24/50 f. 10, 15; D258/34/78.

²⁸ DRO, D258/24/50, f. 17; PRO, C231/8, p. 211.

least one part, was designed to exclude a more radical candidate. It was an election that therefore exhibited both division and consensus. In addition, whilst the dynastic issue was important, it does not appear that it worked in as simple a way as described by Sir Edward Harley. What is more, it raises questions about the effects of long electoral preparations. The situation in which the first attempts were made to reach a composition in the summer of 1688 was very different to 'similar' efforts made in the fluid and confusing political situation of 1689. Even then, as the situation clarified there was a marked difference in Boothby's attitude towards the electoral pact between January and February. It is therefore problematic to equate long election preparations with the outcome of the elections to the convention. To do so presupposes a consistency of aims and issues in changing circumstances.

II

After the Convention the government turned its attention to implementing a more permanent settlement in the localities. On 25 March 1689, the Earl of Devonshire eventually followed his father's footsteps and was appointed lord lieutenant of Derbyshire. A few days later William Pierrepont, Earl of Kingston, replaced the Duke of Newcastle in Nottinghamshire. In Leicestershire, the Earl of Rutland was restored to the post from which James had removed him, and on 27 April 1689, the Earl of Lindsey was reappointed lord lieutenant of Lincolnshire.²⁹ However, in Leicestershire, unlike the other East Midland counties, Earl of Rutland, much to his chagrin was not appointed as the civil head of county administration, and the post of *Custos Rotolorum* went to the Earl of Stamford.³⁰

Leicestershire and Derbyshire were issued with new commissions of the peace in March, whilst Nottingham, and the three parts of Lincolnshire, did not receive new commissions until June. In Nottinghamshire and Leicestershire further commissions were sealed in July and August respectively.³¹ For the year following the Revolution, both commissions of the peace for Leicestershire survive.³² Unfortunately, the same is not true of the other East Midland counties, but it is

²⁹ PRO, C231/8, pp. 211-2, 218, 233, 249.

³⁰ PRO, C231/8, p. 211; HMC 24/2, *Rutland Mss.*, pp. 125-6.

³¹ PRO C231/8, pp. 211, 227-8, 231

³² LRO, QS1/2, QS1/3; PRO, C231/8, pp. 211, 238.

possible to partially reconstruct an approximation of the commissions of the peace during 1689 in these counties. The first post-Revolution commission for Kesteven dates from July 1691, and it has been considered a good estimation of the composition of the bench in 1689, because according to the docket book, the changes made in February 1690 and July 1691 had merely appointed Lindsey as Custos Rotulorum and added the Assize Judges.³³ In Nottinghamshire, the first surviving commission is from February 1690, and the only change recorded by the docket book is the addition of William Simpson.³⁴ However, in Derbyshire, the first surviving list of justices is a sheriff's list and dates from 1693. In this county, the first sheriff's return cannot reasonably be used to indicate the composition of the bench in 1689 as new commissions were issued in February 1690, March, July and October 1691, and March 1693. Nevertheless, the quarter session records provide the names of 19 justices of the peace who were active during the course of 1689 and William Boothby's letter book provides evidence of a further five.³⁵ Whilst this is not necessarily all justices of the peace, 24 represents only a few less than the average size of the Derbyshire bench.³⁶

³³ Evidence from the Minute Books indicating active justices does not largely contradict this assumption, although William Buck and Edward Fanning are omitted from the commission of the peace from July 1691 the former had been active since 1689 the later in April 1690, and it is possible that Thomas Barnardiston, Edward Fanning, Gilbert Bury, Charles Halford and Thomas Hussey were only added to the bench in the commission of 1690 as they had not been active before. Glassey, *Politics*, p. 104-5; PRO, C231/8, pp. 249, 274; LAO KQS E/1, commission of the peace 10 July 1691, KQS A/1/3, pp. 139-236.

³⁴ NRO, QSC/2; PRO, C231/8, f. 250.

³⁵ DRO, Q/SO 1/1 4/8, BL, Add Mss. 71692, pp. 98, 101, 106.

³⁶ The total for local justices from Derbyshire were 31 in 1679 and 1685, 26 in 1688 and 1693.

TABLE 7.1

Composition of the East Midlands Commissions of the Peace in 1689

	Derbyshire		Leicestershire		Lincolnshire Kesteven		Nottinghamshire	
Type	No	%	No	%	No	%	No	%
Removed during and after Exclusion Crisis and added to the Bench in 1688	1	4.2	1	2.0	2	3.7	6	17.1
Removed during and after Exclusion Crisis and not added to the Bench in 1688	0	0.0	2	4.1	2	3.7	0	0
In Commission 1685 and put out	8	33.3	20	40.8	15	27.8	9	25.7
In Commission 1685 retained place	3	12.5	0	0.0	6	11.1	1	2.9
Added 1687	1	4.2	1	2.0	0	0	0	0.0
Added 1688	3	12.5	6	12.2	0	0	6	17.1
New appointees whose family had traditionally served as JPs	4	16.7	4	8.2	13	24.1	8	22.9
New appointees	4	16.7	15	30.6	16	29.6	5	14.3
Total	24	100.1	49	99.9	54	100	35	100

As noted by Dr Glassey, the composition of the commissions of the peace of 1689 seem to vary 'from county to county in a bewildering fashion'. In a survey of six counties, he found at least some indication that the composition of the bench reflected the political predispositions of the leaders of county society, so in Northamptonshire, under Lord Mordaunt the commission contained a relatively high proportion of exclusionist whigs and the number of tories who were restored was surprisingly low, whilst in Leicestershire the Earls of Stamford and Rutland produced a more balanced bench. However, not all counties fitted this pattern and in Kesteven the most predominant group on the bench were newcomers. Dr Glassey therefore argued that, in the immediate aftermath of the Revolution, the character of the local benches was determined by local, rather than central, pressures, reflecting the inexperience of the recently appointed commissioners of the great seal. What is more, the high proportion of newcomers to the bench indicated that the social qualification for becoming a magistrate must have been lowered. As such, the immediate effect of the Revolution settlement in the localities was not to usher in oligarchic government but to destroy it.³⁷

³⁷ Glassey, *Politics*, p. 104-6.

As is clear from table 7.1, the figures for Leicestershire differ from those of Dr Glassey, as he found that James's inclusions who were retained roughly equalled the restored whigs. It has to be assumed that this reflects differences in nominal record linkage. The East Midlands data as a whole initially seems to support Dr Glassey's contention that there is no discernible pattern in the composition of the initial post revolution benches other than that they included a surprisingly high number of new men. In Derbyshire, the 'whiggishly-inclined' Earl of Devonshire did not take the opportunity to pack the bench with like minded men, only one of the justices removed during the tory reaction was now appointed to the bench, and only three of the men who were added by James in 1688 joined him. In contrast, the largest group on the commission were tories. In Leicestershire, the bench was less obviously balanced between Stamford and Rutland and again tory justices predominated. In Lincolnshire, under the tutelage of the Earl of Lindsey, a spectacularly high number of new men were appointed, whilst in Nottinghamshire a more obviously balanced bench was produced which included 12 men who had either been removed during the Exclusion Crisis or appointed by James in 1688, 10 of them were men who had featured on the 1685 commission, and 12 were new men.

However, when the proportion of whigs removed during the Exclusion Crisis who were still alive in 1689, and were now appointed to the bench, is compared to the number of men on the bench in 1685, who were still alive in 1689 and featured on the immediate post-revolution commissions of the peace, a more uniform picture emerges.

TABLE 7.2

Comparison of the Distribution of 'Factions' on Commissions of the Peace 1689

	Removed during/after the Exclusion Crisis			On the bench in 1685		
	No. Available	No. Added	% Added	No. Available	No. Added	% Added
Derbyshire	4	1	25.0	28	12	42.8
Leicestershire	7	3	42.8	31	20	64.5
Kesteven	7	4	57.1	34	21	64.7
Nottinghamshire	9	6	66.6	19	10	52.6
TOTAL	27	14	51.8	112	63	56.2

As table 7.2 demonstrates, in the East Midlands, the distribution of 'factions' was relatively even.³⁸ At the centre, William's first ministry was predicated on a broad bottom, and his choice of lord lieutenants in 1689 also indicated his preference for trimming. In the East Midlands, at least, this also appeared to be the case in the commissions of the peace and further research in other counties is required to determine if this was a common pattern. What is more, as table 7.1 illustrates whilst all the East Midland commissions did contain a large proportion of new men, when the magisterial experience of their families is taken into account, the immediate shift in social class at the revolution was not particularly marked in either Derbyshire or Leicestershire.

Not all of those magistrates appointed in 1689 were prepared to accept the change of regime. In Derbyshire, whilst William Boothby initially continued to be involved in local affairs, he was ultimately unable to bring himself to take the new oaths. In May the Clerk of the Peace arranged a meeting of the justices in each hundred to administer the new oaths to justices of the peace. The dilemma which this presented Boothby is apparent in that Mr Adderley's letter is copied into his letter book, one of the few instances in which Boothby does so. Shortly after receiving the instruction, he wrote

in our parts I find many of those who were turned out upon the questions put to them, and adhering to the Laws: and are now put in againe, are not forward to take Publick imployments upon them. An oath is a sacred thing and requires care and Judgement, both in the takeing and keeping. Our great unhappiness is that our Bishops and Clergy are devided in their opinions and thinke not good Either publicly or privately (when desired) to give their opinion and directions to us, looking upon themselves as excused under our circumstances.³⁹

On the day of the meeting, he failed to attend, and termed his refusal to take the oaths in terms of the pressure of his 'private affairs'.⁴⁰ He was obviously not alone in his reticence to whole-heartedly accept the new regime. In June, when Mr Adderley once again pressed him to take the oaths, William Fitzherbert, Rowland

³⁸ The anomaly in Derbyshire can largely be explained by the particularly small size of the sample, and the difficulties of reconstructing this commission. If one more 'whig' featured in the commission that has only been partially reconstructed then it would fit the pattern of the other counties.

³⁹ BL, Add Mss. 71692, p. 97.

⁴⁰ BL, Add Mss. 71692, p. 98.

Okeover, John Berrisford and Godfrey Meynell had also obviously up to this point demurred. Of these, William Fitzherbert definitely refused, and none of the others appear either as active justices after the revolution or on the list of justices from 1693.⁴¹ Thomas Gladwin also found he could not with conscience take the new oaths, and, like Lewis Palmer in Lincolnshire, became a non-juror. In Leicestershire, Samuel Cotton, who appeared on the commission in March 1689, was omitted from that of July, and it can be assumed that he too could not countenance swearing allegiance to the new king and queen, although the new oaths meant men only had to accept William and Mary as *de facto* monarchs.⁴²

However, not all Tories found the change in monarch as difficult to stomach, and a large number of men who had been on the commission of the peace in 1685 did respond positively to the new regime. In Derbyshire, Sir Henry Every, John Low, Thomas Eyre and Simon Degg all attended quarter sessions in the first year of William's reign, as did Francis Sandys and Ralph Knight in Nottinghamshire. In Lincolnshire, men of the same ilk included Robert Fisher, Christopher Berrisford, Thomas Hussey, William Hyde, Christopher Nevill, Richard Rothwell, John Thorold of Grantham, and in Leicestershire, Sir Henry Hudson and his son Edward, William Cole, Roger Roe, Roger Smith and Richard Lister senior.⁴³

III

Twice in his short reign, once in 1686 and again in 1687 James II embarked upon royal progresses, yet on neither occasion did he venture into the East Midland counties. However, this study of the responses and reactions to James's reign whilst relatively remote from the politically significant metropolis sheds considerable light on the historical debates surrounding James's intentions, his chances of success and the overall nature of the Glorious Revolution.

⁴¹ BL, Add Mss. 71692, p. 101; DRO, Q/SO 1/1 4/8, Q/SB 1/4 24 April 1693.

⁴² *Familiae Minorum Gentium*, ii, p. 616; Henning, *House of Commons*, iii, p. 197; LRO, QS1/2, QS1/3.

⁴³ DRO, Q/SO 1/1 4/8; LRO, QS6/1/2/1, pp. 117-9; LAO, HQS A/2/3, pp. 128-39, KQS A/1/3, pp. 139-59; NRO, QSM 1/15.

As outlined in chapter one a number of different hypotheses have been suggested as the motivation behind the policies adopted by James II.⁴⁴ Whilst determining his ultimate aims lays outside the focus of this thesis, by examining the way in which his policies impacted on the East Midland counties this thesis has enabled a re-consideration of certain aspects of the debate, and whether he was pointedly attempting to set up an absolute government on a French model, was a genuine convert to the cause of religious toleration, or simply wished to improve the position of his co-religionists. During the course of his reign James's government interfered in local government to an unprecedented degree. Yet, the focus of his interference was mainly to obtain a compliant Parliament, and little heed was paid to the effect on the smooth running of administration in the localities, or the impact on central government's control over local government. The East Midlands case study supports A. M. Coleby's contention that, in terms of local government, 'the advance of truly stronger government was checked rather than championed by James II'.⁴⁵

However, in many respects the evidence from the region demonstrates this far more effectively than that found in Hampshire, and Coleby's argument is heavily dependent upon the absence of the formal records of Quarter sessions which he interprets as evidence that sessions were not held. This is not necessarily the case, and omissions in the record could arguably be the product of lack of survival of such records. This interpretation is supported by the fact that, although there were no surviving quarter session minutes for Hampshire between Easter 1688 and January 1689, justices were paid for their attendance during this period.⁴⁶ As outlined in chapter three, for all the East Midland counties the quarter session minutes survive, and at least until January 1689, sessions were held. However, effective local administration was clearly put under severe strain in both Kesteven and Nottinghamshire, and it is more than likely that this was also true in the other counties of the region as the effect of James's purges on routine work, hidden from the formal record of the quarter sessions, is difficult to determine. This evidence does not directly disprove that James had absolutist pretensions and it could convincingly be argued that, in attempting to secure a compliant Parliament, the

⁴⁴ Chapter 1.

⁴⁵ Coleby, *Hampshire*, pp. 173-178.

⁴⁶ Coleby, *Hampshire*, p. 174n.

king's aim was to increase the powers of the Crown. Nevertheless, if the East Midlands sample is typical, it does demonstrate that, at least in the realms of local government, James was not actively attempting to enhance central governments control over local administration.

In addition, the East Midlands evidence calls into question how genuinely committed James was to general religious toleration. One of the latest monographs dedicated to the Glorious Revolution takes as one of its main arguments that James was genuinely committed to religious toleration from the beginning of his reign.⁴⁷ However, whilst both Maurice Ashley and John Miller had previously placed greater emphasis on James's spiritual motivations they, also highlighted that his commitment to toleration was qualified by his perception of the political danger posed by non-conformists.⁴⁸ John Miller argued that most of the early dispensations offered by James were made in favour of Catholics.⁴⁹ The evidence from Lincolnshire discussed in chapter three supports this as at least 65% of the beneficiaries were of the same religion as the king. Crucially, this dispensation was from March 1686, at a time when James had already begun to relieve more Protestant non-conformists from the rigors of the penal legislation. Moreover, whilst it has long been known that the first major remodelling of the commissions of the peace made in his reign were largely to place Catholics on the bench, this study of four contiguous counties has uniquely revealed the government's determination to do so by appointing Catholics justices of more than one county.⁵⁰

Whatever James's intentions were, the main means by which he hoped to achieve them was through obtaining a Parliament that would repeal the Test Act and penal laws. Whilst the overall conclusion of the discussion in Chapter five does not support J. R. Jones's thesis that the campaign would have succeeded if it were not for the Revolution, neither does it provide complete support to the detractors of his

⁴⁷ Cruickshanks, *Glorious Revolution*. p. 17.

⁴⁸ Ashley, *Glorious Revolution*, pp. 25, 78, 80-2, 88, 261; Miller, *Popery and Politics*, pp. 196-228; Miller, 'James II and Toleration', p. 19.

⁴⁹ Miller, *Popery and Politics*, p. 204.

⁵⁰ Miller, *Popery and Politics*, p. 209; Glassey, *Politics*, pp. 72-3.

thesis.⁵¹ In the most recent work to analyse James's campaign, P. D. Halliday argued that it was clear the campaign to pack Parliament would ultimately have failed because it had already failed. He outlined a picture of local opposition that necessitated successive purges and which ultimately led to the government losing control of the situation.⁵² J.R. Jones was clearly over-reliant on the optimistic reports of the local agents. Nevertheless, the East Midlands evidence provides some support for his argument that successive purges were planned rather than being symptomatic of the failure of the exercise. Firstly, as discussed in chapter three, they enabled the legal transfer of power within the corporations. Secondly, as described in chapters three and five, as the case of Nottingham illustrates, they did not necessarily reflect the government's loss of control. Unlike the experience of Boston or Leicester, Nottingham's new charter of 1688 did not make extensive amendments to previous purges, but rather 'legalised' changes that had already been made.

Yet equally in other corporations the obstructionism identified by P. D. Halliday was clearly in evidence (which in the case of Leicester is particularly unsurprising as it as one of his featured case studies). However, whilst Halliday notes that a number of corporations were remodelled 'un-necessarily' as they returned no members to Parliament, he remains notably silent on the enfranchised corporations, like East Retford, Lincoln, and Stamford, that were largely left untouched. Implicitly, his argument serves to highlight the similarity of the corporations' experience during James's reign. This thesis acts as a necessary corrective by highlighting the differences in their experiences. Whilst it has been assumed that such variance in corporate experience was a product of the inefficiency of the campaign, this is an area that warrants further research.

The diversity of the corporations' experience during James's reign also has important methodological implications. Jones's original argument has largely been explored in a series of individual corporate case studies. Yet, as the East Midlands experience indicates, it is problematic to focus on one corporation in order to extrapolate general

⁵¹ Jones, *Revolution of 1688*, pp. 129-175; Evans, *Seventeenth Century Norwich*, p. 312-5; Coleby, *Hampshire*, pp. 222-5; Hosford, *Nottingham*, pp. 45-58; Murrell, 'Bury St Edmunds', 188-206; Short, 'Corporation of Hull', 172-195.

⁵² Halliday, *Dismembering the Body Politic*, pp. 237-262.

conclusions about the whole process. Admittedly, Halliday makes use of a range of different case studies, yet his discussion concentrates upon the 103 towns that were remodelled and not the other half that were not.⁵³ Furthermore, there is clearly a case for considering the corporations in relations to the campaign as it was conducted in counties in which they were located.

To do so involves making use of the three question returns, which provide one of the most comprehensive sources for studying local reactions to James's reign, but as discussed in chapter four, what they can potentially reveal is as elusive as it is tempting. During the course of analysing the answers to the three questions from the four East Midlands counties, some attempt has been made to 'enhance' the evidence of the returns in order to make it possible to compare the results of two or more counties. In many respects the conclusions drawn from this methodology need to be tested on a national level. A fruitful avenue of future enquiry would be the digitisation of all surviving answers facilitating the analysis of the relative importance of the factors that have been suggested to have influenced the results.

On the wider question of our understanding of the nature of the Glorious Revolution this thesis has made a number of important contributions. One of the first aspects of the Revolution that witnessed revision of the Whig view of the Revolution was Lucille Pinkham's reassessment of the role played by William of Orange.⁵⁴ Whilst many of her conclusions have been dismissed, a strong historiographical current developed that conceived the Revolution as an act carried out by the Dutch Prince with minimal English involvement. For example, in 1991 Jonathan Israel argued that in 1688 'there was an insufficient basis within Britain itself for the kind of revolution which occurred' and 'outside intervention not only imparted to the English Revolution of 1688-9 much of its essential impetus but also played a vital part in determining its agenda and ideology'.⁵⁵

In the 1970s, D. H. Hosford had attempted to resurrect the English role in their Revolution and arguing that not only had the northern risings made a strategic

⁵³ Halliday, *Dismembering the Body Politic*, p. 248.

⁵⁴ Pinkham, *Respectable Revolution*.

⁵⁵ Israel, *Anglo-Dutch Moment*, pp. 11-12.

contribution to the outcome of 1688, as they had prevented James from calling upon help from Scotland, they were also a contributing factor to James psychological breakdown and eventual flight.⁵⁶ This study has demonstrated that in the period prior to the King's flight the English role was even more vital. Firstly, greater attention has been paid to the English reaction of James II and the wide-scale opposition demonstrated to his reign even before William landed. Mark Goldie, focusing on the Anglican clergy, has highlighted that during the course of James's reign a revolution took place in Anglican thought, whereby the seeds of a theory of resistance to a monarch were articulated into a more fully fledged doctrine.⁵⁷ To this can be added the large scale failure of the Anglican gentry to respond to James's back-peddalling measures in the Autumn of 1688, at a time of acute vulnerability for the Crown, indicating not only the widespread opposition to his policies but widespread resistance amongst the local elites to the king. In the Nottingham rising of 1688 this manifested itself into the direct active resistance of local Tories and Anglicans. What is more, the tenuous state of English local government in the autumn of 1688 suggests that, even without William's intervention, the king by necessity would have been forced to change his policies. Whilst Dutch coercion was an important aspect of the Revolution, and has been shown to be particularly the case after the King's flight, this thesis reiterates the fact that the Glorious Revolution was not purely a Dutch affair.

If a greater English role in the Revolution is accepted we need to understand the nature of English opposition to James in order to determine the nature of the Revolution. Following J. P. Kenyon's argument, revision of the Whig view of English resistance is presented in mainly aristocratic terms.⁵⁸ However as chapter six argues the previous accounts of the Nottinghamshire rising have overstated its aristocratic flavour. Certainly members of the nobility were at the forefront of its planning and execution, but gentry participation was wider and more important than has previously been allowed. As noted in chapter four, in response to the three questions the gentry had demonstrated their independence, and in 1688 it can not be

⁵⁶ Hosford, *Nottingham*, pp. 5-6, 82-3, 123.

⁵⁷ Mark Goldie, 'The Political Thought of the Anglican Revolution', in Robert Beddard, ed., *The Revolutions of 1688* (Oxford, 1991), pp. 137-62

⁵⁸ Kenyon, *Nobility*, p. 9.

seen that the decision to turn rebel was dependent upon their aristocratic neighbours. Furthermore, their responses to these 'tempetuous and troublesome times' were a major contributing factor characterising the English response to events.⁵⁹

More recently, Steve Pincus has suggested that 1688 witnessed the first nationalist revolution, arguing that it was characterised by an effort to prevent James artificially introducing a French style of government into the English polity, that in the months prior to the revolution the major part of the population turned against James, and the nature of English society facilitated the distribution of the conception of shared national characteristics. The Glorious Revolution therefore evidenced an English attempt to protect their traditions, religion and laws.⁶⁰ The East Midlands case study provides a certain amount of support for this argument. Firstly, one of the first members of the gentry from the region to explicitly oppose the king was John Coke, who based his opposition on duty of 'all Englishmen'. Secondly, the more forthright resistance to the attempt to repeal the Test Act and penal laws as expressed in the answers to the three questions from Derbyshire and Leicestershire, adds further weight to the view that the 'campaign did much to politicise the nation and unite it against him'.⁶¹ Thirdly, as previously noted there was widespread opposition to James prior to James's landing.

However, there are other aspects of the East Midlands case study that work against describing the English response in largely nationalistic terms. For example, as argued in chapter six, it is clear that localist sentiments cut through national concerns. Much of the gentry effort of 1688 was to prevent social dysfunction. Whilst previous attempts to explain the relatively small numbers of men who actively resisted the king in 1688 have focused on the importance of adherence to non-resistance, it is a contention of this thesis that in the East Midlands at least of great importance was a combination of fear and a pre-occupation with preventing the descent into civil war.

⁵⁹ LAO, Monson 7/12, f. 62.

⁶⁰ Steven Pincus, 'To Protect English Liberties': the English nationalist revolution of 1688-1689', in Tony Claydon and Ian McBride, eds., *Protestantism and National Identity: Britain and Ireland, c. 1650-c. 1850* (Cambridge, 1998), pp. 75-104.

In fact, neatly typifying the nature of English opposition to James is problematic. By 1688, James had used his royal prerogative to dispense with, and then suspend, the penal laws, changing the patterns of religious life, altering the delicate, if unsatisfactory, balance of the Restoration religious settlement and dismantling the special position enjoyed by the Church of England within the state. In the process, he adopted measures that, if not directly illegal, stretched the royal prerogatives into grey areas. He had also, as recounted above, removed those who had expressed their loyalty to him in 1685 from their positions and places. In doing so, he encroached upon personal and local privileges, representing a threat not merely to political and religious settlement but to the viability of local government, provoking opposition on religious, constitutional and personal terms.

The aristocracy and gentry, whilst a relatively clearly defined group, were not homogenous, and men reacted to James's policies and made decisions during and after his reign with different orders of priorities. The nature of the surviving records has made prioritising the relative importance of each of these issues impossible. However, it is likely that to do so would ultimately be unnecessary and potentially misleading. Individuals' and communities' experiences of James's reign, whilst similar, were not uniform. For instance, Sir William Boothby lost his long held position on the commission of the peace, yet accepted it stoically and his letter book reveals that one of his primary concerns throughout James's reign was the position of the Church of England. He did not make any effort to support James during the rising at Nottingham, and he attended Princess Anne, yet in the period after the second flight of the king he was very concerned about the implications of the transfer of the crown. There is a possibility that Captain Henry Every, who obtained a pass to travel to Derbyshire shortly before the rising at Nottingham, did so in preparation for his involvement in the insurrection, and at the very least he attended Princess Anne on her journey south. Added to the Derbyshire commission of the peace in 1680, he retained his place on the bench after the three questions. Whilst his father and uncle had been removed from the bench by James, Henry junior retained his place and his rebellious activity was clearly not motivated by his own loss of office.

⁶¹ Pincus, 'English Liberties', pp. 85-6.

Likewise, the response of the Protestant dissenters, and those conformists that were sympathetic towards them, also is not easily typified. Thorough examination of their responses is hampered by there being even fewer surviving sources. As far as can be ascertained, however, the majority of those who took the opportunity to obtain dispensations from prosecution did come from radical sects. However, limited evidence indicates that this was not exclusively so. Further work needs to be done on those applying for dispensations from the localities to determine which denominations applied, and the timing of such applications. However, overall the East Midlands evidence does not indicate that dissenters, or whigs sympathetic to dissent, overwhelmingly came to support James's measures or take advantage of the opportunities offered by James in local government. Therefore, opposition to James covered a wide politico-religious spectrum.

Concentrating on only a relatively small geographical area this thesis has highlighted a diverse range of responses to James's reign and the Glorious Revolution of 1688. It is suggested that, rather than attempting to neatly classify the nature of the Revolution in order to understand its character and long-term impact it is more productive to explore its complexities.

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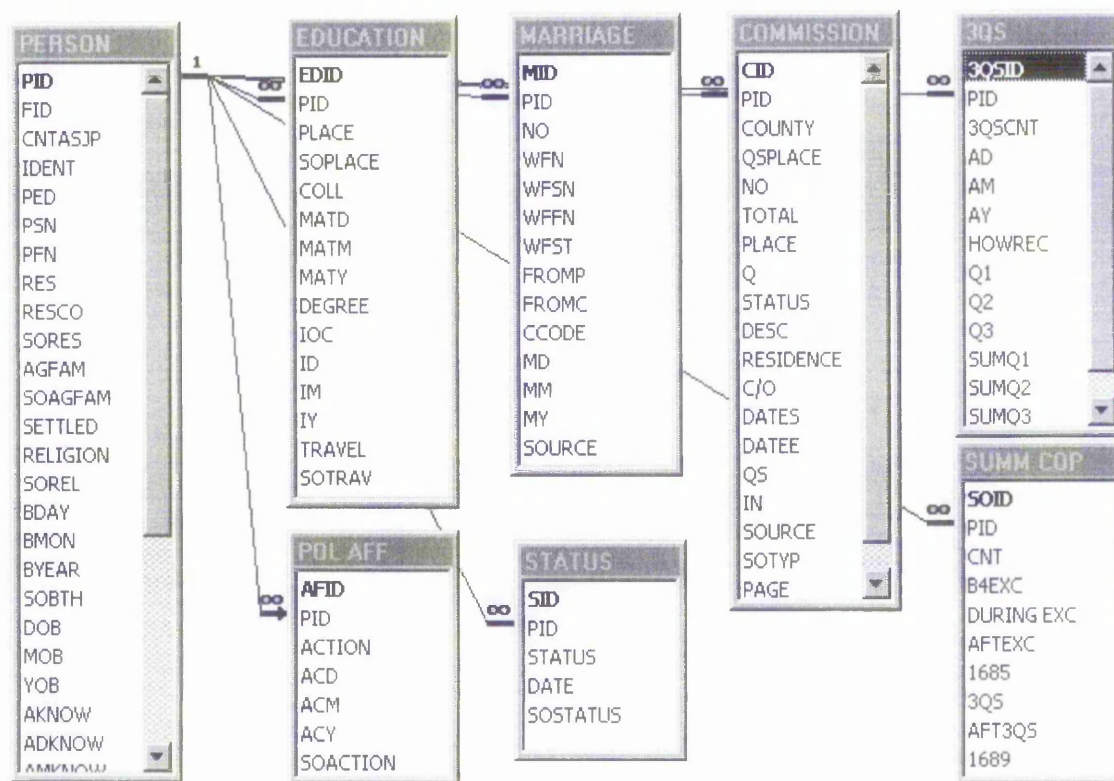
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APPENDIX A: Prosopographical Database

1. DATA MODEL



2. DESCRIPTION OF TABLES

Note: The following abbreviations are used throughout the database

DE - Derbyshire

LE - Leicestershire

LIH - Lincolnshire Holland

LIK - Lincolnshire Kesteven

LIL - Lincolnshire Lindsey

NO - Nottinghamshire

PERSON TABLE

This table records the magistrate's 'personal' information.

FIELD	DESCRIPTION	CODING
PID	Unique Personal Identifier	
FID	Family Identifier	
CNTASJP	Identifies individual as JP	Y
IDENT	Identified information about individual	Y or N
PED	Reference to pedigree if found	N if no Pedigree
PSN	Standardised surname	
PFN	Standardised forename	
RES	Place of main residence	
RESCO	County of main residence	
SORES	Reference to source of residence information	
AGFAM	Information on when family settled in the county	
SOAGFAM	Source of family settlement information	
SETTLED	Categorised settlement information	<16 before the 16 th century 16 during the 16 th century 17 during the 17 th century NOTRES not resident ECC ecclesiastic O is used to denote previous residence in another county. L is used to denote family were of lower social status in the century.
RELIGION	Religious affiliation in the 1680s	
SORELIGION	Reference to source of information on religion	
BDAY	Birth day	
BMON	Birth month	
BYEAR	Birth year	
SOBTH	Reference to source of birth information	
DOB	Standardised birth day	
MOB	Standardised birth month	
YOB	Standardised birth year	
AKNOW	Age known at a certain date	
ADKNOW	Day age known	
AMKNOW	Month age known	
AYKNOW	Year age known	
SOKNOW	Source age known	
DDAY	Death day	
DMON	Death month	
DYEAR	Death year	
DAGE	Age at death	
SODTH	Source of death information	
DOD	Standardised day of death	
MOD	Standardised month of death	
YOD	Standardised year of death	

EDUCATION TABLE

This table records information about the magistrate's educational experience.

FIELD	DESCRIPTION	CODING
EDID	Unique identifier	
PID	Personal identifier -link to other tables	
PLACE	Place of education	AB - Aberdeen C - Cambridge I - Inns of Court O - Oxford T - Travel NB: University took precedence over Inns of Court which took precedence over time spent abroad.
SOPLACE	Reference to source of information about education NB: if individual attended more than one university then only recorded the first	
COLL	College	
MATD	Day matriculated at university	
MATM	Month matriculated at university	
MATY	Year matriculated at university	
DEGREE	Indication of whether individual took a degree	Y - took a degree
IOC	Attended an Inn of Court	CI - Clements Inn GI - Grays Inn IT - Inner Temple LI - Lincolns Inn MT - Middle Temple
ID	Day started at Inns of Court	
IM	Month started at Inns of Court	
IY	Year started at Inns of Court	
TRAVEL	Information on time spent abroad	
SOTRAVEL	Reference to source of information on time spent abroad	

MARRIAGE TABLE

This table records information about the magistrate's marital status, and the place of origin of their wives.

FIELD	DESCRIPTION	CODING
MID	Unique Identifier	
PID	Personal identifier -link to other tables	
NO	Wife number	0 - Unmarried 1 - First wife 2 - Second wife (etc.)
WFN	Wife's forename	
WSN	Wife's surname	
WFFN	Forename of wife's father	
WFST	Status of wife's father	SIR - Unknown if knight or baronet SAL - Sergeant at law MD - Doctor LORD - Unknown nobility KOB - Knight of bath KNT - Knight HON - Honorable GENT - Gent ESQ - Esquire DCL - Doctor of common law BART - Baronet A - Alderman
FROMP	Residence of wife before marriage	
FROMC	County of wife's residence before marriage	
CCODE	Categorisation of wife's residence before marriage	ADJ - Adjacent county EM - East Midlands county LON - London OTHER - Other county
MD	Day of marriage	
MM	Month of marriage	
MY	Year of marriage	
SOURCE	Reference to source of information about marital status	

COMMISSION TABLE

This table records information that was used both as an aid to nominal record linkage and to reconstruct the commissions of the piece at certain key points.

FIELD	DESCRIPTION	CODING
CID	Unique Identifier	
PID	Personal Identifier	
COUNTY	County to which record refers	
QSPLACE	If record of attendance at quarter session then place where meeting was held	
NO	If name appears in hierarchical list then number at which it appears	
TOTAL	If name appears in hierarchical list then total number of names in the list	
PLACE	Calculated field NO/TOTALx100 used to aid nominal record linkage	
Q	Indication if justices was of the Quorum	Y or N
STATUS	Status if given	BART - Baronet BD - Bachelor of Divinity DD - Doctor of Divinity DEAN - Dean DL - Doctor of Law ESQ - Esquire GENT - Gent KNT - Knight KOB - Knight of Bath SAL - Sergeant at Law LORD - Nobility unknown status MAJOR - Major MD - Doctor SIR - Unknown if baronet of knight VISCOUNT - Viscount
DESC	Other descriptor on the original source that may aid nominal record linkage	JNR - Junior SNR - Senior MORT - died
RESIDENCE	Place of residence if given	
C/O	Indication if name has been erased from original source	Y indicates that name has been crossed out.
DATES	Start of time that record refers to	
DATEE	End of time that record refers to NB: if blank then record refers to specific date given in DATES	
QS	If record is quarter sessions attendance then meeting referred to.	
IN	If source indicates that a magistrate is being removed or added to the bench.	IN - added OUT - removed
SOURCE	Reference to source	
SOTYP	Type of source	COP - Commission of the Peace PC MINUTE - Privy Council Minutes QSA - Quarter Session Attendance
PAGE	If applicable page number of source	

POL AFF TABLE

This table records information about the magistrate's political affiliation.

FIELD	DESCRIPTION	CODING
AFID	Unique Identifier	
PID	Personal identifier	
ACTION	Description of political affiliation or action	
ACD	Day ACTION took place	
ADM	Month ACTION took place	
ACY	Year ACTION took place	
SOACTION	Reference to source of information on political affiliation	

SHERIFF

This table records information about appointments to the shrievalty.

FIELD	DESCRIPTION	CODING
SHID	Unique Identifier	
PID	Personal Identifier	
SHCNT	County for which individual is sheriff	
SHD	Day of appointment	
SHM	Month of appointment	
SHY	Year of appointment	
SOSH	Reference to source of information on sheriff	LG = London Gazette

STATUS

This table records information about magistrate's status.

FIELD	DESCRIPTION	CODING
SID	Unique Identifier	
PID	Personal Identifier link to other tables	
STATUS	Description of Status	
DATE	Date the STATUS applies to	
SOSTATUS	Reference to source of information that Status applies to.	

3QS TABLE

This table records the answers of magistrates to the three questions both in the East Midlands and if they answered elsewhere.

FIELD	DESCRIPTION	CODING
3QSID	Unique Identifier	
PID	Personal Identifier	
3QSCNT	County in which the questions was asked	
AD	Day when questions were answered	
AM	Month when questions were answered	
AY	Year when questions were answered	
HOWREC	Whether answer was recorded in first or third person	1 - first 3 - third
Q1	Full answer to question one	
Q2	Full answer to question two	
Q3	Full answer to question three	
SUMQ1	Summary of answer to question one	Y - Yes
SUMQ2	Summary of answer to question two	ACY - Absent Catholic Yes
SUMQ3	Summary of answer to question three	ARE - Absent Resident Elsewhere A - Absent N - No P - Wait till Parliament AO - Absent Officer in the Army M - The King is informed EV - Evasive D - Doubtful AC - Absent and non- resident Catholic AS - Absent Sick AD - Absent Debt AA - Absent Abroad AL - Absent in London NTYPL - No to Test Yest to Penal Laws

SUMCOP TABLE

This table was created from the data stored in COMMISSION, and reconstructs the commissions of the peace at certain key points.

FIELD	DESCRIPTION	CODING
SOID	Unique identifier	
PID	Personal identifier	
CNT	County	
B4EXC	Commission of the peace c. 1679	
DURINGEXC	Commission of the peace c. 1680-1684	
1685	Commission of the peace 1685	
3QS	Commission of the peace 1687	
AFTER3QS	Commission of the peace 1688	
1689	Commission of the peace 1689	