The English Boroughs and the King's Government: a study of the Tory Reaction, 1681-85

ABSTRACT

The subject of this study is the total transference of power from Whigs to Tories, achieved in the last four years of Charles II's reign in every branch of the governing establishment. Central to this Tory achievement was 'remodelling' the boroughs. Between 1681 and 1685 more than 120 English boroughs received new charters. Almost every one of these grants empowered the crown to expel corporation members at will. At the same time the new charters purged the municipalities along party lines by appointing only approved men as corporators in the new constitutions. These remodellings have generally been accepted as the backbone of the Tory reaction, that is as the chief means by which the power of the first Whigs was destroyed by Charles II's government. Seventeenth century historians recognize in remodelling the boroughs a familiar instrument of dictatorial statecraft: Charles I tampered with municipal constitutions in the 1630s; the Major-Generals interfered with

corporation franchises in the 1650s; Charles II envisaged the systematic limitation of municipal independence in the early 1660s; James II expelled uncooperative corporators from office on a massive scale in the late 1680s. But while all are familiar with Charles II's 'borough policy' in the early 1680s, no one has attempted to investigate it in any detail. Most recent published work on the period understands the government borough campaign to have had a double purpose: to gain control over the borough law courts, and to influence the borough electorate (and so the composition of the House of Commons). This second aim has consistently been regarded as the more important. But beyond this few historians have attempted to look. Virtually nothing is known about the manner in which the borough policy was discussed and framed in government; nor who was chiefly responsible for it; nor how, in any detail, it was applied in the nation at large; nor how extensive the purges were; nor why Charles II's remodellings settled the nation in peace and order whereas James II's were to help provoke a revolution so soon afterwards. In short, hardly anything is known of what was actually happening in either the boroughs or Whitehall, and of the precise nature of the relations between the two. It is therefore the first purpose of

this study to show exactly what the borough campaign did and how it was conducted, and secondly to suggest some reasons for its success. For of all attempts in the seventeenth century to bring the municipalities to a greater dependence on the crown, none was as successful as in the period of Tory reaction.

The first sections of the thesis therefore deal with the formulation and emergence of a borough policy in government. The rather casual nature of cabinet government in this period makes this at times a difficult process: ministerial discussions and decision-making are only very dimly documented. But the chief authors of the policy can be seen clearly at work, notably Halifax and Francis North. The gradual evolution of bureaucratic expertise under the supervision of Secretary Jenkins and Attorney General Sawyer can also be discerned quite clearly. But the most important point to emerge from the investigation of the processes of policy making and execution in central government is that the borough policy aimed in no way at affecting returns to the House of Commons. The borough policy can be shown to have had no direct effect on the 1685 elections, nor to have been intended to do so. Until now it has been generally assumed that the main purpose of the government's campaign was indeed to increase

its control over the borough electorate. Instead it becomes clear that the king's ministers simply sought to limit the independence of the municipal law courts: the control of the administration of justice throughout the kingdom was the first priority of a government bent on destroying the opposition.

Most of the thesis, however, deals with the localities themselves: it is essentially a study of local politics, and an attempt to explain a nationwide phenomenon from a local viewpoint. This shift in emphasis from the politics of central government to the politics of the nation at large is responsible for the most important suggestions to emerge from this study. For this treatment tones down the importance of parliamentary politics in the government of the nation: it is my view that by concentrating on the struggle between crown and parliament historians have in the past fallen into a whole series of misunderstandings in their allusions to the relations between central government and the localities in this period. Instead I hope that I have given the local administration of justice the attention it deserves: in a period without parliament the most important political contests were fought out in the local law courts throughout England. And secondly, this shift in emphasis

from the centre to localities involves seeing government policy in an entirely new perspective. Instead of regarding the borough campaign as the dictatorial instrument of an arbitrary ruler, one can see local pressures for reform being asserted by local initiative, and central government responding to channel them in the desired direction. It was the strength of this alliance between local Tories and the crown which in my view was responsible for the successes of the Tory reaction: to a large extent government policy was tailored to suit local needs and not arbitrarily imposed on an unwilling nation.

This emphasis has therefore involved investigating the different elements which made up the local Tories; how they were animated by fear of rebellion and the determination to prosecute Protestant nonconformity; how they organized themselves and applied for government help in ejecting Whigs from local office; the limited extent of the purges and how they were imposed; the costs of the new charters and how the money was raised. In all these processes of reaction in the localities great opportunities were given to the local aristocracy and gentry to repair their political fortunes after a severe collapse during the Exclusion crisis: a major theme which emerges is the revival of the landed

interest in local affairs at the expense of the towns. And where such local leadership failed, others at hand filled the gap, notably bishops, judges on assize and officers in royal garrisons. In this way the church, the judiciary and the armed forces joined with local men of local standing and local connexions to protect the crown's full hereditary powers and so, according to Tory precepts, saved the nation from another civil war.

The fullest sources are inevitably the State Papers. These not only document the processes of government in the centre, but also, of course, deal at length with the relations between Whitehall and the localities. But I have mainly been concerned to make use of local records, and have therefore worked at twenty local repositories all over England. These were selected after working on the State Papers to decide which boroughs were likely to present the most interesting cases. But inevitably other considerations also determined my choices, notably the quantities in which the various records have survived. Inevitably, too, there are omissions because of lack of time. For example I would have liked to have visited Norwich (although fortunately Norwich's politics are well covered by correspondence in the British Museum

and the State Papers).

Sadly, most municipal collections surviving from this period are incomplete. It is astonishing how regularly survivals from the 1680s fail in the lists kept in the National Register of Archives. Of course this failure might in part be the result of the dislocation in municipal government which the politics of the 1680s brought about. Of surviving municipal records, the charters, council minutes and court records normally take the student only a short way toward understanding the intrigues of local politics: official public records can be notoriously uninformative, because they are frequently blandly tactful and mask the real processes by which decisions were reached. County records are occasionally more illuminating, since much of the Tories' local organization was conducted at meetings of the county justices and deputy lieutenants. But the most vital material is political correspondence. And this is in very short supply for the period of reaction. No correspondence of important ministers of state survives in great quantity. And the famous Hyde collection in the British Museum throws no light on the borough campaign at all. Local political correspondence is almost as scarce: one often has to rely on the chance survival of one or two key letters from local political managers. There are, however, a number of notable

exceptions. The Sancroft papers in the Bodleian, which have been so well-used by others, have much to say about the borough campaign in the west country. The other most important collections are the Paston correspondence about Norfolk politics, kept in the British Museum; Thomas Papillon's papers in Maidstone, which give a Whig view; the first earl of Abingdon's highly informative manuscripts scattered in half a dozen composite collections in the Bodleian; and, most important of all, Sir John Reresby's correspondence in the archives of the earl of Mexborough, formerly kept in the Sheepscar Branch of the Leeds City Libraries.

Wherever possible I have tried to adopt a systematic approach and avoid a merely anecdotal treatment. Because of the great variety of municipal constitutions and local circumstances, a series of local case-studies investigated in depth would almost certainly have produced a misleading impression of the organization of local politics across the nation. I have therefore treated the subject thematically. But it should by now be clear that the limited nature of much of the evidence has made it impossible to cover the problems as systematically as I would have wished: in only a few chapters have I been able to support my arguments with full statistical evidence. Elsewhere it has been necessary to make points by the accumulation of repeated examples. Accordingly there

are places where the text begins to sound like a list of illustrations. Nevertheless, this approach has enabled me to use the same scattered and incomplete records to answer a whole range of different questions. I have consistently and deliberately neglected the politics of the city of London, except where they affected the development of the borough campaign in the kingdom at large. London's political history in this period has been well covered in many other works, to the exclusion of our understanding of the political contests in all the other English boroughs. I have tried in this study to redress the balance.

THE ENGLISH BOROUGHS AND THE KING'S GOVERNMENT:

A STUDY OF THE TORY REACTION, 1681-85.

ROBERT PICKAVANCE

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Prefatory Note

All matter relating to the city of London has been excluded from the statistical evidence presented in this study, unless otherwise stated.

Whenever direct quotations from original sources have been made in the text, contractions have been expanded, but the original spelling has been retained.

Dates are given in old style, but with the year beginning on 1 January.

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List of abbreviations.

The names of English counties are abbreviated in the usual way. The other abbreviations used in the bibliography and footnotes are as follows:

addit.	additional
antiq.	antiquarian
archaeol.	archaeological
assoc.	association
Bodl.	Department of Western MSS., Bodleian Library, Oxford.
Brit.Mus.	Department of MSS., British Library (Reference Division), London
Bul.I.Hist.R.	Bulletin of the Institute of Historical Research
Cal.S.P.Dom.	Calendar of State Papers Domestic
ed.	editor
Eng.Hist.R.	English Historical Review
hist.	historic, historical, history
Hist.MSS.Com.	Historical Manuscripts Commission

jour.	journal
MS.,MSS.	manuscript, manuscripts
nat.	natural
P.R.O.	Public Record Office, London
R.O.	Record Office
ser.	series
soc.	society
trans.	transactions
Trans.R.Hist.Soc.	Transactions of the Royal Historical Society
Univ.	University

CHAPTER ONE.

The municipal setting.

I. The problem of the boroughs.

The Tory reaction of 1681-5 was one of several sudden and total political reversals of the late seventeenth century. It was no palace-revolution where ministries changed hands at the price of a few heads - although its effects in central government might be seen in that way - but a tidal turn that flushed through every department of government and flooded every stratum of society. In the bid to destroy the Whig party and secure the duke of York's right to the throne, the Privy Council, the Royal Household, the Secretariat, the lord lieutenancies and county militia, the county Commissions of the Peace, the Church, the Judiciary, the East India Company, Trinity House and the trade companies of London and other towns were all purged along party lines. Even the charters of New England and the Birmingham Free School were put under review. The result was a complete transference of power from the Whigs to the Tories from top to bottom of the governing establishment, and its repercussions rebounded further afield too. One of its most conspicuous effects was the vigorous prosecution of protestant nonconformity, the harassment of men and women who regarded themselves as living beyond

the pale of the political nation. James II saved his crown, and the Whig party, organized under Shaftesbury by 1681 to the highest pitch of political energy and confidence, suffered a fundamental collapse of will and morale, and indeed had all but disappeared entirely from the political scene by 1685. The cornerstone of the Tory reaction, and its most spectacular achievement, was the remodelling of the English boroughs.

Municipal independence posed a lasting problem to the growth of authoritarian central government. Tackling the problem therefore became a recurring theme of seventeenth century politics in England. Cherished traditions of self-government in municipal enclaves could in moments of political crisis render the country ungovernable. The haughty, truculent, independent airs engendered by corporation immunities made the overmighty burgess the archetypal bugbear of the governing classes - the lawyers, churchmen, aristocracy and gentry - and the jurisdiction he enjoyed the fundamental flaw in the constitution. For self-governing communities operating within the state inevitably reduced the authority of the state. Hobbes even went so far as to say that the existence of so many municipal corporations worked towards the disintegration of the state, by gnawing at its vitals. Their proliferation constituted in his view 'many lesser Common-wealths in the bowels of a greater,

like worms in the entrayles of a naturall man'.[1]

Municipal independence was therefore seen as an ever-present threat to the establishment to authoritarian government. This threat, however, was generally implied rather than actual. It has been the normal state of affairs in England that government has been by co-operation. Local government has always largely been self-government. In moments of political crisis, however, or when government attempted new directions in statecraft, the localities could not be trusted to regulate and govern themselves. They had to be carried with the government by force. In such times the towns particularly had to be brought into line. For it was an axiom among the ruling classes that 'you will certainly find that corporat towns will never be more loial than they are forced to be'.[2] And so at times such as these we find the problem of municipal independence consistently reasserting itself. Charles I made a few early uncoordinated attempts at reducing it as he embarked on the 'tyranny' of the 1630s.[3] A more ordered review was tried among the constitutional experiments of the Commonwealth

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[1] T. Hobbes, Leviathan, 1651, chap. 29 (Pelican edn., ed. C.B. Macpherson, 1968, p. 375).
[2] P.R.O., State Papers, Ser. 29, vol. 432, f. 38: Bishop Fell to Secretary Jenkins, 8 Sept. (1683).
[3] See section II below, p. 36-37.

in the 1650s. The political reversals of the Restoration ushered in the first systematic attempt to bring the corporations to a greater dependence on the crown in the early 1660s. The most highly developed operations against the borough charters were inaugurated in 1681 by the Tory reaction - the subject of this study - in the wake of the Exclusion crisis, when royal government embarked on the so-called drift towards absolutism. And finally James II contemplated and began the most wide-ranging series of dismissals from corporation offices ever envisaged as he prepared the foundations of an absolutist Catholic-oriented state in the late 1680s. At every major turning point in English seventeenth century politics we find attempts to cope with the problem of the boroughs. At the outset, then, it is clear that it was a problem that no government managed completely to solve.

The nearest any government came to coping with the borough problem was in the period 1681-5. Indeed in 1685 the king must have regarded the borough policy of the previous four years as an unqualified success. Scores of borough charters had been surrendered or forfeited and regranted in such a way as to ensure a royal veto over almost all subsequently elected municipal officers. In those four years the country had been brought from the brink of rebellion to an apparent golden age of political stability. It was only the political developments of the next three years that disrupted the

calm of 1685 so irreversably and brought the country once more to the edge of civil war. I think we are justified in regarding the borough policy of Charles II's last years as a triumph, as his ministers did, if only a temporary one. Moreover, it was a singular triumph which requires explaining.

How was it that in 1681-5 the government managed to achieve all its ends in its relations with the boroughs, and that on every other occasion in the seventeenth century it failed so completely? This question has been consistently left unasked by generations of historians. The reason for the neglect is simple. For while the general outline of the attack on the corporations has been common knowledge since the time it occurred, no attempt has since been made to understand it in any detail. Furthermore, the dead weight of the judgement of Whig history has left its mark on all subsequent allusions to the remodelling of the boroughs in 1681-5. To Whig historians Charles II's famous attack on the boroughs could be simply understood. It was an attempt to undermine the independence of elections to parliament and so of parliament itself. The transformation of the political complexion of the House of Commons from resolutely Whig in 1681 to rabidly Tory in 1685 set the seal on this straightforward interpretation. The argument is so simple that it appears flawless. The remodelling of the boroughs is understood: its purpose is clear, its effects no less so. Its history has therefore been neglected because taken

for granted. The alternative has been to sift through the fragmentary collections of municipal records scattered throughout the country, an often unrewarding task which might only confirm the general lines of interpretation which have been common knowledge for generations.

In recent years, however, such an attitude has become less convincing. Historians are beginning to turn to the boroughs, recognizing in their history perhaps the key to understanding the politics of the second half of the seventeenth century. J.H. Plumb almost a decade ago called for a definitive study of municipal history from the Restoration to the end of the century.[1] More recently Professor Jones has urged historians of the period to 'municipalize' their researches.[2] For indeed our understanding of municipal politics in the seventeenth century has not been much advanced since 1930. The most important published modern work on the subject is still Sacret's seminal article of forty five years ago.[3] This pioneering study is still the starting point for anyone venturing into the terrain inconnu of seventeenth century municipal politics. But while Sacret's conclusions on the development of a borough policy at

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[1] J.H.Plumb, The Growth of Political Stability in England 1675-1725, (1967), p. 66.
[2] J.R.Jones, The Revolution of 1688 in England, (1972), p. 11
[3] J.H.Sacret, 'The Restoration Government and Municipal Corporations', Eng.Hist.R., 45, (1930).

the beginning of the 1660s are in many ways definitive, his interpretation of later phases of government relations with the boroughs is now in serious need of reappraisal. He too took it for granted that the 1681-5 phase of remodelling was in outline already properly understood.

Since 1930 a number of excellent local studies of the politics of individual boroughs during this period have been published.[1] There is always a danger, however, in drawing general conclusions from special cases, particularly in the area of municipal history, which is fraught with a perplexing variety of local peculiarities. And indeed the cases of each of these four boroughs are characterized by the almost unique sets of circumstances prevailing there. Newcastle's council was reduced in unparalleled fashion by the combination of purges, resignations and mortality to possessing only one member of its old regime within a year of receiving its new charter. The

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[1] Of particular interest are G.Davies, 'The Political Career of Sir Richard Temple (1634-97) and Buckingham Politics', Huntington Library Quarterly, 4, (1940-1) ; R.W.Greaves, 'The Earl of Huntington and the Leicester Charter of 1684', Huntingdon Library Quarterly, 15, (1951-2) : T.Pape, The Restoration Government and the Corporation of Newcastle-under-Lyme (Manchester, 1940) ; P.Styles, 'The Corporation of Bewdley under the later Stuarts', Univ. of Birmingham Hist.Jour., 1, (1947-8). I should also mention Jennifer Levin's lucid account of The Charter Controversy in the City of London, 1660-1688, and its Consequences (1969), although the history of London's politics is given generous space in most histories of the period.

parliamentary franchise of Leicester contrary to all late seventeenth century trends was expanded by the government in its new charter to a scot and lot qualification. The great influx of gentry voters into Bewdley's parliamentary franchise effected by the new charter - and the postponement of the 1685 election until after the completion of reincorporation - was also rather untypical, and has led to a serious misunderstanding of the borough policy as a whole. Buckingham politics were also outside the mainstream of developments of this period - Buckingham was one of the few remodelled boroughs where the court candidates were defeated in the spring election of 1685 - and this largely because they were dominated by the bizarre and unpredictable intrigues of Sir Richard Temple. In short it is no longer justifiable to maintain that the borough problem has long been understood and our understanding need only be modified in the light of subsequent case-studies as they emerge.[1] The time is ripe for re-examining all the existing evidence and assimilating some of the mass of neglected sources isolated in municipal archives throughout the country.

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[1] A very good summary of what was happening in the boroughs in the 1680s conducted along such inadequate lines is given by J.R.Western, Monarchy and Revolution. The English State in the 1680s (1972), pp.69-76. But his approach is necessarily chaotic, and his conclusions understandably vague and anarchic.

Most aspects of municipal self-government were of no consequence to the crown. The regulation of trade, the collection of tolls, the keeping of courts of record and trying civil cases, the upkeep of the highways, the licensing of inns and the maintenance of the poor - such liberties and duties hardly gave central government cause for concern: they rather constituted a convenience. The rub of municipal independence was confined to two sort points in the constitution. About four fifths of the members of the House of Commons were returned by the boroughs: the independence of parliament itself was therefore underwritten by the municipal franchise. If the government wanted to secure an amenable House of Commons, a possible method was to extend its control over the borough electorate. Secondly, municipal jurisdictions were exempt from the county Commissions of the Peace. County J.P.s held commissions from the crown; the borough magistrates were elected by their fellows. This meant that in most of the courts in the kingdom (about two hundred of them) the king's laws were enforced at the discretion of men not appointed by the king.

Parliament was the weapon by which most of the constitutional advances of the century were won. It was not only the great arena of political debate where constitutional theory and political ideas

were enunciated most articulately. It was also, as law-maker, a powerful agent of change. After 1649 almost all major political confrontations were fought out and resolved in parliament, and so parliamentary history has rightly received the focus of attention of political and constitutional historians. Insofaras the significance of municipal history has been recognized by historians at all, it has been because of its parliamentary repercussions. The position of the boroughs in the structure of seventeenth century politics as it is understood today simply derives from their contributing to the make-up of the assembly where the real business of politics was conducted.[1] There is much justification in holding this view. Certainly in tampering with the borough constitutions most governments expressed the intention of thereby affecting parliamentary returns. This was certainly the case, at any rate, in the early 1660s and late 1680s. But it was emphatically not the case in the period 1681-5, when government simply aimed at controlling appointments to the borough magistracies. By concentrating on parliamentary politics historians have generally underestimated the judicial role which

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[1]It was in this parliamentary context that Plumb and Jones have urged us to look at what was happening in the boroughs.

the boroughs played in the government of England. It is therefore the purpose of this study to redress the balance. I shall largely ignore the boroughs' contribution to parliamentary politics in these years. The reasons for this perhaps surprising neglect are given fully in Chapter Two. Most of my attention will be focussed on the role of the borough magistracy in the government of the kingdom.

Although I am concerned with the narrow period of Tory reaction when the need to secure control over the personnel of the law courts was particularly acute, I hope that this emphasis may also modify our understanding of government relations with the boroughs throughout the post-Restoration epoch. It may partly explain too why the 'borough problem' so rapidly disappeared after 1689. Once the great burden of repressive legislation against political and religious dissent had been axed after the Glorious Revolution, the boroughs' judicial role was no longer of prime political significance. The municipal corporations were no longer a threat. Their signfiicance returned almost exclusively to their parliamentary role. Then the venality of their electors, the corruption of their electoral practices and the oddities of their franchises degenerated into the great joke of eighteenth century politics.

Any laughter evoked by municipal independence in the 1680s would have been the hollow laughter of alarm.

The nub of the 'borough problem' then lay in the separation of the municipal jurisdictions from the county administrations, which put the borough magistrates beyond the nomination of the crown. By the seventeenth century the aggregate of corporation constitutions made a bewilderingly diverse collection.[1] There was no standard constitution more or less universally adopted, but a wild variety of survivals and new developments. It must have been as confusing for the government to classify this chaotic farrago into order in the seventeenth century as it is for modern historians.[2] For the sake of convenience, however, the boroughs can be divided into three broad types.

1. Those with jurisdictions exclusive of the adjacent county's.
2. Those with jurisdictions not exclusive of the adjacent county's.
3. Those with no criminal jurisdiction.

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[1] The best attempt to unravel this tangle is still the Webbs'. S.&B.Webb, English Local Government from the Revolution to the Municipal Corporations Act. The Manor and the Borough (2 vols., 1908). See esp. vol. i,pp. 261-7, 275-82, 330-2.

[2] Although eventually Charles II's government hit upon a beautifully simple expedient to cope with the furious complexity of so many different municipal constitutions.

The third category need not concern us, as indeed it hardly concerned the government.[1] Short of inspecting all the borough charters effective in the early 1680s and investigating the judicial procedures then operating in each borough, it is impossible to compile a complete list of the different sorts of jurisdictions then in use. A rough guide, however, can be derived from the lists of the pre-1681 constitutions still operating when the parliamentary commissioners inspected the municipal corporations in the 1830s.[2] At that time 122 boroughs still enjoyed pre-1681 constitutions. The great majority of these (76) had exclusive jurisdictions. Less than a quarter (27) had jurisdictions that were not exclusive. A handful (15) had no criminal jurisdiction at all. The jurisdictions of the remainder (4) were not specified. Most boroughs then, were exempt from any interference by the counties. But even those

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[1] About ten boroughs which apparently enjoyed no criminal jurisdiction were subjected to the government's borough campaign in the early 1680s. Seven of these were parliamentary boroughs (Bossiney, Calne, Camelford, Chippenham, Higham Ferrers, Shaftesbury, West Looe), though this need not have accounted for the government's interest in them: at least five parliamentary boroughs with no criminal jurisdiction were left alone (Christ Church, Ilchester, Lymington, Westbury, Yarmouth). It is clear that a small number of boroughs were sucked into the vortex for no good reason at all. They simply surrendered to the prevailing political climate, perhaps in the hope of acquiring new liberties in a new charter. The government co-operated, but had no real interest in these few boroughs with no criminal jurisdiction.

[2] Parl. Papers (Municipal Corporations) 1835, xxiii,pp. 101ff.

without exclusive jurisdiction would perhaps have tried most of their own cases: the limitation of their own jurisdiction involved the right of county justices to try borough offences if the county justices so wished. Often this right had lapsed into disuse because of its inconvenience. In normal times the J.P.s of the county were only too pleased to let the borough magistrates administer justice in their own courts. At other times, although the county J.P.s were entitled to intervene, such intervention was so bitterly resented and steadfastly opposed by the boroughs that only the most strenuous of men would face the resolute defiance and smart-tongued brick-bats of his neighbouring burgesses in attempting to make use of his right. So whether enjoying exclusive jurisdictions or not boroughs which had any criminal jurisdiction whatever had somehow to be brought to a greater dependence on the crown.

Each of these two main divisions of municipal criminal jurisdiction can be sub-divided according to the crimes they were authorized to try. First there were the county boroughs, the so-called 'counties corporate', whose jurisdictions were not only exclusive but included the right to try any offence which might be tried in the county quarter sessions, that is, some capital crimes and all felonies and misdemeanours. The judicial authority of these county boroughs was therefore exactly

analogous to that of the counties proper.[1] Then there were the boroughs of both sorts of jurisdiction authorized to try both felonies and misdemeanours. And finally there were the boroughs which could try misdemeanours only. The government, however, did not really distinguish between any of these divisions in the onslaught on the boroughs. The distinctions were recognized, the glaring independence of the county boroughs particularly being apprehended, but in practice the campaign against the borough magistracies was not selective. They were all game for inspection: the attempt to set the local administration of justice on a less independent footing was applied systematically and universally. This sweeping attitude created a great burden of paperwork in Whitehall, but it made the policy beautifully simple to administer, because it was totally unselective.

The separation of corporations from counties did not in itself constitute the borough problem, however, but that as a result of this separation the corporations were responsible for electing their own officers. It is necessary to be clear about who these officers were, what their duties involved and how they exercized power over the corporation as a whole.

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[1] There were sixteen of these in England: Bristol, Canterbury, Chester, Coventry, Exeter, Gloucester, Hull, Lichfield, Lincoln, Newcastle-on-Tyne, Norwich, Nottingham, Poole, Southampton, Worcester and York. Only in matters relating to the militia were they subjected to any part of the county administration. S.&B. Webb, op.cit. i, p.330.

1. The chief officer. He was usually called the mayor. He was the presiding magistrate at both Quarter Sessions and the Court of Record. He dominated the mayor's or aldermanic council - the ruling oligarchy of most corporations - and could also control the proceedings of the larger common council, where he was responsible for introducing all business. He usually took on the duties, if not always the title, of coroner, returning officer, and clerk of the market too. As chief executive officer of the corporation it was usually through him that all communications with the counties and the government were channelled. More than any other single man's, his outlook coloured that of the corporation as a whole for he stood at the head of all the main organs of corporation government, the courts and councils. The main check on his power was that the office was tenable for twelve months only.

2. The recorder. This office was normally held for life. The recorder was the chief legal adviser of the corporation and represented its rights in disputes with other parties. He was usually also a J.P. in the borough court of Quarter Sessions, where as a man of experience in the law and of long service to the corporation he spoke with authority. In many ways the recordership became the key office in seventeenth century municipal politics, the one which the government was most anxious to control.

After the Restoration, and markedly during the 1680s, it became a highly prestigious office, held by men who would normally have been awarded the merely honorific position of high steward. Courtiers, lord lieutenants and government ministers were regularly appointed borough recorders during the 1680s. This does not mean the office was losing its executive function and becoming purely decorative, but that governments recognized its key position in the municipal hierarchy and therefore the need to appoint to it men with direct links with Whitehall. Repeatedly during the period 1681-5 such men were appointed to the post at the time of reincorporation entirely on the government's initiative: the corporations themselves often had no prior knowledge of the appointment, a fact which sometimes created local political scandals. Such recorders would rarely officiate themselves, of course, although they were always entitled to take a direct role in borough affairs whenever they were needed. But by appointing a deputy to act on their behalf they guaranteed their own interest in the corporation, and of course they could dismiss and reappoint their own deputies at will.

3. The townclerk. He too was usually appointed for life, and so like the recorder exerted a long-term influence in the

corporation. He also acted as legal adviser to the corporation, and played a crucial part in the administration of justice in the borough, normally assuming the duties of clerk of the peace, clerk to the magistrates, attorney and solicitor to the corporation. This was a job which could not be taken on by an outsider, as the townclerk's presence was required at all meetings of the corporation. Like the recorder's his long-standing service gave him considerable weight in council proceedings, a weight increased by his constant attendance and local position. He also often empanelled juries, or at least prepared the list from which the panel was drawn.

4. Sheriffs and bailiffs. Sheriffs were found only in the county boroughs: their counterparts elsewhere were usually called bailiffs. They were found either singly or in pairs, and held office for a year. Their authority was by no means comparable with that of any of the other officers discussed so far. But they performed at least one very important function: they were usually responsible for empanelling juries. They need by no means have been autonomous in this, as the townclerk and sometimes the mayor himself showed an interest in it (the mayor often nominating the foreman too). But that was their main duty, and as such enabled them to affect the political complexion of the borough courts. The longstanding Whig monopoly of justice in the city of London was broken in 1682 simply by the election of Tory

sheriffs. When mayor, recorder, townclerk and sheriffs acted in political accord, their control of corporation politics and the administration of justice was absolute. It needed only four men, two of whom held office for life.

The remaining corporation officers need not be considered here - the chamberlains, the serjeants and so on - who were usually servants to the corporation and not actually members of it. Their political roles were either minimal or non-existent. But something must be said of the division of the corporation into three assemblies - the select few of the mayor's council, the council of corporators at large or common council, and the diffuse body of freemen beyond.

1. The mayor's council. This normally consisted of mayor, townclerk and aldermen (or their equivalent). A number or all of the aldermen were also J.P.s in the borough Quarter Sessions court. This coterie represented the ruling clique of the corporation. It was normally from this body that each mayor was chosen, although the election itself may have been in the common council. All the important business of town government was conducted here, and the same men, or a select few of them, staffed the borough courts. The common council was increasingly becoming a rubber stamp for decisions made

by the mayor's council: oligarchical control was widespread, an important factor when central government sought a greater control over municipal politics.

2. The common council. This was a larger assembly comprising secondary burgesses, assistants, or common councillors, the pool of corporators from which in normal circumstances the mayor's council recruited and replenished its own membership. The bailiff or sheriff - or in corporations boasting a pair, one of them - was usually a member of the common council. Theoretically all corporate activity was done in the name of the larger council and on its authority. Its seal had to be set on all official pronouncements and acts. The mayor, however, exercized considerable authority over it: business was introduced, presented or withdrawn at his discretion, and he was the usual convenor. During the post-Restoration period the common council had little political authority. It was unable to initiate business, and was used mainly to authorize decisions already made above and as a debating chamber. It was possible - and indeed common - for a faction commanding a minority of supporters in the common council to dominate corporation decisions. Most municipal elections were vested in the common council, but these were frequently restricted to men already nominated by the mayor's

council, or to choosing candidates whom the higher council would then choose between.

The larger assembly was often angered by the stranglehold of the mayor's magic circle. For example in Dartmouth in 1681 the commoners staged a revolt against the recent encroachment of oligarchical control. That borough practised single-chamber government, and so it was the body of common freemen at large rather than a common council which rebelled against the magistrates 'for working up and carrying on their private Interests in this Corporacion to the prejudice of the Corporacion in Generall and especially to deny the said Rights Libertyes and priviledges rightfully appurtaineing to the said common Freemen in Generall.'[1] Beyond making this appeal, however, the Dartmouth commoners seem to have made no impact on corporation government, and indeed it appears that the organizers of this revolt were later prosecuted in the borough courts.[2] The jealousy often existing between the two councils could play into the government's hands.

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[1] Exeter R.O., Dartmouth Borough Records, 1990 (Court Book), f. 286v: order dated 18 Aug. 1681.

[2] At any rate two men were presented at the court leet and general sessions on two occasions soon afterwards for publishing scandalous libels against the mayor and some of his brethren in derogation of the government of the corporation. Dartmouth Court Book, ff. 25 (3 Oct. 1681), 46 (4 April 1682).

3. The freemen at large. Most of these men were not corporators as such, but just men endowed with the freedom to conduct their business inside the borough confines. Their political significance derived mainly from their entitlement to vote in municipal or parliamentary elections where that franchise obtained. Though rarely taking any political initiative themselves they were generally jealous guardians of their liberties and were therefore able to be mobilized for political ends by political leaders when the need arose. At their most decorous they acted as petitioners, but they could also be infected by oratory to indulge in almost riotous shows of strength. This was a period of demonstrations and massed gatherings assembled to overawe opposition. The greater urban masses outside the freemen (described as inhabitants or rabble according to the political affiliations of witnesses) were also put to use in the larger towns.

In some towns the 'freedom' was also becoming detatched from a purely commercial function. Where freemen were entitled to vote, bestowing freedom frequently degenerated into an electoral ploy. The creation of gentry freemen from outside became a particularly popular ruse for the ruling party to increase its voting strength. In many cases these freedoms were

bestowed with the specific rider that those honoured were not thereby entitled to the traditional benefits of freedom, but only to the electoral qualification.

Such were the circumstances of municipal independence prevailing in the corporate towns which facilitated the perpetuation of power by a ruling oligarchy. But in addition to the constitutional structure of municipal government which favoured the ascendancy of a clique of officers, there lay almost limitless reserves of political techniques on which the oligarchs could draw in order to strengthen or advance their leadership. Their opponents called these techniques 'irregular proceedings' or'corrupt practices', but it is misleading to regard them as unorthodox. They were habitually adopted as expedients by either party whenever needed. Expediency has always been the general rule of all public action, and complaints of unconstitutional rule the refrain of the dispossessed. The ingenuity of expediency in seventeenth century municipal politics was seemingly limitless. The ruling group found no difficulty in controlling the courts. They chose the jurors and they gave the rulings. The ignoramus juries - which threw out bills entered against protected parties irrespective of justification in law - were characteristic of

the Whig-dominated law courts. The most famous ignoramus juries were those of Middlesex (empanelled by the sheriffs of the city of London), but in fact they were a commonplace throughout the kingdom in Whig boroughs where actions were brought against non-conformist or Whig leaders. Even where juries were empanelled by Tory bailiffs or sheriffs, however, it was still a straightforward matter for a Whig justice to thwart Tory presentments, by repetitive adjournments or refusing to put the sentence into effect, or enforcing only nominal penalties. Where borough justices refused to sign warrants to apprehend political offenders or to recognize warrants issued by the county to make searches on the county's behalf in the borough, political offenders were never brought to court at all, unless by a determined private action.

Where persistent opposition was offered to the ruling party from within the council, one possible expedient was expulsion. Corporations were adept at regulating their own membership, from constant practice. Certainly not all expulsions were politically inspired, but in a period of fanatical political warfare, a good number must have been. Naturally political motives are deftly masked in the records. The more inventive reasons included

'opprobrious language',[1] activity 'tending to the Dishonour of this Citty',[2] and misuse of public funds.[3] By far the commonest reason was non-attendance. Some of these may not have been political removals. Alderman Ibbetson of Leeds, for example, refused to resign although he lived too far away to attend meetings regularly. His opponents cunningly removed him by electing him mayor: he resigned at once, because unable to fulfil his duties.[4] Many of these removals for non-attendance were certainly politically inspired, however. They had a grain of justification, too. For if a man found himself politically isolated in the council, it was only natural that to avoid continual humiliation he should not attend meetings as regularly as he ought. He was then easily dealt with. By regulating corporation membership and office-holding in this way a ruling faction could quickly become indomitable. In Canterbury, for

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[1] Exeter, Exeter R.O., City Act Book no. 11 (1663-83), p. 469: order to dismiss Alderman William Clyde, 18 May 1683.

[2] York. York City Archives, House Book (1662-1705), undated order to dismiss John Moulds, following entry for 24 May 1682.

[3] Faversham. Kent R.O., Fa/AC4 (Faversham Wardmote Book, 1633-1740), articles against Francis Waterman, jurat, 12 Dec. 1684. Waterman's dismissal was entirely political. He was a Whig, an ex-mayor, dismissed immediately after a Tory coup. Misuse of public funds was only one of nine miscellaneous accusations.

[4] Leeds Public Libraries, Corporation Court Book (1662-1705), pp.143, 170-1. They paid him 20 marks in gratitude.

example, the stranglehold of the few Whig leaders tightened annually by successively excluding non-sympathizers from positions of trust. A Tory complained that they 'have workt themselves soe into power, that of the Aldermen and Common Councell they are now the greater number, Admitting none to be Livery men or Sheriffes but their own party, All Juryes and constables beinge of the same stampe'.[1]

It was the mayor who had most opportunity to resort to arbitrary measures to enforce his will on council proceedings. Refusing to introduce business has already been mentioned. This was commonly employed to thwart the signing of loyal addresses or sealing of charter-surrenders in common council. It was of course only a delaying tactic, as was adjournment, another simple procedure. But it gave time to mobilize support or devise counter-stratagems. These included convening surprise meetings, having informed supporters only, or holding meetings at an earlier hour on the appointed day than was generally expected, or arousing mass support to throng the streets outside and thereby over-awe opponents at council business within the chamber. The mayor need not feel his initiative exhausted there, however. Some simply broke into the town chest, seized the

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[1] P.R.O., S.P. 29/417, f. 90: (William Rooke's) account of Canterbury Quarter Sessions, 11 Oct. 1681.

seal and insignia and set up their own government.[1] This was clearly the act of a desperate man, however, and usually indicated that the days of power for his faction were numbered. A mayor of Thetford, however, resorted to measures almost as desperate in order to continue in power, and succeeded. He was threatened with removal by a writ of mandamus secured by an opponent, but destroyed the opposition by having the corporation charter surrendered and himself confirmed in office in the new grant. He achieved a majority in the vote for charter surrender by excluding opponents from the vote and including among the voters for surrender men who were not members of the corporation at all, including an excommunicant, and even his own teenaged son.[2]

Such lengths were not usually necessary, however, for the ruling faction to maintain its control. A small group could dominate the council simply through the force of personality of a few of its members: political control was often determined by the state of party morale. Vigorous leadership, impassioned appeals, tireless energy, force of will, personal charm: these were the qualities which helped preserve oligarchic control. Only the most determined opponents were prepared to stand up consistently against the thrust

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[1] This happened for example in Nottingham, Faversham and Wells.
[2] See below, Chapter four, pp. 153-7.

and mettle of inspired leadership. Most men allowed themselves to drift with the faction in power to avoid public harangues and personal rebukes. Oxford city, for example, was an implacable Whig stronghold mainly because of the crusading zeal of one of its aldermen, William Wright. The majority of the common council were Tories or their sympathizers. Chester was likewise dominated by the persuasive convictions and political experience of its Whig recorder, William Williams (Speaker of the House of Commons in 1680 and 1681). Dover was in the thrall of Thomas Papillon. In Newcastle 'the far greater number are very Loyall but of late years much disheartned by the over awe of the Magestrates, who made a great many act against their Inclinacions.'[1]

By a combination of strength of character, the inventive interpretation of borough regulations, and the exploitation of constitutions which favoured the retention of power by a small ruling group, the Whig potentates of municipal politics held local office and control so securely that it was quite impossible for them to be dislodged on a significant scale by means of unrelated coups from within the corporations themselves. Tories could only take over municipal government with outside help. No legitimate

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[1]Brit.Mus., Addit.MS. 11, 286 (Miscellaneous Papers), f. 80: the case of Sir Henry Brabant, n.d. (c. 1685).

or politically feasible means for supplying such help yet existed in 1681. It could only be achieved by an unprecedented extension of the prerogative powers of the crown.

II. Earlier attempts to cope with the borough problem.

By 1681 government attempts to reform the municipal corporations had grown into a considerable history. It is necessary now briefly to consider this earlier experience, not because the government of Tory reaction learned very much by it - a government's memory is short due to the constant readjustment of its membership and ministers learn more from their own mistakes than from those of their predecessors - but because a comparison with earlier failures may illuminate the extraordinary success of 1681-5. There had been a number of quo warranto proceedings inaugurated against some boroughs in the first half of the seventeenth century, in which perhaps barely-formed ideas on the extension of central control over local government can be detected. Minehead (1604), Reading (1618), Canterbury (1624), Newcastle on Tyne (1629) and Southampton (1635) were included in this early skirmish of quo warrantos.[1] The crown

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[1] J. Levin, The Charter Controversy in the City of London, 1660-1688, and its Consequences (1969), p. 12.

could then exert a greater control over the new corporation. For example in Huntingdon's charter (1630) the corporation officers were all nominated by the crown and authorized to hold office for life.[1] But it was not until during the Commonwealth that any properly co-ordinated attempt appears to have been made to subject corporation membership to central selection. In September 1652 it was formally considered how the municipal corporations could best be 'settled conformably with the government of a Commonwealth, and how their respective charters may be altered and renewed to be held from and under the authority of a Commonwealth.'[2] Although few positive effects can be attributed to this proposal, a committee for corporations was established, and on the initiative of the major-generals the question of municipal independence was re-examined in 1656-7 and a number of boroughs received new charters with an altered parliamentary franchise.[3]

These earlier inchoate attempts to subject municipal independence to government scrutiny were suddenly eclipsed at the

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[1] Sacret, p. 236.
[2] Quoted by B.L.K. Henderson, 'The Commonwealth Charters', Trans.R.Hist.Soc. 3rd ser., 6 (1912), p. 130.
[3] Ibid., pp. 129, 131, 134.

Restoration by the first systematic review of borough constitutions and membership, and indeed the only bid to overhaul them by statute. The successive upheavals of the Interregnum, characterized in the localities by a series of defections, purges and coups, brought municipal government to a remarkable state of disarray by 1660. The occasion of the Restoration and its popularity enabled the crown to put the government of the boroughs in order on an unprecedented scale. The achievements of the Corporation Act (December 1661), however, fell far short of the government's intentions.

The crown intended to solve the double problem of municipal independence - magisterial autonomy and parliamentary representation - at a single blow. During the summer of 1661 it was proposed on separate occasions to have all corporation charters renewed within three years on pain of forfeiture, and in the new charters to reserve to the crown the first nomination of the chief municipal officers and future nomination of recorders and townclerks, to restrict the parliamentary franchise to the common council, to place the appointment of J.P.s of county boroughs in the commission of the crown, and to authorize county J.P.s to act in neighbouring boroughs. All but one of these proposals were quickly abandoned, however. The limitation of the parliamentary franchise was never put before parliament: clearly the government recognized the

unacceptability of the scheme. All the other proposals were jettisoned during the second half of 1661 because of the opposition from the House of Commons. The limitations on municipal autonomy eventually enforced by the Corporation Act were rather less ambitious. Corporators were obliged to take the oaths of allegiance and supremacy and of non-resistance to the king, to repudiate the solemn league and covenant, and to take the sacrament according to the Anglican rites in order to qualify for office. Crown commissioners were appointed to implement the provisions of the Act in the boroughs, and they were further empowered to expel any conforming member too on the grounds of public safety. It was this last proviso that lent the crown sweeping and arbitrary powers over the selection of corporation personnel and enabled the Corporation Act to go a little way towards the ends originally envisaged by the government. Against the government's wishes, however, but on the insistence of parliament, the commissioners' term was brought to an end on 25 March 1663.[1]

It was clear that government interference in municipal politics would always be severely hampered when sanctioned by parliament. The Commons were jealous guardians of municipal privileges. This

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[1]For the framing and the execution of the Corporation Act see Sacret's article.

was not just because most M.P.s were returned by the boroughs and so cherished the franchises they represented. Generally the borough members were not in fact townsmen at all but gentry who felt little attachment to municipal independence for its own sake. But they were habitually suspicious of governments of any colour and of any government measures which might reduce gentry interest in the parliamentary contests of the boroughs. And if municipal independence hindered the growth of arbitrary government, then the House of Commons was ever ready to defend municipal independence. Municipal independence therefore readily became a parliamentary cause. Among the grounds for his impeachment Clarendon was accused of causing quo warrantos to be issued against municipal corporations whose charters had been confirmed by parliament. In 1680 at the height of Whig opposition to the crown during the Exclusion crisis the Commons prepared to repeal the Corporation Act. Even in 1685 Edward Seymour stirred up ripples of discontent in the Commons against the recent borough remodellings. The storm broke in 1689 when the reincorporations of a decade were swept away by act of parliament for being unconstitutional. In short the crown was forced to use extra-parliamentary measures if it were to score any successes against municipal independence.

Therefore the crown conducted its own campaign against the boroughs independently of the Corporation Act. Between 1661 (Taunton) and 1679 (Wootton Bassett) hardly a year elapsed without a corporation succumbing to government pressure to be reincorporated. This pressure often took the form of a quo warranto writ. In the new charters the crown regularly claimed one of the rights mooted in the summer of 1661, namely the nomination and subsequent approval, on election, of recorder and townclerk. This campaign, though leisurely and extended, was sustained for nearly twenty years and took in scores of boroughs. At the same time the issue of municipal independence was becoming increasingly important in royal government. For the post-Restoration years ushered in a heavy burden of punitive legislation, traditionally known as the Clarendon Code. The responsibility of enforcing these new laws fell in large measure on the borough courts. The independence of borough magistrates was therefore becoming more than an irritating anomaly. It was growing into a political threat.

By 1680 the threat gave cause for alarm. For by 1680 an explosive political issue had riven the nation in two. Where corporation offices had fallen into Whig hands the laws against political and religious dissidents were simply not enforced. In an attempt to bring the nation to order the county Commissions of the Peace were

purged along party lines in the spring of 1680. To compliment this move in the corporations, an order of the crown in council at the same time prescribed a general inspection of the borough records throughout the country to enquire how far the provisions of the Corporation Act had been complied with since the term of the Act's commissioners had lapsed in 1663, For in the interim casual conformity or condoned non-conformity or simply the earlier approving of men who had since been alienated from the court by the issue of Exclusion, had put the government of countless municipalities in the hands of men hostile to the policies of a Yorkist government. The Corporation Act had proved ineffectual. The crown's policy of quo warranto and reincorporation had proved politically irrelevant as it had been imposed largely before the state of politics had been transformed by the Exclusion crisis. And finally the order in council of April 1680 showed the government to be powerless in the face of deeply entrenched local opposition. For even where searches of the borough records showed shortcomings in the implementation of the provisions of the Corporation Act, the offenders still had to be expelled and replaced. The government possessed neither the political nerve nor the legal machinery to effect this on a systematic scale. The resulting protracted negotiations between council and resisting boroughs produced a stale-mate which for the time being paralysed the government.

From this outline of the relations between the boroughs and the government in the seventeenth century four main themes emerge.

1. Any attempt to deal with the borough problem was doomed to failure unless all the boroughs were tackled at the same time, and the machinery was developed to cope with a policy launched on this scale. No attempt was made before 1660 to tackle the boroughs comprehensively. The Corporation Act was the first attempt to put the membership of every corporation under review. After 1663 the Act's bite was toothless, but from that date the government had learned to think on a systematic scale. Almost certainly the government intended to invalidate and reincorporate every charter in the country in its protracted and piecemeal quo warranto campaign of the sixties and seventies. But as yet it was beyond the bureaucratic competence of Whitehall to cope with the paperwork all at once.

Charles II also attempted a systematic overhaul of all the Irish corporations in the early 1670s. To this end the 'New Rules' were established for Dublin, Drogheda, Limerick and Galway, and new constitutions outlined for some seventeen other corporations, as well as suggestions made 'for the regulation general of all cities, walled towns, and corporations in Ireland .... for which

no other particular rules had been made.'[1] The rules provided for the regularizing of elections of magistrates and corporation officers in an attempt to clarify the position of Roman Catholics in municipal government. This policy, however, was obscured and complicated by the Declaration of Indulgence and its repeal which occurred at the same time and seems to have thrown the Irish boroughs into some confusion. The attempt shows, however, that the government was prepared to make reforms on a national scale and to provide some sort of machinery to administer them.[2]

2. Parliamentary suspicions of government motives meant that a thorough reformation of municipal government could never be achieved by statute. The crown would therefore have to rely on the exercise and extension of its prerogative powers. Such a move would be politically precarious, and almost inconceivable while parliament sat.

3. The terms of the royal veto over corporation personnel needed to be far more comprehensive than anything so far attempted. Reserving to the crown the right of approving all elections of

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[1] Quoted by H.A. Merewether & A.J. Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdom..., (3 vols, 1835), p. 1804.

[2] In the Irish case royal commissioners were to make enquiries in the corporations and report to the lord lieutenant in council.

recorders and townclerks had in the twenty years following the Restoration proved an inadequate means of controlling the political complexion of the borough courts, for these men held office for life and could not be dismissed by the crown at will. The mayor and alderman J.P.s staffed the borough courts of Quarter Sessions and so needed to be included in the embraces of the royal veto. Ideally the entire corporation membership should have been subject to government selection.

4. However effective an initial remodelling might prove to be, the political complexion of a corporation would never preserve its new reformed purity unless subjected to regular review. The Corporation Act could not be enforced adequately after its commissioners's term ended in 1663: the order of April 1680 to put its provisions into effect was made in vain, because there was no ready machinery for expelling and appointing corporation officers on a grand scale. Only by checking personnel annually would the government be able to keep the borough magistracies in tow.

Before any borough policy could work it would also have to have local support. The government could not impose political reforms on the localities simply by coercion. It needed to inspire and convince its local supporters into taking action on the crown's behalf no less than the Whig opposition had organized

and animated its own supporters to dominate the House of Commons. The principal cause of the success of the borough policy of 1681-5 was indeed that it was carried on in the localities by conviction. In its dealings with the boroughs the government of Tory reaction took a comprehensive view and developed the bureaucracy to match it. Parliamentary sensibilities were ignored: parliament was dispensed with. A reservation clause was prepared for inserting in new charters which spared no corporator from government scrutiny. Every annually elected officer required approval before taking on his duties each year. In imposing this policy the government caught the political imagination and satisfied the political prejudices of the local Tories, until then forgotten, put upon, excluded and abused. The crown-Tory alliance triumphed because it responded to local passions which needed only to be given a sense of direction. Before turning to consider the bitterness, origin and local nature of those passions, and the way they were harnessed to sweep the Whigs from office, it is necessary to refute in detail the widespread assumption that the borough policy of the Tory reaction aimed at packing parliament.

Chapter Two

The new charters and their effect on parliamentary representation, 1681-5.

The great majority of Members of Parliament were elected by the English boroughs. Out of a total Commons membership of 505, 405 were English borough members. The remaining hundred were returned by the Universities, the English and Welsh counties and the Welsh boroughs. Therefore any government which wanted to influence returns to the Commons on a significant scale would have to gain influence over the English borough electorate. We have already seen that the Restoration government recognized this in 1661, when proposals were made to grant new charters to all the boroughs in the kingdom in three years and restrict the parliamentary franchise to the members of the corporations. And so when the second great spate of charter renewals of the seventeenth century flooded through Whitehall in the early 1680s, it has been generally agreed that the purpose was the same - for the government to influence the composition of the House of Commons. Because in March 1681 Charles II confronted the most truculent and uncompromising House of Commons of his reign and in May 1685 James II was welcomed

by an unprecedentedly generous and enthusiastic House, the intensive borough remodelling of the intervening years has always been understood as the cause of this radical alteration.

This argument has never been seriously questioned. It is taken for granted in every serious history of the period written during this century. In general works of reference it is stated dogmatically. The Porrits declared:

> 'The attack on the corporations [1681-5] was the most open and audacious expedient to which a Stuart sovereign had resorted in order to influence elections to the House of Commons.'[1]

Holdsworth was of the same mind.[2] In monographs the same doctrine is taken on trust and used to confirm interpretations of related histories. R.H. George stated it categorically in the opening paragraph of his study of charter renewals of a later period:

> 'From the time of the elections of the Cavalier Parliament in 1661 until the closing months of 1688 the restored Stuarts were engaged in an endeavour to establish their control over parliament by means of destroying the existing charters of parliamentary corporations and replacing them with the new ones whose provisions would facilitate the execution of the monarchs' design.'[3]

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[1] E. & A.G. Porrit, The Unreformed House of Commons (2 vols, Cambridge 1903), i, p. 395.

[2] W. Holdsworth, A History of English Law, (16 vols, 1922-66) x (1938), p. 132.

[3] R.H. George, 'The Charters granted to English Parliamentary Corporations in 1688', Eng.Hist.R., 55 (1940), p. 47. George singled out the early 1680s as the years when this policy was most vigorously pursued.

Sacret admitted taking the orthodox argument for granted in the opening paragraph of his study of the borough policy of an earlier period:

> 'The primary object of the policy [throughout the 1680s], it is generally agreed, was that of securing controls over elections to future parliaments; as well as that of gaining direct influence in the local government of the towns themselves.'[1]

Sacret and George therefore invoked the traditional interpretation of the borough campaign of 1681-5 to illuminate their own original work on the early 1660s and the late 1680s. And all the time the received interpretation of the 1681-5 phase of remodellings became more authoritative because it was never questioned. In recent work on the period the last phase of Charles II's borough policy could therefore be quickly dealt with. In J.R. Western's words:

> 'Not only did this increase royal authority in the local administration but it opened the way to a more subservient parliament and so to the really firm establishment of royal independence.'[2]

And in J.R. Jones's:

> 'The lesson of the Exclusion Crisis was clear; control over the boroughs was the prerequisite of effective control over Parliament.'[3]

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[1] J.H. Sacret, 'The Restoration Government and Municipal Corporations', Eng.Hist.R., 45 (1930), p. 232.
[2] J.R. Western, Monarchy and Revolution. The English State in the 1680s (1972), p. 69.
[3] J.R. Jones, The Revolution of 1688 in England (1972), p. 43.

The ubiquitous assumption that the reincorporations of the years 1681-5 were designed to affect parliamentary representation, and did so dramatically, can be traced right back to the 1680s themselves. Contemporaries were struck by the radical alteration of the membership of the Commons between 1681 and 1685. According to the Official Return, only 142 of the English members who had sat in 1681 were returned in 1685.[1] John Evelyn wondered at the fact and recorded it in his Memoirs, although he slightly exaggerated its extent.[2] Thomas Bruce, later second earl of Ailesbury, who was an active electoral manager in the 1685 elections, was also impressed by the very different complexion of James II's House of Commons from the last three of Charles II. The 'purse-proud cockneys' of the Exclusion parliaments were replaced by 'men of substance in land' in 1685: indeed 'such a landed parliament was never seen'.[3] Most contemporary observers agreed that this dramatic turnover in membership was a direct consequence of the attack on the borough charters, and that the attack had been designated to effect it.

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[1] Parl.Papers. Return of the Name of Every Member of the Lower House of Parliament, I (1878).

[2] E.S.de Beer, ed., The Diary of John Evelyn (6 vols, Oxford 1955) iv, p. 444. Evelyn counted only 135 members from 1681 returned in 1685.

[3] T. Bruce, Memoirs of Thomas, Earl of Ailesbury (2 vols, 1890) i, pp. 60, 98.

Evelyn took this for granted, and recorded in his Memoirs

under 5 March 1685:

> 'A Parliament was now also summond and greate industry used to obtaine Elections which might promote the Court Interest: Most of the Corporations being now by their new Charters in power to make what returnes of members they pleased.'[1]

Burnet set forth the thesis explicitly:

> 'The court, not content with all their victories, resolved to free themselves from the fears of troublesome parliaments for the future. The cities and boroughs of England were invited and prevailed on to demonstrate their loyalty by surrendering up their charters, and taking new ones modelled as the court thought fit. ...In former ages corporations were jealous of their privileges and customs, to excess and superstition: so that it looked a strange degeneracy, when all these were now delivered up; and this on design to pack a parliament that might make way for a popish king...'[2]

Roger North rather shamefacedly admitted that such accusations were general at the time.[3] An official blessing to this view was, of course, provided by the preamble to the Act for reconstituting the corporations in 1689. In solemnly annulling the new charters the Act specifically stated that the reincorporations had been designed 'in order to deprive such of them as had Rights to send representatives to serve in Parliament of their ancient Freedom, Rights and Method of Elections.'[4]

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[1] Evelyn iv, p. 419.
[2] G. Burnet, History of My Own Time, ed. O.Airy (2 vols, Oxford 1897) ii, pp. 333-4.
[3] R. North, Examen (1740), p. 626.
[4] Brit. Mus., Addit.MS. 42, 592 (Brockman Papers), f. 49: copy of the Act's text.

Most of these contemporary observations, however, were made by men who were both unsympathetic to the borough policy, and unlikely to have heard it discussed by the men responsible for its execution. Of these witnesses only Roger North and lord Bruce were in a position to be well-informed on the matter. Bruce's father, Ailesbury, was lord lieutenant of Bedfordshire and Huntingdonshire, and was active in the elections of all eight members returned from those counties (and indeed universally successful in them). Bruce himself 'made a great number of members by an entire interest' in Wiltshire, and got himself elected for that county too.[1] He was also engaged at Westminster in organizing M.P.s to act according to court instructions. Bruce was clearly an informed observer of the 1685 political scene. And yet, although in his Memoirs he remarked on the dramatic political transformation of Commons membership in 1685 and also discussed the foregoing quo warranto campaign, it did not occur to him to link the two causally. Roger North's family was one of those most dedicated to the Tory reaction, and most intimately involved in it. His brother lord Guilford was perhaps the reaction's chief engineer, and as Lord Keeper of the Great Seal supervised the borough campaign during

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[1] T. Bruce, Memoirs i, p. 100.

its heyday of 1682-5. The family had a field-day at the hustings in 1685. Sir Dudley North was elected at single-seated Banbury, Sir Henry North sat for Suffolk, and Roger himself was returned by Dunwich. And although Roger North admitted that complaints were made against the borough campaign of 1681-5 for its attempts to pack parliament, he himself was adamant that there was no truth in them. His famous claim 'that the trade of charters ran to excess, and turned to an avowed practice of garbling corporations for the purpose of carrying elections to Parliament' has been misunderstood by Burnet, and quite wrongly elaborated upon by Merewether and Stephens in their discussion of the period.[1] North was quite definitely referring to later practice as it developed under James II and not to the period of King Charles. He was discussing the period following his brother Guilford's death (5 September 1685), that is, long after the 1685 parliamentary elections had been held.[2] North was of course a special pleader, trying to exonerate Guilford as a minister from the arbitrary measures of Charles II's last years, and so his testimony is never entirely

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[1] H.A. Merewether & A.J. Stephens, The History of the Boroughs and the Municipal Corporations in the United Kingdom (3 vols, 1835), p. 1974.

[2] R. North, The Lives of the Norths, ed. A. Jessop (3 vols, 1890) i, p. 279.

reliable. But it is quite wrong to use his record as evidence for the borough policy having parliamentary repercussions when he says no such thing, but in fact the very reverse.

All these witnesses were writing with hindsight. It is impossible to know exactly when Evelyn wrote his entry for 5 March 1685 (above, p. 51), but it was certainly long after that date itself. The first returns were not published in the London Gazette until 12 March 1685, and most elections were not held until April. Parliament assembled on 19 May. Evelyn's observation looks as if it may have been inserted among entries for spring 1685 long afterwards when he remembered that that had been electioneering time. Certainly the other witnesses all wrote after James II's reign, when the Tories were abashed at having seen their endeavours and energies of the early 1680s squandered and betrayed, and the Whigs were convinced that all their worst fears of a Catholic monarchy had been justified. By 1689 the record of James II's reign had irredeemably stained the political developments of the early 1680s with its own colours. James II had fully used the new rights secured for him by his brother in the new borough charters for the crown to expel corporation officers at will. The expulsions under James were wholesale and systematic. Boards of 'regulators' interviewed corporation personnel

and expelled and replaced them according to their political standpoint. The criterion used for testing political acceptability was significant: corporators were asked whether they would agree to the repeal of the Test Act in parliament. James II's expulsions were therefore directly related to his wishes to have a House of Commons elected which would carry out his legislative programme. Once the borough policy of the late 1680s had been so strongly identified with the court intentions to pack parliament it was inevitable that ill-informed and hostile contemporaries would assume that this had been the government's intention in the early 1680s as well. This conclusion was particularly inevitable since the 1685 elections had indeed produced a Tory landslide. But the weight of the argument lies in the confusing Charles II's intentions in the early 1680s with his brother's later on, and regarding the government relations with the boroughs of a decade as constituting a single policy which spanned the two reigns. Before going any further it is necessary to emphasize the distinctiveness of the campaign during Charles's last years and to dissociate it from the borough policy as it later developed under James.

It is easy to overlook the fact that the borough campaign launched by Charles II in 1681 died with him in February 1685.

The conspicuous effect of the campaign was, of course, the stream of new charters issued in the mid-1680s. A great number of reincorporations inaugurated under Charles spilled over into James's reign. In fact most of the new charters issued between 1681 and 1687 were sealed after Charles II's death. There were 135 reincorporations during those years: 61 occurred before February 1685, and 74 from that date onwards.[1] But it is entirely mistaken to assign those 74 properly to James's reign, for they were largely consequences of circumstances prevailing before February 1685, and indeed essentially a reaction to events of 1681. The process of reincorporation was usually a long one. The length of time between the surrender of the old charter and the sealing of the new varied considerably from borough to borough, but it was generally a matter of months and sometimes years. For example, over a year passed between surrender and reincorporation in the cases of Abingdon, Berwick, Gravesend, Guildford, Hull, Lichfield, Maidenhead and Tewkesbury. Similarly, it was often the case that months or years of negotiations and threats preceded the final capitulation of surrender. It is

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[1]The following analyses are given in tabular form in the Borough List in Appendix I.

therefore inconceivable that the new charters sealed in the first half of 1685 represented anything other than the end of a process begun in the previous reign. It also seems reasonably safe to assign the remaining reincorporations of 1685 to a process begun earlier. Surrender dates have not always survived: our knowledge of them normally depends on the inclusion of copies of articles of surrender in municipal archives, or on chance references to them in the State Papers. I have been able to date only twelve surrenders for new charters which were sealed in James's reign before 1688: all twelve surrenders predated his accession. Perhaps a few corporations did surrender after February 1685: it is no longer possible to tell. But this would have represented the final spasm of the death-throes of Charles II's policy. The great burst of charter renewal ended in 1685, once the motions of reincorporation begun earlier had worked their way through the system. Between the end of 1685 and the beginning of 1688 only a further twelve boroughs were reincorporated. I have been able to date the surrenders of six of these: all occurred in 1684. The remaining six may be the only real exceptions, lying outside the scope of Charles's reign, but it is not impossible that they too were first attacked before James's accession: the last of them, Maldon, was reincorporated in

February 1687; Gravesend received its new charter a month later, but had sealed the surrender of its old in December 1684. In any event, six out of 135 is statistically insignificant.

The clearest evidence that the motor driving the borough campaign expired with Charles himself is supplied by the great number of boroughs which were not affected by the borough campaign. Over a third (79) of the English parliamentary boroughs remained unscathed. The only possible explanation is that Charles II's borough campaign was never completed, but was abandoned before all the boroughs had been remodelled. There is no other reason to account for these 79 boroughs being spared. Other possible explanations would be that they were already amenable to the government interest and so could be left alone; that they had already recently been remodelled; that they were minor, insignificant backwoods corporations which might more easily succumb to other less drastic forms of intimidation. But none of these conditions obtained. The spared corporations were by no means uniformly Tory. In fact as a group they had returned more Whigs in 1679 than had the other boroughs: this spared group had returned 99 members who voted for Exclusion, whereas the others had returned only 65. Nor had they to any noticeable degree been remodelled more recently than those boroughs which were remodelled in 1681-5. Nor were they a stinking clutch of rotten boroughs

easily controlled by other means: the list includes four shire towns, a county borough, several ports, and the London boroughs of Southwark and Westminster. Clearly the government had intended to net all the corporations in the kingdom in its campaign. The onslaught was indiscriminate: Whig and Tory, great and small, parliamentary and non-parliamentary, all were to be put under review. But the policy was cut short by the king's death. Those boroughs where the campaign was already being conducted completed the lengthy processes of reincorporation and so received new charters in James's reign. But the rest were ignored, the campaign was dropped and the policy never completed. The new horizons of James's reign loomed. By the end of 1685 the three members of cabinet most closely associated with the borough policy in the previous four years - Halifax (Lord Privy Seal), Guilford (Lord Keeper) and Sir Leoline Jenkins (Secretary of State) - had all quit government. Halifax was dismissed; the other two were dead. But there were still three years left for other ministers to complete in the boroughs what their predecessors had begun. But they did not attempt to do so. Once the bureaucratic processes begun before his accession had been completed and all pending new charters had been flushed through Whitehall, James II ignored the possibilities of reincorporation as a political weapon - ignored them that is until 1688 when the boroughs were remodelled for a purpose which his brother had perhaps never even considered in 1681. Once the distinctiveness of the phase of government

relations with the boroughs of 1681-5 has been recognized, the reputation of James II's policy of 1688 need no longer confuse us, and we can turn to the earlier period with an open mind and consider the evidence afresh.

The evidence shows that the character of the Parliament of 1685 was not produced by King Charles's policy towards the corporations. To begin with, the number of boroughs which were reincorporated was too small to account for the dimensions of the Tory triumph of 1685. Evelyn's entry for 5 March 1685 is inaccurate. Perhaps he could not have known, but in fact 'most of the corporations' had not received new charters by the time of the 1685 elections. Rather under half had. Charles II died on 6 February 1685. At that date, of the 203 English parliamentary boroughs excluding the City of London, only 54 had since 1681 received new charters. The summons for the new parliament was issued on 14 February. Most elections were held in mid-April. In the intervening two months, certainly a great effort seems to have been made to get more new charters past the seals. By the end of April the 54 had grown to 98. These were responsible for returning only 194 members, however, out of a total of the 401 returned by all the boroughs (and 505 of the Commons' total membership). Therefore less than two-fifths of the seats

could have been affected for electoral purposes by reincorporation. Furthermore, as we have seen, the borough campaign had been conducted indiscriminately against Whig and Tory boroughs: the old-regime corporations surviving in 1685 had by no means earlier been predominately safe Tory seats.

James II is said to have declared that there were no more than forty members in 1685 with whom he could be displeased. If the new charters had effectively annihilated the Whig borough electorate, we should expect to see these forty Whig members clinging to their last strongholds - the unreformed boroughs and the counties. It is no easy matter to identify the forty members with any degree of certainty. Politicians did not 'belong' to political parties in the modern sense. The only ways to classify them are to see how they voted on fundamental political issues, and how they were described by their contemporaries. Neither method is entirely trustworthy. There had been no parliament since 1681, no vote on a political issue there since 1680 and no surviving division list in any way reliable since 1679. We have to use the 1679 Exclusion Bill division list[1] as our best evidence for party membership in 1685. Shaftesbury's own notes on the state

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[1] A. Browning & D.J. Milne, 'An Exclusion Bill Division List', Bul.I.Hist.R., 23 (1950).

of the parties in parliament at the same date make a useful comparison.[1] These two sources do not quite tally, and are obviously weak sources for defining party allegiances in 1685. The rout of the Whigs in the intervening six years had involved a certain amount of changing sides. They are, however, the most accessible guide we have, and are very illuminating, though must not be applied too strictly. Curiously enough, though, there were precisely forty men returned in 1685 who had voted for Exclusion in 1679.[2] A few of these had undoubtedly defected to the Tory ranks by 1685. For example, the old Exclusionist, Thomas Erle, who sat for Wareham in 1685, had included his name in January 1684 among those of other Dorset J.P.s on one of the most rank documents of Tory reaction - the petition to have Whig Poole disfranchised as a county borough for harbouring dissenters.[3] Nevertheless, here were forty Exclusionists returned in 1685. Did they come predominately from unreformed boroughs and counties? Eleven were returned by reincorporated boroughs, and another six from boroughs that had already surrendered or been dissolved like

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[1] J.R. Jones, 'Shaftesbury's "Worthy Men": a Whig view of the Parliament of 1679', Bul.I.Hist.R., 30 (1957).
[2] See Appendix II.
[3] P.R.O., S.P.30/Case G: petition dated 15 January 1684.

Poole. That is, seventeen Exclusionists were elected by corporations which had succumbed to the borough campaign. Precisely seventeen were also elected by corporations which had escaped reformation. The remaining six held county seats. These figures suggest that reincorporation itself could have had no direct effect on parliamentary elections. Shaftesbury's notes are admittedly rather less conclusive. Of those 'worthy men' whom he counted as his supporters but who in fact abstained in the vote on Exclusion in 1679, twenty eight were returned in 1685. Eight of these were elected by remodelled boroughs, four by counties and the remainder by old-regime corporations. It must be stressed, however, that Shaftesbury's guide is even less trustworthy as a guide to political affiliation than the division list: these twenty eight did not actually vote for Exclusion; the other forty did. It is indeed extraordinary, but the fact must be faced that in an overwhelmingly Tory House of Commons twenty eight members, designated Exclusionists or 'worthy men', were returned by boroughs remodelled by a Tory government, when the borough constituencies which had escaped remodelling could produce not many more.

Because over four-fifths of the English seats in the House of Commons were returned by the boroughs, where the vote was generally smaller than the forty shilling freehold franchise in the counties,

it has rightly been held that to secure a loyal parliament government had first to secure loyalty in the boroughs themselves. The counties, dismissed as strategically insignificant in determining the political composition of parliament, have therefore tended to be neglected in discussions about the causes of the radical alteration of the composition of the House of Commons between 1681 and 1685. The argument runs thus: that the boroughs returned most members, and that when they were purged of Whigs they returned Tory members. We have already seen that this was by no means universally the case, but furthermore, what this reasoning ignores is that the counties, whose franchises could not be tampered with, and which could not be purged, contributed as much to bringing about the Tory parliament of 1685 as did the boroughs. In fact the Tory landslide in the counties was even more remarkable than it was in the boroughs. In the elections for the Exclusion parliaments the huge county electorate had been the Whig party's great strength, for it was too vast to be persuaded by anything except political conviction. The Whig party machine had therefore made the county seats substantially its own: a higher proportion of county members than of borough members were found among voters for Exclusion in 1679.[1] They were

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[1]The approximate percentages are
borough M.P.s: for Exclusion 42%; against 25%
county M.P.s: 47.5%; against 22.5%.

overwhelmingly swept away in 1685. The forty one Exclusionists and other 'worthy men' holding county seats in 1681 were reduced to ten in 1685.[1] There were therefore factors to account for this change operating in the counties independently of the crown's newly gained power over internal municipal elections. Perhaps the same factors held in the boroughs too. There is reason to believe that they did, and were recognized as doing so at the time.

Although it is clear that reincorporation, with its attendant purging effect, did not contribute directly to the Tory successes in parliament in 1685, the objection might be made that the government certainly intended it to do so. By 1681 it had become clear that Charles II's government would be paralysed unless it could somehow destroy the Whig domination of the House of Commons. The Restoration government had known in 1661, just as James II was to know in 1688, that the key to controlling parliamentary returns lay in the municipal corporations. Surely Charles II knew this too in 1681 and would have acted accordingly. Certainly he was advised during the period of reaction that remodelling the boroughs might be used to obtain a subservient House of Commons.

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[1] See Appendix II.

In 1681 a deputy lieutenant of Kent urged that Canterbury, being a Whig stronghold, should be prevailed upon to renew its charter, for otherwise 'what Burgesses may be expected from this and all other Corporations soe qualified may very easily be Judged.'[1] Judge Richard Hopton, a Tory political manager in Leominster, overtly declared in similar vein to his patron, the duke of Beaufort, 'I hope (before any Election) to see all Corporations swept cleane and purged from all evill members.'[2] A Tory in Nottingham argued to a correspondent of the marquess of Halifax that the city's Whigs determined to resist surrendering the charter in order 'to deter all other corporations From surrendering there charters that they might have a parlament to there one content and keepe the kingdome in distraction and feares.'[3] All these letters reached the notice of government ministers. The Whigs too thought that the charter renewals would affect parliamentary returns. In May 1680 Dover was threatened with drastic purges by the lieutenant governor of the castle and

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[1] P.R.O., S.P. 29/417, f. 90: (William Rooke's) account of Canterbury Quarter Sessions, 11 Oct. 1681. The emphasis is mine.
[2] S.P. 29/425, f. 48: Hopton to Beaufort, n.d. (June 1683).
[3] Notts. R.O., DD SR 219/1 (Letters concerning Nottingham's charter), 24 Nov. 1682: Rippon to Millington.

certain government ministers for having flouted the Corporation Act. It was rumoured that the charter of the Cinque Ports might be called in and a new one granted. Thomas Papillon, the Whig member for Dover, who vigorously defended the corporation in London against these attacks, tried to rally resistance in Dover, on one occasion writing to his fellow Dover member that if the charter were lost, 'you may Imaigine who shall be put in the magistracy and what members shall be elected for the next Parliament.'[1] And yet, if the Tory ministers did conduct the borough campaign to affect parliamentary returns, they did so in a manner singularly unlikely to achieve that end. It is far more likely that the government resisted the pressure to reform the municipal corporations for parliamentary purposes, having learnt from 1661, as Jamess II had not, that overt tampering with the municipal electorate was politically impractical.

If Charles II's government intended to affect parliamentary returns by remodelling the boroughs, some consistent attempt would presumably have been made to limit the parliamentary franchise in the remodelled boroughs. There would be little sense in purging the magistracy if the electorate remained unaltered. By the

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[1]Kent R.O., Papillon MSS., U1015 025, f. 8: Papillon to Stokes, 8 May 1680 (draft).

period of reaction some borough electorates were very large indeed. The franchise varied considerably, but throughout the seventeenth century a conspicuous trend of an expanding electorate can be discerned. Once the House of Commons gained the right to settle disputed returns itself at the beginning of the century, those candidates who had invoked the widest franchise were habitually declared the winners. The fervent electoral activity before the Civil War and later during the Exclusion Crisis had accordingly both expanded the electorate and animated its political consciousness. Throughout the century parliament favoured large polls as consistently as government feared them.[1] Was there any consistent attempt by the government during the period of reaction to limit the franchise of the boroughs when the opportunity arose after charter surrender? No more than seventeen corporations were reincorporated in this period with a restricted parliamentary franchise.[2] Even in these

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[1] J.H. Plumb, 'The Growth of the Electorate in England from 1600 to 1715', Past and Present, 45 (1969).

[2] Abingdon, Bridgwater, Callington, Derby, Devizes, Evesham, Grantham, Great Yarmouth, Hastings, Ludlow, Lyme Regis, Newark, Richmond, Rye, St. Albans, Wallingford, Windsor. The evidence for these changes is supplied by the warrants authorizing the grant of new charters, which include a list of alterations sought and confirmed. P.R.O., S.P. 44/66, /70, /335, /336. I have been unable to trace the warrants for the reincorporation of Maidstone and Portsmouth, but the warrants for all the other reincorporations survive in these four books. I have included Derby in the list, although the franchise restriction seems to refer only to municipal elections.

isolated cases the restrictions were not imposed as a result of government policy, but at the request of the corporations themselves. In addition, the restrictions were almost all simply restitutions of the customary franchises that obtained before they had been burst open by more recent electoral practices. These restrictions therefore represented the restitution of a traditional privilege to an oligarchy rendered loyal, rather than a deliberate attempt by ministers to extend their own control over parliamentary elections. When a charter was surrendered and dispatched to Whitehall, it was accompanied by a petition asking for all existing privileges to be confirmed, excepting any regarded as prejudicial to the crown, and for the grant of any additional privileges the corporation sought. These commonly included new markets or fairs, a new styling of principal officers, a clearer definition of existing rights of all kinds, or the use of such municipal regalia as sword and mace. If a corporation requested a restriction in the franchise, this request would be included in the same list. There is no reason to regard it as different from any of the other additional privileges requested. And the motives behind such an application were not even necessarily political. Richmond, which sought for the first time a franchise restricted to the corporation members, gave the reason that it was

to prevent excessive treating.[1] At a time when men were not ashamed when writing to ministers of the crown of admitting to stratagems to return acceptable members to parliament, there is no reason not to take Richmond at their word. The government was generally sympathetic to all such requests, provided they did not infringe the rights of another group to which they were also sympathetic. It was certainly not government policy systematically to disfranchise the populace. The government would probably not have dared to insert a standard clause to that effect in all new charters, but neither is there any evidence that this is what they wanted to do. In Leicester's new charter the franchise was actually extended to payers of scot and lot - and this was not an alteration which the corporation had requested.[2] Why this was done is obscure (especially as it seems to have helped get Sir Henry Beaumont, one of Shaftesbury's 'hardy' men, returned for Leicester in 1685). Obviously the government did not expect to lose by it. But it would certainly have been an inexplicable move if the ministers had a defined policy to reduce the membership of the council chamber to dependable men, and then to restrict the franchise to this group alone.

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[1] Cal.S.P.Dom. 1684-5, p. 43.
[2] H. Stocks, ed., Records of the Borough of Leicester (Cambridge 1928), p. 563.

The effects of the few franchise restrictions made in these years on the composition of the House of Commons in 1685 was slight. Of the seventeen new charters prepared which limited the franchise, only fourteen passed the seals before the elections were held.[1] Only twenty eight seats could therefore have been affected. Of these Richmond at least still managed to return a Whig, Thomas Cradock. And some of these boroughs had already returned Tories in 1681 anyway.[2] Clearly the government had made no attempt to transform the complexion of the House of Commons by tampering with the municipal franchises: it is hardly surprising, then, that the few franchise changes that were made hardly affected the parliamentary returns at all.

By 1681 the methods which a government might employ to secure a pliable House of Commons had already been elaborated. Danby's regime had employed them with notable success.[3] It was well understood that there were certain areas of the country which enjoyed a disproportionate concentration of parliamentary seats, and that the control of these went far to ensuring a favourable balance of votes in the Commons. Other areas were so scantily

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[1] Abingdon, Callington and Rye acted under their old constitutions in their elections in 1685.
[2] Bridgwater, Callington and Ludlow.
[3] A. Browning, 'Parties and Party Organization in the reign of Charles II', Trans.R.Hist.Soc., 4th ser., 30 (1948).

provided with members that a comparable effort to build up an interest there achieved negligible results. Thus it might have been expected that a government intent on electoral advantage would concentrate its main effort in the early stages of the campaign on those key areas in which their endeavours would produce the best return. But the attack on the borough charters appears to have been almost totally indiscriminate. From the beginning the ministers certainly intended to reform all the boroughs, or at least as many as possible. Their scheme was hampered, however, by having to work only as local circumstance and opportunity offered. Even so, if the borough campaign was undertaken primarily to secure favourable parliamentary returns, we should expect to see some effort on the government's part in the early stages of the campaign to concentrate on those key parliamentary areas. In the earliest stages it is possible to detect some tendency to tackle the biggest boroughs, like Bristol, Norwich and of course London (though influencing the large electorate in such places was notoriously difficult), but apart from this slight trend, the attacks seem entirely haphazard, fortuitous and piece-meal. Chard was one of the earliest boroughs to be reincorporated (given its new charter in June 1682, it was fourth in sequence), and yet it was not even a parliamentary borough at all. The greatest single block of parliamentary boroughs, the

Cornish ones induced to surrender together by the earl of Bath, were left until the very end of 1684. Ten Wiltshire boroughs, representing a valuable regional group of M.P.s, escaped altogether, and similarly eight in Sussex (although Brighton, which returned no members to parliament, did not). Doubtless these were all due to have been reincorporated at some stage in the process, but it is not unreasonable to expect that they would have been given a high priority for attack, if parliamentary considerations were to the foremost. Certainly one would expect that such important parliamentary areas would have been dealt with before the nineteen non-parliamentary boroughs which were put under review in this period.[1]

Perhaps the most conclusive evidence to show that ministers of the crown did not pursue the borough campaign to secure favourable parliamentary returns is provided when we consider the attitude of the marquess of Halifax, a man at the very centre

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[1] Fourteen non-parliamentary boroughs were reincorporated between 1682 and 1685. These were Bradninch, Chard, Doncaster, Faversham, Godmanchester, Kingston-on-Thames, Kirkby Kendal, Leeds, Macclesfield, Maidenhead, Newbury, Saffron Walden, South Molton and Torrington. Four more surrendered their charters or succumbed to quo warranto proceedings, but I have been unable to trace any evidence of their completing the process of reincorporation. These were Bideford, Brighton, Hadleigh and Walsall. Gravesend surrendered in 1684 but was not reincorporated until 1687, making the total of nineteen. See the Borough List, Appendix I.

of policy-making throughout this period. In spite of persistent and sporadically public opposition from such colleagues as Rochester and Edward Seymour, Halifax's intimate involvement in government was never seriously in question. He sat on all the major committees, was never without access to the king, and was popularly regarded as maintaining the strongest single interest in cabinet, at least until Sunderland's second coming in 1683. Although Halifax was regularly played off against his rivals in government, was kept in ignorance of the secret negotiations with France, and was never trusted by the duke of York, his was nevertheless the most authoritative single voice in the inner circle of government ministers during the first two or three years of the Tory reaction. He was not only familiar with the borough policy from its earliest stages, but also sympathetic to its aims and conscienciously took part in its execution. He played a leading part particularly in the campaign against Nottingham, its surrender and reincorporation. Furthermore, this was in the early stages of the policy (Nottingham was the ninth borough to be reincorporated) while processes were still being developed and systematized. Nottingham was in fact a key case in establishing a method of operation and was held out as an example to threaten other Whig boroughs which at first

refused to submit. In addition, after he had been made Lord Privy Seal in October 1682, all reincorporations had to pass through his office.

Halifax, then, was as familiar as any man with the aims, scope and process of the government's borough policy. Yet, in February 1682, with the decision to attack the boroughs only a matter of weeks old and only one borough having surrendered, Halifax pressed hard for summoning a parliament.[1] In the following May the policy was formally developed in discussion in cabinet: aims were being clarified, approaches generalized, drafts of the crown's reservation clause suggested. Only two reincorporations had been completed. And yet at this very time Halifax was still 'very steddy for a Parlament.'[2] In January 1684, the policy now fully established and under way, but fewer than twenty new charters past the seals, Halifax was at his most earnest in pressing for a parliament. He wanted it to be a Tory parliament, too, as impeachment proceedings would surely have been started against him if the Whigs again dominated the House of Commons. He expressly expected a Tory parliament if an

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[1] J. Reresby, Memoirs, ed. A. Browning (Glasgow 1936), p. 248.
[2] Ibid., p. 264.

election were held then, but clearly believed that this would be obtained regardless of what the government was doing in the boroughs. Indeed, so far from insisting that the king delay until the borough policy was nearer to completion, he urged an immediate summons, for 'the longer it was deferred the wors it would be.'[1] Significantly, he considered that the best time for a parliamentary election would have been in the previous summer, after the Whigs had suffered the set-back of the Rye House Plot. At that stage only twelve new charters had passed the seals, and of the boroughs concerned Chard returned no members to parliament, and Launceston was about to surrender a second time because it had been reincorporated without the crown's full reservation clause. A mere twenty seats could have been affected for electoral purposes. In Halifax's mind the borough policy was neither intended nor expected to precipitate court gains in parliament.

We must now consider what factors did produce the Tory House of Commons in 1685, since it is clear that the reincorporation did not. Between 1681 and 1685 the Whig party suffered a total collapse of morale. Before the Oxford Parliament Shaftesbury had

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[1] J. Reresby, Memoirs, ed. A. Browning (Glasgow 1936), p. 327.

managed to keep party issues alive throughout the country even when there were no parliamentary sessions. This was an extraordinary achievement, and brought in spectacular Whig successes at each successive general election. To some extent this intensity of party activity was sustained after the dissolution of the Oxford Parliament. For it was by no means obvious to all that another parliament would not be summoned in the near future. But even so, the Whigs had lost the initiative at Oxford. The dissolution of the parliament caught them unprepared, and having lost their parliamentary platform, they were disorganized and confronted with the awful alternative of rebellion. Few Whigs had it in their hearts to take up arms against the crown. The king firmly took the political initiative as the reaction set in, and although the Whigs were uncompromising and resolute in their defence, they were nevertheless for the first time on the defensive. The great political trials of 1681 - of Shaftesbury, College, Rouse, - were technically Whig successes, but they were almost the last acts of Whig defiance, and they ended in ignominy. College was retried and executed. Shaftesbury fled into exile after acquittal. With Shaftesbury's removal, and the continued abeyance of parliament, the more desperate elements in the Whig party asserted

themselves. The duke of Monmouth became a menacing focus of disorderly opposition. A ban was put upon the appointment of Whigs to any position of trust in the royal household and all organs of government. The more perspicacious Whigs withdrew from political activity, or brazenly apostacized. The exploitation of the Rye House Plot in 1683 finally dissolved them as an effective party. Their cause was discredited, leading figures were picked out, tried and executed, and the rank and file were vilified, hounded and deserted. Halifax was right. After the Rye House Plot the Whigs were in a state of total collapse and in no position to win an election.

All this had been possible because in taking the initiative the government gave the Tories heart. Tory morale soared when the Whigs were put on the run. The borough campaign certainly played a significant part in this process because it gave the local Tories a focus for attack. Their morale rose as, with government help, they wrested control of the local law-courts from the Whigs and put the laws against dissent into execution. In some way, then, the borough campaign brought results at the 1685 hustings, but it worked only <u>indirectly</u>, by contributing to the general high spirits of the Tory party, and not by directly tampering with the municipal franchises and eletorate. The direct

causes of the Tory successes in the 1685 elections are easily identified. Raised by the government from the political inactivity to which the Whig monopoly of Exclusion politics had reduced them, the Tories organized themselves into as potent an electoral force as the Whigs had been under Shaftesbury. In 1681 they were given the promise of victory by the crown's lead in launching an all-out onslaught on the Whig party. With that encouragement the Tories animated themselves throughout the country to prepare for a parliamentary election whenever it should be called.

The Tory revival of activity in choosing candidates and preparing their interests throughout the country in both counties and boroughs began soon after the dissolution of the Oxford Parliament in 1681, and was carried on quite independently of the campaign against the borough charters. In the west country the Tory rally had begun by October 1681, when Sir John Trenchard writing from Taunton observed sardonically that:

> 'The Torys in Whig country are very busy in preparing matters for the elections of a new Parliament. ...The greatest part of our gentry at the late Muster did agree what persons should be put in nomination for the county and burroughs, who are most of them men of differing sentiments from the three last parliaments.... I do not find their interest great as yet, unlesse briske randying shall alter the minds of the poorer sort.'[1]

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[1]Dorset R.O., D60/F56 (Trenchard Correspondence): John Trenchard to Henry Trenchard, 1 Oct. 1681.

The interest in the west was continued down to January 1685, when lord Lansdowne at Plymouth remarked that 'all the gentry hereabouts do now begin to make to the Borough townes' in case of any parliamentary election.[1] The Tory effort in Nottingham can also be dated to October 1681, when the duke of Newcastle declared 'the Loyall party getts ground of the factius in this Towne and certaine they will chuse Sir William Clifton next Parliment.'[2] Similarly by the end of 1681 the earl of Clarendon was exchanging letters with lord Norreys in Oxfordshire in which they discussed how best to use the interests of the leading men of the area to return candidates from the county sympathetic to the government at a time when 'nothing but moderate and steady Counells can settle the king and kingdome.'[3]

Tory activity in building up interests in the constituencies continued apace throughout the period of reaction. This is not the place to consider the Tories' electoral preparations in any detail, but a brief survey of their political management in one

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[1] Addit.M.S. 28,053, f. 313: Lansdowne to Danby, 4 Jan. (1685).
[2] Leeds City Libraries, Archives of the earl of Mexborough, 628339 (The Correspondence of Sir John Reresby), 18, f. 87a: Newcastle to Reresby, 30 Oct. 1681. In fact Clifton was to sit for the county in 1685.
[3] Bodl., Clarendon MS. 155, ff. 48-9, 51-2: Clarendon to Norreys, 24 Dec. 1681, 1 July 1682.

part of the country may serve to illustrate the practices and techniques they used to establish themselves in place of the Whigs. This will show furthermore that the electoral manoeuvring during the period of reaction was generally quite unrelated to the government borough campaign and conducted independently of it. The most important evidence concerning the manner in which candidates were set up in these years is provided by the correspondence of Sir John Reresby.[1] Reresby's papers cover the political intrigues in four Yorkshire corporations - Aldborough, Northallerton, Pontefract and York - as well as the political organization in the county itself, and his relations with members of the government in the capital. According to this correspondence the political manoeuvres in Yorkshire consituencies were characterized by negotiated alliances between political managers, a certain amount of back-stabbing, the wielding of heavy names from London, liberality in treating

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[1] This very rich source of political correspondence is in the archives of the èarl of Mexborough. Until recently it was kept in the Sheepscar Branch of the Leeds City Libraries, where I read it. The collection has now been removed and is kept by the owner. A microfilm record has been made, however, and this is kept at Leeds, where a fairly full calendar of the papers is also to be found. The letters themselves are all numbered, but loose, and kept in folders, which are in turn numbered in broad chronological sequence. Throughout I refer to this collection of correspondence as Mexborough MS., followed by the number of the folder, and then by the folio number. The importance of this collection as a source for local political historians of the late seventeenth century can hardly be exaggerated. It was sadly unknown to Andrew Browning when he published Reresby's Memoirs in 1936.

and incessant canvassing. Never is the threat of reincorporation used as an electoral ploy. These four municipal constituencies are very dissimilar. Pontefract's voters exceeded a hundred, and York's a thousand. Aldborough's were vested in a handful of burgage tenancies. York and Pontefract were remodelled during this period; Northallerton and Aldborough were not. Yet what they all had in common were the intense preparations made by the Tories to reduce the Whig interests there.

The politics of electioneering were complicated in Yorkshire, and their history is a convoluted one. But a brief summary will serve to illustrate the techniques used. At Aldborough in February 1681 Sir Godfrey Copley, a Whig, and Sir John Reresby, a Tory, had been returned through the favour of Sir Michael Wentworth of Woolley, whose tenants held the balance of votes. Wentworth was Whiggishly inclined and dominated Aldborough's elections because of his property there. The most the Tories could ever hope for was that he might be persuaded to cede one of Aldborough's seats to them. His support of Reresby in 1681 had been very reluctant; it had been lent at the insistence of Halifax and secured by Christopher Tancred agreeing to stand down in Reresby's favour.[1] During the following three years Reresby

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[1] Mexborough MS. 15, f. 90: Kaye to Reresby, 25 Jan. 1681; ibid. 1, f. 101: Tancred to Reresby, 24 Jan. 1681.

tried hard to establish a greater personal interest at Aldborough, but Tancred resolutely refused to help him again, and he was forced to apply himself even more strongly to Wentworth, who remained unsympathetic. Wentworth's son in fact went so far as to discredit Reresby in the borough by using 'his industrie to terrifie some of your Friends with the never before now terrible name of A Courtier, insinuating that you intended to live no longer at Thriberg.'[1] Then quite suddenly in 1682 Wentworth withdrew his support from Copley and gave it to Reresby. The reasons for this are not clear. Certainly Reresby and his allies had been applying themselves very strongly to Wentworth in the intervening months. Copley had also spoiled his chances by refusing to pay the costs he incurred at an earlier Aldborough election: in fact Wentworth had nearly deserted him in February 1681 on that account.[2] It is likely that Reresby exploited this friction between them. Copley gave up in disgust, and Reresby's only other likely opponent, the Whig, Ruisshe Wentworth, decided to stand for Liverpool, the borough he had represented in 1681. Reresby seemed secure. Yet

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[1] Mexborough MS. 18, f. 23: Morris to Reresby, 9 Dec. 1681.
[2] Ibid. 15, f. 50: Harris to Reresby, 13 Feb. 1681.

by the end of 1683 he had been laid aside in the face of intense campaigning by Sir Roger Strickland. Strickland was a High Tory, recently settled at nearby Thorntonbridge. It is not clear how he won Wentworth's support, but he certainly spared no expense in treating the voters themselves. Reresby hung on, bitterly attacking Tancred for deserting him, and using what allies he still had in Aldborough to drive a wedge between Strickland's supporters. And in this he had some success. After the voters had been lavishly treated at Thorntonbridge,

> 'they came home in a shatterd condition, scarce five of them together and most of them in a quarrelling hewmour, calling one another Rogges, and deydingrayn Roggs, for deserting Sir John Rearsby.'[1]

But Reresby's position at Aldborough was really beyond recovery, and he soon abandoned all attempts at election there. In the event Strickland and Michael Wentworth (? the younger) were elected in 1685. Campaigning at Aldborough had of course been considerably complicated by the split in the Tory ranks, but its history shows that electoral management relied on the traditional techniques of alliances and treating. At no time did Reresby suggest that the borough should be reincorporated and given a wider franchise to include the neighbouring Tory gentry who could

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[1]Mexborough MS. 25, f. 2: Hamarton to Reresby, 11 Jan. 1684.

outweigh the Wentworth proprietary interest. Instead Reresby turned to York and tried to build an entirely new interest in that city's huge electorate.

A very similar pattern was followed in Pontefract. As in Aldborough, local circumstances favoured the Whigs in Pontefract, and in order to make any headway the Tories had to negotiate and compromise with the established Whig family interest. Electorally, Pontefract was a Whig stronghold: lord Downe, the Exclusionist, was always assured of one of the seats. In 1681 the other was held by Sir Patience Ward, an eminent Whig who had been Lord Mayor of London in 1680. In 1681, however, some burgesses of Pontefract had approached a Yorkshire Tory J.P., Sir John Kaye, and asked him to stand against Ward. Kaye's voters let him down badly at the election, however; he resolved never to be cheated by them again and renounced all further parliamentary pretensions in that place. Instead Kaye employed his interests in the borough in the service of another aspiring Tory, Thomas Yarburgh, who in the next four years succeeded in ousting Ward altogether. Halifax lent Yarburgh such assistance as he could, but to secure the place he needed to come to an agreement with lord Downe.[1] At first Downe tentatively gave him his support, but

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[1]Mexborough MS. 18, f. Kaye to Reresby, 28 Oct. 1681.

then retracted. Ward was meanwhile busy in the town, and, being childless, he was lavish in his material promises to the corporation.[1] Reresby used what interests his friends had at Pontefract in Yarburgh's favour, and in January 1682 Downe agreed to support him again. The following month Yarburgh treated in the borough intensively, and in March managed to secure for himself a block of voters who, being 'forreiners' with burgage land in the town, were 'unbyassed by dependance upon Sir Patience Ward.'[2] Ward's fortunes were finally overthrown in the summer of 1683, when a delegation from Pontefract went with a congratulatory address to the king in London. There the duke of York said that he hoped they would lay Ward aside altogether, which they promised to do, for 'now all their eyes were opened.'[3] Yarburgh was unassailable, and was elected with Downe in March 1685. Significantly enough, Pontefract was reincorporated shortly before the election, but no attempt seems to have been made to reduce Downe's electoral interest in remodelling the borough. Indeed, throughout the years of reaction the local Tories worked hard at gaining some benefit from his

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[1] Mexborough MS. 23, f. 37: Johnston to Reresby, 4 Aug. 1683.
[2] Ibid. 4, f. 41: Johnston to Reresby, 13 March 1682.
[3] Ibid. 23, f. 37: same to same, 4 Aug. 1683.

electoral influence through compromising with him, rather than annihilating it through reincorporation.

The same sort of compromise was reached in the county itself. The Whig lords Clifford and Fairfax sat for Yorkshire in 1681. The renegade earl of Burlington, lord lieutenant of the county, backed by the Tory gentry of Yorkshire put pressure on Fairfax not to stand at the next election. He eventually succumbed to this pressure 'to prevent heats and animosities.'[1] Sir John Kaye, the Tory who had been unsuccessful at Pontefract in 1681, took Fairfax's place. Lord Clifford retained his seat in 1685. No compromise was necessary at Northallerton, however: there the Whigs were trounced entirely. In 1681 the borough had been represented by the Exclusionist, Sir Gilbert Gerrard, and Sir Henry Calverley, one of Shaftesbury's 'new hardy' men. Gerrard fought hard to maintain his position in the town. In 1683 he spent an entire week entertaining the corporation.[2] His efforts were wasted, however. Two new men were elected in 1685, Sir David Fowlis and Sir Henry Marwood. It is not possible to see exactly what produced this result. But again, reincorporation played no part in Northallerton's change of sides: the borough

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[1]Mexborough MS. 31, f. 42: Burlington to Reresby, 17 Feb. 1685.
[2]Ibid. 24, f. 26: Fairfax to Reresby, 17 Nov. 1683.

campaign missed this corporation altogether.

When Reresby transferred his parliamentary ambitions from Aldborough to York early in 1684, he found the Whig candidates there strongly entrenched. They had been making ready at York since the end of 1681, when Sir James Bradshaw and Alderman Ned Thompson were well established, and regarded by the Tories as being as bad as their old members, Hewley and Rump.[1] Reresby was made governor of York Castle in April 1682, but does not seem to have thought of building up an interest there until the end of 1683, when Tancred used the rumours of his doing so as justification for his supporting Strickland in Aldborough. By the end of 1683 the Whig, Hewley, and Ned Thompson, now Lord Mayor, were regarded as the strongest contenders.[2] How Reresby set about countering this is not clear. His involvement in negotiating the charter's surrender in November 1684 presumably gave him an entrée into city politics, but this involvement was minimal, and the City acted unpurged under its old constitution in the election of 1685, reincorporation having been delayed by Charles II's death. Reresby certainly paid handsomely for his

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[1] Mexborough MS. 18, f. 93: Fairfax to Reresby, Dec. 1681.
[2] Ibid. 25, f. 33: West to Reresby, 17 Dec. 1683;
ibid. 24, f. 21: Baldock to Reresby, 24 Dec. 1683.

election, spending £350 at York in 1685, as against £43 at Aldborough in 1683.[1] Much of this apparently went on extremely thorough and secretive treating. One of his election agents, signing herself 'P.D., wrote to him describing how many voters she had made for him in York. She continued:

> 'I have also made interest with rable, but freemen, who say who there good Lady is for, they will be fore, as long as they have life. These last I have promised som mony to, but yet have given none. I have promised a coalle carrieur to send him in a dish of meate, and eate with his wife. The fellow was like to stand of his head. He has promised to bring some more to mee, there names I will take, and if you think convenient to spend som mony upon such beefeaters, I am sure it is the best way, and this to be dune without noise or tattle.'[2]

The investment paid off. Reresby topped the poll. Again, reincorporation played no direct part in the Tory revival at the hustings in York.

Such thorough electioneering by the Tories seems to have been conducted all over the country throughout the period of

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[1] Reresby, Memoirs, pp. 358, 216.

[2] Mexborough MS. 28, f. 33: 'P.D.' to Reresby, 29 Feb. 1684. This date is presumably a slip of the pen. 1684 was indeed a leap year, but P.D. is probably using the old style of dating, i.e. beginning the year on 25 March. By writing a February date, '1684', she would mean 1685, new style. 1685 was not a leap year, however. The letter was probably written on 1 March 1685. Such a slip would be quite in keeping with this barely literate letter. But if in fact she did not make a slip, and the letter was indeed written on 29 Feb. 1684, the extravagance of Reresby's treating is amazing: could he really have been feeding up the rabble twelve months before the date of a parliamentary election was known? If so, he certainly took his parliamentary ambitions very seriously indeed.

reaction. When the stimulus of the summons to parliament finally came in February 1685, they were ready. The Whigs had all but disappeared. The general election itself, furthermore, was closely supervised by Whitehall. For the first time the court systematically co-ordinated a national election campaign and approached that degree of organization attained by Shaftesbury at the end of the 1670s. Under the direction of Sunderland the government instructed its local agents and contacts to use all their interest to get suitable candidates returned.[1] The network of lord lieutenancies was particularly fully used. All the Tories' piecemeal electoral activity of the last four years was pulled into shape under ministerial supervision. The degree of success obviously varied according to the skill and influence of the men who held local office. There were occasional blunders. At Buckingham, for example, (a reincorporated borough with the franchise vested in the dozen members of the council chamber) the Tory vote was split between viscount Latimer and a protégé of George Jeffreys's, and both these contenders lost. In general, however, where court candidates could manage better tactics than

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[1] R.H. George, 'Parliamentary Elections and Electioneering in 1685', Trans.R.Hist.Soc., 4th ser., 19 (1935).

at Buckingham, they were hard to defeat. The Tory triumph of 1685 was the result of a high degree of Tory organization in the constituencies, won by determination, a new-found self-confidence and a real sense of mission. The borough campaign had been conducted to attain a different end, which may now properly be considered.

CHAPTER THREE

Policy-making.

I. The king's need of justice.

Charles II seized the initiative in party politics in the spring of 1681 by dissolving parliament and appealing to the nation to support him. Perhaps he had already discerned signs that the tide was beginning to turn against the Whigs in the localities. His Declaration of 8 April, to be read from every pulpit in the kingdom, was certainly designed to rouse the Tories throughout the country to stand by him and destroy the Whig opposition. This Declaration[1] justified his dissolving the last two Exclusion parliaments by accusing the Commons of unreasonable and dangerous adherence to the principle of Exclusion, promised that frequent parliaments would be held in the future and pledged the government to act according to the laws of the kingdom. The Declaration concluded resoundingly:

> 'We assure Our Self That We shall be Assisted therein by the Loyalty and good Affections of all those who consider the Rise and Progress of the late Troubles and Confusions, and desire to preserve their Countrey from a Relapse. And who cannot but remember That Religion, Liberty and Property were all lost and gone, when the Monarchy was shaken off, and could never be reviv'd till that was restored.'

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[1] His Majesties Declaration to all His Loving Subjects, touching the Causes and Reasons That moved Him to Dissolve The Two last Parliaments (1681).

This was just the lead the Tories had until now lacked. The king called them to arms, and they were inclined to support him. And yet, apart from rhetoric, the king's government in April 1681 had nothing to offer the Tories at large. It was to take another year before a policy emerged which could give practical force to the crown-Tory alliance. Before discussing the means by which this policy was framed it is necessary to review the state of the country at the beginning of the period of Tory reaction which convinced the government that a policy to cope with the 'borough problem' was its first domestic priority. The events of 1681 were to show both the Tories and the government where their common interests lay, and where they had to make a united stand against the Whigs. Above all else 1681 was to show them that the king needed a better assurance of juries and the administration of justice if his government were not to be paralysed by the persistence of Whig opposition in the localities.

With the dissolution of parliament in March 1681 most party political warfare contracted to its local roots. The show-piece confrontations between the government and the Whig opposition were conducted in the central law-courts, but most of the battles for political supremacy were fought in the shires and boroughs throughout England. In each of these arenas the government quickly learned

that the Whigs could not be crushed unless the full force of the law could universally be brought into operation against religious and political dissent. At once the 'borough problem' asserted itself. The independence of municipal jurisdictions in Whig hands defended Whigs and dissenters from almost all the blows the government and the law could direct against them. This was the lesson to be learned both by the government and the local Tories during the course of 1681. It will therefore be as well to survey here the events of the early months of Tory reaction which led to the formulation of a borough policy in May 1682.

The king's answer to Exclusion was clearly given in his dissolution of the Oxford Parliament and in the Declaration he made soon afterwards. He was resolute and immovable, and inevitably had to prepare for the possibility of insurrection. His Declaration said as much. This alarm struck a chord in the hearts of Tories everywhere: throughout 1681 it was widely feared that the country was on the verge of civil war. Halifax had mooted the possibility the previous November privately to Reresby, and prepared to form a party against it:

> 'it was to be feared that some unhappy differences might arise in the nation from thes disputes about the succession, and in case it should come to a warr it might be convenient to form something of a party in one's thoughts!'[1]

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[1] J. Reresby, Memoirs, ed. A. Browning (Glasgow 1936), p. 205.

In the event of a civil war, control of the ports and towns would be of the utmost strategic importance. Even in the late seventeenth century many towns were still walled and could be easily held in rebellion against the crown. The king and his ministers were fully aware of the military significance of walled towns and of how simply they could be seized in an armed uprising. In 1662 Charles II had ordered the destruction of the defences of Northampton, because the town

> 'is soe considerable by reason of its walls and Fortificacions that it is an invitacion to mutinous and turbulent spirits to seize thereon, in order to the disturbance of the Peace and quiett of our kingdom.'[1]

Crucial to keeping the defences of towns in the crown's control was the co-operation of the town magistracies. In too many places the magistrates could not be trusted to prevent rebels from taking over walled towns by force. Indeed, in several places borough magistrates were suspected of collusion in such plots.

It was particularly alarming for the government that many walled or castle towns in Whig hands were in areas of exceptional strategic importance. The north-west midlands were thought to be especially vulnerable. Shrewsbury, with its castle, was an obvious

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[1]Brit.Mus., Addit.MS. 34,222 (Earl of Westmorland Letter Book), f. 23: copy of the order.

target for the disaffected in that area. The Shropshire Tories were terrified that the castle might be seized in a rebellion. One of them warned the government:

> 'the Town of Shrewsbury is full of Faction, and Conventicles are publickly kept there without any Opposition of the Magistrates of the Town; which is not more full of Scandall then of danger in this Juncture of affayrs: So that it is the Sense of divers of our Loyall Gentlemen that either the Castle bee wholly razed or better secured then it is at present; and the rather because the Town, being strong by situation, may quickly bee put into a Posture of Opposition.'[1]

Chester was adjudged even more vulnerable. The castle there was undefended, the magistrates were fanatical supporters of the duke of Monmouth, the lord lieutenant was a Whig, and the whole place 'lyes open to the next invader.' Unless the garrison were quickly strengthened

> 'the consequents may bee mischeivous and Fatall, the Trayn-bands surprised, the Loyall Gentry secured, and many other effects of a sodeyn and Powerfull insurrexion.'[2]

The magistrates of Coventry gave no less affront to the king's government, and, according to Tory witnesses, would bring in a commonwealth if left unchecked. After the town had humiliated the court candidate in the high steward's election, a Tory feared for the worst:

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[1] P.R.O., S.P. 29/420, f. 44: M.F. to ____, 16 Aug. (1682).
[2] Ibid.

> 'you may see what a sad condicion wee are in when these man dare outface Majestie it selfe: and no more vallued the king's letter then they would have don a Balled. What the end of these things will come to I know not, but this I know, that unles his Majestie will give incouredgment to Loyallty and those persons that are willing to put his Lawes in execution, that so the exorbitancy of these Hydras heads may be destroyed, or at least kept under, wee must of necesity bee redused to a comonwelth, the darling of to many in this kingdome.'[1]

The fears of the Tories in the north-west midlands seemed to be confirmed in September 1682 when Monmouth went on a riotous progress throughout this area, and was entertained royally by a number of corporations, Chester and Coventry among them. The disturbances occasioned by this journey were so serious that Monmouth was arrested before his circuit had been completed.

The three great towns which commanded the north and the defences against any Scottish threat were similarly vulnerable: Berwick, Newcastle and York were notorious Whig strongholds. Tory neighbours trembled at the thought of an uprising and at how easily the north might be held against the crown. In none of these places could the magistrates be trusted to prosecute enemies of the government. Berwick was a flourishing centre of nonconformist worship because of the connivance of the borough magistrates. For this reason it was threatened with a quo warranto writ within a

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[1]S.P. 29/418, f. 11: Harryman to ____, 2 Jan. 1682.

week of the king's Declaration of April 1681.[1] The duke of Newcastle, Governor of Berwick, pressed for reinforcements to be sent to the garrison there: he was afraid it might be seized by less than forty men 'with the assistance of the disaffected persons in the town.'[2] Indeed, in 1684 a plot was discovered to murder the soldiers billeted in Berwick and seize the place 'by the help of the Fanatic Burgers of this Town', an easy plan to put into operation as all the householders were well-armed.[3] The deputy governor complained that the mayor and J.P.s refused to co-operate with him, and made the place 'a safe receptacle for traitors.'[4] Newcastle was similarly not in safe hands: the magistrates could not be trusted to co-operate with the government. Scottish rebels were discovered in Newcastle in 1684, harbouring in safety and left alone by the borough magistrates. George Jeffreys descended on the place and was

> 'very Brisk and Ransack'd the whole Town. He has upbraided Magistrates with their ill Menagery and brought them now humbly to surrender their Charter.'[5]

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[1] Hist.MSS.Com., Ormonde MSS. N.S. VI (1911), pp. 34-5: Gwyn to Ormonde, 16 April 1681.
[2] Hist.MSS.Com., 11th Report Appendix part V, Dartmouth MSS. (1887), p. 75: Newcastle to Legge, 21 June 1682.
[3] Brit. Mus., Addit. MS. 41,803 (Middleton Papers, vol. II), f. 96: Birch to ____, 2 Oct. 1684; Cal.S.P.Dom. 1684-5, pp. 161-2.
[4] S.P. 29/438, f. 119: Wheeler (? to Sunderland), 20 Oct. 1684.
[5] Bodl., MS. Rawlinson d.850, f. 143: Grey to ____, 5 Aug. 1684.

The man responsible for selecting the members to be appointed in Newcastle's new charter was fully aware of his duty in choosing magistrates for such a strategically important town. He remarked:

> 'For the safety of the 4 Northern Counties Especially, as well as His Majestys service in Generall, Great Care and Circumspection should be had in this new Regulation, Particularly in the choice of Able and Loyall Persons of the Government of the Place.'[1]

York was vulnerable too. The Whig magistrates there encouraged 'seditious and disloyall persons' to break the law, by permitting nonconformist worship in the city. To York's Tories, this was tantamount to encouraging sedition itself. Rebellious principles were thereby kept alive in a town which might easily be taken by force. A Tory, Thomas Fairfax, was appalled, and complained to Reresby that

> 'in case any insurrection should happen in the North Yorke is the most considerable place for their Roundeups; and here is not above 30 men to Defend us.'

Fairfax wanted to see the city walls demolished, and the stone used to build a new royal stronghold around Clifford's Tower. He was also afraid that Scarborough lay open to attack: the castle there could easily be seized by the Thompsons, Scarborough's Whig M.P.s at Oxford, he claimed.[2]

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[1] Bodl., MS. Rawlinson d.850, f. 141: Basire to ____, n.d.
[2] Mexborough MS. 18, f. 124: Fairfax to Reresby, 16 Jan. 1682.

Municipal independence was therefore particularly alarming to a government having to face the prospect of civil war. Reducing that independence would have been a high priority for any government anxious to secure the internal defences of the kingdom. Furthermore, the urgency of tackling the problem was emphasized to the Tory government in the early 1680s by the widespread outbreaks of urban violence which occurred in the wake of the dissolution of the Oxford Parliament. Political violence in the seventeenth century was of course an ingrained and habitual fact of political life. But its familiarity did not make it any more acceptable to a government bent on crushing political opposition. Indeed, the persistence of political violence at a time when organized insurrection was feared would have made the government all the more determined to suppress it. 1681 was a year of intensive party activity. The king had decided to act without parliament for the time being, at least until he was assured of better members. Accordingly the local Tories set about improving their electoral chances in constituencies throughout the country, as we have seen in Chapter Two. The Whigs prepared themselves no less strenuously. It was a time for men to organize themselves as never before, a time to keep divisive issues alive, a time when 'rabbling', in Roger North's words, 'was of mighty Consequence for

the Opportunities as might profer of keeping the People warm against the Time of Action.'[1] It was a time of massed gatherings, demonstrations and protestations. It was a time of riot. 'Keeping the People warm' led to outbreaks of violence throughout England. These disorders were generally spontaneous and localized. But they alarmed the government and local Tories for two reasons: they were invariably urban, and they appeared to be condoned or even encouraged by Whig borough magistrates. Rioting was often allowed to continue unchecked (or so it was feared by Tories) where it could be used to over-awe Tory opposition in Whig-dominated boroughs. During the course of the early 1680s it became a Tory cliché that Whig boroughs were nests of disorder and an intolerable affront to orderly government. The Tory J.P.s of Devon, on the occasion of the Grand Jury presentments at the assizes in August 1681, put the general complaint at its simplest:

> 'We crave leav to observ That our Corporations and Burroughs, who have so great a share in the Government, are Nurseries of faction, sedition and disloyalty...'[2]

Rioting was often precipitated by nothing more than a chance clash of individuals in an inn after excessive drinking. But the slogans which inflamed the mob were political. The names of Monmouth

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[1] R. North, Examen (1740), p. 579.
[2] Bodl., MS. Tanner 36, f. 91: Lamplugh to Sancroft, 13 Aug. 1681.

and York readily filled the streets with belligerent crowds. The government was understandably scared by reports of riot. At the end of 1681 the king firmly instructed the mayor of Reading to prevent all rioting in the town in the future.[1] The following year the Tory mayor of Abingdon was thwarted in his attempts to enforce conformity on this town, the centre of nonconformist worship in north Berkshire. After a few brisk prosecutions his constables were assaulted in the town by a mob of over forty, armed '_modo gerrino_' with swords and staffs. There were no further prosecutions of dissenters in Abingdon's court of Quarter Sessions for many months after this set-back.[2] There were riots in Nottingham at the same time, occasioned by the constitutional crisis in the borough brought on by reincorporation. The Whigs expelled by the new charter refused to recognize its validity and set up their own administration. Their opposition to the new Tory council found expression in Whig mobs taking to the streets. Order was only restored when the government sent the duke of Newcastle to take up residence in the castle. In 1683 the government finally secured the conviction of the Whig leader,

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[1] _Hist.MSS.Com._, 11th Report Appendix VII (1888) (Reading Corporation), p. 198: king's letter, 24 Dec. 1681.
[2] Berks.R.O., A/JQz II (miscellaneous Abingdon Quarter Sessions records), _passim_, & esp. f. 88.

William Sacheverell, for high treason for his part in the Nottingham riots.[1] Rioters in Taunton in 1683 were vigorously prosecuted by the isolated Tory mayor, but his zeal in the matter seems to have cost him his livelihood. His shop was proscribed by Taunton's Whigs and his trade collapsed.[2] A cause célèbre of Whig urban violence in the early 1680s was the Oxford riot of April 1683. Beginning as an angry exchange in an inn between a couple of scholars and Whig townsmen on the question of the succession, it quickly developed into a brawl, a flight and a clamourous pursuit. A proctor and the scholars only escaped with their lives by fleeing before the gathering Whig throng into the castle. The mayor and aldermen were charged with making no attempt to quell the riot.[3]

The most notorious cases of political riot in these years, however, were excited by the journey made by the duke of Monmouth in the north-west midlands in the late summer of 1682. For a fortnight in September Monmouth toured Warwickshire, Staffordshire and Cheshire, often with several hundred Whig gentry in attendance. It was a blatant rallying move of belligerent proportions. The

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[1] Notts.R.O., DD. SR 219/1 (Letters concerning Nottingham's charter, 1682-5), 28 Oct. 1682: Newcastle to Halifax; Brit. Mus., Addit.MS. 28,930 (Ellis Papers), f. 258: anon. to John Ellis, 3 Nov. 1683.
[2] Cal.S.P.Dom. July-Sept. 1683, p. 358.
[3] Bodl., MS. Clarendon 155, f. 154: an account of the riot; Cal.S.P.Dom. Jan.-June 1683, pp. 211-2.

focal point of the circuit was a race meeting at Wallasey, a great Whig festival which awed Cheshire's Tories and alarmed the government. But his progress also took him at a leisurely pace through a succession of corporations, including Coventry, Lichfield, Nantwich, Chester, Liverpool, Congleton and Newcastle-under-Lyme. The tumultuous reception given him in these places again underlined the dangers of municipal independence to the government. In Congleton the streets were strewn with sand. At Newcastle he was received by the mayor and aldermen, and the bells rang all night.[1] At Chester he honoured the Whig mayor by standing as godfather to his child, and he also lodged at the mayor's house.[2] Monmouth's progress was turbulent: it raised Whig morale to an uncontrollable level of high spirits. An enthusiastic riot broke out spontaneously in Coventry.[3] Several hundred went on the rampage in Chester. The vicar of St. Peter's church there refused to ring the bells to welcome Monmouth, so the mob broke down the doors and rang out the bells themselves. They then turned on the house of Matthew Anderton (from which the owner had prudently withdrawn to the castle), and sang, threw stones and fired guns. In all this, so the Tories complained, the rabble was

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[1] J.P. Earwaker, 'The"Progress"of the Duke of Monmouth in Cheshire', Trans.Hist.Soc.Lancs. & Ches., 46 (N.S.10) (1894), p. 95.
[2] Cal.S.P.Dom. 1682, pp. 387-9.
[3] Ibid., pp. 462, 478.

encouraged by the behaviour of the mayor and recorder. And certainly the rioters were only brought to court by a private action of Anderton himself. Furthermore, the Whig recorder then planned to have them spared.[1]

During the months which followed the dissolution of the Oxford Parliament it therefore became increasingly clear to members of the government that a better control was needed of the municipal courts if the Whig opposition were ever to be crushed. Above all else the borough Quarter Sessions courts had to be put in Tory hands if Protestant nonconformity was to be effectively prosecuted. Although most nonconformists were not rebels, nor indeed political activists of any kind at this date, Anglicans generally regarded religious dissent and republican principles as being synonymous.[2] Defection from the established Church was tantamount to defection from the established government. At a time of crisis, when many Tories feared for the very survival of monarchy, it was inevitable that the government would succumb to Tory pressures to order the merciless persecution of dissenters to eradicate the conventicles where seditious practices were encouraged, and thereby to save the nation from another civil war.

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[1] Cal.S.P.Dom. 1682, pp. 393-4.
[2] See, for example, J. Walker, 'Dissent and Republicanism after the Restoration', Baptist Quarterly, 8 (1936-7).

The laws against dissenters could not be put universally into execution, however, as long as the borough magistrates remained uncooperative and securely entrenched by their municipal franchises. The longer schism was encouraged in Whig corporations the nearer the kingdom was brought to the brink of disorder and civil war. Or so the Tories believed. Increasingly the government regarded municipal independence as a dangerous anomaly that thwarted the uniform execution of the laws of the kingdom. Increasingly this anomaly presented itself as the chief obstacle in bringing the nation to order. The main function of the Tory reaction was to seize control of staffing the borough magistracies. As Sir Leoline Jenkins put it in August 1682:

> 'Much of the Publick quiet will under God depend upon the well filling of such Posts.'[1]

The means of doing so was the government's borough policy, the purpose of which was loosely defined by Jenkins in a letter to the earl of Yarmouth about regranting a charter to the city of Norwich. The king, wrote Jenkins, is

> 'resolved to abridge them in nothing but to grant them every thing that is for their Good: and if he retrenche them in any thing, it will onely be in those things that doe the community no good, and yet do breed disturbance to the publique and are dangerous to the Peace of the Kingdome.'[2]

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[1] S.P. 44/68, p. 119: (Jenkins) to Alington, 26 Aug. 1682. Jenkins was referring specifically to the mayor's election at Cambridge.
[2] Ibid., p. 139: (Jenkins) to Yarmouth, 23 Sept. 1682.

The most notorious feature of the Whig-dominated law courts at this time was the prevalence of the ignoramus jury, particularly in Middlesex, where jurors were empanelled by the sheriffs of the city of London. It was the confrontation between the government and the Whig juries of 1681 which specifically brought about the decision to attack the boroughs at the end of that year. The government's experience of the ignoramus jury prompted the king to declare that 'it is a hard thing that I am the last man to have law and justice in the whole nation',[1] and forced him and his ministers to frame a policy which might remove Whig juries from the courts for ever. The most important trials which made the ignoramus jury the focus of political activity in 1681 were those of College, Rouse and Shaftesbury.

After the dissolution of the Oxford Parliament, the government set about destroying the Whig party by attempting to remove its leadership and thereby to disorientate or anaesthetize its rank and file support. Moves were therefore made to prosecute Shaftesbury, the organizing genius of the Whig party, and College and Rouse, relatively harmless individuals of whom it was hoped to make public examples. In each case the government was thwarted by the ignoramus jury. Middlesex juries, empanelled by the Whig sheriffs of the city

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[1]Reresby, Memoirs, p. 234.

of London, protected these men by refusing to put them on trial. Stephen College's trial, the first of the series, was removed to Oxfordshire, as his offence, a provocative demonstration against the Catholic succession, had occurred there at the time of the Oxford Parliament. A Tory jury for the county, chosen by the lord lieutenant, lord Norreys, who closely followed government instructions in the matter, returned a true bill. He was subsequently convicted of high treason and promptly executed. The first blood of the Tory reaction earned Norreys the congratulations of the government and an earldom. All concerned well understood the role Tory juries would have to play in destroying the Whig party. Jenkins endorsed the commendation of one of the trial judges when he wrote to Norreys thanking him for picking the jurors so expertly:

> 'I hope it will come to the knowledge of Posterity as it comes to me, that it was a serious truth and noe Complement that Mr Justice Raymond spoke when he said, That such a Lord Lieutenant, such a sheriffe, and such a Grand Jury would keep the king's crown fast on his head. Posterity will judge that we owe these subordinate good men to a good Lord Lieutenant.'[1]

Rouse, however, could not be touched for his alleged part in a plan to surprise the Tower and hold the king. The bill against

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[1]S.P. 44/62, p. 226: (Jenkins) to Norreys, 26 July 1681.

him was thrown out by a Middlesex jury in October 1681, and his trial could not be moved elsewhere. The government was furious. Jenkins inveighed:

> 'The town and country is full of the ignoramus brought in by the London Jury upon Rouse's indictment. Never was any thing more fully proved than the high treason against him. 'Tis not to be expressed how unsufferable their insolence was.'[1]

A month later Shaftesbury was saved in an identical manner. It was the final provocation: the government resolved to take the strongest measures of revenge. Jubilant riots in the capital accompanied Shaftesbury's acquittal, riots which the city magistrates made no attempt to bring to order. That particularly incensed the government, and made the king decide to take steps to ensure that such an affront would never be repeated: the government agreed to attack the city's charter, as Jenkins reported:

> 'The insolence and the riot were so great on Thursday and the bonfires were so many not only on Thursday but on Friday, that is last night, that his Majesty is resolved to fall upon the City's charter for this misgovernment, as our statutes term it, and to try how far a quo warranto will work upon their charter.'[2]

Once the government had decided to attack London's charter at the end of November 1681, it is almost certain a policy decision was made soon afterwards to launch a campaign against all the charters

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[1] W.D. Cooper, ed., 'Savile Correspondence', Camden Soc. 1st ser., 71 (1858), pp. 231-2: Jenkins to Henry Savile, 20 Oct 1681.
[2] Ormonde MSS. VI, p. 238: Jenkins to Ormonde, 26 Nov. 1681.

in the kingdom. For, while the Middlesex juries were the most notorious of these years[1], Whig juries in corporations throughout the country paralysed all government efforts to suppress opposition. The king and his ministers well understood that a campaign had to be directed against the jurisdictions of all the boroughs if it were to be effective nationally. And ten weeks after the government had decided to attack London's charter, Jenkins wrote to Major Willoughby in Northampton assuring him that the king intended to have a better assurance of juries in such places in the future.[2] The first borough to succumb to the campaign, Thetford, had by that time already surrendered its charter.[3] In the closing weeks of 1681 it seems clear, therefore, that a decision had been made by the king's ministers to move against the independence of corporation jursidictions. Several months were still to elapse before a 'borough policy' as such was coherently framed, and many more before the policy was imposed systematically and authoritatively. But the first moves to launch a campaign against the boroughs seem to have been made at the end of 1681. The prevalence of uncooperative juries and magistrates

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[1] See Burnet's outbursts, History of My Own Time (Oxford 1897) ii, pp. 281, 296, 394.

[2] Cal.S.P.Dom.1682, p. 73: Jenkins to Willoughby, 11 Feb. 1682.

[3] Thetford surrendered on 30 Jan. 1682. S.P. 44/66, p. 60.

in Whig corporations throughout the kingdom had by that time forced the government to act. Remodelling the boroughs was seen as an essential step in securing the internal defences of the kingdom, suppressing urban violence, eradicating dissent and placing the government of the nation in the hands of the crown's supporters. In a period without parliament the state of the parties largely depended on who controlled the administration of justice. The bitter lesson of 1681 for the king and the Tories was that control of the machinery of the law lay predominately in Whig hands. The next three or four years witnessed a highly organized and successful attempt to place it in Tory hands. The issue was put at its simplest by Chief Justice Sir Edward Herbert in addressing a Chester Grand Jury in 1684, while the borough campaign was still being waged successfully and strenuously throughout the land:

> 'Wee have good Lawes but they cannot be put in execution without you. When a Rebellious Designe was prosperously and successfully carryed on, The very Root of this was the perverting of Grand Juryes, and the delivering of Traytors from Justice, and bringing innocent persons into great hazard of their lives.'[1]

That danger had by the time of Herbert's speech been averted largely, in the Tories' opinion, as a result of remodelling the boroughs.

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[1]Chester R.O., Grosvenor MSS., Papers of Sir Thomas Grosvenor 3rd Bart.: 1 April 1684 (copy of Herbert's speech).

II. The policy-makers.

The borough campaign was the keystone of the Tory reaction. It fixed the government of the whole kingdom in the hands of men who rejoiced no less than the court did in the triumphant vindication of the duke of York's right to the throne. A spectacular assertion and celebration of the royal prerogative, it cemented the union of crown and church by confounding their common enemies and thereby, according to Tory precepts, saved the church and nation from ruin and destruction. Yet the government which spawned the borough campaign was a hybrid.

Charles II was resolved on avoiding that vulnerable dependence on a chief minister which he had endured earlier in his reign during the ministries of Clarendon and Danby. No single man would again dominate policy-making and patronage in Charles's time. Vying counsellors - broadly in agreement on the recovery of royal government and the succession of the duke of York - were brought together and played off against each other. The shifting alliances, watchful manoeuvres, and scramble for office this situation promoted in Whitehall gave offence to a few mystified country lords. The earl of Chesterfield remarked, 'tis an odd daunce amoung the Statesmen; few persons yet know who

began it, nor who fiddles it.'[1] But it was a ploy which worked remarkably successfully. It kept men as incongruous as Halifax, Rochester and Sunderland together in government, in spite of bitter and notorious personal animosities. In balancing faction against faction, there were few who could not be accommodated or gratified. Anglesey, a left-over misfit, was removed in August 1682; Radnor, nearing eighty and soon to die, retired two years later. Only the ambitious Edward Seymour lost heart and abdicated.[2] Otherwise Charles manipulated his crew with remarkable dexterity. He kept a disparate bunch of anti-Exclusionists (and indeed a few abjured ex-Whigs) adequately rewarded, if not perfectly satisfied, and they together brought off that Tory reaction which promised to confirm their ascendancy in government.

The principal factions in government brought into play during these years - though they were far from all of them having clear-cut political identities - can be divided broadly into five categories. First, and alone, there was the figure of Halifax.

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[1] Addit.MS. 19,253 (Earl of Chesterfield Letter Book), f. 135v. He was referring to the ministeral re-shuffle of August 1684.

[2] Seymour retired from government after failing to get the privy seal in October 1682. A firm adherent to the Hydes and the duke of York in the early 1680s, he was turned against them by this disappointment, and he became one of the few outspoken critics of the government when parliament met in 1685.

Halifax, to whom the court was indebted for its surviving the Exclusion Crisis so little harmed, was the odd man out in government. No 'high-flier for the prerogative', nor a dedicated exponent of bureaucratic autocracy, nor yet a personal friend to York, he had none the less pitched all his interest into the recovery of royal government. Charles could not afford but to include him in his counsels after Halifax had so signally preserved his brother from parliamentary attack in 1680. But it was likewise now unthinkable for Halifax to do anything but join forces with the Yorkists. Certainly one sense of public duty drove him into government, and that was the duty to moderate the likely political excesses of James's adherents. But ambition was doubtless the main cause of his ending his feigned retirement to Rufford in May 1681. The retreat to Rufford was an unconvincing attempt at retirement. He felt persecuted and mistreated, and so made some pretence of seeking the sanctuary of his Nottinghamshire seat, but the letters he wrote in the first half of 1681 reveal a man determined to vindicate his decision to support the court, and not one anxious to abdicate from public life at all.[1] The manner in which he had

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[1]Cooper, op.cit., pp. 176-211: letters from Halifax to Henry Savile, 1680-1; Bodl., MS.Add. A.191, ff. 75-9, 83, 87-9: letters from Halifax to Burnet, 1680-1.

defeated Exclusion in the House of Lords had brought him manifest signs of the public contempt in which he was held. It is no small wonder that he spoke of the peace of retirement, but yet having paid so high a price for saving James's crown he was not prepared blithely to leave it to others to collect the rewards. He wanted office. He relished government. The tenacity with which he hung on even into James's reign indicates his appetite for power. Nor should it be imagined that Trimmer Halifax, having thrown in his lot with the forces of reaction, was as antipathetic to its aims as his later reputation might suggest. Though indeed no 'high-flier', he was no enemy of the royal prerogative either, and diligently worked for its systematic enlargement in the borough campaign. We have already seen something of the central position he assumed in imposing the borough policy (above, pp. 74-5). He will keep recurring in this study as one of the prime movers of the reaction. Publicly, however, the interest which he tried to foster (apart from his own) was that of a vigorous Protestant cause, which involved him in playing off Monmouth and Orange against York, in calling for James to change his faith, and in pushing constantly for the summoning of a new parliament.

Secondly, there was the Hyde group - the brothers Clarendon and Laurence Hyde (later Rochester), and Edward Seymour before his

departure from government in October 1682. They were the lay pillars of the Anglican alliance with the duke of York, their spiritual counterpart being Archbishop Sancroft. As such, they could at times work in loose confederacy with Halifax. Indeed, in the early months of the reaction, when the government was fighting for its life, the Hydes and Halifax could work in perfect accord. According to the journals of Edmund Warcup, a government informer, Halifax, Hyde, Seymour, Jenkins and Conway (the last two being secretaries of state) were all involved in the decision to prosecute Stephen College at Oxford in July 1681, and discussed the best way to handle the prosecution.[1] Relations between Halifax and Rochester, however, grew increasingly strained as the incompatibility of the interests of Halifax and York became more apparent. The rupture in personal relations between them, which was widely known and remarked on, did not break up the government, but merely confirmed its patchwork nature, and enabled other interests to be grafted in successfully.

The rivalry of Rochester and Halifax was exploited by the introduction of a third group, that of Sunderland and Godolphin.

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[1] K. Feiling & F.R.D. Needham, 'The Journals of Edmund Warcup, 1676-84', Eng.Hist.R., 40 (1925), p. 257.

They represented no interest but their own and that of an expanding, efficient and autocratic government.[1] Politically adaptable, they depended for their advancement less on personal relations (like the Hydes' connexion with James) than on their professional knowledge of government. Sympathetic to the extension of the authority of central government which the borough campaign implied (and personally involved in its supervision as secretaries of state), they were, however, curiously ardourless in their dealings with the localities. Like most ministers at this time their chief interest lay in foreign affairs; domestic policies were of secondary importance. Sunderland's management of the 1685 election campaign was an understandable exception to his general indifference to local matters. It derived from his position as secretary of state rather than from any personal committment to local affairs.

The fourth group, not indeed a group at all but a collection of individuals, was the brigade of the old Protestant lords, Radnor, Ormonde and Beaufort.[2] There was not much of the sturdy

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[1] J.P. Kenyon, Robert Spencer Earl of Sunderland (1958), p. 90.
[2] Beaufort was actually of a slightly younger generation than the other two, being not much older, in fact, than Halifax. His political attitudes, however, were at this date very similar to those of the grand old men Radnor and Ormonde.

presbyterian and round-head fieldmarshal left in Radnor at this date. Reconciled to episcopacy long since, he now seemed content as an old man to watch reaction set in against religious dissent and political opposition. How far he initiated it is open to question, but he was very much involved in its development. As Lord President of the Council (1679-84) he regularly attended cabinet meetings, and was one of the select few to sit on the commission for ecclesiastical promotions, the hieratic core of the Tory reaction.[1] His introduction as recorder or honorary burgess was to be a feature of several Cornish reincorporations of the next few years. Ormonde too, during his absence from Ireland from 1682 onwards, held a position of some weight in the king's counsels. Like Radnor he was a man who had served the crown for many years and whose loyalty and usefulness were beyond question. He had no difficulty in bringing off the coup to eject Anglesey from the government in 1682. Ormonde was to play a part in several reincorporations. For example he was to vet the personnel to be appointed in Bristol's new charter. He appears also to have made some investigations concerning the charter of the Isle of Man. Beaufort held no office

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[1] The others were Halifax, Rochester, Seymour, Sancroft and Compton. R. Beddard, 'The Commission for Ecclesiastical Promotions, 1681-4: an instrument of Tory reaction', Hist.Jour., 10 (1967).

at Whitehall. As Lord President of the Council of Wales since 1672, lord lieutenant of all the Welsh counties and of three English ones, his contribution to government was essentially in regional affairs. His contact with Whitehall was, however, immeasurably closer than that of any other country lord lieutenant, and as a privy councillor of many years he was often keenly involved in discussions of domestic affairs. For example, he was in council in October 1681 to discuss how to deal with a sudden spurt of Roman Catholic immigrants. Others present included Sancroft, Compton, Radnor, Halifax, Hyde and Jenkins.[1] It is likely that Beaufort, a princely champion of the king's government in his counties, played a part in the borough campaign from the beginning. Radnor, Ormonde and Beaufort shared several characteristics. They were all three solidly Protestant servants whose activity in government was determined by a profound sense of duty to the crown and church, and a somewhat inflated sense of their own dignity. They affected to cut grand venerable figures and be known for the sterling service they did their master.

The fifth and last group which made up government in this period was the largest. Like the triumvirate of dour Protestant

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[1]Bodl., MS Tanner 36*, f. 122a.

lords, this group was not a political artifice (as the Seymour-Hyde-Sancroft axis was) and can be seen as a group only retrospectively, because it comprised men with a common attitude to government whose voices enjoyed comparable weight in the king's counsels. It was the flock of judges, legal officers of the crown and professional administrators whose involvement in policy-making was administrative rather than creative. Professional bureaucrats and men of law, they contributed executive competence and legal advice to the crown in framing and directing policy. The chief among them were Sir Francis North (later Guilford), Sir Robert Sawyer and Sir Leoline Jenkins, and among these North particularly stands out. As Chief Justice of the Common Pleas (and later as Lord Keeper), North was the first mover of the Tory reaction. It was he who drew up Charles's Declaration of April 1681, he who passed the death sentence on Stephen College and he who, as we shall see, drew up the memorandum on the jurisdictions of municipal corporations which shaped the emergence of the borough campaign. George Jeffreys, who as Sunderland's choice superseded North in the office of Lord Chief Justice in 1683, also played a central, though less cerebral, role in the Tory reaction. His energetic efforts to see that as many charters were surrendered as possible were notorious.

Sawyer, as Attorney-General, was the crown prosecutor in the political trials of these years, and the principal antagonist of the ignoramus juries. He also superintended the legal side of the borough campaign once it was under way, closing loop-holes, systematizing procedure, even at times himself corresponding with boroughs. For example, he wrote a stern series of letters to Bristol informing the corporation that they were mistaken if they thought they would avoid quo warranto proceedings if they failed to surrender their charter, and warning them not to deceive the government.[1] Solicitor-General Finch had a similar, though subsidiary, interest in the legal aspects of the borough campaign. From time to time he gave advice, for example, on how effective royal rights were in existing charters. Jenkins, as secretary of state, was a prodigiously consciencious servant of considerable experience and was the stalwart co-ordinator of the borough campaign until his retirement in 1684. It was principally through his hands that correspondence between the ministers and lord lieutenants, townclerks, mayors, bailiffs and other corporation men was directed. He had as broad a grasp of what was happening in the boroughs and

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[1]Bristol R.O., Common Council Proceedings 1670-87, ff. 177v., 187v.

what the government wanted to happen as anyone, and an unrivalled knowledge of detail. Jenkins's consuming interest in the campaign, born of his determination to see government policy imposed efficiently and authoritatively, made him a key figure in the implementation of the borough policy, and contrasted sharply with the less serious approach exhibited by the other secretaries of this period. Sunderland, Godolphin and Middleton took on secretarial duties after the borough campaign was already well under way and never became as closely identified with its aims and processes as Jenkins, who was present at its inception, had been. Conway (secretary 1681-3) totally lacked Jenkins's grave concentration and appetite for the minutiae of government. Whatever political attitudes these officials professed - ranging in their relations with the duke of York from North's coolness through Jenkins's faithful sense of duty to Jeffreys's exorbitant subservience - they shared the same commitment to promoting efficient government. The bureaucrats were at one in wishing to see the controls of central government over the localities extended and made uniform. The lawyers were anxious to see the enclaves of independent municipal jurisdictions invaded. All was done in the interests of consistency, efficiency and uniformity.

The borough campaign had no opponents in government - at least none who survived. For all their differences, almost all members were of one mind on this. The signatures on the warrants to commit the Middlesex sheriffs to the Tower for complicity in the London riots which followed Shaftesbury's acquittal - the very issue which precipitated the borough campaign in the first place - make a formidable roll-call of the statesmen, bishops, courtiers, bureaucrats, lawyers and royal officers who made up the protean government of Tory reaction.[1] For whatever each hoped to gain from government, the borough campaign was bound to augment it. For the Hydes it prepared the way for James's unruffled succession, and provided an opportunity to reward their adherents in the localities. For Sunderland and Godolphin it facilitated the growth of efficient centralized autocratic government somewhat on the French model. For the lawyers and judges it removed the country's jurisdictional anomalies and was a step towards a more uniform and effective system of executing the law. For the bishops it was an essential move in their campaign to eradicate dissent and magnify the supremacy of

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[1] The signatories (given in their forms of June 1682) included Halifax, Hyde, Clarendon, Radnor, Ormonde, Nottingham (Lord Chancellor), Lindsey (Lord Chamberlain), Godolphin, Legge, Conway, Jenkins, North, Sancroft, Compton and the lord lieutenants Ailesbury, Albemarle, Bath, Craven and Worcester (later Beaufort). Brit.Mus., Addit.MS. 15,643 (Register of Committee of Intelligence), f. 52.

the Church of England joined in prosperous union with the crown. For the bureaucrats it was a paradise of paperwork which promised administrative uniformity. For the rest - for all who professed a duty to the crown - it was an opportunity to be of service.

There was perhaps just one dissenting voice - Anglesey's. There were several in office (mainly lord lieutenants) who did not co-operate in the campaign against the boroughs, but this was less because they found the subversion of municipal independence to be 'unconstitutional' (though the chorus which asserted this after 1688 was a large one), than because they were unsympathetic to the end to which the campaign was directed. They did not sympathize, that is, with a rampant Tory supremacy. Anglesey alone seems to have demured on grounds which were not purely political. The evidence for his opposition to the borough campaign is slight, but interesting. He does not seem to have made a stand against the attack on the English corporations as such, and indeed he would have cut an outlandish figure as champion of municipal independence. But there is some evidence to suggest that he was in principle antagonistic to the government's increasing its control over municipal politics in general. Such government encroachment, in his view, by-passed the traditional role the

aristocracy and gentry enjoyed in the boroughs as intermediaries and patrons. He made this complaint in his charges against the misgovernment of Ireland, in a reference to the borough policy of the 1670s there.[1] It was for this paper (and one he wrote on the state of England at the time of the dissolution of the Oxford Parliament) that he was deprived of the privy seal in August 1682. Anglesey was removed from government not, it is true, because of his opposition to the English borough campaign, but because of the bitter opposition his Irish paper had earned him from Ormonde. He was also not of much use to a government dedicated to Tory reaction. He did not fit, and had none other than himself to defend him in council against Ormonde's bile. It is clear, however, that he was kept ignorant of the decision to move against the boroughs, and this presumably because it was known he would have been hostile to it. His dismissal, at a time when the borough campaign was beginning to come to public notice, then became doubly convenient. It is clear he was ignorant of the campaign, because he took it upon himself to defend Oxford city to the king against the infractions attempted by the cabinet through lord Norreys.

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[1] Bodl., MS.Carte 118, ff. 348-9: account of Ormonde's complaint against Anglesey.

When Whig Oxford first crossed swords with the government by refusing to hold another election after the king had denied his approval to townclerk Prince in the summer of 1681, the corporation realized they needed someone to represent their interests in Whitehall. Their high steward, Buckingham, was totally out of favour at court. Norreys, the lord lieutenant of the county, was the patron of Baker, Prince's opponent. Anglesey, however, was a neighbour, and thought to be amenable. His wife was locally reputed a conventicler, and he himself was a firm friend of the formidable dowager Lady Lovelace, mother of the county's most reckless Whig nobleman.[1] In September 1681 Oxford's leading Whigs, with Prince himself, approached Anglesey. He was still Lord Privy Seal, and there was no sign that an organized campaign against the boroughs was a-foot. (Indeed, the decision to fall on London was yet two months away.) It is possible that Norreys was forewarned of the city's move, because less than three weeks before Anglesey was visited by the city deputation, Norreys himself paid him a visit, and spent two hours with him.[2]

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[1] According to Humphrey Prideaux, Lady Lovelace herself recommended Anglesey to the city. E.M. Thompson, ed., 'Letters of Humphrey Prideaux to John Ellis 1674-1722', Camden Soc. 2nd Ser. 15 (1875), p. 98.

[2] Brit.Mus., Addit.MS. 18,730 (Anglesey's Diary), f. 87

This is the only visit by Norreys which Anglesey's diary records. If Norreys did not then point out that he would not take it kindly to have his interest in the city interfered with, he made it plain enough later. Anglesey was not put off, however.[1] The city made him free and promised to return his son to parliament at the next election. In return, Anglesey spoke on behalf of the city to the king on 20 November. Furthermore, he presented their petition on Prince's behalf on 19 January 1682.[2] If he had been involved in the formulation of the borough policy, he should by then have known that supporting Prince in Oxford was a waste of time, as the government was by now set on ejecting him and his like from corporations throughout the kingdom. Anglesey continued to maintain an interest in Oxford, however, even after he was dismissed from government in August 1682. He assisted in the election of alderman Townsend to the mayor's place in September 1682, and was afterwards entertained by the emir of Oxford's Whigs, alderman William Wright.[3]

All this Norreys looked on very darkly, as did his friends, but they were confident that in the long run it would do neither

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[1] Prideaux's opinion that Anglesey ignored the city's approaches when he discovered Norrey's interest there is not borne out by the evidence of Anglesey's own diary. Thompson, op.cit., p. 102.
[2] Addit.MS. 18,730, ff. 90v., 92v.
[3] Ibid., f. 99v.

Anglesey nor the city any good.[1] Meanwhile, Anglesey was assuming a more Whiggish and isolated posture. He was incongruously hailed as 'three quarters Whigg' when he lost the privy seal.[2] His most frequent visitor was Monmouth, who dined with him no fewer than fifteen times between October 1681 and December 1682.[3] He was disgraced when his house was searched for arms after the discovery of the Rye House Plot. His collapse was now complete. Anglesey's sorry history in this period is of interest for he alone of government ministers was antipathetic to the borough campaign. This was because he saw his Elizabethan vision of an aristocratic borough patron being displaced by a whittled down borough oligarchy of a 'few Citizens and tradesmen' who, selected by the king in council, 'will chose amongst themselves.'[4] His record with regard to Oxford shows how dated this vision was: he was unable to replace Norreys, one of the new aristocratic borough patrons whose authority rested on being heard in Whitehall and his acting on

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[1] Bodl., MS.Eng.lett. d.40, f. 146: Clarges to Norreys, 22 Dec. 1681. Indeed, it was Norreys's brother, Henry Bertie, who was eventually elected to parliament by Oxford in 1685 (together with their new recorder, Sir George Pudsey, one of Norreys's protégés.)

[2] Addit.MS. 19,253, f. 121: Sedley to Chesterfield, n.d.

[3] Addit.MS. 18,730, passim. Other dining companions at this time included Essex, Grey, Macclesfield and Shaftesbury.

[4] MS.Carte 118, f. 349v.

government instructions. Once Anglesey was removed, the ministers were united in their attitude towards the boroughs. It would appear, then, that the king needed to make only minimal readjustments to the composition of his government in the early 1680s in order to form a team of men who shared common aims in domestic policy to a remarkable degree, however much they differed on other grounds.

III. The formulation of the borough policy.

The process of policy-making during the period of Tory reaction cannot be charted clearly. We shall probably never know exactly when the decision to move against the boroughs was made, nor precisel who made it, nor in what terms the policy statement was expressed - nor indeed if a specific policy statement was ever made. The surviving evidence is such that none of these questions can be satisfactorily answered. Nevertheless, such questions must still be asked, for in discussing them some impression can be given of the way in which government business was conducted during the period of Charles II's 'arbitrary rule'.

The chief difficulty in documenting the way in which policy was discussed and framed in the years lies in the very nature of Charles II's government. The experiment in consultative conciliar

government, begun in 1679 after the fall of Danby, was quickly abandoned. The newly-formed Privy Council, by whose advice the king had promised to govern, was too large and unwieldy, and its membership too diverse, for it to form an effective group of counsellors. It was soon pruned of Shaftesbury (15 October 1679). Other Whigs were dismissed or resigned and were replaced by men more sympathetic to the crown's interest (e.g. Hyde in 1679, Jenkins and Clarendon in 1680), but its size and diversity prevented it from becoming the principal organ of government it was intended to be. When the king inclined against its advice - for example when it advised against proroguing or dissolving parliament in 1679 and 1680 - he simply ignored it.[1] The Privy Council certainly sat frequently during the period in question, though rarely with its full quota of councillors. But it acted largely as a clearing house for business of all kinds, directing petitions and complaints to standing or ad hoc committees. Theoretically the king still acted 'in council': its approval was needed for royal proclamations, and sought when drafting treaties. The Council's business, though,

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[1]For the failure of the reconstituted Privy Council see G. Davies, 'Council and Cabinet, 1679-88', Eng.Hist.R., 37 (1922).

was clearly in the main routine, and administrative: not much of the formative business of government was conducted here. Cabinet government, on the other hand, had yet to be developed on a properly ordered basis. Instead, arrangements for discussing and framing policy remained casual and fluid. This is one reason why the process of policy-making in this period remains obscure.

The committees to which the real business of government was referred tended to be responsible to the king rather than to the Council.[1] The most important of these was the Committee of Intelligence, set up in 1679, which seems to have been responsible in the main for foreign affairs. Unfortunately very few series of committee minutes have survived, a fact which is in itself perhaps indicative of the casual way in which many aspects of government were transacted in this period. Other committees were formed and disbanded as circumstances required, more or less without trace. The usual membership of such committees can be deduced, however, fairly confidently. The names which keep recurring as advisers most intimately involved in government business are not hard to find. During the early 1680s the names most frequently found in committee lists are Halifax, Radnor,

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[1] G. Davies, 'Council and Cabinet, 1679-88', Eng.Hist.R., 37 (1922), p. 56.

Rochester, Ormonde and Jenkins. Seymour, Conway, Sunderland and Godolphin also appear at different times according to their personal fortunes in government. Francis North (lord Guilford) also appears after being made Lord Keeper in 1683.[1] This group of men, normally including among them the Lord President of the Council, a secretary of state and the First Lord of the Treasury, were chosen by the king to advise him on affairs of state and help him to direct policy. For the sake of convenience I shall therefore refer to them as the cabinet, to distinguish their work from that of the council at large. By the term 'cabinet' I do not mean an institution with regularized procedures, a clearly defined constitution or a consistent membership, but simply the inner circle of ministers of the crown on whose advice the king depended for discussing and framing policy.

It is almost certain that the borough policy was discussed and framed in cabinet, although no minutes have survived as evidence. For reasons given above (pp 109-10) the most likely time for the cabinet's decision to move against the borough charters was in December 1681, in which case Radnor, Hyde, Halifax, Jenkins and Conway were very probably all involved in the decision. The policy was almost certainly not discussed in Privy Council at this date.

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[1] G. Davies, op.cit., p. 66; E.R. Turner, The Cabinet of England... 1622-1784 (2 vols, 1930) i, pp. 399-400.

As we have seen, Anglesey, a privy councillor and Lord Privy Seal until the middle of 1682, was apparently unaware of the decision, which would hardly have been possible if the policy had been discussed in open council. Furthermore, the Privy Council register covering the early 1680s shows little evidence that the council was much involved in any of the government's relations with the corporations. A few internal municipal disputes were referred to the Privy Council to be resolved, but beyond these, borough affairs seem hardly to have concerned the council at all.

Once a decision had been made to fall on the borough charters, a coherent policy had to be framed. It would appear that at this stage the cabinet drew on the experience of the man who knew more about the anomalies and problems of municipal jurisdictions than any other at this date. That man was Francis North. North's experience of the 'borough problem' had been gained largely from his work as a judge on the western circuit. According to his brother Roger he built up good relations with the county J.P.s of the west country at the assizes, and through them he learned of the 'impudent and audacious behaviour of some corporations.'[1] Indeed,

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[1] R. North, The Lives of the Norths, ed. A. Jessop (3 vols, 1890) i, pp. 150, 166.

the west country corporations proved to be particularly obnoxious to the government and their neighbouring J.P.s, as Sancroft's extensive correspondence from his bishops in the west amply testifies. Francis North's first-hand knowledge of the problem there presumably made his advice invaluable to the government. His brother claims that it was indeed he who first suggested to the king the quo warranto campaign.[1] This is certainly an exaggeration. Ministers were inundated with letters from all over the kingdom in 1681 complaining of the way the law was evaded in Whig corporations. Remodelling the boroughs would have struck every member of the government as an obvious expedient. North's knowledge and experience, however, doubtless made him a persuasive and authoritative exponent of the policy in cabinet.

North apparently prepared a memorandum on corporation jurisdictions in the first half of 1682 for the convenience of the cabinet. This is the only document which survives among the State Papers which in any way resembles a policy statement on the borough problem, and is therefore so crucial to our understanding of the processes by which domestic policies were formulated in this period

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[1] R. North, The Lives of the Norths, ed. A. Jessop (3 vols, 1890) i, p. 166.

that I have included it in full in Appendix III. It is found, undated and anonymous, in one of Sir Leoline Jenkins's warrant books. The date of its insertion into the book is almost certainly May 1682. All other entries in the book are dated, and their order is broadly, if not strictly, chronological. The seven entries preceding the memorandum on corporations have dates in the first two weeks of May 1682 (except one dated 23 May); the seven entries following the memorandum have dates in the last two weeks in May and the first two in June (except one dated 3 May). Almost certainly, then, the memorandum was copied into the warrant book in the second half of May 1682. That Francis North was the author of this anonymous document is almost beyond question. Roger North attributed the origin of the policy to his brother, as we have seen. This would have been an understandable simplification if Francis North had indeed drawn up a document on the recommendations of which the borough policy was modelled. The most conclusive evidence for North's authorship, however, is provided by the fact that a copy of the memorandum is to be found among copies of his own papers.[1] Also to be found among his papers are other observations he made on corporation jurisdictions. These appear to have been

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[1]Brit.Mus., Addit.MS. 32,518 (Guilford's Papers), ff. 183-4.

drawn up at different times from the 'May 1682 memorandum'. They seem to me to be so important as evidence for the formulation of the borough policy, especially when viewed in conjunction with the document in the State Papers, that I have included them in Appendix III as well. It will now be necessary to investigate these documents in greater detail to attempt to establish the sequence in which they were written, and to show what they can tell us about the way in which the policy came to life in the early 1680s.

(a) 'The view of the Several Judicatures in England as they are Now executed.'[1]

This is a short thesis which attempts to set forth in simple terms the kingdom's various jurisdictions. The passage on corporation jurisdictions quoted in Appendix III and discussed here is merely one section of the essay. It was written according to the author in the hope that it might be 'Very usefull to any Minister of state.' It is doubtful, however, whether any minister of state ever read this document: it reads like an early draft, and although it aims at reducing a complicated problem into simple terms, its author does not always succeed in doing so. Indeed, the whole essay is appended (by whose hand?): 'this is the first sceme of the designe and unhappily imperfect.' The short section on

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[1]Addit. MS. 32,518, ff. 155-6.

corporations may be summarized as follows:

1. The origins and necessity of the separation of municipal jurisdictions from the counties.

2. The ways in which the independence of municipal jurisdictions is not absolute:

   (a) some have only 'concurrent jurisdictions' which do not exclude the county justices.

   (b) others may be invaded by

      (i) a 'commission of association'

      (ii) justices of 'gaol delivery'

      (iii) a 'commission of oyer et terminer'

3. Jurisdictions are only granted on condition that justice is done. If there is no justice, the king may dissolve the jurisdictions by

   (a) quod excludantur judgement, which restores them to the counties' jurisdiction.

   (b) seizing them into his own hands. This may be done by

      (i) quo warranto writ: the liberties are forfeited by default if no appearance is made at the return of the writ.

      (ii) quo warranto writ: if upon enquiry the fault is proved the liberties are seized until the wrong-doer 'shall clear himself'.

North's 'view' is a bald one. It appears to be an attempt at introducing the complicated question of how the judicial machinery of England worked to statesmen with no legal training. I doubt whether it was drawn up with the specific end of framing a borough policy in view, and, as I have already stated, the section on municipal corporations formed only part of a general survey of the entire judicial administration. There is certainly nothing in it to suggest that it was written at the beginning of the 1680s when the 'borough problem' reasserted itself. It was presumably composed long before the decision to attack London's charter, as the author seems blithely unaware of the legal problems involved when a quo warranto case is contested. These problems only became apparent when London decided to make an appearance to the writ. And indeed, this document is not found near the 1682 memorandum in North's papers, although admittedly this may be attributable more to 'editing' by the papers' copyist than to anything else.

(b) 'Concerning Charters to Corporations'[1]

This is the document which I refer to as the 'May 1682 memorandum'. It is much longer than North's brief introductory

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[1] S.P. 44/66, pp. 88-90. The version of this document found in North's papers is almost identical. The discrepancies are almost entirely in spelling and occasional omissions. I use the warrant book version simply because that was the one used by the secretaries of state. It is also the earlier copy of the original.

'view', and has plainly been drawn up both to recommend a policy of systematic reincorporation and to suggest what alterations ought to be made in the new charters. This document may therefore justifiably be described as a policy statement. Certainly it is the only official paper to have come to light so far which in any way attempts to define the aims of the borough policy. It was also clearly intended to be used as a model for aiding the execution of the policy, as it includes rough guide-lines on how best to approach the boroughs and how to alter their franchises.

It must be stressed, however, that the memorandum is not a congently argued thesis, but a rather disjointed series of meandering notes. The first section is plainly expository and bold, its paragraphs being numbered and planned. The second and third sections (according to the way I have divided the document up below) are more tentative and seem open to further suggestion. Perhaps the numbered sections were prepared by North himself, and the appended suggestions were added after discussion in cabinet. In any case this document clearly marks that point in government deliberations after the cabinet had decided to move against the borough charters and when it had reached some conclusions as to the best way to do so. The points it covers may be summarized as follows:

I. Exposition of municipal franchises.

1. Categories of municipal jurisdictions

(a) county borough

(b) exclusive

(c) not exclusive

2. The chief officers of municipal government

3. The municipal jurisdictions 'inconvenient' to the crown

(a) county borough: the most inconvenient. Furthermore,

(i) the smaller the borough the more corrupt it tends to be;

(ii) 'By towns' are more inconvenient than shire towns, which the assize judges visit.

(b) exclusive jurisdiction: inconvenient, but it can be penetrated by a commission of association.

(c) not exclusive jurisdiction: not inconvenient at all.

4. The municipal liberties inconvenient to the crown:

(a) the return and execution of writs,

(b) exemption from attendance at the assizes.

II. Suggestions for removing such inconveniences. None of these rights should be diminished in any way 'for those whom the king is pleased to honour.' The following checks should safeguard the crown's interest in municipal affairs:

1. Authority for the crown to veto the election of mayor and sheriffs, and ultimately to appoint these officers if none suitable is selected by election.

2. Authority for the crown to appoint men from the counties, privy councillors, judges or legal officers to be J.P.s within the borough jurisdictions whenever necessary.

3. Authority for the crown 'to have the Approbation of' (i.e. right of veto over the appointment of) recorder and townclerk.

4. Authority for the crown to refuse the election of all other municipal officers

OR 5. Authority for the senior court of the corporation to expel them.

III. Suggestions for applying the policy of reincorporation.

1. Some liberties may be augmented as a reward

2. No inconvenient privileges to be confirmed

3. Care must be taken over the terms of surrender and regrant with regard to corporation property 'that there may be no Escheats'.

4. Uncooperative corporations may be warned of the consequences of obstruction.

For all its length, it is a curiously slight and inconclusive document. There are several important omissions. No mention is made of the quo warranto writ, for example. The suggestions in Section II (which I infer were made in cabinet discussion) are clearly meant as alternatives: the policy is still open to discussion. North's role appears to have been to explain to the cabinet the position of municipal jurisdictions. In this he drew on his earlier notes (the 'view', above), expanding them and making some attempt at systematic classification. But then the cabinet, having heard him, appears to have ignored his observations. For in no way do the suggestions made in Section II follow on logically from the observations in Section I. Presumably a radical overhaul of the entire judicial system was not deemed feasible. And yet neither did the existing checks on municipal independence (the commissions of association etc.) appear to have been thought enough. Instead, the ministers concluded, it would be enough to increase royal control over the appointment of the men who staff the borough courts, leaving the other 'inconvenient' municipal franchises more or less in tact. Some five ways of exercising that control are then suggested.

Such would appear to be the government position in May 1682, and indeed so it remained for the rest of the 1680s. All that was left to be done was to work out the details of the policy more fully,

and to develop the processes of implementing it. These further developments would appear to have come about almost entirely as a result of practical experience. To a large degree the cabinet had already settled the policy as much as it intended to do by the end of May 1682. After all, this rather muddled memorandum was the document which Jenkins inscribed in his warrant book, presumably so that he could use it for reference as the campaign progressed. The policy was refined into a more workable form only during the course of its execution.

(c) 'surrenders and Renewall of charters'[1]

This brief series of notes is appended to the 'May 1682 memorandum' in North's papers, but is not found in the State Papers. It looks like an after-thought on the main statement North had already made on the borough campaign. The observations he makes here are entirely of a practical nature, and would appear to be the result of the problems which arose in implementing the borough policy in its early stages, that is, during the second half of 1682. It refers particularly to the technical problems of surrender and reincorporation which, as we shall see, gave recurrent trouble during 1682. Four points were made:

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[1]Addit.MS. 32,518, f. 184v.

1. All corporation property must be included in the surrender and regrant to avoid the possibility of escheat. (Cf. above, the 'May 1682 memorandum', III 3.)

2. The surrender must not be enrolled until the new charter is ready to be sealed to avoid the dissolution of municipal government.

3. Charges must not be excessive, and the fees should be reduced for a poor corporation.

4. (Added later?) The article of surrender must be in the proper name of the corporation, and must be properly sealed in its common council.

This memorandum marks the final stage of the formulation of the borough policy: the campaign had already passed outside the area of cabinet discussion and was being applied in the country at large. The shape it took from now on was largely dictated by practical experience, which was gained under the supervision of the secretariat and the crown's legal officers. We shall see that in fact the campaign was only loosely modelled on the suggestions made in the cabinet. This should not surprise us in view of this chapter's survey of the informal and fluid processes of decision-making and policy discussion in the government of the early 1680s. But what can be learned of those discussions should leave us in no doubt whatever as to the purpose of the borough campaign - the better control of the administration of justice in the borough courts.

Chapter Four

Policy-execution

I. Reaction and inaction, 1681.

The first year of Tory reaction was for the government one of exasperation rather than of achievement. Though committed to invoke the forces of reaction against the Whigs, ministers of the crown acted with conspicuous tentativeness throughout 1681. The reason is simple. For however determined members of the government were among themselves to crush opposition, it needed a high degree of political nerve to enforce their will on the nation at large, and that nerve was patently lacking for a year or two. Confidence is only won by success: most government attempts to suppress the opposition in 1681 were undoubted failures, and failures, too, of the most public kind. The abortive trials of Shaftesbury and Rouse were of course the most conspicuous of the government's defeats in this year. In their relations with the boroughs, the ministers were at first extremely apprehensive. Their strongest fear was that in making a move against the borough charters, and failing in the attempt, their position would be even more precarious than before. Fears of 'miscarriage' therefore haunt all early government attempts to bring recalcitrant corporations

to account. The result was that 1681 was a year of fretful inaction for the government of Tory reaction. This position may be illustrated clearly by the government's dealings with the city of Oxford at this time.

Oxford's most recent charter, like most of those granted since the Restoration, included a clause which reserved to the crown the right of approving the appointments of recorder and townclerk. This city seems to have provided the first example of a case in which the king was actually faced with the election of a man whom he did not wish to approve. When the townclerk of Oxford died in July 1681, lord Norreys, a man just embarking on the business of establishing for himself a local political province in Oxfordshire after the demise of the duke of Buckingham, promoted the interest of a Tory, Thomas Baker, for the place in opposition to a Whig, Edward Prince. He knew, of course, that Baker had no hope of being elected: the Whigs enjoyed a secure majority among the thousand voting freemen. Indeed, Prince comfortably pulled in twice as many voters as Baker did. Norreys therefore urged the king not to approve his election, but to demand a new one, as the recent charter entitled him to do. At first, however, the king dared make no move, other than looking for ways in which Prince's election might be turned to good effect.

But, finding none, the government cautiously launched itself into a contest by refusing the crown's approval to Prince's election, but even so did not dare actually to recommend Baker in the new election, lest he should lose and humiliate them. The city simply ignored the demand, refused to hold a second election, and appointed a third man, Stephen Kibblewhite, as acting townclerk, while allowing Prince to continue to take the profits. At this point the government lost all courage. At one stage Prince even managed to secure himself a mandamus authorizing him to be townclerk. It was clearly the case that while the ministers were determined that Oxford should not succeed in evading their instructions, lest other corporations should follow suit, they were for a time utterly mystified as to what was the best procedure to adope. Eventually, in July 1682, a quo warranto writ was served on the city: but the council boldly decided to make an appearance against it. The council's decision in effect brought the confrontation to a deadlock, while the city succeeded at least in keeping Baker out of office.[1]

The great problem posed by issuing a quo warranto writ in

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[1]Bodl., MS.Clarendon 155, f. 32;
Bodl., MS.Top.Oxon. c.325, f. 7;
Bodl., MS.Eng.lett. d.40, f. 146;
M.G. Hobson, ed., 'Oxford Council Acts 1665-1701', Oxford Hist.Soc. 2nd ser., 2 (1934), p. 141.

the first two years of the Tory reaction lay in the fact that its accusations had not been contested for three hundred years: judgement had always been given by default.[1] Many corporations in the 1680s, however, given the lead by the city of London, decided to make appearances and put the crown on the defensive. It was by no means clear in law whether a corporation's franchises were in fact subject to forfeiture for transgressions done by its members in its name. This question was only resolved by the test case against London's charter, when judgment was given against the city in June 1683.[2] That decision was even so a controversial one, and was achieved only after some adept reshuffling of his judges by the king.

Before June 1683 a quo warranto writ therefore had little force, unless it induced a corporation to surrender its charter voluntarily. Oxford's decision to make an appearance against the writ threw the government into confusion. In effect, Oxford had won the battle over the choice of townclerk, at least until the outcome of the attack on London's charter was known. The moves the ministers made against the city in 1681 were mild, tentative and ineffectual. Extreme caution governed all their endeavours in interfering in

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[1] J. Levin, The Charter Controversy in the City of London 1660-88, and its Consequences (1969), p. 8.
[2] J. Levin, op.cit., p. 29.

city politics. Their caution was born of fear and ignorance - fear that stronger measures might meet with miscarriage, and ignorance of what stronger measures they might take anyway.

While 1681 was therefore a year of inaction, it was also one of preparation. Before it could show any political nerve, the government needed a better assurance of its local backing. The April Declaration invited the Tories to show themselves. They responded vigorously. The first effect was the deluge of loyal addresses that fell upon the king. In the weeks following his April Declaration, Charles II was inundated with these addresses from all over the country, thanking him for his action and pledging support and loyalty. In fact, ministers were deeply sceptical. Halifax coined the much-repeated remark that the 'petitioners for a parliament spit in the king's face, but the addressers spit in his mouth.'[1] Jenkins observed to Worcester that the king 'has no value for addresses', but 'he sees 'tis a torrent not to be resisted and therefore goes along with it.'[2] Scepticism was justified in that the most Whiggish of men could sign a Tory-inspired address to serve a turn. It was also the case that some were considerably less fulsome than might have been wished, while others were patently more fulsome than sincere. But they were

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[1] G. Burnet, History of My Own Time, ed. O. Airy (2 vols, Oxford 1897) i, p. 290.
[2] Bodl., MS.Carte 130 (Extracts from Beaufort letters), f. 21.

deliberately encouraged. Early ones were published in the London Gazette presumably as an encouragement to others. Address-bearers were sometimes knighted on the spot. Those who were late in addressing learned that the king was not pleased. Similar tidal surges of addresses flooded in after the publication of the 'Association' found among Shaftesbury's papers, and after the Rye House Plot. These were similarly looked for and encouraged by the government. For however meaningless as pledges they were, they were a prime means of mobilizing Tory energies in the localities. They helped define parties, they kept issues alive, they boosted morale, they gave public voice to deeply-felt passions; and because the government was perfectly acquainted as to who was active or obstructive in producing them, they also provided some measure of the support the government enjoyed in any given place.

The addresses were followed by purges. Three lord lieutenants (Suffolk, Manchester and Essex) had already been dismissed from their posts in the first two months of 1681. Expulsions from lower down followed later. In May it was reported that 'in several parts of the kingdome great alterations have been made in the lieutenancy.'[1] In the following months the county commissions of the peace were

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[1] N. Luttrell, A Brief Historical Relation of State Affairs (6 vols, Oxford 1857) i, p. 89.

purged. For example, six J.P.s were turned out of Oxfordshire in June, and others from Cheshire in September and Suffolk in October.[1] In July the commission for ecclesiastical promotions was reformed along distinctly party lines. In December a general order in council to suppress all conventicles was followed up by a proposal to bar Whigs from employment in the navy, every branch of the revenue, and all government offices in Whitehall.[2] In the same week the government decided to fall on London's charter. Accordingly, Longford hoped that

> 'there will soon be a new scene of affairs throughout the kingdom; and the moderate sort of people will come into their wits again.'[3]

As we have seen, the move against the boroughs was the next logical step to take. This decision was probably made in December 1681. In the next five months a policy to secure the reincorporation of the boroughs was discussed and framed. At the same time, the government tentatively began to put that half-framed policy to the test: the months of inaction and deliberation were over.

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[1] A. Wood, Life and Times ii, ed. A. Clark, Oxford Hist.Soc. 21 (1892), p. 544;
Cal.S.P.Dom. 1680-1, p. 542;
Brit.Mus., Addit.MS. 36,988 (Paston Correspondence), f. 174.

[2] Hist.MSS.Com. Ormonde MSS. VI (1911), p. 274: Longford to Ormonde, 24 Dec. 1681.

[3] Ormonde MSS. VI, loc.cit.

II. The first new charters, 1682,

It took about a year before the borough policy was imposed convincingly and consistently on the nation at large. If 1681 was a year of inaction, 1682 was to be a year of caution and experiment. The ministers slowly took courage during the course of the year: they gradually committed themselves to imposing the policy which they had discussed in cabinet. But they did so inconsistently and tentatively. The weight of the experience they gained during 1682 later enabled them to launch the campaign more systematically and fearlessly. For the time being, however, caution and indeed confusion characterized the execution of the borough policy. A careful appraisal of the government's actions in 1682 will show how uncertain and hesitant the ministers were. They yielded before firm resistance and they seized such opportunities as were randomly presented to them. There is ample evidence to show the haphazard and fortuitous development of the policy, and to illustrate the government's mistakes, caution and confusion in 1682. A more detailed examination of the first boroughs to receive government attention therefore now follows.

1. Thetford (February 1682)

The first borough actually to receive the government's attention

after the dissolution of the Oxford Parliament was the city and county of Worcester, which seems to have had a quo warranto writ taken out against it as early as May 1681.[1] This was the result, however, of investigations begun the previous year (possibly as part of the general enquiries made into borough personnel in May 1680), when it was found that several men there, including the mayor, were holding their offices illegally. These proceedings, therefore, belong in origin to an earlier phase of royal relations with the corporations. They became submerged in the new borough policy as a result of repeated delays in the legal proceedings against the city. Judgment was postponed until 1683, and the city, suitably purged, was reincorporated only in February 1685.[2]

The first borough properly to become involved in the new campaign was Thetford. The circumstances of Thetford's surrender are very curious indeed and not entirely clear, but worth investigating for the way they show how fortuitously the government took opportunities as they arose in implementing the borough policy in its early stages. The government's interest in Thetford began with a disputed mayoral election in the autumn of 1681. This election was held, without the knowledge of the retiring mayor,

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[1] N. Luttrell, Brief Historical Relation i, p. 85. Luttrell is an unreliable witness for government relations with the localities. It seems strange that judgment against Worcester was deferred for two years: perhaps the writ itself was not issued in 1681, but only the threat of one.

[2] Cal.S.P.Dom. Jan.-June 1683, pp. 183-4; Cal.S.P.Dom. 1684-5, p. 283.

John Mendham, one hour before the appointed time. Only about a dozen picked men had been forewarned of this ruse. Mendham accordingly refused to have the election enrolled, and planned instead to continue in office himself.[1] The mayor-elect, for his part, obtained a mandamus to force Mendham to admit him. But he still refused and appealed to Secretary Jenkins to have the case heard in Privy Council, assuring the government that the mayor-elect was unqualified to stand for election anyway, since he had not taken the statutory oaths when made a principal burgess.[2] Jenkins's reply was that, as Mendham had made a return to the mandamus, the law should be allowed to take its course.[3] It is at this point that the story becomes obscure, because the correspondence between Mendham and Jenkins stops abruptly. Some years later, however, Mendham's opponents made a series of extraordinary allegations against him.[4] They claimed that he was taken into custody for not complying with the proved mandamus, and as the price of his discharge promised the government to get the charter surrendered. In order to achieve this, or so it was alleged,

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[1] P.R.O., S.P. 29/417, f. 109: Mendham to Jenkins, 17 Oct. 1681.
[2] S.P. 29/417, f. 183: Mendham to Jenkins, 6 Nov. 1681.
[3] S.P. 44/66, p. 353: (Jenkins) to Mendham, 20 Nov. (1681).
[4] H. A. Merewether & A.J. Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdom (3 vols 1835), p. 1835.

he prevented such councillors as opposed the surrender from voting, and included among the voters for surrender a number of men who were not qualified to vote, his sixteen-year-old son and an excommunicant among them.

There is some evidence to suggest that this story is true. Mendham certainly went to London to appear before the King's Bench in the mandamus case. And he would appear to have lost. For at the beginning of January he bewailed the fact that

> 'I can nott any wayes com to a complyantes with my opposers butt For thaer owen ad wantadge and a dishartning to all Loyall subiates.'[1]

While he was in London he appears to have seen 'the kinge my master', 'my Lord Hallefax' and others of'the Lordes of the Counsell', for on his return to Thetford he asked that 'my humble dewty' be presented to them.[2] Did they take the opportunity to bargain with him, agreeing to restore him to the mayoralty if he got the charter surrendered, as was later alleged? It certainly looks like it. For by the end of the month the charter was indeed surrendered, to be regranted in February, with Mendham confirmed as mayor.[3] The means by which Mendham obtained a surrender certainly

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[1] S.P. 29/418, f. 30: Mendham to Honengham, 9 Jan. 1682.
[2] Ibid.
[3] S.P. 44/66, p. 61: alterations to the new charter, 11 Feb. 1682.

appear to have been highly irregular. No votes against surrender were recorded. Seventeen signatures endorsed the surrender, Henry Mendham the mayor's son among them. Eight of these men do not seem to have been corporators at all: they were certainly not re-appointed in the new charter.[1] All these circumstances comply perfectly with the allegations later made against Mendham.

It would therefore appear that the cabinet blackmailed Mendham into getting Thetford to surrender its charter, and did not scruple at the methods he might use to achieve it. Its timing is significant. At about the time of the mandamus suit, the countess of Yarmouth and her son, lord Paston, visited Thetford. The earl of Yarmouth was the first mover of the Tory reaction in East Anglia and was very much involved in Norwich politics at this date. His wife and heir went on a successful progress of Norfolk in December 1681, during the course of which they visited Thetford. The corporation entertained them, much to their surprise.[2] It is possible, therefore, that the Yarmouth connexion might have had some effect on the surrender. This visit, anyway, would have been very convenient for Thetford's

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[1] S.P. 44/66, p. 60: names of signatories, 30 Jan. 1682.
[2] Brit.Mus., Addit.MS. 36,988, f. 176: Fisher to Yarmouth, 12 Dec. 1681.

Tories. At the same time as the Pastons were taking an interest in Thetford and Mendham was having difficulties at the King's Bench, the cabinet was concerning itself with the borough problem in general. At the very time the ministers were deciding to attack the borough charters, they found the mayor of Thetford appealing to them for help. How conveniently and unscrupulously they then persuaded him to present them with the first surrendered charter of their barely-launched campaign. Having won the first charter, however, the ministers hardly knew what to do with it. In reincorporating Thetford, they did not attempt anything more radical than the restrictions generally applied since the Restoration. The crown reserved to itself only the right of approving the election of future recorders.[1]

2. Hereford (April 1682).

At about the same time as the mayor of Thetford was being blackmailed, Hereford Tories were independently arranging to attack their city's charter. A quo warranto was issued in January 1682, but was not contested.[2] The council decided on a voluntary surrender, which was made at the end of February or

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[1] S.P. 44/66, p. 62: authorization of the new grant, 11 Feb. 1682.
[2] Addit.MS. 28,875 (Ellis Papers), f. 202.

the beginning of March, but the form of this surrender proved insufficient in law. This uncertainty as to the correct legal forms became a recurring theme of early surrenders. Quite apart from the necessity of drawing up a formal instrument of surrender under the corporation seal, there was at first some genuine doubt as to the precise formal requirements for such an instrument to be effective in law. As we have seen, North was to refer to one aspect of this problem in his 'May 1682 memorandum', and again at greater length in his third memorandum. In Hereford a second surrender had to be made about a fortnight later, this time correctly after the advice of the Attorney General had been sought, and the new charter passed in April. In this new charter the government was rather more adventurous than it had been with Thetford. The 'royal reservation clause' inserted in the new grant extended the crown's right of approval to the elections of the high steward, townclerk and aldermen.[1] This clause therefore corresponded faily closely with some of the alterations to be formally suggested the following month in North's memorandum. A feature of this, the second charter of the series, and one which

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[1] S.P. 44/66, p. 75: warrant, 13 April 1682.

was commented on at the time, was the granting of an additional privilege (a new annual fair). This was seen as calculated deliberately to encourage other corporations to surrender.[1] It was of course a ploy soon to be suggested in North's memorandum, and later became general, even with boroughs which strongly resisted surrender.

3. Portsmouth (June 1682).

Portsmouth's surrender seems to have been precipitated, like Thetford's, after a disputed mayoral election. It is significant that the new charter was the first to be passed since the 'May 1682 memorandum' was discussed in cabinet. Certainly no more sweeping or comprehensive power for the crown will be found in any subsequent charter than that claimed in the new insertion in Portsmouth's. The 'royal reservation clause' inscribed in the new grant extended the crown's right of approval to the election of every member of the corporation.[2] The fifteen burgesses nominated in the charter included the duke of York, lord Conway, lord Finch, lord Falkland, Leoline Jenkins, Francis North, Edward Seymour and

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[1] Cal.S.P.Dom. 1682, pp. 109, 164, 182-3.

[2] According to Merewether & Stephens, op.cit., pp. 1719-20. Unfortunately I have been unable to trace any warrant authorizing the reincorporation of Portsmouth in the State Papers, and so cannot vouch for the precise terms of the changes in the new charter.

George Legge - indeed a handsome clutch of aspiring Tory courtiers and officers. The next few months witnessed vigorous and determined prosecutions by the Portsmouth J.P.s to suppress Theophilus Lloyd's Gosport conventicle.[1]

4. Chard (June 1682).

Chard was the first non-parliamentary borough to submit to the campaign. The government's interest in seeing it reincorporated is easily understood. Its magistrates were accused of acting illegally and in defiance of the Corporation Act.[2] Perhaps their transgressions had come to light following the general order to inspect the corporations in May 1680, though the borough had certainly been more recently brought to the government's notice. In January 1682, the J.P.s for Somerset had at their Quarter Sessions complained about several corporations in their county. The justices were worried that their own efforts to suppress nonconformity would be rendered ineffectual unless the corporation magistrates joined in the effort. The boroughs, the county complained, remained uncooperative, with the result that their 'rebellious actions are the sole disturbers of the Peace of our Nation.' The county J.P.s went on to single out the

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[1] A.J. Willis & M.J. Hoad, ed., 'Portsmouth Borough Sessions Papers 1653-88', Portsmouth Record Ser. 1 (1971), pp. 97, 99.
[2] S.P. 44/66, p. 97: reasons for forfeiture of charter.

conventicles at Taunton, Frome, Bridgwater, Chard and Ilminster as their prime targets, among which Chard stood out, for 'Illminster our Justices are able to reach but the former they cannot.'[1] Accordingly Chard was reincorporated a few months later. The new charter granted the corporation an extra J.P. The royal reservation clause, however, was less sweeping than for Portsmouth: only the recorder and townclerk required crown approval for their election. The corporation was also granted a new fair and a court of record.[2]

5. Tavistock (June 1682)

Tavistock was a new creation. It had previously been a borough only by prescription, its courts, fairs and choice of two parliamentary members being in the hands of its Lord Proprietor, the Whig earl of Bedford.[3] To take it out of the orbit of the Russells would obviously have appealed to the government. But there was also a more urgent reason for giving Tavistock a charter. In the words of the inhabitants who petitioned the king to incorporate them:

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[1] S.P. 29/418, f. 112: Wrenn to Newcomb, copy of resolution made at Somerset Quarter Sessions, 21 Jan. 1682.
[2] S.P. 44/66, p. 98: warrant, 12 June 1682.
[3] G.H. Radford, 'The Charter of Tavistock', Trans.Devon.Assoc. 46 (1914), pp. 176-80.

> 'the said Towne is of large extent, Very populous, and of great Concourse and Trade. That notwithstanding there is not, nor hath beene for many years last past Any legall Authority or Magistracy in the same, For the due Administracion of Justice and Execucion of your Majesties Lawes, There being not one Justice of the Peace in or Within 12 miles thereof, Which is greatly to the prejudice of your Peticioners, And (if not prevented) may prove of mischeivous Consequence.'[1]

Not surprisingly, the king and Attorney General were happy to approve the petitioners' request. The borough was incorporated in June, its government charged to the care of a mayor, recorder, townclerk, twelve aldermen and twelve assistants. The mayor, his deputy, the retiring mayor, the recorder, his deputy, and the senior alderman were to be J.P.s. The newly appointed officers were to continue during good behaviour and all subsequently elected officers during the king's pleasure.[2] The new incorporation therefore satisfied all the conditions the government could wish: its new constitution was a paragon of conformity.

6. Launceston (July 1682).

Launceston's new charter, like Tavistock's, was granted as a result of a petition of its inhabitants seeking a better regulation in the borough's administration of justice. The earl of Bath was included among the petitioners. The new grant confirmed the old

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[1] S.P. 29/418, f. 280: petition (Feb/March 1682).
[2] S.P. 44/66, pp. 79-81: 'Charter to Tavistock'.

charter in all respects but two. It established a borough sessions court with an almost identical constitution to Tavistock's. The mayor, his deputy, the retiring mayor, the recorder, his deputy and the senior alderman were appointed J.P.s. Unlike Tavistock's annual sessions court, though, Launceston's sessions were to be held twice a year. The new royal reservation clause was astonishingly mild and out of date after the precedents set by Portsmouth and Tavistock. The crown reserved the right only to expel the recorder at any time. This new power must later have seemed insufficient, for Launceston was reincorporated again in 1685.[1]

7. Andover (August 1682).

Andover was very briskly reincorporated at the end of August 1682. The several operations involved in obtaining a surrender, acquiring a warrant for a new charter and getting the Attorney General's bill for the new charter signed by the king, were all completed within three days. There seems to have been little opposition in Andover to the move, the council being put up to it by their high steward, the marquess of Worcester, so that they should receive additional privileges. These were considerable,

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[1]Launceston Borough Archives, charters: 22 July 34 Charles II; 3 March 1 James II.
S.P. 44/66, pp. 91-2: warrant, 21 May 1682.

including an additional annual fair, and a new fortnightly cattle-market. Worcester, who was probably already quite familiar with government aims with regard to the boroughs, was happy to realize them in Andover by securing a charter with, as he said, good men and good clauses in it.[1] He was to become (as the first duke of Beaufort) one of the most useful local magnates in directing the borough policy in his own country in the next few years.

The speed of reincorporation, however, and administrative inexperience on the government's part, led to passing the new charter without investigating the corporation's requests for additional rights closely enough. One of these, which was approved apparently without considering the consequences at all, was the freedom to move their Weyhill fair to new ground which a quorum of corporation men should choose. As it had previously been held on land vested in the Regius Professor of Physic at Oxford, and on Weyhill Rectory glebe, a property of The Queen's College, Oxford, a conflict between the corporation and the University was inevitable. The University parties stood to lose in rents up to £200 a year by the new charter. This conflict occupied the courts for several years, and seems never to have

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[1] Cal.S.P.Dom. 1682, p. 514.

been finally resolved until the 1682 charter was revoked in 1689.[1] It became general after this embarrassment to consult the opinions of all likely to be affected by the alteration of borough privileges before new charters were passed. The royal reservation clause in Andover's charter referred only to the election of steward and townclerk. The government campaign therefore still had a tentative and unadventurous appearance.[2]

8. Derby (August 1682).

By the summer of 1682, it must have been becoming clear that the ministers had developed a new interest in remodelling boroughs, although they were themselves initiating very little of the action which led to borough submissions. Probably not since Thetford, the first, had they taken the initiative. Neither did the government initiate the Derby surrender. Here, lord Ferrers spontaneously and independently took it upon himself to secure a surrender of the corporation's charter. Not until he had done this did he inform the government, in the hope that it might be

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[1] Cal.S.P.Dom. 1682, pp. 292-3, 358, 366, 382-3;
Cal.S.P.Dom. 1684-5, pp. 298-9.
[2] S.P. 44/66, pp. 134-5: warrant, 30 Aug. 1682.

of use to them. He assured the king that the councillors were all trustworthy men, only three or four having shown any opposition.[1] As in Andover, the council seems to have agreed to it with a view to earning additional privileges. The operation cost them several hundred pounds,[2] a price they thought worth paying for asking for the parliamentary franchise to be taken from the common burgesses and restricted to the mayor and capital burgesses. Nine other requests were also granted. The royal reservation clause took on a new form in this charter. The right of approving the election of recorder and townclerk was supplemented with the power to expel J.P.s 'as We shall think fitt.'[3]

9. Nottingham (September 1682).

Nottingham was the most substantial borough to be reformed in the phase so far; it was also by far the most troublesome. As with most of the rest, the wish for reincorporation seems to have been initiated from within. The Tories on the council saw it as a means of securing control, which would otherwise have been impossible. From the beginning, however, Halifax had a considerable

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1 Cal.S.P.Dom. 1682, p. 229.
2 £400, according to F. Williamson, 'Derby's Last Charter', Derby. Archaeol. & Nat.Hist.Soc. N.S. 7 (1933), p. 12; or £300, according to Cal.S.P.Dom. 1683-4, p. 126.
3 S.P. 44/66, p. 116: warrant, 27 July 1682.

interest in the place. His Rufford estate was of course not far away, although he did not visit the town personally in 1682. Newcastle, the county's lord lieutenant, followed Halifax's instructions in Nottingham. The campaign against the boroughs was beginning to take shape by now. Eight reincorporations had already been dealt with. It is therefore possible that, with Halifax's connexion there, Nottingham was the first borough the government positively moved against, in order to try out its strength. Wherever the initiative originated, with a faction in Nottingham or with the ministers in Whitehall, the two were quickly acting in collusion. The attempt was inspired by the necessity of preventing John Sherwin from becoming an alderman. For the past twenty years,

> 'he hath beene reputed and esteemed a very factious turbulent man, frequently goeing to and fro, Leadeing and giveing encouragement to the disscenters in all manner of ellections, to oppose the Interest of his maiestie and Magistracy of the saide towne.'[1]

It was feared that if he became an alderman he would entirely dominate the council, which was already balanced against the Tories. In the event, Sherwin was comfortably elected, but the Tory mayor refused to swear him in, appointing instead a rival, William Toplady, who had only polled half as many votes. It was

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[1]Notts.R.O., DD.SR 219/1: deposition by Gervas Wylde, mayor, n.d.

hard to find any criminal charge to be made against Sherwin, though in May 1682 a witness was found who claimed to have seen him a year earlier at a conventicle. Relations between Nottingham Tories and the government in the following weeks resulted in an attempt in July to secure a surrender of the charter, after which Sherwin could be expelled from the council. There were fourteen votes for surrender, fourteen against, and one abstention. There were several irregularities in the vote, however. There was some doubt as to whether the aldermen were entitled to vote in what should have been a decision of the common council. Of the aldermen, four had voted for surrender, and one against. Furthermore, one of the Tory aldermen was William Toplady, the very man wrongly appointed by the mayor the previous year, and so perhaps doubly disqualified from voting. The surrender was sealed nevertheless.[1] Nottingham's Whigs organized powerful opposition locally, raising petitions and bringing in Whig gentry from the county.

Jenkins had shyly admitted the previous month to Newcastle his little experience in the surrendering of charters.[2] Greater

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[1] Notts.R.O., DD.SR 219/1: statement by 'non-surrendering' party, 21 Aug. 1681.
[2] Cal.S.P.Dom. 1682, p. 247.

embarrassment followed the discovery that indeed the form of surrender had been insufficient. And so the mayor, not wishing to take the risk of a second vote, took the simple expedient of breaking into the town chest, removing the seal, and setting it to the proper instrument of surrender without calling a further meeting.[1] Soon afterwards ordered government in the town broke down as a result of the rival administrations there: the new set up by the charter, and the remnants of the old which refused to recognize it. The government's determination was being thoroughly tested in the severe trials of diplomatic skill which the operation of its borough policy involved. It was also learning that water-tight legal formulae had to be properly established if surrenders were to be effective. But in Nottingham itself the government was saved by the violence, for this provided an adequate excuse to legitimatize the stern imposition of royal authority there. The reservation clause in Nottingham's new charter claimed nothing more than approving the election of recorder and townclerk.[2]

10. Maidstone (October 1682)

The circumstances of the surrender and reincorporation of

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[1] Notts.R.O., loc.cit.
[2] S.P. 44/66, pp. 139-40: warrant, 21 Sept. 1682.

Maidstone must for the time being remain obscure, for the warrant for the new charter does not survive in the State Papers. It would appear that the decision to surrender the charter was an entirely spontaneous move of the corporation itself, the product of an outburst of Tory enthusiasm in the council. For when the corporation sent a loyal address to the king in April 1682, they included in the text this assurance:

> 'that our expression may not be verbal only Wee doe in full confidence and trust in your Majesties greate wisdome and from the certain and long experience wee have of your unparrarelled goodness lay down at your Majesties Royal feet the Charter of our Corporacion most humbly beseeching your Majestie to graunt us such a Charter as to your Princely wisdom shall seeme most meet.'[1]

The charter does not seem to have been formally surrendered until the end of June. The royal reservation clause inserted in the new charter seems to have been one of the most sweeping kind. For on 8 January 1687 James II expelled seven aldermen and twelve common councillors in respect of the power to remove 'any Officers' which he claimed was authorized by the 1682 charter.[2]

Ten boroughs, then, were reincorporated in 1682. This survey of the circumstances of their surrenders shows something of the diversity of the opportunities the government exploited as it slowly embarked on its borough campaign. Existing channels of

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[1] K.S. Martin, ed., Records of Maidstone (Maidstone, 1926), p. 159.
[2] Ibid., p. 163.

influence were brought into play. Pliant and ambitious councils were gratefully encouraged as they presented themselves. But the government was still too unsure of itself to impose its will where it was not positively invited to intervene. It was also remarkably inconsistent in the limitations it imposed on the freedom of electing corporation officers in the new clauses inserted in these ten charters. Five charters attempted nothing more adventurous than securing for the crown the right to approve the election of recorder or townclerk, like most other charters passed since the Restoration. Two or three gave the crown an absolute right of veto over all corporation members. The government was clearly still inexperienced. For all the thought given to the practicalities of imposing the borough campaign beforehand, in the event techniques had to be developed through experience, and this included the making of embarrassing mistakes. But each new charter added to that experience, and the remaining years of Tory reaction saw, with growing experience, the development of those techniques to a highly organized degree.

III. The growth of a system, 1683-5.

The government was able to conduct its borough campaign with greater confidence after the summer of 1683. The judgment given

against the city of London in the quo warranto litigation in June 1683 assured the ministers of the efficacy of the writ as a weapon to bludgeon reluctant boroughs into submission. In the same month the Rye House Plot was discovered, and moves were made in its wake to fall mercilessly on leading Whig figures. No longer did the government need to hesitate in attacking the borough charters. The Tories could move against the corporations from a position of strength: they knew now that the Whigs were on the run. Accordingly, the 'trade in charters' boomed. Ten new charters had been sealed in 1682. In the twelve months from September 1683 twenty four new charters passed the seals. In the next six months thirty two passed. The peak was reached in March and April 1685, when no fewer than forty two boroughs were reincorporated. The intensity of such activity required a high degree of development in the bureaucratic organization of the offices in Whitehall. Approaches needed to be systematized, and procedures made more uniform. The legal problems which beset a number of early surrenders had to be solved. All this work fell on the secretaries of state, the crown's legal officers, and their offices. The bureaucrats mostly proved equal to the task.

One of the first procedures to be standardized was the framing

of the new clause inserted in each new charter giving the crown authority to veto the election of corporation personnel. As we have seen, in the first charters issued in the 1680s there was little attempt to make either the wording or the scope of this clause conform to any one standard. By the end of 1683 the formula inserted was generally one which gave the crown the widest powers of veto. The wording was not identical in each case - sometimes expulsions were to be ordered by royal order in council, sometimes by order under the signet - but the clause almost always applied to every member of the corporation. There were exceptions. A few clauses applied only to a restricted number of corporation personnel. But these limited the clauses always applied to more than just the recorder or townclerk as in earlier charters, and normally included the entire aldermanic council or its equivalent. Furthermore, these limited clauses were inserted with increasing rarity as the campaign progressed. Accordingly, only one charter (Saltash's) of the six passed in 1683 included such a clause. Only three charters (those of Wells, Buckingham, and Wallingford) of the forty passed in 1684 were so equipped. Thereafter all charters had the fullest powers of royal veto inserted into them, except for the unaccountable exception of Fowey (March 1685).[1]

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[1]The evidence for these changes is supplied by the lists of alterations authorized for insertion in the new charters found in the warrant books of the secretaries of state.

Having settled the scope of the king's power of veto to be put in the new charters, the secretaries and legal advisers proceeded to establish a more uniform manner of securing charter surrenders. The embarrassment caused by the insufficient first surrenders of Hereford and Nottingham encouraged the Attorney General and 'all the king's counsel learned' to draw up a blue-print instrument of surrender which could be applied universally.[1] Some boroughs were apprehensive about surrendering their charters, because they were afraid of putting their corporate properties in jeopardy. Such a fear notably made Bristol disinclined to surrender. To allay their fears, the government had a special instrument drawn up which referred only to the governing part of the charter, leaving all the corporation properties intact. Such surrenders of the 'governing part' only became rather popular for a short time. After Bristol came Ipswich, King's Lynn, Dartmouth and Scarborough (all reincorporated in July 1684); then Oxford (reincorporated in August 1684); then Macclesfield, Carlisle, Leicester, Lincoln, Lancaster, Cambridge, Newcastle-on-Tyne, and Worcester (reincorporated November 1684 - February 1685): all these corporations surrendered only the

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[1] Brit.Mus., Addit.MS. 27,448 (Paston Family correspondence and papers),f. 135: Jenkins to Yarmouth, 26 Sept. 1682.

governing parts of their charters, Bristol-fashion.[1] A few more did so later: Boston, Beverley, Harwich, Hull and Appleby. But the great fashion of using an instrument of surrender which applied only to the governing part of the charter had really passed before the end of 1684. Once the corporations realized that the government was not intent on confiscating any of their properties, they were less reluctant to seal full instruments of surrender. The great majority of surrenders therefore applied to all franchises and properties. A regular formula was composed in Whitehall and dispatched by the secretaries to the boroughs, where only the name of the corporation, the seal of the common council and the date of the agreement had to be added to make the surrender effective. Accordingly, during 1684 surrenders sealed in different parts of the country were worded in almost identical terms. For example, the surrenders of Sandwich (January 1684), South Molton (October 1684), Liskeard (October 1684) and Bideford (n.d.), are expresed in almost identical terms to those of the blue-print sent by the Attorney General via the earl of Huntingdon to Leicester in October 1684.[2]

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[1] S.P. 44/66, 44/70, 44/355, 44/336 (warrant books): passim.

[2] Kent R.O., Sa/ZB 4/6: copy of Sandwich's surrender, 15 Jan. 1684;
Devon R.O., South Molton Borough Records, 1190 (Quarter Sessions Papers, 1671-84): copy of surrender, 29 Oct. 1684;
Cornwall R.O., Borough/Liskeard 17: copy of surrender, 28 Oct. 1684;
Devon R.O., Bideford Borough Records, 1064 Q/SO I (Quarter Sessions Papers, 1659-1705), f. 191: copy of surrender, n.d.;
Leicester Museum and Art Gallery, Borough Hall Papers (Bound) 1680-5, f. 148: draft of surrender, with blanks.

A more systematic use of the quo warranto writ as an impulse to surrender was also developed. The government no longer waited for boroughs to offer to surrender. Especially after judgment had been given against London in June 1683, the writ became a familiar weapon. That very month Ormonde, making enquiries into the charter of the Isle of Man, observed that 'quo warrantos are come into fashion.'[1] It was in the following year, however, that they became invoked so freely. It was the government's obvious intention that service of the writ would be met by a decision on the part of the council concerned to surrender their charter voluntarily. This avoided the expense, trouble and political conflict which a court case would involve; it was quicker than waiting for judgment by default; and there was an assurance in these circumstances that the liberties themselves were never seized or forfeited. A surrender was not enrolled until the new charter was passed. Thus government in the borough was never in abeyance and there was no need to set up a special commission to administer it in the hiatus between forfeiture and reincorporation. The advantages to the government of voluntary surrenders were obvious, but there were also distinct

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[1] Hist.MSS.Com., Ormonde MSS. VII (1912), p. 49: Ormonde to Derby, 18 June 1683.

advantages for a corporation. Probably the determining factor in most cases was that resistance might result in an actual diminution rather than augmentation of existing privileges. North's memorandum had advised: 'let ill Corporations take care of these Consequences in standing out.'[1] For these reasons very few corporations resolved to make an appearance against the writ: Berwick, Bristol, York and Oxford were exceptions, and in each case were finally persuaded not to persist in their resistance.[2] A few judgments were given by default, with the result that liberties were seized, as at Poole, Dover and Calne.[3] The general response to a quo warranto, however, was just that which the government advised, a speedy surrender. Sometimes the mere threat that a quo warranto would be served was enough to secure a surrender, as at Liverpool, Lyme Regis and Tewkesbury in August and September 1684.[4]

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[1] S.P. 44/66, p. 90.

[2] Brit.Mus., Addit.MS. 41,803, f. 98v: Birch to ____, 2 Oct. 1684;
Bristol R.O., Common Council Proceedings (1670-87), f. 175: order dated 28 April 1683;
York R.O., City House Book 38 (1663-88), order dated 19 March 1684.

[3] Cal.S.P.Dom. 1684-5, p. 32;
A. W. Mabbs, ed., 'Guild Stewards Book of the Borough of Calne 1561-1688', Wilts.Arch.&Nat.Hist.Soc. (Records Branch) 7 (1951), p. xii.

[4] Liverpool R.O., Town Book 4 (1671-1703): order dated 19 Aug. 1684;
Lyme Regis R.O., D 1/3a (Council Order Book 1, 1594-1789): order dated 28 Aug. 1684;
Glos.R.O., Tewkesbury Borough Records, A 1/4 (Council Minutes 1677-86): orders dated 6 June 1684, 19 Aug. 1684.

The faults in the exercise of corporation privileges which might justify serving a quo warranto writ were generally investigated by local Tories. If such informers had not of their own accord compiled a list of faults and informed the government, then suitable men in the localities would be instructed by a member of the government to make enquiries and report back. A few such reports survive. They show that any fault, however minor, might be considered worth the government's attention. But complaints against the miscarriage of justice in the borough courts are those which figure largest in these reports. For example, among the twelve 'Reasons for a Quo warranto against the Charter of Oxford', was one that the bailiffs

> 'pack Jurys on purpose and serve for a turne and doe give verdicts contrary to evidence or not to admitt of evidence or find according to evidence.'[1]

One of the six 'Articles of Misgovernment against the Towne of Barwicke upon Tweed' referred to the obstructiveness of the borough magistrates, 'so that it is next to an impossibility for his Majesty to obtaine the ends of his Government, while things

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[1] S.P. 29/419, ff. 252-3.

are in this posture.'[1] The ninth of the 'Articles against the Town of Ipswich whereon to grant a Quo Warranto' reads:

> 'Justice hath not only been deferr'd as aforesaid, but frequently denied in the Town Courts and sessions, by unjust and dilatorie proceedings therein contrarie to law and the constant course of the said Courts.'[2]

Perhaps the local researchers had been instructed to enquire especially into the malfunctioning of the judicial processes in the boroughs.

Having obtained such information, the Attorney General set the following procedures in motion. A quo warranto writ would be issued, or the borough concerned would be warned that a writ would be served if its charter was not voluntarily surrendered. The council would be told how to make a proper surrender. At the same time the council would normally be advised that the government would be sympathetic to any requests for new privileges, which did not hazard those of other favoured parties. The council would then appoint a committee to consider what requests to make. When the surrender had been properly sealed, it would be presented to the king with a petition seeking a confirmation of all their old liberties 'with such reservations, alterations and conditions as his Majesty shall think fit.' To this petition the corporation would affix a list of all the

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[1] S.P. 29/436, f. 217.
[2] Ibid., f. 322.

additional privileges which were sought. This petition and list would then be referred by a secretary of state to the Attorney General, who could give his opinion on them.

The petition might also be referred to a special committee, comprising perhaps the lord lieutenant, or whoever had supervised the surrender procedure in the borough on the government's behalf, a secretary of state, a minister, a bishop and a legal adviser, or any of them. The prime task of this committee would be to select the personnel to be appointed by the new charter. This selection would be based on a list drawn up by someone trusted by the government who knew the political attitudes of members of the borough community. A few such lists, or copies of them, survive.[1] This committee's report would then be referred back to the Attorney General who would then submit his own report to the king, who, if satisfied, would then authorize the reincorporation. At this stage the charter would be definitively drawn up, signed, sealed and dispatched.

During the course of the final years of Tory reaction these processes became, with practice, more or less matters of routine. All this work was supervised by the offices of the secretaries of

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[1] E.g., Bodl., MS.Rawlinson d. 849, ff. 42-3: 'Measures for A New Establishment of Newcastle', n.d.;
Chester R.O., Grosvenor MSS., The Papers of Sir Thomas Grosvenor 3rd bart. (Papers about Chester's charter, 1685):
'Paper of heads', n.d.

state and of the crown's legal officers. Papers and reports were referred back and forth through all the offices concerned until the terms of the new grant were formally approved by the king. The volume of work for the government's bureaucracies therefore expanded enormously during these years. Generally the administration of the processes of reincorporation seems to have been efficient. The personal involvement of people like Jenkins and Sawyer presumably contributed to the efficiency. Jenkins in particular worked tirelessly and selflessly. His letters to the localities, and there are an enormous number of them, are in turn encouraging, informative, consoling, appreciative, strict, commanding and kind. He was often prepared to reduce or waive his own fees in the interest of easing the path of a new charter through the offices.[1] Under less scrupulous secretaries than Jenkins, it would appear that the administrative burden fell more heavily on junior staff. For example, during Middleton's unremarkable tenure of office (from August 1684), Dr. Owen Wynne, his general assistant, exhibited the sort of dedication and care shown earlier by Jenkins. Middleton's office was staffed by six - John Cooke (office chief), Owen Wynne (general assistant, record

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[1] Cal.S.P.Dom. 1682, p. 473; Cal.S.P.Dom. 1683-4, p. 100.

keeper and translator), De Paz, Carne and Chute (copyists and translators) and Widdows (writing clerk).[1] Wynne's activity in administering the processes of reincorporation was conspicuous. It was with Wynne that the mayor of Southampton corresponded when organizing the surrender of the borough charter.[2] Before Middleton's appointment they had corresponded on this matter with Jenkins. Wynne took an exceptional interest in the reincorporation of Chester, as well. That corporation afterwards sent him a gratuity of twenty guineas 'for his Extraordinarie care and paines .... in and about procureing the late Charter.'[3]

In this way the bureaucratic processes were developed and standardized to cope with the ever-increasing volume of business which the systematic execution of the borough policy created. By the end of the reign the system operated with remarkable efficiency. This enabled no fewer than sixty nine English borough charters to be passed in 1685. In addition to this load, the same offices also coped in the same year with forty one other

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[1] G. H. Jones, Charles Middleton (1967), p. 73.
[2] Addit.MS. 41,803 (Middleton Papers), f. 100: mayor and others of Southampton to Wynne, 4 Nov. 1684.
[3] Chester R.O., AB/2 (Assembly Minute Book 1624-84), f. 198: order dated 12 March 1685.

charters, mainly those of the trading companies of London.[1] A total of one hundred and ten new charters were therefore sealed in 1685. This is a remarkable achievement without precedent. This had been possible of course because the system the government devised in fact interfered only minimally with existing incorporated rights. The crown sought only two alterations: the insertion of a veto-ing clause, and the readjustment of the current membership of the corporation along party lines. Any alterations the corporation itself sought could easily be inserted as well, once they had been checked by the Attorney General. Everywhere existing privileges were therefore confirmed, anomalies were ratified, with the simple exception of one or two new clauses. It may therefore be of interest to note now, at the conclusion of this chapter, that the government also made a few more positive and daring moves against municipal independence during the course of its campaign in the early 1680s, moves which resoundingly echo the observations first raised by Francis North when he reported on the most

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[1] A very useful list of the charters of the 1680s is provided by the list of those revoked after the Revolution. It should be used with caution, however, as it does not include all the charters passed in this decade, but only such of them as were later cancelled. Hist.MSS.Com., 12th Report Appendix VI, House of Lords MSS. 1689-90, pp. 298 et seq.

fundamental and inconvenient problems posed by the independence of municipal jurisdictions. For whereas in general exclusive jurisdictions were emphatically confirmed by the new charters passed in these years, there are two interesting exceptions. Steps were taken to disfranchise Poole and Southampton as counties.

The 'May 1682 memorandum', as we have seen, designated the jurisdictions of county boroughs as those most inconvenient to the crown. In turn, the most troublesome of these, in North's opinion, were the by-towns, where the assize judges did not hold court, and the least populous, for small places were more prone to corrupt practices than large. The county boroughs of Poole and Southampton fell into both these categories. It is therefore of special interest to see attempts to dissolve their county qualifications. Southampton was in decline, broken down by plague and expenses its dwindling revenues could not meet.[1] The town was unable to afford the necessary charges of reincorporation, and so bargained away its county status in return for a new charter costing nothing.[2] I can find no evidence that Southampton was in fact reincorporated along these lines. No

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[1] Cal.S.P.Dom. 1683-4, pp. 100, 159.
[2] Ibid.; Addit.MS. 41,803, ff. 89, 93.

warrant for the new charter survives in the State Papers, and Southampton is not one of the boroughs whose charters of these years were later revoked. The surviving letters between members of the government and members of the corporation, such as those already referred to in the Middleton Papers, do, however, attest beyond any doubt that the corporation did indeed surrender its charter and agree to be reconstituted without county status in return for passing the offices free of charge. Poole was certainly disfranchised as a county, and, indeed, disfranchised as an incorporated body of any kind. It was one of the most notorious boroughs in the kingdom. Its tolerance of nonconformist worship greatly offended the Dorset justices, who asked that it be deprived of county status.[1] The scandal of Poole's independent magistrates brought to public notice the great inconvenience of borough autonomy, and, according to Roger North, 'gave the spring to quo warrantos.'[2] Its liberties were seized in 1683 and were not restored. The town was governed for the next five years by special commission, under the auspices not of one of its own people, but of a man from Salisbury.[3]

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[1] S.P. 30/Case G: petition, 15 Jan. 1684.
[2] R. North, Lives of the Norths i, p. 153.
[3] Dorset R.O., Calendar of Poole Archives, no. 21: charter 8 Dec. 1688.

Chapter Five.

Reaction in the localities: a Tory compromise.

The remarkable and singular success of the government's borough policy in the early 1680s can be attributed in large measure to the moderation with which it was applied. The results were indeed spectacular and unprecedented - scores of boroughs purged and reincorporated in such a way as to give the crown sweeping powers of veto over municipal elections. But the dramatic changes which the execution of the policy brought to the state of the parties in the localities should not be construed as being the result of extreme and vindictive exactions imposed on an unwilling nation by a government hell-bent on revenge. The successes of the reaction were everywhere brought about as a result of compromise.

The Tory party itself was a compromise. No less than the first Whigs, the first Tories were forged into a united party from several disparate and even contradictory elements. The Whigs had been united by Shaftesbury, who focussed all their energies on a single and simple political objective - Exclusion. There was no single counterpart to Shaftesbury for the Tories. But the government itself played something of his role. The

government, that is, focussed the energies of all the Tories on a single and simply achieved objective - the manning of the borough courts. The different elements among the local Tories therefore had to come to a common agreement in order to achieve their common aim of excluding Whigs from office. The local Tories also had to compromise with the king's government by working to achieve the king's single aim - establishing for the crown the right of veto over the election of corporation personnel. In turn the king's government compromised with its local supporters by moderating both the extent of the purges and the expenses of reincorporation. And finally, all compromised with the Whigs themselves, or at least with those Whigs who were in return willing to tow the Tory party line. This chapter will show how all these compromises were made and how moderate the government and the Tories were in imposing their will on the political nation.

There were, it is true, a good many victims - notably the Whig leaders executed in 1681 and 1683, and of course the Quakers and Baptists who were hounded so fiercely throughout these years. But most of the men and women who fell victims to the Tory reaction lived outside the political nation. The astoundingly complete transference of power from Whigs to Tories in the early 1680s was

brought about essentially by moderation and compromise within the political nation. This explains to a large extent why Charles II's last domestic policies brought such apparent stability to the nation by 1685 and why, by contrast, those of James II were to provoke a revolution only three years later.

I. The diversity of the first Tories.

The first Tories were a coalition of disparate conservative elements united under government direction in the cause of reaction, in the cause, that is, of Church and King, of the lawful succession, and of the unswerving persecution of protestant nonconformity. We have already seen that the Tory government itself was a coalition of dour Anglicans, committed Yorkists and flagrant opportunists. The local Tories can be seen to have been amalgamated from four separate factions, which corresponded roughly with the factions fused into the government of reaction. First there were the country conservatives, who were anxious both to augment municipal privileges through reincorporation, and to restore corporation affairs to order after the passionate interlude of Exclusion politics. These formed the solid, inert, reactionary core of the local Tories. Secondly, there were the moderates who saw which way the wind blew and voted accordingly. Thirdly there

was often a smaller number of extremists - zealous Anglicans passionate in their endeavours to exterminate religious dissent. And fourthly, there were the opportunists men not necessarily professing any deeply-felt political views, who seized the chance thrown up by the borough campaign of furthering their local ambitions. All these different elements will be seen coming to the fore in the course of a series of case-studies which follow.

Often these factions are not clearly identifiable, however, because generally they managed to co-operate with each other in order to achieve the common ends of reaction. But the Tory coalition sometimes broke down into its component factions when moments of political crisis emphasized some of their contradictory objectives. The question of charter surrender itself often precipitated such a crisis, because that question could involve clashes between opportunists and the conservative burgesses who were jealous guardians of their incorporated rights. We shall see shortly how this happened particularly in the cases of Bristol and Norwich. But first it will be necessary to show how the different factions in government accentuated the differences between the local Tories and how rivalry between ministers was translated into contests in the localities when the Tory compromise

broke down.

The real battles of the Tory reaction were to be fought out in the localities. A minister jostling for position in Whitehall would therefore be well served if he developed his local contacts and established a widespread interest in local affairs through local agents. This is precisely what Halifax attempted to do in the early 1680s. He was conscious of his isolation in government and the court. It seems that he therefore tried to build up his influence in the localities at a time when such contacts were particularly valuable to the government. At the end of 1680 Halifax was at his most vulnerable: he was alike unpopular in parliament after deserting its Exclusionist cause, and friendless in the court. It was at this time that he spoke to Reresby of forming 'something of a party in one's thoughts.'[1] The party he began to form was built up from the remnants of Danby's local followers. Halifax was friend neither to Danby's person nor to his politics, but they had enough in common for Halifax to play benefactor to men left patronless by Danby's imprisonment. There were plenty of hardy Anglicans whose loyalty to James, though sincere, was guarded,

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[1] J. Reresby, Memoirs, ed. A. Browning (Glasgow 1936), p. 205.

and to whom Halifax, 'that most Noble Lord, that anima Regni, who by his Loyalty, wisdome and resolution hath saved a church and nation from ruin and distruction', was a perfect patron.[1] Halifax had already taken on Sir John Reresby (at Reresby's initiative) in August 1679, four months after Danby was sent to the Tower. But their relations remained strained until the end of 1680, when Halifax began party-building. From then on he and Reresby worked in the closest sympathy. He took over Reresby's contacts in Yorkshire, backing them in parliamentary elections, as we have seen, and recommending them as J.P.s or sheriffs. In May 1681 he promised Reresby the governorship of York castle, and kept that promise the following year when the position fell vacant.[2] Halifax also had Reresby appointed as a Middlesex J.P. in November 1681 in an attempt to break the Whig stranglehold of the administration of justice in the city of London.[3] 1681 was Halifax's most active year in party-building. He was uneasy, but determined

> 'to take care that in all my actions there may be so much of the Protestant and the Englishman as may silence the objections of my being a papist or a pensioner.'[4]

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[1] Mexborough MS. 25, f. 29: Belton to Reresby, 12 Nov. 1683.
[2] Reresby, Memoirs, pp. 226, 260-1.
[3] Ibid., pp. 234, 237.
[4] W.D. Cooper, ed., 'Savile Correspondence', Camden Soc. 1st ser. 71 (1858), pp. 211-12: Halifax to Henry Savile, 28 July 1681.

He was casting around for others of a like mind, if not in the corridors of Whitehall, then in the shires and boroughs, where the political battles of the new regime had to be fought. He had already found Reresby, and was steadfast in trying to find office and duties for him and his confrères in Yorkshire. This was a part of the country with which Halifax had long associations, having represented Pontefract in the Convention Parliament of 1660. At the same time, however, he was creating new interests elsewhere with men with whom he had previously had little contact. Within days of deciding to act the Protestant and Englishman, he was making circumspect overtures to a likely local recruit, lord Norreys in Oxfordshire.

Like Reresby, Norreys had been of Danby's party.[1] As the great earl's brother-in-law he was one of the leading petitioners of these years who demanded Danby's release from the Tower. He was, however, young and raw. Though lord lieutenant of Oxfordshire since 1674 (when he was only twenty one), he was inexperienced in

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[1] A. Browning, 'Parties and Party Organization in the reign of Charles II', Trans.R.Hist.Soc. 4th ser. 30 (1948), p. 33.

public affairs, and latterly none too successful in local ones.[1] Halifax probably first took serious notice of him during the parliament's sitting in Oxford in March 1681, when the 'handsome reception' Norreys as lord lieutenant gave to the king and the court was generally noted.[2] He and his family professed the stoutest Anglican sentiments, and were anxious to perform whatever service they could to the crown.[3] It was Norreys who chose the men, among them his own brother, Capt. Henry Bertie, for the Grand Jury which presented Stephen College for trial in August 1681. It was at this time, when Norreys was also beginning to harass Oxford city on the government's behalf in the townclerk's election there, that Halifax decided to make contact with him. Sir Thomas Clarges, the former Exclusionist M.P. who had rallied to the court's side at about the same time as had Halifax himself, primed Halifax in the matter. Clarges had heard of Norreys's 'great Interest in Oxfordshire and Berkshire, and how strennously your Lordship imployed it all in his majesties service.' Anxious

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[1] He confessed in 1681 that his political interest locally would have been considerably greater if he had employed it against the king. Bodl., MS. Eng.lett. d. 40, f. 134v: Norreys to Clarges, 25 Aug. 1681 (draft). His only significant contribution to national affairs at this date was as teller for the noes in the division on the Habeas Corpus bill, when, if Burnet's account is accurate, he was overcome by the vapours and failed to notice the other teller count a fat man as ten votes for the ayes, thereby getting the bill passed. G. Burnet, History of My Own Time ed. O. Airy (2 vols, Oxford 1897) ii, pp. 263-4.

[2] Hist.MSS.Com., Ormonde MSS. N.S.V (1908), p. 618.

[3] He was half-brother to Lord Chamberlain Lindsey and Charles Bertie, the diplomat.

to 'encourage persons of vertue and birth in his Majesties concerns', Clarges 'discours'd much with the Erl of Halyfax concerning your Lordship, and it is his opinion as well as mine that the king should make your Lordship an Erl.' Albemarle was interested too.[1] At this Norreys expressed complete surprise, not, that is, that he might be promoted in the peerage, but that Halifax or Albemarle should have a hand in it, 'since I was never capeable of doinge anythinge that might entitle mee to the least, much lesse to so greate a favour from any of them.'[2] In the following weeks Clarendon and Laurence Hyde also took an interest in Norreys, promising to combine with Halifax to secure an earldom for him. These were the summer months of 1681 when Halifax and the Hydes were still able to act in concert. Clarendon and Norreys were of course neighbours of a sort in Oxfordshire (though Cornbury Park and Rycote, their respective seats, were about as distant as two places in that county can be). In the following years they were to act together in the Tory interest in county elections, and in Abingdon too, where Clarendon was high steward and Norreys had a proprietary interest. Norreys never became closely identified

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[1] MS. Eng.lett. d. 40, ff. 132-3: Clarges to Norreys, 16 Aug. 1681.
[2] Ibid., ff. 134-5: Norreys to Clarges, 25 Aug. 1681 (draft).

with the Hydes, however. He was a Tory of an independent temperament whose loyalties gravitated towards the country rather than the court, and who became indeed the first peer to join the armies of William of Orange in 1688. It was Halifax who was primarily interested in him, and Halifax who finally secured his earldom. Though he had promised it in August 1681, over a year passed before Halifax's fortunes in government rose sufficiently for him to demand of the king that his promise be fulfilled. He replaced Norrey's Oxfordshire rival, Anglesey, as Lord Privy Seal at the end of October 1682. A month later he convinced Charles 'with such perswasive motives' of Norrey's suitability, that the king promptly created him earl of Abingdon.[1]

The very keen interest which Halifax took in him in 1681-2, of which his new title was a direct consequence, and the genuine congruity of their political attitudes suggest (together with Halifax's dealings with Reresby) that the 'something of a party' in Halifax's thoughts was one conceived not only for the national

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[1]MS. Eng.lett. d. 40, ff. 150-1: Clarges to Abingdon, 23 Nov. 1682. Danby had in fact asked the king in a letter from the Tower to elevate Norreys to an earldom back in July 1681, a month before Halifax took him over. Danby's request had no effect. The batch of Tory honours conferred at the same time as Abingdon's included Beaufort's, Dartmouth's and Rochester's.

good. He was concerned to assemble in the localities men working for the government who were personally indebted to him for their advancement. At a time when he was trying to secure a firmer foothold in government, it was enormously useful to have 'his' men seen to be doing the king excellent service in the localities. It was during this same period of 1681-2 that Halifax himself was most interested in the government's relations with the boroughs. It is the time when he took an interest in Oxford politics.[1] It was when he was corresponding with Reresby about municipal elections in York. And he was hoping for success in the quo warranto suit against London, so 'that all other corporations would truckle.'[2] It was the time when he directed the Whitehall side of the campaign against Nottingham's charter. In all, it was clear that the security of the government in large measure depended on putting the borough in order; and Halifax seemed determined to play a leading part in that.

The efforts made by other ministers to build up their own local followings cannot be charted as fully as Halifax's. But it is beyond question that such efforts were made. There is ample

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[1] For example, he was consulted about defeating the pretensions of Prince and Kibblewhite to the townclerk's office. Bodl., MS. Top.Oxon. d. 314, f. 41: Jenkins to Norreys, 4 Oct. 1681.

[2] Reresby, Memoirs, p. 285.

evidence to show how different factions among the local Tories were championed by rival ministers in Whitehall. It is, indeed, only on the occasions when this happened that we can clearly see the different elements which made up the local Tory party. Generally the compromise was made so happily between them that the very existence of different factions remains entirely hidden beneath the evidence of their congruent activity.

Some of the most bitter internecine battles fought by the local Tories were in Yorkshire. In that county at every turn in his career during this period, Sir John Reresby was opposed strongly by men who cultivated closer links than he with the duke of York. Reresby's adherents, who, like him, looked to Halifax for sponsorship and preferment, also clashed with men who looked to the Hydes or York. Resentments were caused locally when Laurence Hyde and Halifax sponsored different men to be high sheriff of Yorkshire in September 1681.[1] Reresby's appointment to the govenorship of York in April 1682 was in the face of stiff competition from (among others) the earl of Burlington and Sir Thomas Slingsby.[2] Burlington, lord lieutenant and custos rotulorum

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[1] Halifax's candidate was William Lowther of Swillington. York's and Hyde's candidate was Richard Grahame of Norton Conyers. Grahame was the successful one, but it is not clear whether Halifax deferred or was overruled. Mexborough MS. 18, f. 57: Grahame to Reresby, 12 Sept. 1681; ibid., f. 28: same to same, 7 Nov. 1681.

[2] Reresby, Memoirs, pp. 260-1.

of the West Riding, was one of Reresby's keenest adversaries at this time. The role he played in Yorkshire politics after the dissolution of the Oxford Parliament is an enigmatic one. He was certainly no tool of Tory government, and in April 1681 it was rumoured he was to be relieved of his commissions.[1] He played an indifferent part in organizing Yorkshire addresses (though was less obstructive than the lords Clifford and Fairfax). He soon came to terms with the Tory government, however, and by the end of 1682 was even thought to have been in line for a dukedom if York, then ill, were to die soon.[2] It seems he was his own spokesman at court, and so his competition with Reresby's clan in Yorkshire derived entirely from local circumstances. Though he kept office himself, there is every sign that he was forced to share out places in his care to personal opponents. Reresby, indeed, was a deputy lieutenant of his. John Peables, whom Burlington had previously dismissed from the county commission of the peace, was reinstated in December 1681 entirely as a result of efforts taken on his behalf by Reresby and Halifax.[3] Another of Reresby's men, Thomas Fairfax, tried (unsuccessfully) to have

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[1] Mexborough MS. 18, f. 130: Peables to Reresby, 25 April 1681.
[2] Mexborough MS. 22, f. 23: Cranford to Reresby, 28 Nov. 1682.
[3] Mexborough MS. 1, f. 63: Peables to Reresby, 7 Dec. s.a.;
Mexborough MS. 18, f. 101: same to same, 31 Dec. 1681;
ibid., f. 80: Yarburgh to Reresby, 17 March s.a.

Burlington excluded from the recordership in reconstituted York.[1]

Sir Thomas Slingsby was another of Reresby's sharpest Tory opponents at this time. Like Reresby, a deputy lieutenant of the West Riding, he took an interest in the county's politics and in the city of York's. He carried the Yorkshire address to the king in 1681, and became associated with the Yorkist Tories in opposition to Halifax's men. He competed unsuccessfully with Reresby for the governorship of the castle in April 1682. He was more successful, however, in helping to squeeze Reresby out of Aldborough, being one of the men who supported Sir Roger Strickland there. Strickland was closely indentified with the duke of York's interest. In the 1670s he had begun a successful naval career, but for a few years in the 1680s was without a naval command, and cultivated his interests in England. The duke of York recommended him warmly for office in 1681.[2] Soon afterwards he moved into Thorntonbridge in Yorkshire and at once set about building up a parliamentary interest in nearby Aldborough,

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[1]Mexborough MS. 28, f. 17: Fairfax to Reresby, 11 Nov. 1684.
[2]Hist.MSS.Com., 11th Report Appendix V, Dartmouth MSS. I (1887), p. 66: Duke of York to Legge, 24 Aug. 1681.

successfully ousting Reresby in a matter of weeks, as we have seen. In all probability the favour of the duke of York was at the root of his success and Reresby's demise in the town. When Reresby then turned to building up an interest in York, he was again opposed by Sir Thomas Slingsby and other Yorkist Tories. Slingsby, who as deputy lieutenant had investigated the city records in May 1680 to see how far the Corporation Act had been complied with[1], set up enquiries in 1684 to discover grounds for a quo warranto. According to Reresby, this was done expressly to show that Slingsby's 'diligence for the king's service exceeded mine.'[2] Slingsby's son then prepared to set himself up as a parliamentary candidate for York in direct opposition to Reresby.[3] In the event, young Slingsby did not stand. There were, however, four Tories who competed against each other, and this after Sunderland had given instructions that 'it would doe well if they would come to some agreement amongst themselves who should stand and who desist.'[4] Reresby and Sir Metcalf Robinson topped the poll. Their two opponents, however, deputy lieutenants Toby

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[1]Yorks. Archaeol. Soc. (Leeds), DD 149 (Parrington Deposit of Slingsby Correspondence), ff. 125-6.
[2]Reresby, Memoirs, p. 330.
[3]Mexborough MS. 31, f. 42: Burlington to Reresby, 17 Feb. 1685.
[4]Mexborough MS. 31, f. 43: Bridgemen to Reresby, 17 Feb. 1685.

Jenkins and James Moyser, took offence. At the time, the city of York was about to be reincorporated. The personnel had been chosen in Charles II's time, and the charter was waiting merely to pass the seals. Moyser and Jenkins took the opportunity of stirring 'several gentlemen' to speak to James II against five aldermen who had been particularly active supporters of Reresby and Robinson in the election. As a result these five were scratched out of the new charter and replaced by new men (three of whom were at the time not even freemen).[1] It is not clear exactly who these 'several gentlemen' were who spoke to the king on behalf of Moyser and Jenkins, but this strange sequence of events clearly provides yet another case of a bitter conflict staged between the local followers of Halifax and those of the duke of York in Yorkshire.

In the resolution of such conflicts it would seem that Rochester's men were on the whole more successful than Halifax's. There is certainly no consistent pattern: Reresby might have been squeezed out of Aldborough by the Hyde faction, but he beat them to the governorship of York. There was clearly some attempt at compromise. Offices tenable for a year could be shared out

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[1] York R.O., House Book 38 (1663-88): account of events of 1684-5 concerning surrender and reincorporation, n.d.

equably. Nevertheless, men connected with the Hyde group at court were not often unsuccessful. Halifax's candidate for the high sheriff of Yorkshire was unsuccessful against Laurence Hyde's man in 1681. Halifax also clashed unsuccessfully with Edward Seymour over the choice of sheriff for Wiltshire at about the same time.[1] In Oxford, too, Rochester's men triumphed over Halifax's. It took Norreys over two years to insinuate himself into a commanding position in Oxford city politics. From being the impotent patron of Baker in July 1681, he had steadily beaten the Whigs down by threats, blackmail, seduction and litigation. By the end of 1683 (now as the earl of Abingdon) he had secured a surrender of the charter, and promised the city that it should not lose by it, but have additional privileges in a new charter. It is extremely unlikely that he would have made such a promise without being given leave to do so by a member of the government.[2] Rochester and Leoline Jenkins, however, were already resolved on granting the city no such things, and assured

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[1] Halifax was approached by lord Norreys (through Thomas Clarges) to have one Lewis removed from the shrievalty of Wiltshire, 'but the tyde was to strong... since Mr Seymour was so earnest with the king to have him held.' MS. Eng.lett. d.40, f. 144: Clarges to Norreys, 24 Nov. 1681. Norreys had a seat at West Lavington, Wiltshire.

[2] Cf. Yarmouth's assurance to Norwich in his promise to secure additional privileges for the city in a new charter that 'I doe suppose you will not imagine I thinke my owne talent of wisdom soe strong as to venture upon what I say without some lights from stronger judgements. 'Brit. Mus., Addit.MS. 27,448, f. 70v.

Bishop Fell of the fact before the surrender had been made. Jenkins advised strict secrecy, in case 'the Town should change Resolution and not go on to a Legall surrender.'[1] Abingdon was apparently quite unaware of this, and when in the event no additional grants were allowed, he railed wildly against Fell and the University for bringing it to pass. He claimed he had pawned his honour to the city in giving them assurances of not losing by surrendering, and had been cheated by the University and its friends. Jenkins named Rochester as one of the University's friends. Whether Halifax represented his liege-man Abingdon's case against the University's to the king cannot be ascertained. But it is likely that he did. Certainly Abingdon wrote to Halifax about Oxford about a month before the new charter was passed to prepare him for discussions concerning the city with the king and Guilford at Windsor.[2] But again the interest identified more closely with James and the Hydes was successful.

In Norwich, however, Rochester was thwarted. From May 1681 until September 1682 the earl of Yarmouth resolutely broke down the corporation's resistance to surrendering its charter. It was

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[1]Brit.Mus., Stowe MS. 746 (Daring Correspondence), f. 71: Jenkins (to Fell), 27 Aug. 1683.
[2]Bodl., MS. Eng.misc. c.75, f. 12: Clarges to Abingdon, 5 July 1684.

a difficult process, with the local Tories hardly working together in the matter, and some of them very reluctant to sign away their liberties. Yarmouth charmed them in the end, however. He entertained them individually at Oxnead, gave them assurances and promised them rewards. He assisted in the election of one Stebbings, his son's landlord, to an alderman's place about a month before the surrender was finally made.[1] Stebbings was one of the corporation's most forthright champions of surrender. As the negotiations were drawing to a successful conclusion, however, Yarmouth (who had until then alone directed government policy in the city) learned that Laurence Hyde was showing an interest in the personnel who should be inscribed in the new charter.[2] This was clearly an affront to the way Yarmouth was managing the affair, particularly so as a London mercer, John Craddock, who had helped organize resistance to the surrender in Norwich, was at this time approaching Hyde on the mayor of Norwich's behalf.[3]

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[1] He wrote demurely to his wife on election day, 'itts thought our beeing heere was noe disadvantage to Mr Stebbings.' Addit.MS. 27,448, f. 115.

[2] Yarmouth wrote to Jenkins on 13 Sept. 1682 of purging the corporation. He professed that his own aim in purging was only to put things to the king's advantage, but conceded 'My Lord Hide is a person of that honour that I shall be willing it shall run the best through his lordship and your hands.' Ibid., f. 120. Yarmouth's politeness hardly veils his annoyance at his own interest being invaded in this way.

[3] Ibid., f. 122: Fassett to Hyde, 13 Sept. 1682 (copy).

The mayor, too, had been uncooperative with Yarmouth. Rather than complicate unnecessarily an already delicate situation, Hyde seems to have backed out of Norwich politics at once. Jenkins denied all knowledge of anyone having spoken on Craddock's behalf to the king.[1] After the surrender had been made, Hyde kept out of the process of choosing men for the new charter. Jenkins promised Yarmouth that 'the nameing of these persons will be left wholy by his Majestie to your Lordship.'[2]

Yarmouth met a new difficulty, however, almost as soon as the charter was surrendered. The Tory alliance broke down, and a splinter group defected. This was led by none other than Alderman Stebbings. His faction had two grievances. First, they objected to the proposed appointment of lord Paston, Yarmouth's heir, to the recordership in the new charter. Secondly, they objected to the appointment of corporation men to specific offices in the new charter: they did not mind the crown nominating the members of the corporation, but claimed it as the council's right to elect them individually to office.[3] The basis of both grievances was that the corporation's rights of election were undermined. Yarmouth's informers in Norwich, however, ascribed the defection

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[1] Addit.MS. 27,448, f. 125: Jenkins to Yarmouth, 16 Sept. 1682.
[2] Ibid., ff. 141-2.
[3] Ibid., ff. 177, 187.

to the fact that Stebbings and his company were not to be rewarded with office in the new charter as they had hoped.[1] Matters were made worse by Yarmouth's death in March 1683, when Paston inherited his father's cause without his authority. The quarrel became bitter and public, the second earl even going to the length of instituting scandalum magnatum proceedings against Stebbings. The alderman, however, appealed to the cabinet and secured a favourable hearing there. It is not clear who particularly supported Stebbings in Whitehall. Lord Keeper Guilford certainly did, as well as certain other unnamed ministers.[2] As a result, Jenkins asked Yarmouth to drop the litigation, which he did. Perhaps impressed by this act of generosity, Stebbings returned wholeheartedly to the Paston fold, zealously supporting the earl's plans in the reconstituted council in March 1684, earning for himself in the process the severe censure of his erstwhile allies.[3]

In Coventry, also, municipal government was disturbed by the political differences of factions confirmed there by the new charter. This was largely because a previously Whig element there was maintained after reincorporation. Sunderland was acting lord lieutenant of Warwickshire, during the minority of the young earl of Northampton.[4]

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[1] Addit.MS. 27,448, f. 197.
[2] Ibid., f. 277.
[3] Ibid., f. 287.
[4] George Compton, the fourth earl of Northampton, was only seventeen at the time of his father's death in December 1681.

Sunderland, however, took only a formal interest in the Warwickshire corporations. Lord Brooke, a deputy, seems to have taken over most of the practical duties of lord lieutenant, and was certainly the most active nobleman to take an interest in the politics of the boroughs of the county. It was Brooke who managed the surrenders and reincorporations of Coventry and Warwick, merely keeping Sunderland informed of his progress there. Brooke's remodelling, however, did not satisfy Coventry's more ardent Tories. He deliberately had some men confirmed whom he would personally rather have seen purged, because he judged that great changes might alienate many moderates.[1] Sunderland supported him in this. But Tories who wanted to see Northampton's interest have more effect in the city were bitterly opposed to Brooke's management, and complained to Whitehall. The chief of these was Sir Robert Townshend, who had been much alarmed by Monmouth's tumultuous reception in Coventry in 1682. Eventually Sunderland had to appease the more extreme Tory interest by having a number of corporators expelled.[2]

In conclusion, a summary of Bristol politics in the early 1680s will show again how the issue of charter surrender could break up the local Tory coalition and how carefully Whitehall then had to

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[1] Brit.Mus., Addit.MS. 41,803, f. 53: Brooke (to Sunderland) 31 Dec. 1683.
[2] P.R.O., S.P. 44/56, p. 111: Sunderland to the mayor of Coventry, 10 June 1684.

build up relations with the corporation in order to settle disputes and secure the king's interest. Again, to some extent the in-fighting among Bristol's Tories was exacerbated by ministerial rivalry in London. At the beginning of 1681 three broad factions in city politics are clearly discernible.[1] There were the Whigs, already half-beaten, led by the aldermen Old Sir John Knight and Sir Robert Cann, and the recorder, Sir Robert Atkyns.[2] These were opposed by the caucus of moderate Anglican Tories, led by Sir Richard Hart, Thomas Earle and Capt. Thomas Eston. Hart and Earle displaced Knight and Atkyns in the parliamentary elections of February 1681. Hart, Earle and Eston were successive mayors of Bristol from the end of 1680 to 1683, the last two largely through the efforts of the Bishop and Beaufort and by means of government instructions relayed by Jenkins.[3] The third element was that commanded by the opportunist Tory Young Sir John Knight. Apparently befriended by Bristol's nonconformists in the 1660s, he was as mayor in 1670

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[1] The post-Restorarion history of Bristol politics is confused by the existence of two unrelated Sir John Knights, who led opposing factions. They were distinguished at the time by the epithets 'Old' (or 'alderman') for the Whig, and 'Young' (or 'sheriff') for the Tory, which I shall also adopt.

[2] Knight and Cann represented Bristol in the parliament of 1679-80. Cann was expelled from the House of Commons and replaced by Atkyns. No Bristol M.P. voted in the Exclusion Bill division, but Shaftesbury counted them among his 'worthy men'.

[3] Cal.S.P.Dom. 1680-1, pp. 451-2, 455; Cal.S.P.Dom. 1682, pp. 337, 373, 392.

summoned to the Privy Council to give an account of himself, where he convinced the board of his loyalty and was acquitted.[1] He later became the nonconformists' most ardent prosecutor in the city when he decided to further his career by becoming serviceable to the government. His patron was the duke of Beaufort. Hart's moderates and Young Knight's opportunists combined to defeat the Whigs in the parliamentary election of 1681 and subsequent mayoral and shrieval elections. They also petitioned the crown to remove Atkyns from the recordership and unanimously elected a replacement, Sir John Churchill (attorney to the duke of York).[2]

The more moderate Tories, however, were deeply suspicious of Young Knight's ambition. He was accused of trampling on loyal citizens in the bid to acquire office for himself and his young friends.[3] He was involved in a furore which turned Bristol's Tories against each other. This was caused by the appointment of Richard Thompson to the deanery. An ally of Young Knight's and a fellow

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[1]The Dictionary of National Biography descries in this episode the brief effulgence in city politics of a third John Knight, who has no other history. It was presumably part of Young Knight's opportunism to have championed the Quakers in the 1660s and persecuted them in the 1680s. Similarly, Old Knight's Anglicanism had seen the Quakers as enemies in the 1660s when as mayor he had persecuted them, and allies in the 1680s when he saw Roman Catholicism as the enemy.

[2]Cal.S.P.Dom. 1682, p. 520; Bristol R.O., Common Council Proceedings (1670-87), f. 171.

[3]Cal.S.P.Dom. 1683-4, pp. 248-9.

protégé of Beaufort, Thompson had been a personal critic of the Bishop, and so his appointment (which was presumably the result of Beaufort's patronage) created a local storm by dividing the Anglicans in the city and the chapter among themselves. Bishop Gulston was enormously offended. He was convinced that the advances of Knight and his 'darling' and 'creature' Thompson would 'certainly distaste too many truly loyall men' in Bristol, and 'continue a Flame in that Church, and a Division in that Place.'[1] The greatest damage which Knight did to the Tory alliances in city politics, however, was his engineering the quo warranto. He suggested the grounds which would warrant a writ, and canvassed for Tory votes in the council beforehand, gauging that they would be enough to secure a surrender once the writ was served.[2] The opposition which he had already earned from the moderates by attacking the mayor, Earle, for not prosecuting the city dissenters vigorously enough and reporting him to the cabinet for it, now became implacable. Convinced that surrendering the charter was a ploy invented by Knight to further his own ambitions in the city, the Tory moderates revolted, voted

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[1] Bodl., MS. Tanner 129, f. 78: Gulston to Sancroft, 12 Feb. 1683; ibid., f. 129: same to same, 18 Feb. 1683.
[2] Cal.S.P.Dom. 1682, pp. 239-40; Cal.S.P.Dom. Jan.-June 1683, pp. 95-6.

against the surrender, and carried it.[1] Furthermore, they later persuaded the council to make an appearance against the writ.[2] The ringleaders of this defection were Hart and Earle, the very pillars of the Tory interest in Bristol whose elections to the mayor's place Whitehall had earlier so strenuously canvassed.[3] The impasse at Bristol was finally resolved by the enormous pains Whitehall then took to point out that loyal men had nothing to fear by surrendering. A special instrument of surrender was drawn up which referred only to the governing part of the charter and left all property intact. The corporation was also informed that if they did not surrender, the quo warranto suit would be prosecuted ruthlessly against them, from which there would be no escape. The governing part of the charter was then surrendered.[4] Young Sir John Knight was never accepted by the moderate Tories, however. He was reappointed in the new charter, but within a few months was dismissed by the crown in council.[5] He had always followed government instructions diligently, and indeed been Whitehall's principal agent in the city. At the time of his dismissal Beaufort confirmed that the king was

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[1] Common Council Proceedings (1670-87), f. 174.
[2] Ibid., f. 175.
[3] Cal.S.P.Dom. Jan.-June 1683, pp. 150-1.
[4] Common Council Proceedings (1670-87), f. 188.
[5] Ibid., f. 208. He himself petitioned the king asking to be relieved of his duties in Bristol, but this sounds like a typical Whitehall ploy of removing men by persuading them to ask to be removed themselves. (Recorder Atkyns had similarly resigned 'voluntarily'.) Bodl., MS. Eng. letters c. 53, f. 158.

'extreemly well satisfied with him.'[1] He was removed, however, presumably because the solid block of Tory moderates could not work with him. His presence was an irritant to ordered government in the city. And he was no longer needed. His older namesake had died the previous year; Atkyns was safely removed; and the corporation had been reconstituted to give the Tories a secure majority.

Bristol's experience shows how mutually suspicious the different elements which made up the Tory alliance in the localities could be, and how fragile that alliance was when the crucial issue of attempting a surrender was introduced. The alliance could collapse and its different interests re-form against each other, impeding government policy in the process. The impasse at Bristol at times threw Whitehall and its agents into despair, some of them hardly daring to make a further move for fear of making matters worse. And although eventually Whitehall put on a united front to deal with the city, there had been occasions before Knight's dismissal when the government was not in fact united in its dealings with Bristol. It has been pointed out that Richard Thompson was appointed to the deanery of Bristol as a tool of the duke of Beaufort, and so was an exception to the ecclesiastical appointments made in

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[1]Common Council Proceedings (1670-87), f. 208.

these years, which were generally of men linked with Sancroft and the Hydes.[1] It was an unpopular appointment with the Bishop, who subsequently turned against Thompson's chief ally in the corporation, Young Sir John Knight. It is therefore likely that Knight's dismissal was partly a result of pressures from the Hydes or Sancroft, to whom the Bishop complained very bitterly about Knight throughout 1683. Friction between the Hydes and Beaufort over the choice of personnel to fill local offices is not inconceivable, and it was over this very issue that rivalry in Whitehall had such embarrassing results, locally.

The acrimonious hostility generated by these clashes wherever they occurred, humiliated all concerned and seriously reduced the effectiveness of Tories in government at a local level. Whitehall was fully aware of this, and generally tried to resolve the discords as quickly as possible, at the same time ensuring that government policy was not obstructed. It was probably for this reason that the interest which predominated in such resolutions was generally that which enjoyed the closest contact with the court. Even so there was some room for compromise, and personal animosities in Whitehall were not allowed to disrupt local politics too much. Hyde quickly stepped

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[1] R. Beddard, 'The Commission for Ecclesiastical Promotions; an instrument of Tory reaction, 1681-84', Hist.Jour. 10 (1967), pp. 20, 34.

down over Norwich in deference to the Pastons, who in turn waived the threatened prosecution of Stebbings. Beaufort jettisoned Knight in Bristol when he disrupted the political life of the city too much. Anthony Ettrick, commissioner for the visitation of Poole, complained to Sancroft of being blocked by a man employing the patronage of Radnor.[1] He was thenceforth hindered no more. The king's ministers did in fact show a remarkable capacity for compromise, when the government's policies were threatened by local contentions. Conflicts were discussed in cabinet or committee and resolved there (bearing the likely local effects in mind), and instructions sent accordingly into the localities. Jealousies could persist locally, but once the government had made its decision there was little more the local protagonists could do, but resign themselves to the solution made for them. The set-backs caused by the Tory disunity in the localities and reflected in Whitehall which have been discussed in this chapter were certainly embarrassing and damaging for the government. There are frequent references to the disunity of the Tories being harmful to the king's service, and lord lieutenants were often aware that their first task was to cement differences

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[1]MS. Tanner 129, f. 122: Ettrick (to Sancroft), n.d.

between the 'loyal'.[1] As a result they were not allowed to last long.

Furthermore, the circumstances of these cases were not typical. The infighting seems to have been fiercest in Yorkshire, where no clear lead in preferment could be given by the lord lieutenants, none of whom was a leading light of reaction. The sharing out of places which had to be done as a result prompted the bitterest scrambles for office in the country. The corporations which elsewhere suffered may be regarded as special cases, too. Bristol and Norwich, two of the most ancient, populous and prestigious cities in the kingdom, were certainly exceptional. Sentiments of sturdy municipal independence flourished particularly vigorously there. These two cities, furthermore, were involved in the early stages of the borough policy when the corporations generally were most suspicious of the government's invasion of their liberties, and uncertain as to which liberties were threatened. Coventry's history, too, was untypical. The city's relations through Brooke with Sunderland meant that men of a less rabidly Tory complexion than elsewhere were continued in government. And Abingdon's clash with Rochester in Oxford originated entirely in the peculiar

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[1] For example, Yarmouth said so to the mayor of Norwich. Addit.MS. 27,448, f. 61: 20 May 1682.

circumstances of the already frayed relations existing between the city and university. There was confusion, then, in local politics which splits in Whitehall intensified or complicated further. But the obstructions which resulted were temporary, and with give and take were generally happily resolved. In most corporations the Tory compromise was less vulnerable than in the places discussed here. The Tories knew that they could not afford to fight among themselves. Neither could the government generally afford to choose between them, because there were often not enough of them to make that choice possible. Whitehall and local Tories had to make use of such friends as they had, and such differences as there were between them were suppressed in the shared determination to exclude the common enemy from office. We may now turn to see how generally effective the Tory compromise was.

II. Local Tory initiatives.

The government's borough policy was Whitehall's response to local pressures for reform. From the government's viewpoint, it was designed to secure the local judicial administration systematically in the king's interest. To that end the crown gained sweeping rights of veto over corporation personnel in more than one hundred new

charters issued between 1682 and 1685. Although this represented an unprecedented invasion of local liberties by central government, it should not be supposed that the policy was arbitrarily imposed on an unwilling nation. The campaign would have been unworkable in any case without a large measure of co-operation from the boroughs themselves. The fact is that the boroughs, or a faction within them, pleaded for invasion. The policy itself was an attempt at the national level to organize local attempts at self-regulation in a way which satisfied the government. While intended to have good effects nationally, the policy was imposed locally to fulfil local needs. Whitehall was careful to harness local energies, and act as partisan arbitrator in local political conflicts. As in the flood of loyal addresses, so in local Tory pressure for government help in displacing local Whigs, the king saw 'a torrent not to be resisted & therefore goes along with it.'[1] In large measure this accounts for the policy's success.

There were a number of boroughs where Whitehall initially gained a foothold in corporation politics when a Tory who had been either ejected or excluded from office appealed to the government to help reinstate him. The confrontation which resulted between

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[1]Bodl., MS. Carte 130, f. 21: Jenkins to Worcester, 30 April 1681 (copy).

Whig-dominated council and Whitehall frequently represented the prelude to charter surrender and reincorporation, a process in which the original offended Tory could act as a Whitehall agent and be proportionately rewarded in the new constitution. These conflicts inside the corporations, while they might in part have derived from personality clashes, originated almost entirely in political issues. A Tory was excluded primarily because he was a Tory, and he sought government help accordingly. There were inevitably imbroglios of a more personal nature in most corporation, but Whitehall was very reluctant to become involved in these. Outside political questions, the corporations were very much left to regulate themselves. There were exceptions to this tendency. Men could assume political postures in order to help resolve personal animosities, and in this way Whitehall was drawn into personal squabbling. Young Sir John Knight in Bristol, for example, seems to have adopted Tory precepts in order to further his personal ambitions. Whitehall supported him, but when it became clear that for personal reasons he was upsetting the bulk of Tory moderates on whom the government of the city depended, support was withdrawn and he retired from corporation politics. Similarly in Dover in 1680 the conflict between Whitehall and the corporation was intensified by the role of Warham Jennet, who was the government's

principal agent in the town. Many moderate men seem to have been alienated by Jennet's ambition. He was accused of fomenting disorder in local politics for personal ends, and then 'by fishing in thees troubled waters', it was asserted, he 'hopes to make himself a Juratte.'[1] The government normally avoided conflicts of a more personal nature, however, because the antagonisms aroused by them were not easily settled. Generally, local conflicts in which the government interfered were fought on straight political lines.

It was for their Tory policies that Tories were excluded from Whig-dominated councils and to further such policies that excluded Tories appealed to Whitehall. When, for example, George Winchurst lost the mayor's election in Abingdon in 1683, he claimed in a letter to Leoline Jenkins that it was because Hawkins, the successful candidate, had a great block of dissenters' votes procured on his behalf.[2] Abingdon was the centre of non-conformist worship in north Berkshire. There were several conventicles in the town, which were attended by inhabitants of villages from far around as well as by townsmen. Winchurst had been mayor in 1682 and had tried in his year of office to suppress these. Except for

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[1]Kent R.O., Papillon MS. U 1015 025, f. 41: Mayor of Dover to Thomas Papillon, 14 June 1680.
[2]Cal.S.P.Dom. July-Sept. 1683, p. 354.

a few scattered cases after the Rye House Plot, the only attempts made in Abingdon to prosecute nonconformity in the borough courts in these years were made during Winchurst's mayoralty. He conducted a determined campaign during April, May and June 1682, when Quaker and Baptist meetings were regularly presented every fortnight and the offenders fined, until at the end of June there was a riot in which the town constables were assaulted in the execution of their duty. This seems to have arrested Winchurst's crusading zeal: no more cases of suppressing conventicles are recorded until after the Rye House Plot.[1] The opposition he had earned from the nonconformists, who held the electoral balance in the unreformed corporation constitution, hindered his role in corporation politics until the new charter came in 1686, when he was confirmed as alderman. It is not clear who acted on the government's behalf in Abingdon in procuring the surrender of the old charter, but Winchurst would almost certainly have been chief among them.[2] After losing the mayoral election in 1683, when he appealed to Jenkins, he saw that it would be impossible to undermine the nonconformists' ascendancy in the borough without government assistance.

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[1] Berks.R.O., A/JQz 11, ff. 76-91.

[2] He was one of the four council men who waited on Clarendon, high steward of the borough, immediately after the charter had been surrendered in November 1685. B. Challenor, ed., Selections from the Municipal Chronicles of the Borough of Abingdon 1555-1897 (Abingdon, 1898), p. 174.

In Canterbury, Thomas Enfield and others sought government help in being reinstated to the burmote. Enfield had previously been sheriff and alderman, and was mayor for 1674, but in 1676 was removed with the others by the burmote at the direction of the recorder and the mayor, for straightforward political motives. It was claimed he was too loyal to the king and obedient to the church for the mayor's liking. Having subsequently failed in his own attempts to get himself reinstated, he appealed in 1682 to the cabinet through the encouragement of William Rooke.[1] Colonel Rooke constantly harried Whig Canterbury during these years on the government's behalf. His championing of Enfield was part of his own incessant campaign to invade and dominate council proceedings in the Tory cause, which was finally achieved in the new charter by which he was nominated mayor. Similarly in Faversham, Robert Hambleton, elected jurat in 1681, was barred from taking that office by the mayor, Francis Waterman, who refused to swear him in. Waterman twice committed Hambleton to prison for offering to attend meetings of the mayor and jurats.[2] Hambleton and three or four other Tory jurats on his behalf sought the help of Colonel John Strode,

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[1] Cal.S.P.Dom.1682, pp. 337-8.
[2] Kent R.O., Fa/AC 4 (Faversham Wardmote Book 1633-1740), articles against Francis Waterman, 12 Dec. 1684.

lieutenant governor of Dover Castle, in acquiring Whitehall's support.[1] Waterman's persistent refusal to follow cabinet instructions to have Hambleton properly admitted as a jurat resulted in a quo warranto writ being drawn up. The caucus of Tory jurats persuaded the cabinet to delay issuing the writ, and so as champions of municipal rights won the balance of the corporation to their cause. The council then agreed to disfranchise and eject Waterman in December 1684, and a few months later, on Strode's advice, unanimously decided to surrender the charter.[2]

This became a familiar theme, with local variations, of the Tory reaction in the boroughs. Excluded or ejected local Tories, unable to restore themselves to local office, sought government assistance. Reincorporation established them in office, or confirmed their supremacy in council proceedings which the politics of surrender had already achieved. An even more widespread focus for co-operation between Whitehall and local Tories than the reinstatement of excluded Tory officers, however, was an already established Tory faction on the council seeking greater control of corporation politics by displacing Whig leaders. Tory enclaves

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[1] Cal.S.P.Dom. 1682, p. 108.
[2] Wardmote Book (1633-1740), entry for 11 Aug. 1685.

were everywhere unable to dominate municipal affairs - particularly the administration of justice in the borough courts - if individual Whig members of the council either held key offices (notably the mayor's or recorder's places) or had great influence in municipal elections. In these boroughs the Tories were unable to make their voices heard until the Whigs were excluded. Unable to eject the Whigs by themselves, they sought government help and reincorporation with its attendant purging effect. Whitehall was petitioned from Tory groups in boroughs all over the country for support in ridding them of Whig leaders.

Before government help was sought, the grand jury at the Chester quarter sessions was used ineffectually from time to time as a Tory instrument to bludgeon the city's leading Whigs. The entire city council was presented by the grand jury at the end of 1680 for admitting as freemen the men who became the ringleaders of the city's Whig faction 'to the great greevance of the Cittisens.' At the same time the mayor and four aldermen were also presented for soliciting for votes for George Mainwaring, doyen of Chester's Whigs, to be mayor.[1] During the subsequent

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[1] Chester R.O., QSF/82 (Quarter Sessions Files 1674-82), jury presentment, 7 Oct. 1680.

mayoralty of Mainwaring, a grand jury presented three nonconformist ministers and one school teacher living and practising illegally within the city.[1] Mainwaring, however, refused to act. A Tory alderman informed Whitehall.[2] The king sent an order to Mainwaring to put the Five Mile Act into execution forthwith. Still the mayor delayed. The severe dislocation in the administration of justice which the confrontation between the Whig leaders (particularly the recorder, William Williams) who dominated the city court and the small group of Tory aldermen and others of the council resulted in more strenuous Tory appeals to Whitehall. Particularly after the Chester riots on the occasion of Monmouth's visit in September 1682, local Tories despaired of having justice done until Mainwaring, Williams and others were removed. The new charter was procured under the supervision of Sir Thomas Grosvenor, a gentleman alderman, who until now had played no part in city politics. He seems to have organized a small group of three or four Tory aldermen on the council to work to that end.[3] Mainwaring, Williams and their associates were removed in the new constitution, and Grosvenor

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[1] Chester R.O., QSF/82 (Quarter Sessions Files 1674-82), jury presentment, 27 Jan. 1682.

[2] Cal.S.P.Dom. 1682, p. 67.

[3] Certainly four city aldermen signed the Abhorrence presented at the city sessions in April 1682, which Grosvenor probably had a hand in organizing. His signature heads the list. One of the city aldermen who signed had been presented in 1680 for canvassing for Mainwaring. Chester R.O., QSF/82, text of Abhorrence, 10 April 1682.

was nominated mayor.

In the same way, small groups of Tories in corporations throughout the country appealed to Whitehall to help them expel Whig leaders from the council who were blocking Tory policies. In Great Yarmouth, for example, the Tory bailiff Sir Thomas Meadowes was thwarted by Whigs who enjoyed the leadership of other bailiff.[1] The Tories complained, 'Sir Thomas & All honest Men had As good bee in Algeere As bee heere.'[2] But they had an obvious expedient: 'if then wee cannot persuade them to a better order, soe that the buisnesse of the Corporacion may be performed, wee must bee forced (Although very Loath) to pray the hearing and determining of our defference may be by the King & Councell.'[3] The earl of Yarmouth relayed the Tory complaints in the borough to Leoline Jenkins, and himself spoke of the 'company of undutyfull personns that must bee remooved.'[4] A quo warranto was prepared, to be sent down when the earl desired.[5] The Tory mayor of Stafford attempted, unsuccessfully, to procure a charter surrender in 1682, informing Jenkins that the majority of the common council 'stinke for want of Amputacion'.[6] In Hadleigh,

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[1] Cal.S.P.Dom. Jan.-June 1683, pp. 69-70, 77-8.
[2] Addit.MS. 27,448, f. 175.
[3] Ibid., f. 22.
[4] Ibid., f. 139v.
[5] Cal.S.P.Dom. 1683-4, p. 325.
[6] S.P.29/420, f. 305: Brych to Jenkins, 7 Oct. 1682.

Malmesbury and Hereford the Tory inhabitants investigated the grounds for quo warranto writs and petitioned the king to send them down.[1] Tory officers of Deal, a member of Sandwich corporation, opposed by the Whig mayor of Sandwich, Bartholomew Coombs, who refused to swear them in, drew up ten articles of misdemeanour against him and sent them to the king in council. He was accused of protecting nonconformists and suppressing informations lodged against conventicles in the town, of keeping himself in the mayoralty for successive years through electoral irregularities, of being an unabsolved excommunicant, of aiding the escape of a nonconformist preacher from the town gaol, and of indemnifying himself out of the town chest against suits of misgovernment. They concluded that 'Justice cannot be expected, nor the Lawes duely prosecuted & observed soe long as the said Coombs can be thus Justified, protected & indempnified in all his Arbitrary, Illegal & uniust proceedings.'[2] In short, Sandwich Tories were powerless until Coombs was removed, and were unable to remove him without appealing to the king. He was removed in the new charter.

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[1] Cal.S.P.Dom. 1684-5, pp. 281, 151-2. Addit.MS. 28,875, f. 202.
[2] Kent R.O., Sa/ZB 3/38, articles of high misdemeanour against Bartholomew Coombs, 31 Jan. 1683.

In Bath, too, the Tory aldermen were over-awed by the presbyterian councillor, John Sherstowe, and were powerless to expel him, though he was presented by the grand jury, without the king's help.[1] Leominster's Tories sought a quo warranto and charter surrender to rid the council of the dominant Whig, Colte.[2] Newcastle's Tory leader, Henry Brabant, wanted a new charter so that 'dictator' alderman Timothy Davison, whom he accused of packing juries against the king's interest, could be overcome.[3] Davison received a black mark in the list of aldermen to be amended in the new charter, with the note appended 'has Great Interest but Imploys it the wrong way and was a great Opposer of surrendring the Charter.'[4] And elsewhere, local Tories unable to regulate the membership of the council to their liking unaided, sent informations to Whitehall against Whigs in power to have them removed. They need not originally have countenanced the expedient of reincorporation. Sir Richard Hart in Bristol, for example, gave an early report against Old Sir John Knight, but opposed the first attempts to surrender the charter. Even where they had not been sought, however, surrender

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[1] Cal.S.P.Dom., Jan-June 1683, pp. 59-61, 191, 235.
[2] Cal.S.P.Dom., July-Sept. 1683, pp. 179-80.
[3] Cal.S.P.Dom., 1683-4, pp. 314-5.
[4] Bodl., MS. Rawlinson d. 849, f. 42v.

and reincorporation became recognized by local Tories as the surest way of setting the government of their boroughs on a desired footing. Generally, they petitioned for it earnestly.

III. Moderation in purges.

The double purpose of reincorporation was to purge the borough councils of disaffected men and establish for the crown a comprehensive right of veto over subsequently elected councillors which would make the drastic (and expensive) measure of further reincorporation unnecessary. The selection of reliable personnel to be nominated in the new charters was, then, a crucial process of Tory reaction. It was, however, usually a straightforward one. Reliable men tended to present themselves as such, just as the Whigs tended to present themselves as being ripe for removal. Reincorporation set the seal on the displacement of one faction by the other, which had generally already been achieved by the politics of surrender. The purges were obviously tailored to fit local circumstances, and so the numbers of men expelled in the new charters varied considerably from place to place, but behind this variety a consistent pattern emerges.

A few corporations were restored almost entirely intact; a few were reconstituted as substantially different bodies. Coventry,

for example, seems at first to have been purged not at all.[1] Whitehall soon regarded this as a mistake, however, and ordered the expulsion of a number of corporation members.[2] Even so, the number is not likely to have been large, there having been Tory complaints against only three aldermen and two common council men.[3] In the cases of Faversham, Sandwich, Bristol, Exeter, Liverpool and Newcastle-under-Lyme, however, substantially new bodies of men were returned in the new charters. Only five of Faversham's twelve jurats were retained, and four of the seven new jurats had not previously appeared in the records as common council men.[4] Six of Sandwich's twelve jurats were retained, but they constituted a minority in the new government as the charter increased the number of jurats to thirteen. Furthermore, only four of the twenty four original common councillors of 1683 were retained in the charter of 1684.[5] Of Bristol's unreformed supernumerary council of forty eight, only twenty three members

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[1] Brooke's advice'to make as little alterations as might bee' seems not to have included any expulsions. He affirmed 'though I wish some men out, yet I thinke under the checke they now stand by the New Charter they can doe lesse hurt by being continued upon their good behaviour than to bee put out.' Addit.MS. 41,803, f. 53: Brooke to Sunderland, 31 Dec. 1683.

[2] Cal.S.P.Dom., 1684-5, p. 48.

[3] Addit.MS. 41,803, ff. 50-2: Townshend to Sunderland. Townshend complained of a further three aldermen, but admitted they were 'not so much to be blamed, being more harmeless...old and heedless, fittest to stand to stopp Gapps, here being so small choice.'

[4] Faversham Wardmote Book (1633-1740), list of new charter personnel, n.d.

[5] Kent R.O., Sa/AC8 (Sandwich Year Book 1642-1730), ff. 230, 240.

were restored to the new reduced council of forty three.[1] Twelve of Exeter's former council of twenty one were retained, but twelve new men were introduced in the new council of twenty four.[2] In Liverpool seven of the ten aldermen, and twenty seven of the fifty common councillors, were expelled.[3] The most extreme purges were made in Newcastle-under-Lyme. Only six or seven of the old council were confirmed as corporators by the charter of March 1685. The next month four of these were expelled. Another burgess who had been confirmed had meanwhile died. Within a month of reincorporation, therefore, only one or two of the former council were to be found in the corporation.[4]

There was some local variety, then, in the extent to which men were purged in the new charters. Some pattern in the expulsions does emerge, however. Wholesale purges were certainly extremely rare. The examples of Faversham, Sandwich, Bristol, Exeter, Liverpool and Newcastle-under-Lyme, where a substantially new body was nominated in the new charter, were exceptional. Furthermore,

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[1] Bristol Common Council Proceedings (1670-87), ff. 140, 149, 199.
[2] Exeter R.O., City Act Book no.12 1683-4, frontis., f. 3; City Act Book no.13 (1684-1726), frontis.
[3] J.A. Picton, 'Notes on the Charters of the Borough of Liverpool' Trans.Hist.Soc.Lancs.&Ches. 36 (1884), pp. 65-9, 71n.
[4] T. Pape, The Restoration Government and the Corporation of Newcastle-under-Lyme (Manchester, 1940), p. 39.

the expulsion of twenty of Sandwich's twenty four common council men may be misleadingly dramatic: even before reincorporation there already seems to have been some tradition of inconsistency in the membership of the common council from year to year. In Faversham, too, the severity of the purge of jurats was tempered by the restoration of the expelled member Francis Waterman, the mayor of 1681 whose obstructing Hambleton's admission to the bench had precipitated the campaign against the charter in the first place. Generally, a minimum number of men were removed and replaced to guarantee a Tory balance on the council. This pattern repeats itself to a degree which suggests a policy decision behind it. It may well have been that in most places the expulsion of all unsympathetic men would have reduced the council to an inquorate rump, but it does seem that Whitehall did not want to undertake purges of the most sweeping kind in any case. The government seems to have been anxious to antagonize the boroughs as little as possible. Radical purges might have awakened sentiments of municipal independence and truculence at a time when, after all, the government sought the co-operation of the boroughs in setting the forces of reaction against the Whigs. Radical purges, also, might have necessitated introducing new men into municipal government as entirely political appointments, men who had previously played no part in the regulation

of the borough community. Instead, the government effected a minimum of political re-alignment within an already established social élite.

An investigation of the changes made in the personnel of Oxford city council at this time shows how a defiantly Whig body could be rendered dutifully Tory with very little displacement in its membership. Norreys claimed a majority of the unreformed common council were sympathetic to his and the king's interest, but this was of little consequence since the municipal franchise was vested in about a thousand freemen, amongst whom the alderman William Wright enjoyed an unassailable influence. In the last three parliamentary elections, Wright had comfortably topped each poll. He won 937 votes in February 1679, 770 in the following August and 854 in February 1681, in contests when six, eight and nine candidates respectively stood.[1] It was this great block of votes which daunted Norreys when he tried to get Thomas Baker elected townclerk in the summer of 1681. Baker had been active in promoting an address of thanks to the king for holding the recent parliament in Oxford, which the Whigs initially wanted no part in. Edward Prince, who had recently canvassed for William Wright and his partner in parliament Brome Whorwood, had publicly

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[1] M.C. Hobson, ed., 'Oxford Council Acts 1666-1701', Oxford Hist.Soc. N.S.2 (1939), pp. 116, 119, 135.

opposed signing the address. He was put forward by Wright and Whorwood as candidate for the townclerk's place in opposition to Baker. Norreys knew how imperative it was to get a Tory into the office, since the townclerk 'influences all proceedings in the City & particularly at the sessions where... hee (as I am inform'd) returns Jurys & influences all proceedings.'[1] He despaired of defeating Wright, however, who on election day brought in lord Lovelace and others, 'and all that Clan have stickl'd with all violence for Prince.' And indeed Baker 'lost it amongst the populace, tho hee carry'd it in the Councell Chamber.'[2] The crown refused to approve Prince's election, but the city, instead of proceeding to another election as ordered, merely appointed Kibblewhite as acting townclerk.

Norreys may therefore have enjoyed a majority in the common council, but the Whigs dominated the mayor's council (and so the administration of justice in the city), especially after Kibblewhite and Prince between them took on the duties of townclerk. Their authority, however, had little to do with their numerical strength. Of the twelve aldermen, only William Wright and Robert Pawlin were

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[1] Bodl., MS. Clarendon 155, f. 35: Norreys to Jenkins, 30 July 1681 (draft).

[2] Bodl., MS. Top.Oxon. c. 325, f. 7: Norreys to Jenkins, 1 Aug. 1681 (draft). The votes cast were 645 for Prince, 326 for Baker.

dedicated enemies to Norreys. Pawlin, a Whig mercer, was at that time suffering from the university's having withdrawn its trade from him.[1] The recorder, Richard Crooke, was a Tory, and had been knighted to gratify Norreys when the king came to Oxford for the parliament.[2] Wright and Pawlin, however, were able to dominate the council completely. Wright's popular backing (and the entertainments he gave the council from time to time) and his being able to champion the cause of municipal independence against the university and the crown made him indominable in city politics. Norreys was unable to overcome his implacable opposition to surrendering the charter: under Wright's supervision, Oxford city was one of the most intransigent corporations in the kingdom in this period.

The new corporation of 1684, however, was hardly changed. Wright was gone, but he had been removed before reincorporation. After the Rye House Plot, searches made in Wright's house had produced incriminating papers. Abingdon threatened to prosecute Wright for these, unless he resigned as alderman. Broken by the threat of a trial, Wright complied, 'for', he confessed, 'I and

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[1] E.M. Thompson, ed., 'Letters of Humphrey Prideaux to John Ellis 1674-1722', Camden Soc. 2nd ser. 15 (1875), pp. 83-4.
[2] Ormonde MSS. VI, p. 10.

mine have smarted for it already. I have been forced to do that for my sones match which I should not have done if this trouble had not fell out.'[1] Pawlin was removed: he was soon to be convicted of writing treasonable papers also found in Wright's possession. One alderman had died, but the remaining nine were restored. Prince and Kibblewhite were removed, and Thomas Baker was nominated townclerk in their place. There was a new recorder, too, Sir George Pudsey, another of Abingdon's protégés (knighted on the same occasion as Richard Crooke), but this because Crooke had died. Otherwise the mayor's council was unaltered. Townsend, the mayor of 1683, Wright's candidate in whose election Anglesey had been active, had repeatedly blocked successive attempts at surrender until Wright had been humbled by Abingdon's blackmail. Yet Townsend was restored as an alderman in the new charter. Only four political changes had been made in the mayor's council, and only four of the thirty four bailiffs were removed.[2] Yet this minimal adjustment transformed the political complexion of the city entirely. This was furthermore in a city where the crown might have sought the strongest measures of revenge: perhaps only London had resisted royal wishes more vigorously

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[1] MS.Top.Oxon. c. 325, f. 24: Wright to Hawkins, 18 Aug. 1683.
[2] 'Oxford Council Acts 1666-1701', p. 165.

than Oxford. Yet only the most influential of Whig leaders and implacable of Abingdon's opponents were expelled. A politic sense of restraint seems to have determined the extent to which Oxford city was purged. This prudence is in evidence elsewhere, too.

In Chester, where Tory justice had been so thoroughly thwarted in 1682, only eight out of a council of sixty four were expelled.[1] These were the Whig leaders, the Mainwarings, the Whitleys, recorder Williams, William Streete (the obstructionist mayor of 1683-4) and others, who had both obstructed the course of law in the city court and exhibited themselves as the most flagrant of Monmouth's adherents in September 1682. The aldermen J.P.s who replaced them included Peter Shakerley (the son of the governor of Chester castle), who had pursued Monmouth round Cheshire and reported his activities to the cabinet and thus precipitated his arrest. Shakerley was joined on the bench by Hugh Grosvenor, uncle of Sir Thomas Grosvenor, the man who had engineered the surrender and who was himself appointed mayor in the new charter.[2] Sir Edward Lutwich, serjeant at law, was the new recorder. Other replacements seem to have been promoted from

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[1] J. Hall, 'Royal Charters and Grants to the City of Chester', Chester Archaeol.Hist.Soc. 2nd ser. 18 (1911), p. 63.

[2] Chester R.O., Grosvenor MSS., Papers of Sir Thomas Grosvenor, 'Letters and Papers about the 1685 charter': paper of heads, n.d.

and by the common council. When the new charter personnel was being selected, Hugh Grosvenor referred to a list of 'the names of 36 which voted honestly. These being a court together may fill up the vacanseys of Bentch & Counsell.'[1] As in Oxford, the general composition of the council was not upset: only ringleaders and incendiaries were lifted out, and membership was replenished largely by the council itself.

It is likely that these factors governed most remodellings - a minimum of expulsions balanced by moderation in rewards. Thus in Leeds the thirteen aldermen were confirmed and augmented to a body of fourteen. The new alderman, Gervase Neville, was nominated mayor in the new charter. His only previous appearance in the records was in 1681 when he presented a loyal address to the king on the corporation's behalf. Three of the twenty four assistants were new.[2] York probably would have been restored intact, but for the contested election of 1685 which offended the unsuccessful candidates. In the event five aldermen were removed.[3] In South Molton only one of the council of twelve was not reinstated, and the new council was augmented to fifteen.[4] Only five of Leicester's

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[1]Chester R.O., Grosvenor MSS., Papers of Sir Thomas Grosvenor, 'Letters and Papers about the 1685 charter': Hugh Grosvenor to Sir Thomas Grosvenor, 30 April 1684.
[2]Leeds Public Libraries, Leeds Corporation Court Book (1662-1705), ff. 163, 207.
[3]York House Book vol 38 (1663-88), account of events of 1684-5 concerning surrender and reincorporation, n.d.
[4]Devon R.O., 1190 (South Molton Borough Quarter Sessions 1671-84), entries for 29 Oct. 1684, 6 Jan. 1685, 8 Jan. 1685.

twenty four aldermen were changed, all five of them promoted from the common council. The common council was reduced from forty four to thirty six, of whom just three were new introductions.[1] Six aldermen and three assistants were ejected from Salisbury.[2]

The grounds for removing men was sometimes that they had voted against surrender, thereby identifying themselves as obnoxious. Fourteen (that is, half the council) were ejected from Nottingham in the new charter. These were the very fourteen who had voted against surrender.[3] Such a comprehensive purge was exceptional, however. It has been seen how men in Bristol and Oxford who opposed charter surrender were restored in the new charter. Their total removal in Nottingham probably had less to do with the fact that they voted against surrender, than that they would have refused to co-operate in the government of the new constitution. In the event they did not recognize the new charter and set a rival administration of their own. Such an action is perhaps indicative of their extremism, which probably accounts for the extreme measure of Nottingham's purge. It was more usual to

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[1] Leicester Museum and Art Gallery, Borough of Leicester Hall Papers (bound) 1680-5, f. 142; H. Stocks, ed., Records of the Borough of Leicester 1603-88 (Cambridge 1923), pp. 568-9.

[2] Cal.S.P.Dom. 1684-5, p. 253.

[3] Notts. R.O., DD SR 219/1, lists of votes cast for an against surrender. W.H. Stevenson, ed., Records of the Borough of Nottingham vol V 1625-1702 (1900), pp. 50-8: text of 1682 charter.

restore a number of those unsympathetic to surrender who might be accommodated in the new body once their leaders had been ejected. For example, five out of eighteen members of Wallingford corporation voted against the surrender. Only the first two mentioned of these were not restored in the new charter: the other three were reinstated in an augmented council of twenty four.[1] It is unlikely that these three were retained simply to make up the numbers, as the council was expanded. Clearly it was decided they would be made harmless by the removal of the two leaders.

A similar, though more complicated, pattern was followed in Barnstaple. In April 1684 twenty one members of the council were present to discuss how they should respond to the information that a quo warranto writ would be issued against the charter unless they surrendered it voluntarily. Before the mayor could put it to the vote, whether to surrender or not, eight councillors walked out of the guildhall in protest. Of the remaining thirteen, eight appeared to have voted for a voluntary surrender and five against.[2]

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[1] Berks. R.O., W/ACa 2 (Wallingford Statute Book 1648-1766), ff. 122, 125-6.

[2] North Devon Athenaeum (Barnstaple), N.D.A. 615: single record of meeting, 9 April 1684. It was not explicitly stated that any voted against the surrender, but the thirteen names of the men then present are arranged in two columns, of five and eight. The account merely says the proposal to surrender the charter 'was carried in the affirmative'. It was normal practice to state 'nem.con.' if a decision was unanimous. That one of the men in the column of five was not restored in the new charter suggests that these five voted against a voluntary surrender.

No surrender, however, appears to have been made, for a quo warranto writ was indeed served on the mayor on 26 August 1684.[1] In reply to this, on 3 September it was agreed at a general meeting to surrender the charter, 'nemine contradicente'.[2] In the new charter, five of the original council were removed, and the remaining sixteen were augmented by one new introduction. Of the five expelled, four had walked out of the meeting of 9 April 1684, and one had stayed and voted against surrender.[3] It is possible that in the six months between the first vote in April 1684 and the unanimous one in September the thirteen men originally unsympathetic to surrender had been won round, or at least those eight of them who were reinstated in the new charter. (Unfortunately the names of those present at the second vote have not survived.) On the face of it, however, only eight of the original council of twenty one were sympathetic to surrender. Eight of the remaining unsympathetic councillors were reinstated. To topple this perfect equilibrium in the Tory direction one new man was introduced. It seems quite clear that the purges generally were intended to go no

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[1] T. Wainwright, ed., Reprint of the Barnstaple Records (2 vols, Barnstaple 1900) i, p. 74.
[2] North Devon Athenaeum, I.A1. 1995, certificate of mayor and justices, 3 Sept. 1684.
[3] North Devon Athenaeum, I.B1. 3984 (Sessions Court Records 1677-1716 vol 14), entries for 4 and 6 Nov. 1684.

further than lifting out the most troublesome of Whig leaders and securing the balance of the new council in the Tory interest - in Barnstaple's case by a single vote. The extent of the purges varied locally according to how obstructive the Whigs had been and how readily they could be replaced by men of comparable social and economic substance but of more agreeable politics. Every effort seems to have been made by Whitehall not to antagonize the boroughs by reckless purges: indeed their generosity occasionally had to be amended later, as in Coventry. By responding to local pressures for reform, Whitehall imposed reforms to suit local circumstances. To a large extent, the boroughs purged themselves: Whitehall provided for them the apparatus of charter renewal as a purging instrument and the authority of the law to support it.

IV. Minimizing the expenses of reincorporation.

Reincorporation was expensive. Tewkesbury claimed to have paid £2,453.7.4½ for the charter of 1609.[1] No sum approaching that figure was paid in the period 1681-5. But the process of reincorporation cost more than most boroughs could easily raise.

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[1]Glos. R.O., Tewkesbury Borough Records A1/4 (Council Minutes 1677-86), entry dated 6 June 1684.

The price might easily exceed that of a borough's ordinary annual expenses. It varied considerably: High Wycombe and Oxford both set aside £500[1]; Banbury spent less than £100.[2] Generally, however, the figure was between about £200 and £400. The figures given below for fifteen boroughs are minimum costs: they refer either to sums of money set aside to contribute toward future reincorporation expenses as they came in, or to the main charges of renewal already made. The final total could be substantially higher, as the entertainments that usually attended the reception of the new charter in the borough, and other expenses, were not always accounted for in these totals:

Beverley	£336.10.1[3]
Bristol	£172.10.8[4]
Chester	£251.4.6[5]
Derby	£300 - £400[6]
Dover	£141.19.8[7]

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[1] R.W. Greaves, ed., 'The First Ledger Book of High Wycombe' Bucks Record Soc. 11 (1947), p. xviin.; 'Oxford Council Acts 1666-1701', p. 168.
[2] Bodl., MS.Top.Oxon. c. 606 (Banbury Corporation Records 1556-1689, transcripts), f. 171. The figure was £97.4.10.
[3] J. Dennett, ed., 'Beverley Borough Records 1575-1821', Yorks.Archaeol.Soc. 84 (1932), p. 81.
[4] Bristol Common Council Proceedings (1670-87), f. 20v.
[5] J. Hall, op.cit., p. 65.
[6] Cal.S.P.Dom. 1683-4, p. 126; F. Williamson, op.cit., p. 12.
[7] Addit.MS. 28,037, f. 36.

Exeter	£400[1]
Faversham	£200[2]
Lancaster	£184.2.0[3]
Liverpool	£150[4]
Newcastle-under-Lyme	£220[5]
Norwich	£120[6]
St Albans	£139.17.2[7]
Sandwich	£102[8]
Shrewsbury	£200[9]
Wallingford	£119.3.4[10]

Some places obviously found it easier than others to raise the money. Exeter did not flinch at providing £400: the quay proceeds provided £200 and the mayor made a personal loan of the remaining £200.[11] Dover apparently made no special effort to raise the money: the sum was simply ordered to be disbursed out of the corporation profits. Furthermore they were rewarded with

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[1] City of Exeter Act Book no. 12 (1683-4), f. 14.
[2] Faversham Wardmote Book (1633-1740), entry for 18 Aug. 1685.
[3] T. Pape, The Charters of the City of Lancaster (Lancaster, 1952), pp 64-5.
[4] Liverpool R.O., Town Book vol IV (1671-1703), entries for 22 Nov. 1684, 26 March 1685.
[5] T. Pape, The Restoration Government and the Corporation of Newcastle-under-Lyme, p. 40.
[6] Addit. MS. 27,448, f. 207.
[7] Hist.MSS.Com., Verulam MSS. (1906), pp. 87-8.
[8] Sandwich Year Book (1642-1730), f. 243. This figure refers to the contribution made by the member boroughs alone.
[9] G. Edwards, ed., 'Orders of the Corporation of Shrewsbury', Trans.Salop Archaeol. & Nat.Hist.Soc. 11 (1888), p. 193.
[10] Wallingford Statute Book (1648-1766), f. 126v.
[11] City of Exeter Act Book no. 12, f. 14.

the gift of a covered silver bowl weighing 95 ounces, given by Albermarle, their recorder.[1]

Most corporations, however, could not readily find funds to cover extraordinary expenses of this order. Lincoln's expenses for the new charter had to be met by raising loans which put the city heavily in debt. As a result economies had to be made in the city's ordinary annual expenditure. For example, the mayor and sheriff were forced to take cuts of £13.13.4 and £26.6.8 in their respective annual allowances.[2] Barnstaple corporation could only provide an initial fund of £87.6.8, which they realized would not be enough, ordering that it should be 'Layed out soe farr as it will goe.'[3] Any available means was used to raise the money. Barnstaple leased corporation and bridge lands to make a start.[4] Chester was forced to sell some of the city plate.[5] After reincorporation, Chester replenished its collection of plate by charging the new aldermen and common council men forty shillings and twenty shillings respectively to form a plate fund. Sir Thomas Grosvenor and Peter Shakerley headed a committee appointed to choose

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[1] Addit.MS. 28,037, f. 36.
[2] Hist.MSS.Com. 14th Report Appendix VIII, Lincoln MSS. etc. (1895), p. 111.
[3] North Devon Athenaeum, I.B3 46/349 (miscellaneous court papers), paper dated 22 Sept. 1684.
[4] Ibid.
[5] J. Hall, op.cit. p. 65.

the new plate, which was to be inscribed with Grosvenor's and the contributors' names.[1] Tewkesbury was forced to sink in the charter fund all the capital in trust for the town's poor which the chamberlain was authorized to use. All payments made out of this fund were to be repaid at an interest of 5% out of the borough tolls, until the principal could be repaid by a donation of suitable town property.[2] In the course of the records of swearing in the new council members of Shaftesbury after reincorporation is included the memorandum that the council owed William Bowles Esq. £100. It seems likely that Bowles had lent the corporation money to help cover the costs of reincorporation. The borough was to pay 6% interest a year and secure the repayment of the principal by mortgaging certain mills and other properties belonging to the town. Six weeks later arrangements were made for repaying Bowley another £50, from corporation fines earned in land transactions.[3] The name of William Bowles was inscribed at the top of the list of capital burgesses in the new chapter,[4] but never appeared in the minutes of the former corporation. He was

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[1]Chester R.O., AB/2 (Assembly Minutes Book 1624-84) f. 199v.
[2]Tewkesbury Council Minutes (1677-86), entry for 21 May 1685.
[3]Dorset R.O., Shaftesbury Corporation Minutes (1664-1719), entries for 25 April 1684, 9 June 1684.
[4]Dorset R.O., Shaftesbury A.17: charter, 36 Charles II.

a Dorset J.P. It seems that the borough's lack of funds gave them a dependence on Bowles's largesse, which in turn bought him entry into borough politics. In a similar way Newcastle-under-Lyme's financial dependence on William Sneyd, which the reincorporation charges created, brought Sneyd into corporation politics. He lent the corporation £400 soon after being elected M.P. in March 1685. Over half this sum was needed to cover the costs of the new charter.[1] The source of Liverpool's loan of £150 is not given in the town books.[2] Banbury's fees were raised by the subscription of twenty two inhabitants.[3] Faversham had to mortgage town properties.[4] Thetford, under John Mendham's wayward leadership, appears to have ignored its reincorporation charges: Mendham was later arrested for failing to pay.[5]

Some boroughs were too poor to raise anything like the necessary money, and had to rely on whatever bounty they could find. Wallingford appealed to the earl of Arlington to help (presumably to ask Whitehall to moderate the legal fees).[6]

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[1] T. Pape, The Restoration Government and the Corporation of Newcastle-under-Lyme, pp. 40-1.
[2] Liverpool Town Books vol IV (1671-1703), entries for 22 Nov. 1684, 26 March 1685.
[3] MS. Top.Oxon. c. 606, f. 171.
[4] Faversham Wardmote Book (1633-1740), entry for 18 Aug. 1685.
[5] Hist.MSS.Com., Various Collections VII (1914), p. 146.
[6] Wallingford Statute Book (1648-1766), f. 126v.

Southampton claimed it could not begin to pay the necessary legal fees after the damage done the port's economy by the ravages of plague and Dutch war.[1] New Romney, also, was too poor. Corporation funds had been seriously depleted even by the expenses of the proclamation of James II's accession and the coronation celebrations. They were forced to ask their M.P.s to lend them all the money they needed for procuring a new charter.[2] Yarmouth was already charged with the heavy expense of work done on the pier and harbour, which 'farre exceeds our revenew', and so felt unable to bear the costs of reincorporation.[3] The duke of Newcastle was approached by Nottingham's Tories concerning the 'great expence a boute this Charter.' Newcastle implied in a begging letter to Halifax that the corporation could not afford to pay for it. He concluded, that as

> 'his Majeste has the only advantage by it, I doe most ernestly begg of your Lordship to have that in your thoughts. I had rather have his Majeste give them five hundered pound than me fifty thousend pounds. I would begg this for the corporation but not for my selfe.[4]

From the beginning of the borough campaign, the government was fully aware of the difficulties many corporations would find in raising

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[1] Cal.S.P.Dom. 1683-4, pp. 105-6.
[2] Kent R.O., NRI 2, New Romney corporation to Goulston and Chudleigh, 15 June 1685.
[3] Addit.MS. 27,448, f. 281.
[4] Notts.R.O., DD SR 219/1, Newcastle to Halifax, 14 Oct. 1682.

the money to cover the costs of procuring a new charter, and how reluctant boroughs might be to surrender voluntarily and thereby incur these charges. Of course, by holding out the corporations would incur even greater expenses, having to find funds to fight a quo warranto case. But Whitehall did not on the whole want to bludgeon corporations into surrender with the threat of financial exactions. The government was anxious that the boroughs should not feel antagonized by these expenses at all. For this reason, corporations were compensated by having extra liberties grafted into their new charters. These liberties were usually such as would increase borough revenue. Andover, Nottingham, Wells, Leicester, Shaftesbury, Dover and Ripon, for example, were all granted new fairs or markets. Lyme Regis was awarded an extra £100 a year to maintain the cobb.[1] Awarding such grants was a policy decision included from the beginning in North's notes on charter renewal. He allowed in his observations there that corporations 'may be gratified with fayrs or Marketts, or Jurisdiction in civil causes, within their limits &c which may be more for their profit.'[2]

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[1] Cal.S.P.Dom. 1684-5, p. 288.
[2] Addit.MS. 32,518, f. 184.

This may have comforted some boroughs, but it did not help pay their present bills. North made further allowances in his notes for poor corporations who could not afford the legal fees. The following note included in the memoranda has every appearance of a policy guide: 'There will be care taken that the charges of new charters shall not be excessive, but the fees reduced, when the corporation is not able to bear the charge.'[1] This directive was regularly put into practice. The charters of poor corporations regularly passed the necessary offices in Whitehall at half fees.[2] The standard practice was that no assurances could be given the corporation that its charter would pass at half fees, until after the surrender had been made.[3] Once the surrender had been sealed and sent to London, the king would consider the corporation's petition. Presumably royal bounty was proportionate to the persuasiveness of the men who accompanied the petition. Chester's passing at half fees was attributed entirely to the solicitations of Sir Thomas Grosvenor, who attended personally at all the offices.[4]

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[1] Addit.MS. 32,518, f. 184v.
[2] Cal.S.P.Dom. 1683-4, p. 100.
[3] Addit.MS. 27,448, f. 285: Jenkins to Yarmouth, 5 April 1684.
[4] J. Hall, op.cit., p. 72.

Generally, however, the government seems to have been sympathetic to the pleas of boroughs who could not afford the full fees. For there seems to have been no attempt made to use reincorporation as a fiscal measure. The effects desired were political, which were not to be jeopardized simply in the interests of making money. Furthermore, the fees due to the crown were minimal. The king's fine paid in the hanaper seems to have been £13.6.8.[1] One hundred and thirty five charters were issued between 1682 and 1687. If they had all passed at full fees, the crown would have received precisely £1800, that is an average of just over £300 a year. There was, therefore, no reason why the crown should not have been sympathetic to the petitions of poor corporations to pass at half fees: the crown did not stand to lose much by it.

The bulk of the legal expenses of reincorporation derived not from the king's fine, however, but from the fees of the several offices the charters had to pass through at different stages of incorporation, and the fees of lawyers whose legal advice the borough sought to protect their interests in the process.

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[1]As Chester paid half that. J. Hall, op.cit., p. 71.

It is not clear exactly what proportions of the final bill for procuring a new charter were spent at the various offices, because very few of the totals endorsed in the borough accounts are accompanied with a thorough breakdown of the expenses. There are, however, detailed itemized accounts in Chester[1], Lyme Regis[2], Lancaster[3], St Albans[4], and an unnamed borough in Kent.[5] From these one can deduce approximately where the money went. Unfortunately, Lyme's account gives in considerable detail the charges of ostlers in Salisbury and for horse-fodder, laundresses and board in London, but is very vague on actual legal fees. Comparison with the other lists, however, provides a few answers. The Kent borough paid Conway (then secretary) £36. The secretary's fee in Chester's account is given as £18: and Chester passed at half fees. Perhaps Lyme did too (at least through the secretary's office), for that borough laid out £23.4.6 'primarily to pay fees at Secrettary's office.' Sums of a similar size were paid in fees in the Privy Seal's office by Chester, Lancaster and the Kent borough. The biggest single beneficiary in most of

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[1]Printed in J. Hall, 'Royal Charters and Grants to the City of Chester', Chester Archaeol. & Hist.Soc. N.S. 18 (1911), pp. 69-72.
[2]Lyme Regis R.O. (c/o Townclerk, Lyme Regis), 'Fugitive Pieces vol I', no 87; G 1/3 (Mayor's Accounts 1662-99), entries for 1683-4.
[3]T. Pape, The Charters of the City of Lancaster, pp. 64-5.
[4]Verulam MSS., pp. 86-7.
[5]Kent R.O., Q/SB 15 (Kent Quarter Sessions Papers 1683-4), f. 44: 'The Bill of the Charter', n.d. The catalogue suggests this might refer to Dover's charter (Aug. 1684). Dover's own accounts in Addit. MS. 28,037, f. 36, give a total of £141.19.8, whereas the total in this paper is £229.15.4. The only other Kent borough reincorporated in 1683-4 was Sandwich.

these places' accounts was the Attorney General's office. Chester spent £29.5.0 there and the Kent borough something under £40;[1] Lancaster spent over £20, and St Albans £38.19.2.[2] All places spent about the same in the hanaper office: Chester £37.18.8, the Kent borough £40, Lancaster £31.9.0 and St Albans £37.19.0. In all these lists there are endless small charges for materials and clerks' fees. What emerges is that totals varied according to whether the boroughs persuaded each office to pass it at half fees, how many offices it went through,[3] and what difficulties arose which necessitated repeated referral to the Attorney General or others to sort out.

It is also clear, again, that no fortunes were made in Whitehall as a result of the borough campaign. If the full fees for the secretaries, Lord Keeper and Privy Seal were in the order of £36, no great sums could have been amassed by any one - particularly not the secretaries, there having been five of them during this period. Furthermore, during Jenkins's tenure of office, the secretary's fee was occasionally waived altogether.[4]

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[1] A precise figure cannot be given as one of the sums in the Kent list referring to the Attorney General is totalled as 'Attorney General & Mr Johnson's fees.'

[2] In both these last totals are included payments to the same Mr Johnson and his clerks.

[3] Chester, for example, had several times to be referred to the lords of the Treasury and the Surveyor General because of alterations it sought in its charter, and Lancaster had to provide duplicates for the Chancellor of the Duchy.

[4] He was the first to allow Southampton's charter to pass free. Masters of other offices followed his example. Cal.S.P.Dom. 1683-4, p. 100. Also, unasked, he let Stafford's charter pass his office at half fees. Cal.S.P.Dom. 1682, p. 473.

Every effort seems to have been made in Whitehall to keep the expenses incurred in charter renewal as low as possible. Certainly ministers and legal officers of the crown were willing to reduce their fees, though the corporations could not expect minor clerks who were involved in the considerable volume of paperwork attached to reincorporation to reduce their fees too.

A significant proportion of the charges incurred by the boroughs, however, had nothing to do with Whitehall. Jenkins warned Yarmouth that most expenses derived from attendance in town and the hiring of a solicitor.[1] This was certainly not so in Chester's case. Almost the entire bill of over £250 was attributable to expenses incurred in the actual process of acquiring a charter. Less than three pounds was charged the corporation for coach-hire, waterage and penny post (the only other expenses mentioned). This, however, was probably because Sir Thomas Grosvenor did not charge for staying in London, and the corporation's legal representative, John Kegge, made no charge either.[2] The Lyme accounts, however, probably provide

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[1] Addit.MS. 27,448, f. 285: Jenkins to Yarmouth, 5 April 1684.
[2] Instead, the corporation gave Kegge a token gratuity of 20 gns in recognition of his service. Assembly Minute Book (1624.84), f. 198.

a more typical example of the expenses Jenkins referred to.[1] Over £50 was spent on transport and board. Solicitor's fees are not mentioned but were presumably included in unspecified totals of £60.16.0 and £92 and other smaller amounts paid out from time to time. A further sum in excess of £12 was spent on food, wine and having the guns fired at the new charter's reception in the town. The varied nature of such festivities, the length of stays in London, and the distance to be covered between the towns in question and the capital are further grounds for the disparity in the totals for expenses attached to the new charters. In large measure these additional expenses were made at the discretion of the borough representatives themselves. For its own part, Whitehall was careful to keep the price of new charters as low as possible.

It is clear, therefore, that a major factor in the success of the borough campaign was the readiness with which the Tory compromise was generally applied. The exponents of reaction in the corporations normally enjoyed the backing of a broad spectrum of burgesses who agreed among themselves on the desirability of taking municipal government out of Whig control.

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[1] Lyme's representatives, however, were later accused by the borough of reckless expenditure in London at the time of reincorporation.

The king's ministers took pains to ensure wherever possible that the coalition of local Tories did not break down, and to repair it as soon as possible whenever it did. Moderate in both its charges and purges, the government strove to respond reasonably, if firmly, to local Tory pressures for reform and to win the confidence and co-operation of the majority of corporation men. The reaction was carried by the conviction of its leaders and imposed with a moderation which accommodated all but a minority of implacable independents. The unlucky scape-goats of the reaction - the nonconformists - had no means of resisting.

Chapter Six

The aristocratic revival in local politics.

The period of Tory reaction presented the English aristocracy with a perfect opportunity to reassert itself in local politics. The aristocracy's local political role had been in a general decline during most of the seventeenth century, and markedly so during the few years of the Exclusion crisis.[1] In the middle of the century, indeed, the aristocracy was abolished altogether. But by the end of the seventeenth century the English aristocracy was about to enter its golden age, an age of unruffled political and social ascendancy.

This golden age was foreshadowed by a spectacular period of recovery in the 1680s when aristocratic borough patronage flourished as never before. This recovery was a reaction to the conspicuous political impotence of local territorial magnates during the Exclusion crisis. The three general elections of 1679-81, fought on the live political issue of Exclusion, had enflamed the political nation. In the bid to secure the votes of a greatly expanded electorate, party organization and the

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[1]Here I broadly follow the interpretation of aristocratic decline given by L. Stone, The Crisis of the Aristocracy, 1558-1641 (Oxford 1965).

incitement of political passions were more decisive fact
than any deference the local aristocracy could still con
Whig power depended on rallying voters throughout the cc
to return a Whig parliament. When Charles II dispensed
parliament in 1681, however, the Whigs were left without any
access to government, and their resistance contracted to its
local roots, primarily in the independent jurisdictions of
the boroughs. The political issue of Exclusion was an
inflammatory as ever it had been, but without parliamentary
elections, and without parliament, it had no national focus.
Such conditions favoured an aristocratic resurgence.

The course of English seventeenth century history endorsed James I's slogan of 'no bishops, no king, no nobility'. In the middle of the century the House of Lords was axed with the episcopacy and the king himself. In the bid to defend the crown from 1680 onwards, its supremacy in Church and State, and its full hereditary rights, it was inevitable, therefore, that the bishops and the nobility proved to be the crown's most dependable supporters. It was of course the episcopacy and peerage which saved the crown from parliamentary attack in 1680. Even without

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[1] J. R. Jones, The First Whigs (1961), passim. For some 1681 examples see pp. 162-3.

the bishops the House of Lords voted resoundingly for rejecting Exclusion.[1] And a number of those who voted for Exclusion quickly reneged and became some of the crown's most ardent supporters in the reaction.[2] The reaction was a vindication of the hereditary principal. The aristocracy rallied round the crown and carried through the recovery of royal government. In the process the English aristocracy enjoyed a renaissance in local politics. James II was later to ignore the fact of this revival, an over-sight which cost him dear.

In the abeyance of parliamentary government the means of contact between the localities and central government were reduced. And as the organization of politics in the hiatus of 1681-5 shrank to its local bases, local figures with access to government became all-important. These were, of course, generally members of the aristocracy: the organization of local politics re-formed around local aristocratic patrons. Tory peers led the Tory rally in their countries. They encouraged Tory councillors in their local struggles against the Whigs. And at a time when all the borough charters in the kingdom were

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[1] E.S. de Beer, 'The House of Lords in the Parliament of 1680', Bul.Hist.R. 20 (1943-5), pp. 30, 37.

[2] Brooke, Huntingdon, Sunderland.

under review, they alone could represent in Whitehall the interests of the boroughs enjoying their patronage.

Whig boroughs could easily find themselves patronless - a disastrous position from which to conduct relations with a predatory executive. For example, both Oxford and York found themselves friendless in government after the duke of Buckingham, high steward of both cities, lost all favour at court. Oxford Whigs cast around for someone else to represent them in Whitehall, and secured the patronage of Anglesey. While Lord Privy Seal, he did his best to defend Edward Prince, Oxford's aspiring Whig townclerk, to the king. Once Anglesey was dismissed from government in August 1682, however, he was not much use to them as a spokesman in Whitehall. As we have seen, the Tory earl of Abingdon was the only alternative, which was a situation which Abingdon exploited to good effect. After the discovery of the Rye House Plot, the city dutifully drew up an address for Abingdon to present to the king. He refused, however, to present any address except the one drawn up by himself. The council had no choice but to comply, but when they saw the address he had written, discovered it was a 'submission', or an attempted charter surrender. The Whig mayor therefore refused to propose it, and instead drew up his own address 'more full and longe than

the former.'[1] Abingdon refused to present it, and wrote to Jenkins warning him that the address was Whig-inspired, though he could not imagine who would introduce the Whig deputation to the king.[2] Indeed, Anthony Wood observed, the day the address was sealed, that 'they could get nobody to introduce them, for earl of Abendon had don their buisness before.'[3] At a desperate time Oxford's Whigs were marooned, and had, in spurning Abingdon's patronage, alienated themselves further from the rest of the largely Tory council by effectively cutting off relations between the entire corporation and the king. Ultimately the Whigs in the city had to submit to Abingdon's will if the city's pleas (at a time when quo warranto proceedings were filed against its charter) were to be heard favourably by the king.

York too was embarrassed by Buckingham's ineffectiveness as a patron. In July 1681 the city was presented with a bill for over £2,000 as arrears of a fee farm rent due to the queen since 1664.[4] The city questioned the bill, but by the end of 1682 they were being threatened with escheat.[5] They desperately needed a

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[1] M.G.Hobson, ed., 'Oxford Council Acts 1666-1701', Oxford Hist.Soc. 2nd ser. 2 (1939), p. 156.
[2] Cal.S.P.Dom. July-Sept. 1683, p. 190 (23 July).
[3] A. Clark, ed., The Life and Times of Anthony Wood...., iii, Oxford Hist.Soc. 26 (1894), pp. 64-5.
[4] York R.O., Register Book E.85, f. 32.
[5] Ibid., f. 45.

patron, and so removed Buckingham from the stewardship and elected the duke of Richmond in his place.[1] The Tory Fairfax observed in his habitual twitting strain,

> 'This Guardian Angell with the assistance of the prayers & intercessions of his blessed Mother is to undertake for us & defend us from all Quo Warrantos Fee Farms & whatsoever and represent us as a Loyall lively & acceptable Citty to his Majestie.'[2]

It was undoubtedly a mistake on York's part, however. The corporation had evidently hoped by picking a figure-head patron acceptable to the king that the city would be looked on kindly. But Richmond was no use to York. He was only ten years old, and although he presented the city's address to the king in July 1683,[3] he could be of no real service at a time when borough patronage had more than a decorative function.

The key office in relations between Whitehall and the corporations was that of lord lieutenant.[4] As the official representative of the crown in local government, he tended to handle the administration of the borough policy in the localities. The corporations looked to him to represent their interests to the government by presenting addresses and petitions. The government looked to him to supervise the politics of surrender

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[1] York R.O., House Book (1662-1705), entry for 26 March 1683. Buckingham was understandably annoyed and is reported to have replied to the corporation with the terse letter, 'I have received your Generous obligeinge & Pollitique letter. Buckingham.' Mexborough MS. 17, f. 36: Fairfax to Reresby, n.d.

[2] Mexborough MS. 21, f. 26: Fairfax to Reresby, 2 April 1683.

[3] York City Register Book E.85, ff. 53-4.

[4] A complete list of the lord lieutenants of this period with their family names, and the dates of their commissions and titles, is given in Appendix IV.

in the boroughs themselves. The local aristocracy therefore regarded the post as the foundation from which to build up their local political fortunes in government service. In the period of Tory reaction the post's function became for the first time more political than prestigious or honorific.[1] As a result, the lieutenancies had to be purged along party lines. In January and February 1681 the prominent Exclusionists Suffolk, Manchester and Essex were dismissed from their commands of a block of east midlands counties, Suffolk, Cambridgeshire, Huntingdonshire and Hertfordshire. The following June a general order was issued to dismiss from the lieutenancies all who had been turned out of the commissions of the peace.[2]

The government's determination to use the lieutenancies as a political instrument of Tory reaction was moderated, however, by the recognition that there were not always local magnates of sufficient standing and acceptable politics to replace all the lieutenants the government might wish to dismiss. There was no follow-up to the initial purges of Suffolk, Manchester and Essex early in 1681. The only other lord lieutenants to lose their

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[1] J.R. Western, The English Militia in the Eighteenth Century (1965) p. 58.
[2] Western, English Militia, pp. 58-9.

posts in the rest of Charles II's reign were Mulgrave, who was relieved of the East Riding command in 1682, and Winchilsea, who left Somerset in 1683. Moreover, these were not political dismissals. Winchilsea (lord lieutenant of Kent since 1668, an office he kept until 1687) had been holding Somerset since 1675 only until such a time as the young duke of Somerset could succeed him. Somerset attained his majority in 1683. Mulgrave was likewise standing in for Somerset in the East Riding, although the young duke succeeded to that office a year earlier when only twenty. Mulgrave had apparently never been happy in the East Riding, having held it only since 1679 as a stop-gap following the dismissal of Monmouth. His early departure from the county (as from the governorship of Hull, which Plymouth inherited from him in 1682) probably resulted from his lack of ease there.

It is significant that three of the four counties vacated by Suffolk, Manchester and Essex in 1681 could be furnished with no obvious replacements. Alington, who succeeded Suffolk in Cambridgeshire, was the obvious choice there. One of the town members for Cambridge from 1664 to 1681, he was in the front guard of royal officers of Tory reaction. Appointed major-general of the land forces in 1678, and Constable of the Tower of London in

1679, he was among the batch of Tory lords created at the end of 1682.[1] On his sudden death in February 1685, however, there was no obvious successor, and the Cambridgeshire lieutenancy was annexed by Ailesbury, already lieutenant in his own right of Bedfordshire, and stop-gap lieutenant of Huntingdonshire during the earl of Sandwich's minority. The earl of Suffolk's place in Suffolk was taken by Arlington, of the Cabal, who took no part in the Tory reaction and merely held the post during the duke of Grafton's minority. After Manchester's dismissal from Huntingdonshire, the county was managed, as we have seen, by Ailesbury during Sandwich's minority. Essex's place in Hertfordshire was taken by Bridgwater, himself a Whig and already lord lieutenant of Buckinghamshire. This evident lack of ready successors to the vacant lieutenancies of 1681 surely accounts for the great moderation exhibited in purging the county commands. Three leading exclusionists were dismissed, but other men were maintained whom the government would ideally have removed. For Whigs or their sympathizers other than Bridgwater kept their lieutenancies.

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[1] William, third baron Alington, was created first earl of Alington on 5 Dec. 1682. All biographical details on the lord lieutenants in this chapter, unless otherwise stated, are derived from information in G.E. Cokayne, The Complete Peerage.

Of the northern counties, only Northumberland under the duke of Newcastle was commanded by a full-blown Tory. Cumberland, Westmorland and County Durham were all held by the earl of Carlisle.[1] His son, the Whig Morpeth, had held Cumberland in joint command with him since 1668, and was to be dismissed on Carlisle's death in 1685. All three Yorkshire lieutenancies were held by indifferent participants of reaction. Burlington of the West Riding was thought to have been in line for dismissal in April 1681, but came to terms with Tory government and played a part in his county's politics, though without conviction. Lancashire and Cheshire were both held by the earl of Derby, perhaps the least co-operative lord lieutenant of the period. The responsibility for the Cheshire riots on the occasion of Monmouth's visit in 1682 was laid on his shoulders by some of his own deputies. Though forewarned by them of the dangers of Monmouth's tour and asked to prepare the militia, Derby ignored his deputies' approaches and though he himself took no part in the festivities of the ducal visit, he made no attempt to suppress the disorders attendant on it either. There was no successor

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[1] In terms of the borough policy, of course, these were the most insignificant counties in the entire kingdom, producing only four boroughs between them.

available for either county, however, and the government had no choice but to issue stiff letters to him and maintain him in office. His deputies also complained about his slackness in searching for arms after the Rye House Plot.[1] Much of his political function seems to have been assumed by his Tory deputies, notably Sir Thomas Grosvenor in Cheshire.

Lieutenancies elsewhere in the country took only a nominal part of the Tory reaction, or none at all. The earl of Bristol in Dorset seems to have played no part. The earl of Devonshire, lord lieutenant of Derbyshire, now in his sixties and father of the Exclusionist, William Cavendish (M.P. for the county 1661-81) was understandably not in the forefront of reaction. The earl of Dorset, the poet, wit and courtier, took no political interest whatever in his county, Sussex. The earls of Pembroke were similarly inactive in Wiltshire. The conspicuous dearth of reincorporations in both of these last counties, the most densely furnished with boroughs outside Cornwall, probably derived from the lack of Tory leadership which the retention of Dorset and the Pembrokes in the lieutenancies created.[2]

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[1] P.R.O., S.P. 29/427, f. 269: Hugh Grosvenor to Worden, 7 July 1683. A good summary of Derby's career in the northwest in these years is given in Western, English Militia, pp. 62-3.

[2] Eight parliamentary boroughs in Sussex and ten in Wiltshire escaped reincorporation.

The government, then, purged the lieutenancies only very sparingly, like the boroughs themselves. The government was careful not to alienate the local aristocracy, but rather to encourage it to join in the government campaign to eradicate Whiggery. If the lord lieutenants were not co-operative, they could not afford to be blatantly obstructionist either. Derby, the Pembrokes, Arlington and others largely opted out of all political activity during this period. Where possible, the government made use of other local men to assume their political functions, while maintaining them in the lieutenancies themselves. In this way deputy lieutenants without the necessary social weight to usurp the lieutenancy itself might assume the political leadership associated with the office. Similarly castle-governors bishops or circuit judges in other places assumed the lord lieutenant's role of Tory leadership in the localities. Unwilling lieutenants were in this way politically isolated and had to rest content with saving for themselves merely the kudos of holding the office itself. It is significant that unwilling local magnates were not treated in a high-handed way by the government. Charles's dismissal of three lieutenants for political reasons in 1681 could not provide the focus for discontent which his brother's purge of seventeen in 1687 was to do. Far from bludgeoning the local

aristocracy, the government encouraged them in the borough campaign to reassert themselves locally in government service. Those who were unsympathetic were ignored, but not antagonized.

Three lord lieutenants were very young. Northampton (Warwickshire) was a minor until 1685. Shrewsbury (Staffordshire) was only twenty one in 1681, when Sunderland handed over his guardianship of the county. Somerset (East Riding, Somerset) attained his majority in 1683. Of the remaining thirty seven lieutenancies, perhaps nine were held by men noticeably hostile to the Tory reaction.[1] These were in the hands of five men, Bridgwater, Derby, Carlisle, Devonshire and Pembroke: Derby and Pembroke were both members of long-established families, whose positions in their counties were inviolable (their titles dating from 1485 and 1551 respectively). Suffolk under Arlington and Sussex under Dorset defy classification. Of the remaining twenty six lieutenancies, perhaps thirteen were held by men whose contribution to the Tory reaction in their countries was effective, if not spectacular.[2] The remaining thirteen commissions were held

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[1] Buckinghamshire, Cheshire, Cumberland, Derbyshire, Durham, Hertfordshire, Lancashire, Westmorland and Wiltshire.

[2] Bedfordshire, Cambridgeshire, Essex, Hampshire, Huntingdonshire, Kent, Leicestershire, Middlesex, Northamptonshire, Rutland, Shropshire, and the North and West Ridings of Yorkshire.

by pioneers of reaction. That is, the government counted among its firmest adherents in the localities a third of the country's lord lieutenants. Of these, only the duke of Norfolk's appointment to Berkshire (1682), Surrey (1682) and Norfolk (1683) was a product of the Tory reaction itself: the rest were already well-entrenched in their offices, half of them since the 1660s. It was by calling on these reserves of local leadership supplied by men deeply committed to the service of the crown that the government was able to bring off the coup of the borough campaign so successfully. All these men were closely attached to the areas they served and yet identified strongly with the court of Charles II. All of them (or their close relatives) had been ennobled since the Restoration, except Lindsey - and he was an officer of state (Lord Great Chamberlain, like his father before him). They were (with the dates of their titles):

Abingdon (1682)

Albemarle (1660, his father)

Bath (1661)

Beaufort (1682)

Lindsey (1626, his grandfather)

Newcastle (1661, his father)

Norfolk (1660, his uncle)

Plymouth (1682)

Yarmouth (1679)

Bath, Beaufort and Newcastle were grandees among aristocratic borough patrons in the period of Tory reaction. The borough campaign gave them the chance both to demonstrate and to augment their local political power. All possessed a grave sense of their own honour, and by inducing boroughs in their provinces to surrender saw their honour shine brighter. John Evelyn recorded that the earl of Bath was called the Prince Elector because he brought down no fewer than fifteen surrendered charters to London from the west country.[1] Evelyn, however, was misinformed. In fact, Bath secured the surrender of twenty six charters.[2] Bath was the foremost representative of royal government in the far west, and well-established there. Lord lieutenant of Cornwall and Warden of the Stannaries since the Restoration, he was in due course also made Governor of Plymouth (1661) and Pendennis (1680). In this last post he seems to have shared duties with lord Arundel of Trerice.[3] The two of them acted together in some of the Cornish charter surrenders: both presented Liskeard's petition for a new charter in 1685 to

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[1] E.S. de Beer, ed., The Diary of John Evelyn (6 vols, Oxford 1955) iv, p. 444.

[2] Ashburton, Bodmin, Bossiney, Bradninch, Callington, Camelford, East Looe, Fowey, Grampound, Helston, Launceston, Liskeard, Lostwithiel, Mitchell, Penryn, Plymouth, Plympton, St Germans, St Ives, St Mawes, Saltash, Tavistock, Tregony, Truro and West Looe. Cal.S.P.Dom. 1684-5, pp.245-6.

[3] Co kayne gives Arundel as Governor of Pendennis 1662-87, and Bath 1680-96.

James II.[1] Helston, Saltash, Plymouth and Tavistock surrendered at different times, but the other twenty two were all delivered into Bath's hands at the same time. Charles II sent him to Plymouth at the end of 1684 for the express purpose of receiving the surrenders of all these remaining Cornish charters, and such Devon ones as he had an interest in. He was in all probability made recorder in the new charters of all these boroughs.[2] His interest in the borough campaign extended beyond these corporations too. Reincorporated Exeter made him free at the end of November 1684 on the occasion of his stay at Plymouth to receive the west country charters.[3] It seems he may also have been consulted by his brother, the Dean of Durham, about the reincorporation of Newcastle.[4]

The duke of Newcastle, lord lieutenant of Northumberland (since 1661) and Nottinghamshire (since 1675), Governor of Berwick (since 1675) and Chief Justice in Eyre north of the Trent (since 1677), was the Tory government's most important representative between Nottingham and the Scottish border, though this was rather

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[1] Cornwall R.O., Borough/Liskeard 17: record of charter surrender to Charles II. The new charter nominated Bath recorder, and Arundel a freeman.

[2] He was certainly made recorder in all those charters of the period preserved in the Cornwall R.O., namely those of Penryn, Liskeard, Bodmin, Lostwithiel and Truro, and in that of Launceston too (kept by the townclerk, Launceston).

[3] Exeter R.O., City Act Book no. 13 (1674-1726), f. 1.

[4] Bodl., MS. Rawlinson d. 850, f. 141: Basire (to Granville) n.d. Basire assured the Dean of the reliability of his account of Newcastle, saying it could be referred 'to my Ld of Bath or any other Person whom you should Move in this good work.'

because it was an area poorly served the king than as a result of any particular zeal on Newcastle's behalf. He certainly had a profound sense of duty to the crown, later serving James II in the north as obediently as he had Charles II, and refusing to take the oath of allegiance to William III. He seems, however, to have lacked all sense of initiative in his contribution to Tory reaction in his parts. He worked carefully and diligently, but only according to his instructions. A firm adherent of reaction, he nevertheless did not relish its processes in the way, for example, Beaufort did.

Newcastle had a hand in the surrenders of Berwick, Newcastle and Nottingham. His relations with Newcastle were the least intimate, though he was recorder there in the unreformed council. His interest in Newcastle actually complicated matters for the Tory leader there, Henry Brabant, for he recommended to Sunderland Brabant's foremost opponents, the Whig Davison (who was removed in the new charter), and Blackett.[1] He had a sentimental attachment to Berwick. As governor he was worried about its defence, and asked for more soldiers, even at the risk of alienating the townsmen on whom they would be billeted. His requests were approved by Dartmouth, Master of the Ordnance, to whom Newcastle wrote of Berwick,

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[1] Cal.S.P.Dom. 1684-5, p. 205.

> 'I am mighty glad your Lordship has it in your thoughts to make it a considerable garrison, for I reckon myself more of Northumberland than of any county, because we were there before the Conquest.'[1]

As governor he was asked by Jenkins to organize the investigation of breaches in the corporation regulations which might justify a quo warranto writ being issued. He was to use the garrison officers under his command to conduct these investigations. This was duly done, the writ sent and his advice sought by the corporation when they decided to surrender.[2]

The greatest service Newcastle did the government at this time, however, was unquestionably at Nottingham. Nottingham was something of a test case - an early surrender (which misfired) when the government was on the verge of launching the borough campaign on a national scale. All eyes were on Nottingham at this crucial stage of the policy's development.[3] Newcastle forwarded the instrument of surrender from Jenkins to the corporation to get it sealed.[4] His greatest service came after reincorporation,

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[1] Hist.MSS.Com. 11th Report, Appendix V (1887), Dartmouth MSS, p. 80: 18 March 1683.
[2] Cal.S.P.Dom. 1683-4, pp. 215-6, 292, 254-5, 212.
[3] The state of politics in Nottingham was news of national importance at this time. In a letter to Halifax, Newcastle wrote how he met the earl of Devonshire (lieutenant of Derbyshire) unexpectedly on the road, and 'alighted and wayted upon him at the dore of his Coach and acquainted him how I left Nottingham.' Notts.R.O., DD.SR 219/1, 28 Oct. 1682.
[4] Cal.S.P.Dom. 1682, pp. 247-8.

however. As lord lieutenant he was sent to the town to quell the riots and pacify the townsmen in the aftermath of the upheaval caused by reincorporation. He encouraged the Tory councillors in private: keeping good morale was often a decisive factor in overcoming political opposition. He himself went in procession to the town hall, took his oath as recorder and presided over the court of quarter sessions at which the validity of the new charter was proclaimed.[1] He stayed about a week at Nottingham Castle to establish the new corporation securely and to ensure the good order of the town. The mace and staff were returned to the proper sheriffs from the illicit council during his presence there.[2] Having settled the town, he returned to Welbeck. He went back to Nottingham for short stays in the next two years to help in the election of the mayor (1683) and townclerk (1684).[3] Undoubtedly the settling of the Tory ascendancy in Nottingham is attributable to Newcastle's leadership, and particularly to his presence there.

He himself, however, enjoyed none of this, and was always anxious to leave the town as soon as he could. Even at the critical time of his stay in October 1682 when he had to settle the town into

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[1] Notts.R.O., DD.SR 219/1, Edge to Halifax, 11 Oct. 1682.
[2] Ibid., Newcastle to Halifax, 14 Oct. 1682.
[3] Cal.S.P.Dom. July-Sept. 1683, p. 353; Cal.S.P.Dom. 1684-5, p. 168.

orderly government, he constantly stressed to Halifax that all was quiet, and would continue to be so, and begged leave to return to Welbeck. He received Halifax's permission to leave at 11a.m. on 16 October. He then had a final meeting with the aldermen and was on the road by one o'clock: he clearly could not leave soon enough.[1] Within a fortnight Nottingham Whigs were organizing resistance to the new charter, and the expelled mayor appeared at church in his gown. Newcastle was dismayed and took it as a personal slight to his authority that the new charter was disregarded. He wrote to Halifax:

> 'I thinke my selfe very ill used, I haveing taken my Oath as recorder by his Majestes appointment that I shall be left and disowned. In this Matter I gett noething but has been at a great expence. Your Lordship knows I did not desire the Office of recorder. May be noe Man of my Esstate and in my condition would have don what I have don in this to serve his Majeste, I have been noe wary body in it, but it shall be a warning to me to meddle noe more in such Matters. Lett one doe what they can, they shall have noe thankes.'[2]

He was not ordered back to Nottingham to sort this upset out: the king left the decision to return to the castle at Newcastle's discretion.[3] So he stayed at Welbeck. But the worst of the Whig

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[1] Notts. R.O., DD.SR 219/1, Newcastle to Halifax, 18 Oct. 1682. He was anxious to leave the town because his children were staying at Welbeck. He was also much concerned with the state of health of his daughter, the Mad Duchess (of Albemarle), who was stricken with melancholy at the time. Ibid., Newcastle to Halifax, 9 Oct. 1682.
[2] Ibid., same to same, 28 Oct. 1682.
[3] Ibid., same to same, 4 Nov. 1682.

machinations were over, and the Tory councillors had acquired the strength to stand up for themselves. They also visited Newcastle at Welbeck. The querulous, fussing duke had done what he saw as his duty, and in doing so had done the government good service in Nottingham, but he found political conflict so upsetting that he was henceforth content to take on the role of Tory figure-head in the politics of the boroughs he patronized. He wrote to Sunderland in October 1684 proclaiming 'I am most reddy to goe to Barwick or any wheere when his Majestie pleas to Command me... but else noething is more pleasing to me then to live at my poore cottages.'[1]

The duke of Beaufort dominated the borough campaign in the southwest midlands. Lord lieutenant of Gloucestershire, Herefordshire and Monmouthshire since the Restoration (and of the county borough of Bristol too), he was involved in the surrender of the biggest clutch of boroughs outside Cornwall. He can be credited with organizing the reincorporation of Andover, Bristol, Hereford, Leominster, Malmesbury, Tewkesbury and Worcester. He may also have

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[1]S.P. 29/438, ff. 93-4.

had a hand in procuring Shrewsbury's new charter too.[1] Significantly, this impressive list represents an interest in the borough campaign beyond the call of his lieutenancy duties. Certainly in Leominster, Hereford and Tewkesbury, it was as lord lieutenant that his services were used. Already high steward of Leominster, he directed government relations with that borough, initially through Judge Richard Hopton, justice on the western circuit. It was on Beaufort's advice that Charles II instructed the Attorney General to serve the corporation with a quo warranto, the timing of its issue being at the duke's discretion.[2] Leominster's Tories decided to speed up the process of dissolving the government of the town by absenting themselves from the bailiff's election in Michaelmas 1684. The remaining Whigs were inquorate and so were unable to elect a new bailiff. This failure to provide officers for the next year meant that municipal government automatically devolved into the king's hands, and the quo warranto suit did not need to be prosecuted. In the abeyance of government in the town, before

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[1] The borough's 1683 entries recording the charter surrender and treating Beaufort and Ormonde are suggestively adjacent. G. Edwards, ed., 'The Orders of the Corporation of Shrewsbury 1511-1735,' Trans. Salop. Archaeol. & Nat.Hist.Soc. 11 (1888), p. 193. The following year, on the occasion of an unscheduled visit to Shrewsbury during his tour of the west, Beaufort was greeted by the corporation 'in their Formalities, and the Town presented him with Twenty dozen Bottles of Wine, and twenty chargers of Sweetmeats.' T. Dineley, An Account of the Progress of his Grace Henry Duke of Beaufort through Wales, 1684 ... (1864), p. 86.

[2] Cal.S.P.Dom. July-Sept. 1683, p. 33.

a new charter could be drawn up, a special commission, headed by Beaufort, was hastily concocted and authorized to collect the tolls and profits of the imminent Michaelmas fair held in Leominster.[1] For Hereford, Beaufort (with Jenkins) vetted the personnel to staff the new corporation.[2] Beaufort was also the natural choice of Tewkesbury to present their loyal addresses in 1682 and 1683, although they had in 1681 elected lord Coventry their high steward. Beaufort also informed the corporation in 1684 on the king's behalf that if they did not surrender their charter voluntarily, a quo warranto would be issued against it. They finally agreed to surrender (having meanwhile visited Beaufort at Badminton and made him a freeman) and he delivered their charter and petition up to the king at the end of the year.[3]

So far, then, Beaufort was simply singled out in his counties both by the corporation and the government as the proper intermediary between the two. Unlike the duke of Newcastle in the north, however, he was ambitious to extend his political authority throughout the southwest. More than any other single person on the government's behalf he was involved in the complicated and salamandrine politics of the Bristol surrender. Admittedly, he was already the city's

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[1] Cal.S.P.Dom. 1684-5, p. 183.
[2] Ibid., p. 152.
[3] Glos. R.O., Tewkesbury Borough Records A 1/4 (Council Minutes 1677-86), entries for 18 Jan. 1681, 13 June 1682, 16 July 1683, 30 May 1684, 10 July 1684, 23 Oct. 1684.

lord lieutenant, but his political interest in Bristol seems to have been quite new. He prepared for the surrender by getting suitable men elected mayor and sheriffs in September 1682.[1] It was to this end that he appointed a general muster of the city militia at election time, and informed the corporation of his choice of candidates. The city's compliance was evidently a new departure, for they referred to it in the loyal address to the king in 1683:

> 'Wee humbly hope that your Majestie has been graciously pleased to accept our constant care of preserving the government of this city in Loyall hands in these doubtfull & dangerous times by not depending upon our own Judgement But takeing the measures of Electing our Maior the last year by the intimacion of his Grace the duke of Beaufort and this yeare of our Maior & Sherrives from your Sacred Majesties direccions.'[2]

When the new charter finally came, the city wrote to Beaufort to thank him for his 'Greate Favour and paines' in procuring it.[3]

He was very quick to induce Andover to surrender its charter in 1682.[4] Apart from Portsmouth, this was the only borough in Hampshire to be reincorporated in this period. Nine Hampshire boroughs escaped the campaign, perhaps, like those in Wiltshire and Sussex, through the indifference of the lord lieutenant, in

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[1] Cal.S.P.Dom. 1682, p. 392.
[2] Bristol R.O., Common Council Proceedings (1670-87), f. 181.
[3] Ibid., f. 199.
[4] Cal.S.P.Dom. 1682, p. 514.

Hampshire's case the earl of Gainsborough.[1] Beaufort, as Andover's high steward, was breaking out into a county other than his own to provide firm Tory leadership that was otherwise lacking. He also seems to have been making promises to encourage Worcester Tories, although this was essentially the earl of Plymouth's preserve.[2] He certainly took on Malmesbury, filling Pembroke's Wiltshire vacuum. This he admitted was somewhere he previously had no interest, but as he was a neighbour (Badminton being only about ten miles from Malmesbury) he induced the Tories of the council to surrender the charter. He also selected the corporation men to be put in the new charter.[3] Furthermore, if Beaufort got Shrewsbury to surrender too, he was penetrating into Shropshire as well.[4] There is every indication, then, that Beaufort used the borough campaign to consolidate his political ascendancy in his own counties and extend it far into neighbouring

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[1] Gainsborough's lack of leadership in Hampshire is mystifying. He certainly presented the surrender of Southampton (a county borough of which he was lord lieutenant) to the king, and was made governor of Portsmouth at the time of the borough's reincorporation. His earldom was created on 1 Dec. 1682, that is at the same time as the Tory honours of Abingdon (30 Nov.), Alington (5 Dec.), Beaufort (2 Dec.), Dartmouth, Ormonde (9 Nov.), Rochester (29 Nov.), Stawell (15 Jan. 1683), and Weymouth (11 Dec. 1682). His political activity in Rutland at this time is similarly obscure.

[2] Cal.S.P.Dom. Jan.-June 1683, p. 265.

[3] Cal.S.P.Dom. 1684-5, pp. 151-2.

[4] See above, p. 277. Shropshire's lord lieutenant, Newport, was married to Diana Russell, aunt of lord William Russell, executed in 1683, and so was understandably inactive in the process of Tory reaction.

areas until then outside his province.

If Newcastle's presence in Nottingham was decisive in settling the town in the Tory interest, how much more must Beaufort's daunting presence in the boroughs of the southwest have contributed to Tory successes there. Beaufort enjoyed a fine sense of grandeur and display. Roger North gives several instances of his princely style of life at Badmington: among local magnates he was in a class of his own.[1] Dineley's account of his progress through Wales in 1684 throws Monmouth's Cheshire jaunt of 1682 into the shade.[2] Beaufort relished the splendour and panoply of ducal life. The municipal history of the early 1680s is studded with ceremony, but none so gorgeous as that which attended Beaufort on his western progress. It began in Worcester, where his being admitted free was celebrated

> 'with Drums, trumpetts, ye city-waites, haut-bois, flutes, other wind musick, together with harps, Welsh and Irish, viols, violins, and other stringed instruments.'[3]

From Worcester the ducal retinue paraded through Ludlow, Welshpool, Bishop's Castle, Shrewsbury and Hereford, before taking on Wales itself. The liveried procession made a spectacular, if incongruous, show, escorted by the duke's own trumpeters 'in very rich coats,

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[1] R. North, The Lives of the Norths (3 vols, 1890) i, pp. 170-2.
[2] Congleton's streets strewn with sand at Monmouth's approach were outclassed for Beaufort at Newport 'where streets were strewed with flowers and sweet herbs.' T. Dineley, An Account of the Progress of his Grace Henry the First Duke of Beaufort through Wales, 1684 ... (1864), p. 218.
[3] Ibid., p. 2.

the ground for the city's capitulation, for the following year when a quo warranto was sent, the corporation with the single exception of the mayor unanimously agreed to a voluntary surrender. Albemarle was informed of the decision immediately.[1] The same year he presented South Molton's surrender to the king.[2] He was also responsible for proposing alterations to be made in Dartmouth.[3] Outside Devon his interests spread wide. A direct appeal was made to him from a man living near Sudbury asking for a quo warranto to be served on the corporation. Albemarle moved the king to make the order, and it was only after the process was set in motion that Arlington, Suffolk's lord lieutenant, was informed.[4] Albemarle was made recorder of Sandwich in the new charter, and was thanked by the mayor, jurats and common council for his directions and advice 'tending to his Majesties service and the good government of this towne.' His advice was sought on how to get the member boroughs of Sandwich corporation to pay their share of reincorporation fees.[5] He was also made recorder of Dover in the new charter and presented the corporation with a covered bowl in silver weighing 95 ounces.[6] He was soon to become

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[1] Exeter R.O., City Act Book no. 12 (1683-4), f. 10.
[2] Devon R.O., South Molton 1190 (Borough Quarter Sessions Papers 1671-84), copy of surrender, 29 Oct. 1684.
[3] Brit.Mus., Addit.MS. 24,136 (Lansdowne Papers), f. 29: indexed reference to alterations proposed by Albemarle, n.d.
[4] Cal.S.P.Dom. 1683-4, pp. 157-8, 167-9.
[5] Kent R.O., Sa/AC 8 (Sandwich Year Book 1642-1730), f. 247.
[6] Addit.MS. 28,037, f. 36.

recorder of Harwich (1685) and Saffron Walden (1688), and high steward of Totnes (1685), Barnstaple (1688) and Colchester (1688). He was clearly actively extending his interests as borough patron throughout the 1680s.

Individually these four men were the government's most important campaigners in the localities, responsible between them for over forty reincorporations. As a group, however, they are perhaps less significant than that body of about ten other lord lieutenants or other local magnates whose service was attached to one particular corporation. For it was by engaging the convictions of a substantial number of aspiring and already established lesser families throughout the country that the government was able to make its domestic policies work. The borough campaign gave the local Tory aristocracy the chance to re-establish its families' local political fortunes. Individually the contribution of each participant did not perhaps amount to very much. As a nationwide phenomenon, however, it was perhaps the most important factor in the success of Tory reaction: Tory leaders were anxious to retaliate, and with government backing had the authority to do so. In this way Tory aristocrats recovered their own local political standing in royal service. Lindsey neatly defined his aim in retaliating against the Whigs: he could envisage no 'more acceptable

service to the Crowne', nor for 'myself a more honourable revenge.'[1]

In counties where the lord lieutenant was either uncooperative or a juvenile figure-head, a lesser local aristocrat, usually a deputy lieutenant, would frequently usurp the lord lieutenant's natural role of borough patron in the process of surrender and reincorporation. Where the political leadership of Lancashire failed because the lieutenancy was held by Derby, the earl of Ancram dutifully stepped in to supervise the reincorporation of Wigan. He had a long association with the borough, having (as a Scottish earl) represented it in parliament since 1661. He was instrumental in pressing on the unreformed corporation the royal approbation of the new Tory townclerk in the face of Whig opposition, and first suggested reincorporating the borough in 1682.[2] Lord Brooke, one of Sunderland's deputies in Warwickshire during Northampton's minority, fully assumed the lieutenant's role in the reincorporations of Coventry and Warwick. He lived in grand style at Warwick Castle. He had represented Warwick in parliament

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[1] Hist.MSS.Com. 12th Report, Appendix V (1889), Rutland MSS. II, p. 88.
[2] Cal.S.P.Dom. 1682, pp. 523, 525-6.

from 1664 until he succeeded to the barony in 1677, when he was also elected recorder. He supervised the charter surrender in September 1683.[1] His interest in Coventry was more recent, having broken the Compton monopoly of the recordership in January 1682 by beating the young earl of Northampton in the election to the late earl's place. This gave offence to some local Tories, though the king gladly confirmed the election.[2] His subsequent management of the reincorporation of Coventry had later to be amended, as we have seen, by expelling a small number of reinstated Whigs. This was done, however, less out of dissatisfaction with Brooke's management, than to appease the body of more forthright local Tories, led by Robert Townshend. The king, through Sunderland, expressed his great satisfaction with the way Brooke was working in Warwickshire.[3]

Lord Ferrers early in the borough campaign induced Derby to surrender its charter, entirely on his own initiative.[4] His family had long associations with the area,[5] and of loyalty to

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[1] Cal.S.P.Dom. July-Sept. 1683, p. 413. Addit.MS. 41,803, f. 33.
[2] Brit.Mus., Stowe MS. 196 (State Papers Charles I - William III, III), f. 38: confirmation, dated 6 Feb. 1682.
[3] Cal.S.P.Dom. 1683-4, pp. 5, 16, 15, 158; Addit.MS. 41,803, ff. 39, 45-6, 49.
[4] Cal.S.P.Dom. 1682, pp. 229-30.
[5] As the Shirley aisle and monuments in Breedon-on-the-Hill testify.

the crown and the Church of England. His father, Sir Robert Shirley the fourth baronet, erected in defiance of the Puritan ascendancy the unique gothic chapel at Staunton Harold, according to the inscription, 'in the yeare 1653 when all things Sacred were throughout ye nation Either demolisht or profaned.' Charles II created the fifth baronet lord Ferrers in 1677 by a writ summoning him to parliament. This termination of the abeyance of the Devereux barony in his favour was a political act: no money exchanged hands. Perhaps it was done as much to honour the dead father as reward the living son, but Charles's investment was repaid in June 1682, when Derby's charter was delivered up to him, unbidden.

The reincorporation of Leicester was supervised not by the lord lieutenant, Rutland, but by the earl of Huntingdon. Rutland does not seem to have been an uncooperative exponent of reaction, apparently in the parliamentary elections of 1685 joining interests with Ailesbury in Leicester town and county, pushing the court candidate at Grantham (where he was recorder), and directing his deputies in canvassing for Tories in Derby town and county.[1] He and Huntingdon, however, were both members of very long established families in the area (their earldoms created respectively in 1525 and 1529) and perhaps this equable sharing out of political interests

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[1] Rutland MSS. II, pp. 87-8. These are letters from Ailesbury, Lindsey and Legge encouraging him to do those things, anyway.

between them was traditional. At any rate, Rutland presented Leicester's abhorrence in 1682, and assembled the town militia for training and exercise the same year.[1] But Huntingdon alone supervised reincorporation. Huntingdon was a former Exclusionist, but flagrantly defected to the court during the reaction. In 1687, by then entirely reconciled to James II, he was to become lord lieutenant on Rutland's dismissal. It was Huntingdon who advised a voluntary surrender in the face of a quo warranto; he who told Leicester when the king was due back from Newmarket and so would be ready to accept their charter; he who sent the corporation the instrument of surrender and who invited the town to choose additional privileges; and he whom the mayor afterwards thanked for 'conducing soe effectually the happines of this Burrough.'[2] Huntingdon was given the honour of the recorder's place in the new charter, though he deputed the old recorder to act on his behalf.[3] He also sent a doe to be eaten at the celebrations (which he did not attend) welcoming the new charter.[4]

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[1] H. Stocks, ed., Records of the Borough of Leicester...1603-88 (Cambridge 1923), p. 559. Leicester City Museums and Art Gallery, [2] Borough Hall Papers (Bound) 1680-5, f.68.
[2] Stocks, pp. 559-60. Borough Hall Papers (Bound) 1680-5, ff. 160, [3] 158, 140.
[3] Stocks, p. 563.
[4] Ibid., p. 562.

Huntingdon's total success in Leicester is all the more remarkable for his conducting his relations with the corporation entirely by letter. His efforts in Leicester were calculated to make a favourable show against the interest of lord Ferrers, who appears to have had designs on Leicester himself. Huntingdon wrote to his chaplain shortly before the surrender:

> 'I shall like very well if upon my promoting this takes effect for by it I conclude My lord Ferrers has no more hand in it than my lord of Rutland.'[1]

Some of the political duties of lord lieutenant in Somerset were assumed by the leading deputy, Ralph Stawell. Like Ferrers in Derbyshire, Stawell was honoured with a barony (on 15 January 1683) perhaps as much in recognition of the hardships suffered by his father during the civil war in the service of the king, as to encourage the recipient himself.[2] The family traditions of royal service were continued by lord Stawell in Somerset (where he had been a deputy lieutenant since 1672). In Taunton he readily encouraged the isolated Tory mayor in harrying dissenters and forwarded the king's congratulations to the desperate but serviceable man.[3] He had a greater knowledge of Bridgwater, however,

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[1] R.W. Greaves, 'The Earl of Huntingdon and the Leicester Charter of 1684', Huntington Library Quarterly 15 (1951-2), p. 377.

[2] Stawell's patent of peerage (printed in G.D. Stawell, A Quantock Family (Taunton 1910), pp. 421-2) records the sufferings of his father John Stawell at some length before appending the note that Ralph, 'walking in his father's footsteps and adorned with the most distinguished and ancient qualities of his family, has never failed to do useful and loyal service to us and our kingdom.'

[3] Cal.S.P.Dom. Jan.-June 1683, pp. 212, 266, 288. Addit.MS. 41,803, f. 71: letter from Stawell on the mayor's behalf, 20 April 1684.

which he had represented in parliament from 1679 to 1681. In July 1683 he searched the town for arms, and discovered a circular wooden conventicle house which could seat four hundred, which he broke up and set fire to. He and the Bishop of Bath and Wells within the week had persuaded the corporation to surrender the charter, and vetted the personnel for the new council.[1]

The lord lieutenants closely associated with a particular town or area who were pre-eminent in government service in these years were Lindsey, Plymouth, Abingdon, Yarmouth and Norfolk. Lindsey, lord lieutenant of Lincolnshire since 1666, was quick to rally his county to the government's cause in the summer of 1681. He assembled the county's deputy lieutenants, justices and gentry at Grantham for a great entertainment on the occasion of signing a loyal address to the king. Reresby was overcome by the abundance of rich food available (and 'suffered by it in my health some days after'), and concluded

> 'that if good meat and drinke will make men loyall (which used to be a good argument with Englishmen) my Lord spares noe cost to effect it in his lieutenancie.'[2]

Lindsey indeed claimed that his efforts in the county on the king's behalf that summer had made the Chancellor of the Duchy of Lancaster jealous and misrepresent him to the king.[3] He was not put off,

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[1] Cal.S.P.Dom. July-Sept. 1683, pp. 60, 119, 401-2.
[2] Reresby, Memoirs, pp. 227-8, 228n.
[3] Hist.MSS.Com. 14th Report, Appendix IX (1895), Lindsey MSS., p. 437.

however. It is not clear how far he was involved in Lincoln's reincorporation (which George Jeffreys seems to have been foremost in promoting), but he was certainly made recorder in the new charter, which he himself dispatched to the city from London.[1] He was also busy in persuading Rutland to have a court candidate elected at Grantham in 1685.[2]

Plymouth, lord lieutenant of Worcestershire since 1660, seems to have been closely identified in the king's interest with several corporations in that county, although he was involved in perhaps only one surrender. By now in his fifties, he was old enough to have fought for the king in the Civil War, for which he was rewarded at the Restoration when the abeyance of the barony of Windsor was terminated in his favour. In November 1682, while keeping his Worcestershire lieutenancy, he was transferred to the governorship of Hull on Mulgrave's departure. The following month he joined the swelling ranks of new Tory lords by being created first earl of Plymouth. Droitwich asked him to put their case to the king when they refused to admit George Harris burgess there. Harris, a servant of ex-secretary Coventry's, had obtained a letter from the king instructing the corporation to admit him.

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[1] Hist.MSS.Com. 14th Report, Appendix VIII (1895), Lincoln MSS., p. 110.
[2] Rutland MSS. II, pp. 86, 87-8.

Droitwich's case against him (whatever it was), when represented by Plymouth to the king, was so strong that the government, anxious not to offend what Jenkins recognized as a well-affected corporation, withdrew all support from Harris.[1]

Worcester, dominated by its Whig mayor and sheriff, was far from well-affected. The city's Tories sought the encouragement of Plymouth in their attempts to have these Whigs removed. This was done eventually by trial at the King's Bench, since the Whigs held their offices illegally without royal authority. The resulting expulsion of the twenty six defendents set the corporation on a Tory footing and prepared the ground for a charter surrender. In all this, Plymouth took the Tories' part and represented it to the government, in case the expelled Whigs should recant and petition for their reinstatement in the new charter. He also went to Worcester to influence the choosing of a Tory jury to try rioters at the assizes. He hoped for heavy fines, which he asked might be given to the corporation to help pay for the expensive proceedings that had rid them of their illegal officers.[2] It was also through his hands that the formalities of Evesham's surrender and petition passed.[3]

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[1] Cal.S.P.Dom. 1682, pp. 402, 481, 565. Droitwich, incidentally, escaped reincorporation in this period.
[2] Cal.S.P.Dom.Jan.-June 1683, pp. 183-4, 349-50, 260, 343-4.
[3] Cal.S.P.Dom. 1683-4, pp. 148-9, 152.

His appointment to the governorship of Hull in November 1682 gave him the opportunity to extend his borough patronage outside Worcestershire. He was enabled by the Rye House Plot to have his revenge on Hull's 'godly party'. He searched houses for arms, and instructed four aldermen to arrest conventiclers. This was duly done, and they were convicted and fined by distraint. Plymouth was convinced that 'too much mercy formerly brought this dainger upon us, and Justice must prevent the like.' Under his supervision Hull corporation became totally won round to the Tory interest, and through Plymouth asked Halifax to become their high steward in place of Monmouth. This news made the Whigs 'straingely cast downe'. Plymouth asked the government to 'improve this opertunety to the distructions of thise villaines and preservation of his Majesties good subjects.'[1] Halifax, however, declined, presumably believing that Plymouth's own assumption of the stewardship was more likely to achieve that end than his own. In any event, it was Plymouth who became high steward in 1683. In all likelihood he was closely involved in the reincorporation authorized (though delayed) in January 1684. In all these places, Plymouth was the formal representative

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[1]Notts. R.O., DD.SR 212/36 (letters to Halifax 1647-85), Plymouth to Halifax, 4 (or 7?) July 1683.

of royal government - in Worcestershire and lord lieutenant, in Hull the governor. His relations with all these boroughs, however, seem to have been more intimate than that of official intermediary between corporation and royal government. He seems to have identified closely with the boroughs whose concerns he adopted in government service. So he spoke for Droitwich against Harris, and pleaded on Worcester's behalf for the fines imposed at the assizes. The interest he quickly built up amongst Hull's Tories was sealed with his appointment to the stewardship within a year of his being posted there as governor.

The close identification of patron with borough is also very much in evidence in Abingdon's relations with the city of Oxford. Abingdon was ambitious for local honour and authority, perhaps aiming in Oxfordshire for something of the esteem his elder half-brother, the earl of Lindsey, enjoyed in Lincolnshire. He enjoyed a distinguished local pedigree, being great grandson of the only Norreys earl of Berkshire, but represented only a cadet branch of the Bertie family, having inherited his estates and barony through the female line of two generations. First son of the second earl of Lindsey's second marriage, he inherited

the Berkshire and Oxfordshire lands acquired by his mother and grandmother.[1] It was on the eve of Tory reaction that the young Norreys (he was 27) assumed the role of literary patron by his first payment of £10 to John Aubrey.[2] It was also at this time that he managed to usurp Lovelace's interest at Woodstock. Lovelace was forced to move his horse-race which had been held every September at Woodstock for several years to Port Meadow after the corporation, on Norrey's advice, turned unsympathetic. Lovelace was humiliated further when his candidate lost the next mayor's election.[3] It was Norreys who presented Woodstock's address to the king in 1681.[4] Norreys also made himself available to encourage Abingdon's Tories during these years. He wanted to support the mayor (a tenant of his) in the

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[1]He was son of Bridget, baroness Norreys of Rycote, sole daughter and heir to Edward Wray and Elizabeth, baroness Norreys, sole daughter and heir to Francis lord Norreys, viscount Thame and earl of Berkshire. At this time he was married to Eleanora Lee, eldest daughter and finally sole heir to Sir Henry Lee of Ditchley, Oxon. Bodl., MSS. Rawlinson b. 400, f. 51: copy of inscription on his tomb at Rycote.

[2]Bodl., MS. Aubrey 12, f. 57: Norreys to Aubrey, 6 Feb. 1681. Aubrey compiled his Miscellanies at Abingdon's house at West Lavington 'when I enjoyed the contentment of solicitude in your pleasant walks and gardens', and this, the only work he published in his lifetime, (1696) was dedicated to Abingdon. A. Powell, John Aubrey and his Friends (1963 edn.), pp. 187, 190-1, 243.

[3]E.M. Thompson, ed., 'Letters of Humphrey Prideaux to John Ellis 1674-1723', Camden Soc. 2nd ser. 15 (1875), pp. 97-8, 105. Prideaux, credulous and fretful, was not always a reliable witness of the political developments he recorded, but as Rector of Bladon presumably had better authority for his reports on Woodstock than was usual elsewhere.

[4]K. Feiling & F.R.D. Needham, 'The Journals of Edmund Warcup, 1676-84', Eng.Hist.R. 40 (1925), p. 255.

attempt to get a loyal address to the king signed in 1681, but was afraid it might miscarry unless Clarendon joined with him.[1] The following year, during George Winchurst's mayoralty, he wrote on the town's behalf to Clarendon to ask that the Berkshire Assizes be held there instead of at Reading.[2] As well as Woodstock's and Oxford's addresses, he also carried those of Oxford county in 1681,[3] and of Westbury in 1683.[4]

The Tory reaction gave him the opportunity of establishing his local political supremacy in Oxfordshire in government service. His packing the jury that indicted Stephen College for trial at the Oxfordshire Assizes and his meddling in Oxford city politics in the Tory interest earned him (with Halifax's patronage) his earldom on 30 November 1682. It was his handling of Oxford's politics of surrender, however, that gave him full political ascendancy in his county. He relentlessly harried Oxford's leading Whigs, aldermen Wright and Pawlin, from 1681 onwards, and encouraged the Tories, mainly through Sir George Pudsey and Thomas Baker. He was unable to show any positive

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[1] Bodl., MS Clarendon 155, f. 33: Norreys to Clarendon, 30 July (1681) (draft).
[2] Clarendon MS. 155, f. 51: Clarendon to Norreys, 1 July 1682. Abingdon's splendid town hall (1678-82) had, after all, just been completed for that very purpose.
[3] Feiling and Needham, loc.cit.
[4] S.P. 44/64, p. 78: (Jenkins) to Abingdon, 21 Aug. 1683.

effects of his invasion of city politics until after the Rye House Plot, when searches he ordered in the houses of the town's leading Whigs brought to light incriminating correspondence and libellous printed matter. Abingdon was then able to blackmail William Wright into retirement from city politics and persuade the corporation to surrender the charter. The following year Pawlin was convicted of scandalum magnatum against Abingdon at the Oxfordshire Assizes for words in a letter of his to the duke of Buckingham found at Wright's house in the searches of 1683.[1]

The city's petition for additional grants to be inserted in the new charter met with an unsympathetic response from government. The five extra clauses the city sought would have been prejudicial to the University, who therefore counter-petitioned. Sawyer certainly approved one of the alterations which the city sought (doubling the number of aldermen), but was overruled (by Jenkins?).[2] As a result, all the city's requests

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[1] Wood, Life and Times iii, pp. 155-6. This may have ruined Pawlin, though the size of the fine is not given by Wood. His trade was already suffering from the University's withdrawal of its custom. His wife's desperate and almost illiterate appeal to Abingdon to get Sir Robert Sawyer to issue a nolle prosequi before judgement was given appears to have gone unheeded. Bodl., MS.Top.Oxon. c. 325, f. 57.

[2] S.P. 44/66, pp. 357-61: petition from the city of Oxford, and annotated remarks by Sawyer (and Jenkins?), March 1684.

were denied. Abingdon was furious, having promised the city at the time of surrender 'that they should not lose by it.'[1] He spoke publicly against the University, and 'acts very vehemently & peevishly in the thing.'[2] He may indeed have felt he had lost face with the corporation, but his outspoken campaign against the University earned him heroic status in the corporation's eyes. By the time the new charter came (in September 1684) without any of the new grants sought, he had for six months been publicly identified with the corporation's cause against the University's. His continued ascendancy in city politics was assured. Furthermore, the new charter confirmed the new Tory control of the council, and made Pudsey recorder and Baker townclerk.

Abingdon's leadership bore fruit in the 1685 parliamentary election, when his brother Henry Bertie and Pudsey were returned by the city. And it was sealed on the death of Buckingham in 1687, when he was unanimously chosen high steward. The appraisal spoken on that occasion on behalf of the corporation was not merely a rhetorical gesture:

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[1] Wood, Life and Times iii, p. 89.
[2] Addit. MS. 28,929, f. 108: Prideaux to Ellis, 6 Aug. 1684.

> 'Wee have seen his unwearied Pains in the Service of the Crowne, wee have tasted his pious care of us, Our Liberty's and Franchises and have in all respects found him a Zealous Assertor of the publick Good, and (that which ought to make him most dear to us) a true Champion for the Rights & Privilidges of this Corporation.'[1]

The borough campaign of the early 1680s had enabled him to provide service to both government and city that was indispensable to both, and in the process build up for himself an unrivalled supremacy in local politics. Abingdon's achievement in Berkshire, Oxfordshire and Wiltshire during these years in characteristic of the strength of the Tory reaction itself. Reaction gave the local aristocracy a chance to recover its local standing. The political fortunes of the Bertie family were made in the 1680s, and carried them through the eighteenth century, undisputed county leaders. In 1685 the Berties reaped a rich harvest at the hustings. No fewer than six of them were elected to the House of Commons, all as borough members: Charles Bertie (Stamford), Henry Bertie (Oxford), Peregrine Bertie (Stamford), Peregrine Bertie Junior (Boston), Richard Bertie (Woodstock), and Robert Bertie, lord Willoughby (Boston). No other family profited quite so well from the Tory reaction.

The Pastons likewise used the Tory reaction to work for them

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[1]MS.Top.Oxon. c. 325, f. 68.

in Norfolk. Unlike Abingdon's, however, their political dealings of 1681-5 represented less the creation of an appanage than the family's last piece of public service done in Norfolk. The Pastons were of course long established in the county, but their political leadership there was new. It was built on the careerism of Robert Paston, the first earl of Yarmouth. His tastes (for collecting, developing his gardens and alchemical researches) exceeded his purse's capabilities. From 1664 he therefore lived a life devoted to government service. It was then, as M.P. for Castle Rising, that on Clarendon's advice he proposed in the Commons a vote of two and a half million pounds for the Dutch War. He was rewarded two years later with a twenty one year lease of the customs on miscellaneous manufactured ware and exotic fruits.[1] The Paston's finances made them perpetually dependant on royal favour. They were furthermore committed to royal service by political conviction, and marriage: in 1673 Robert Paston's heir, William, was married to one of the king's bastards, Charlotte. At the same time a barony and viscountcy were conferred on the family. In 1676 lord Paston was appointed lord lieutenant of Norfolk, and in 1679 he was

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[1] R.W. Ketton-Cremer, Norfolk Portraits (1944), pp. 27-9, 32.

created first earl of Yarmouth. By 1681 he was fifty, tired, ill and grown sentimental and extremely fat. He took his political responsibilities in his county very seriously, however, and was one of the foremost local exponents of Tory reaction in the entire kingdom.

In May 1681 he organized the Norwich address to the king, perhaps the first of this series which was soon to sweep the country.[1] The following year he toyed with the idea of persuading Norwich to 'find one thousand Guinneys to lead the dance of other Corporations' as a gift to the king.[2] Within a month he suggested that the city should surrender its charter.[3] At this date only two boroughs had been reincorporated (Thetford and Hereford) and the proposal to surrender was being mooted to the city very tentatively by Yarmouth's agents.[4] During the following four months as Yarmouth fully took over the diplomacy of the operation, he carefully, but definitely, leaned more and more heavily on the corporation to induce it to surrender. At the end of May he wrote to the mayor a long, courteous, carefully composed letter, genial,

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[1] Brit.Mus., Addit.MS. 36,988, f. 165: Yarmouth (to L'Estrange?), 12 May 1681.
[2] Ibid., f. 185, Yarmouth to L'Estrange, 22 April 1682.
[3] Brit.Mus., Addit.MS. 27,448, f. 61: Yarmouth to mayor of Norwich, 20 May 1682 (copy).
[4] Brit.Mus., Addit.MS. 36,540, f. 40: Houghton and Cecil to Yarmouth, 2 June 1682.

encouraging, brimming with literary conceits, promising the corporation a new and better charter when they surrendered the old.[1] The wary corporation prevaricated, and factions organized against surrender were beginning to solidfy. By the beginning of August Yarmouth wrote to the mayor a letter, curt, to the point and putting the recipient in no doubt as to his duty to the crown.[2] A fortnight later Yarmouth moved from London to Oxnead in the hope that his proximity might lend more force to his instructions. He had his candidate elected townclerk. He entertained members of the council with local Tory gentry, thirty at a time, at Oxnead, more than 'I have had att one time at Oxnett.'[3] In return he was entertained in town. By the end of the month the work was done: he had pacified the corporation and the charter was in the king's hands. He wrote to his wife, 'I am glad itts gon for my honor & reputation.'[4]

Within six months, however, the first earl was dead. His heir seems to have lacked his local standing. Before the old earl's death, William Paston's proposed appointment to the recordership of Norwich caused a furore in the city, and although this breach

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[1] Addit.MS. 27,448, f. 70.
[2] Ibid., f. 110.
[3] Ibid., f. 116: Yarmouth to countess of Yarmouth, 6 Sept. 1682.
[4] Ibid., f. 137: same to same, 2 Oct. 1682.

was resolved in Paston's favour, his relations with the city never wholly recovered. The king chose not to give him the lieutenancy on his father's death, and it passed over to the duke of Norfolk. The second earl struggled on, successfully prolonging the family's political interest in Yarmouth (where they owned property). He continued his father's encouragement of the town's leading frustrated Tories, and forwarded the instrument of surrender for the corporation to set its seal to in 1684.[1] He also won the high stewardship in competition with the duke of Norfolk.[2] The Pastons' brief period of political leadership of the county, however, had passed. The Tory reaction had enabled the old earl to put his diplomatic skills and the gravity of his presence to good use in his dealings with Norwich, but his son's interest wilted under the threat of competition from the duke of Norfolk.

The duke of Norfolk (when still the earl of Arundel, during the second duke's lifetime) was making political headway in the county even while the old earl of Yarmouth was alive. Though of a Roman Catholic family, he managed to hold office by conforming

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[1] Addit.MS. 27,448, f. 285: Jenkins to Yarmouth, 5 April 1684.
[2] Ibid., f. 237.

to the Church of England (which he did by taking the sacrament according to Anglican rites in 1679).[1] He was appointed to the lieutenancies of Berkshire and Surrey in 1682 on Prince Rupert's death, and was promptly elected to the high stewardship of Windsor.[2] The same year he and the old duke went on a tour of Norfolk to try to usurp the Pastons' ascendancy. They visited Norwich in December, and played on the tensions that the proposed appointment of William Paston to the recordership had created between the city and the Pastons. Arundel called on the mayor and

> 'gave an account to him and the body how that now hee had a perticular opportunity of having the king's ear, that his late favours had mightily enabled him to serve his Friends which in a peculiar manner he esteemed them to bee and desired them if at any time they wanted his assistance to make use of him.'[3]

He also had part of his Norwich house put in order and furnished and promised to visit the city frequently. His father the old duke recommended him to the corporation, too. The old duke also promised to set up an annual plate race at Thetford,

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[1] His father, the second duke (1628-84), retained his Catholicsim, and was indicted for recusancy at the Norfolk Assizes, Thetford, in 1680.

[2] S. Bond, ed., 'The First Hall Book of the Borough of New Windsor 1653-1725,' Windsor Borough Hist.Records 1 (1968), p. 40.

[3] Addit.MS. 27,448, f. 168: Cecil to Yarmoutb, 18 Dec. 1682.

'and did not doubt but the king would honour it with his Company which would make that a flourishing Corporation.'[1]

Having succeeded to the Norfolk lieutenancy and the dukedom, he became in 1684 high steward of King's Lynn, a corporation which had invited, made free and gloriously entertained young Paston only two years earlier.[2] By the end of the period the Pastons had been all but eclipsed in Norfolk by the swing to the duke which followed his appointment to the lieutenancy in 1683. Yarmouth just managed to hang on in the borough whose name he bore, and his younger brother Robert was elected M.P. for Norwich in 1685.

Such were the opportunities for patronage which the borough campaign afforded the local aristocracy. At a time when the boroughs needed access to the king's ear, and the government needed spokesmen in corporation politics, members of the local aristocracy were much in demand. Energized by a mixture of duty, political conviction and ambition, the lord lieutenants were able to assume again the political leadership of their counties which had largely been usurped during the Exclusion crisis by popularizers of a political issue. When the independence of Whig voters in the

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[1] Addit.MS. 27,448, f. 168: Cecil to Yarmouth, 18 Dec. 1682.
[2] Addit.MS. 36,988, f. 205: Eldeyard to Countess of Yarmouth, 25 Sept. 1682.

localities was underwritten by a vigorous sitting parliament, aristocratic grandeur was scorned at the hustings. Without parliament, however, there was no one to defend the Whigs from being assaulted in the boroughs, and councillors anxious that their corporations should not be held responsible for the misdemeanours of their Whig officers needed patrons to represent them to the government. Friendless Whigs suffered retirement, expulsion or acquiescence in the Tory ascendancy. Over the political reversals of these years rode triumphant the English aristocracy who managed to impress the boroughs they courted and the government they served.

The opportunities, then, were there. The success made of them depended on a variety of local circumstances, but primarily of course on the diplomatic skills of the patrons concerned. The second earl of Yarmouth's decline in Norfolk was probably as much a result of his failing to get the lieutenancy as anything. He had, however, already personally alienated a faction in Norwich, and it is certainly true he lacked his father's grave imposing charm and distinction. Lord Latimer, Danby's heir, failed to impress at Buckingham because of his inept attempts at bestowing kindnesses. The town of Buckingham, having decided to build a new

town hall, induced neighbouring gentry to subscribe towards its cost. Latimer bountifully intervened, promising to pay for its erection himself. This, he admitted, was a straightforward ploy to create an electoral interest for himself in the town.[1] He obtained permission from the crown to use sixty tons of squared timber for that purpose. Out of meanness, indecision, or indifference, however, he proceeded no further in the matter, to the considerable dismay of the corporation. By the end of 1684 they had decided to carry on with or without his help, but asked of him the use of the timber which had been allocated for the purpose.[2] He ignored this request, and had got no further in fulfilling his promise by the time he set himself up for election in April 1685. He lost. When the corporation next asked him to relinquish the timber, they discovered it had become 'much decay'd'.[3] Latimer's attempts at borough patronage were perhaps exceptionally mismanaged, but their sad history indicates the degree to which personal care and a measure of material generosity contributed to the success made elsewhere of the opportunities thrown up for the aristocracy to seize in impressing

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[1] Brit.Mus., Addit.MS. 28,087, f. 20: letter from Latimer, n.d.
[2] Ibid., f. 18: mayor etc to Latimer, 24 Nov. 1684.
[3] Ibid., f. 62: petition from corporation of Buckingham to Latimer, n.d.

and serving the boroughs.

The Tory reaction then involved something of a political renaissance for the English aristocracy. Aristocratic prestige had probably never stood fairer in the seventeenth century, and this is reflected in the sudden eruption of a number of scandalum magnatum cases. Prosecutions under this fourteenth century act were unexpectedly revived in 1676, but it was in the early 1680s that a sudden spate of them hit the courts.[1] The statute protected members of the peerage from criticism: the privilege derived from their position of having to support the king with their advice as members of the House of Lords. At this period it was used blatantly as a political instrument to silence criticism. Not only Tory lords made use of it: Lovelace was awarded £2,000 in 1682, and Macclesfield tried it against Grosvenor.[2] It was, however, typically an instrument of Tory revenge. Burnet singled the practice out as one of the more obnoxious traits of an obnoxious period.[3]

Clarendon was awarded £5,000 against Thomas Hooper for calling him a papist at a parliamentary election at Christchurch.[4]

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[1] D. Ogg, England in the Reign of Charles II (2 vols, Oxford 1956) ii, p. 465.
[2] N. Luttrell, A Brief Historical Relation of State Affairs (6 vols, Oxford 1857) i, pp. 171, 305. Macclesfield's action failed.
[3] G. Burnet, History of My Own Time (2 vols, Oxford 1897) ii, p. 434.
[4] Luttrell, Historical Relation i, pp. 188, 198.

The case prompted the remark from a disinterested party, 'I fancy there was a wise Lord who sayd that they might say what they pleased of him, Hee was above words.'[1] Clarendon's action was probably the first of the Tory reaction: scandalum magnatum litigations quickly came into fashion, and because of the huge fines involved were invoked freely to over-awe opposition. Ormonde was awarded a like figure of £5,000 in 1683, also for being called a papist.[2] The greatest beneficiaries were York and Beaufort. York was awarded £100,000 against Alderman Pilkington at the end of November 1682.[3] This presumably encouraged him to enter another action the following day against a London apothecary.[4] In 1684 York was awarded a further £100,000, this time against Titus Oates.[5] Both York and Beaufort entered an action against Leominster's troublesome Whig leader, Colte, in 1683.[6] At about the same time Beaufort was awarded damages of £10,000 each against two Monmouth men.[7] Both Abingdon and Yarmouth threatened their adversaries with actions and then retracted.[8]

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[1] Brit.Mus., Addit.MS. 29,558, f. 512: Longeville to Hatton, 29 Nov. 1681.
[2] Brit.Mus., Addit.MS. 32,095, f. 212.
[3] Hist.MSS.Com. 7th Report (1879), Verney MSS., p. 480.
[4] Ibid.
[5] Ogg, op.cit. ii, p. 465.
[6] Cal.S.P.Dom. 1683-4, p. 89.
[7] Luttrell, Historical Relation i, p. 291.
[8] E.M. Thompson, ed.,'Letters of Humphrey Prideaux to John Ellis 1674-1723', Camden Soc. 2nd ser. 15 (1875), p. 127; Addit.MS. 27,448, f. 255. Abingdon would have looked very foolish if he had continued his action against Brome Whorwood, who was suing him for assault. Both actions derived from the incident at Oxford's abortive townclerk's election in 1681, when Whorwood called Abingdon a young rogue, and Abingdon beat him about the head. It was Bishop Fell who managed to reconcile them.

Abingdon's case against Robert Pawlin, however, was taken, as we have seen, to its bitter conclusion.

The statute de scandalis magnatum was used so freely, of course, because it was a convenient and savage weapon of revenge, and not because the English aristocracy suddenly felt more offended by criticism in the 1680s than it had for centuries. But its revival at a time when the political fortunes of the aristocracy were themselves reviving is indeed interesting. Its sudden and brief effulgence is a further instance of aristocratic aggrandizement in the heyday of Tory reaction.

In conclusion, it is interesting to see briefly what happened to the English aristocracy in the next reign. Bath, Beaufort and Newcastle went from strength to strength, Newcastle being entrusted with all the Yorkshire lieutenancies, as well as the counties he already commanded. But generally, James II alienated the local aristocracy where his brother had encouraged them. Albemarle retired from his counties in the first year of the new reign. In 1687 James dismissed fifteen lieutenants whom Charles II had promoted or tolerated during the years of reaction. They were dismissed for being antipathetic to the king's proposals to abolish the penal legislation against Roman Catholics. The list is a comprehensive one. It includes those celebrities of the period

of reaction, Abingdon and Plymouth. It includes appointments dating from the end of the reaction, Scarsdale and Thanet. It includes lieutenants who were minors during the reaction, Northampton and Somerset, but whose commissions were virtually hereditary. It includes rather indifferent exponents of reaction, Gainsborough, Rutland and Winchilsea, and the Yorkshire lieutenants Burlington and Fauconberg. And it includes those men who had been conspicuously hostile to reaction, but whom Charles II had prudently maintained in office: Derby, Newport, Pembroke and Shrewsbury. The contrast between Charles II and James II in their attitudes towards the local aristocracy could hardly be more striking. It was not enough that the crown should rely on the likes of Bath, Beaufort and Newcastle. Royal security rested in large measure on winning the co-operation, the confidence or at least the acquiescence of a large number of lesser men, who had deep personal, family and sentimental connexions with the areas they served. It was part of Charles II's achievement that he encouraged men like Abingdon and Plymouth without greatly offending Derby and the Pembrokes, and part of James II's failure that his state had no place for any of them.

Chapter Seven

The gentry invasion of municipal independence.

Among the liveliest allies of the crown in the subversion of civic rights in the period of Tory reaction were the county gentry. If members of the aristocracy provided leadership in the localities, most of the work of the Tory resurgence fell upon the gentry. As county justices and deputy lieutenants, the Tory gentry were responsible for the prosecution of dissent, disarming political dissidents, breaking up meeting houses and securing the internal defences of the kingdom at a time when armed insurrection was feared. The gentry as a whole, organized by such of them as held office under the crown, also energetically addressed the king, pledging their lives and fortunes to his service, and prepared for a Tory parliament by selecting candidates and canvassing for them. In short, the gentry formed the solid vociferous core of the Tory rally of 1681 from which sprang the successes of Tory reaction. The reluctance of many boroughs to participate in reaction alarmed the gentry of the neighbouring counties. The immunity of municipal jurisdictions was as obnoxious to the county benches as it was to the crown, for as long as the Whigs were indemnified by the survival of civic independence, Tory efforts

in the counties remained ineffective. Nonconformity in the counties could not be eradicated while conventicles met in the sanctuaries of corporations. The gentry were therefore active participants in the campaign against the boroughs, and triumphed in the campaign's successes. In part, the Tory reaction can be seen as a reaction of the counties against the corporations, and a triumph of the landed interest over the towns. The resurgence of the landed interest in local politics was reflected in the composition of the House of Commons in 1685, when, according to lord Bruce, 'such a landed parliament was never seen.'[1]

The widespread antipathy between the counties and corporations was rooted in the immunity of the corporations from the authority of the county benches. The jealousy generated by the exemption of one privileged body from the authority of another is frequently manifested in resentment and hostility. So it was with the corporations and counties in this period, the relations between the two being governed more often by spite and suspicion than by goodwill or understanding. These belligerent relations were parallelled in the 1680s by the hostility between

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[1] T. Bruce, Memoirs of Thomas, Earl of Ailesbury (2 vols, 1890) i, p. 98.

corporations and cathedral chapters (e.g. in Chichester and Bristol), counties and peculiars (e.g. between Dorset and Lyme Regis), corporations and universities, and corporations and royal garrisons (e.g. in Chester, Berwick and York). The antipathy between corporations and counties, however, was exacerbated by social friction. County gentlemen and townsmen did not inhabit entirely mutually exclusive worlds. It was by no means unusual, for example, for a county justice to be honoured with a commission inside a corporation, or for a prominent townsman to sit on the county bench. But friendships between individuals on either side of the social barrier did not prevent the prevalence of a general prejudice. The social envy and disdain between gentlemen and burghers were commonplaces which in this period of political confrontations assumed hysterical proportions. Affrighted alike - the gentry by the corporations' independence and the corporations by the gentry's attempted encroachments - each saw in the other a bogey to be combatted with all zeal. This spectre each presented to the other was largely a figment of ignorance, but all the more real and threatening for that. Social isolation and contempt gave greater force to their animosities.

There is abundant evidence for this social friction which coloured the relations between the country gentry and the boroughs in their neighbourhood even before political issues brought them

into open conflict. Sir John Reresby and his gentlemen friends of the West Riding spoke contemptuously of the small boroughs in their county, clearly regarding them as no more than the venue for playing out their own political contests, and obnoxious when they proved uncooperative.

> 'Indeed, in most of thes little burroughs, which consisted of mean and mercinary people, one had noe man sure longer then you was with him, and he that made him drunke or obliged him last was his first friend.'[1]

All of Thomas Fairfax's accounts of York city are infected with sneering denunciation, with the gentleman's mockery of the townsmen's antics which he cannot understand. With derisive relish he told Reresby that the aldermen have out done the Fish-women of Billingsgate' in the violence of their language.[2] The same flavour permeates Roger North's accounts of townsmen. Like Fairfax, a pert hauteur determined his observations on townsmen, and a readiness to win a laugh from his reader.[3]

This attitude seems to have been general. It was characterized by a smugness which was translated in a political situation into suspicion and alarm. In many instances the county

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[1] J. Reresby, Memoirs, ed. A. Browning (Glasgow 1936), p. 186.
[2] Mexborough MS. 26, f. 15: Fairfax to Reresby, 22 March 1684.
[3] E.g. his account of Bristol. R. North, The Lives of the Norths, ed. A. Jessop (3 vols, 1890) i, pp. 156-7.

gentry seem to have expected nothing better than disloyalty to the crown and political truculence from the boroughs in their neighbourhood, believing that only persons of quality could be trusted to keep the king's crown fast on his head. For example, the Bishop of Exeter contrasted the indolence of the Devon corporations in the prosecution of dissent with the vigour of the county, where the grand jury was composed of''Baronetts & persons of great estates & interest, such as will really serv the king & the church.'[1] Lord Bruce expressed the same attitude in a parliamentary context: 'I lay it down as a settled maxim that our nation can never be safe unless the kingdom be represented in the Commons House by men of substance in land.'[2] This suspicion, of course, was largely based on ignorance, the gentry frequently relying for their knowledge of corporation politics on gossip and rumour. When Gloucestershire deputy lieutenants rode into Tewkesbury in 1680 to investigate how strictly the oaths of allegiance and supremacy had been applied to corporation officers since the Restoration, they were dumbfounded to find from the records that the corporation could not be faulted. For 'by the character they

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[1] Bodl., MS. Tanner 36, f. 235.
[2] Bruce, loc.cit.

had received of us before they came hither they told us they expected to find it quite otherwise.'[1]

The counties readily believed the worst of the corporations, and vice versa, and in the frigid relations between the two even the most elementary forms of co-operation became impossible. The plainest example of this prejudice is preserved in the Devon Quarter Sessions records. The newly elected mayor and justices of Totnes asked for the county sessions to be adjourned to Bridgtown, where they could take their oaths before the county justices, to save them a journey to Exeter. This courtesy to Totnes had been traditional during the lifetime of a previous county justice. But the county refused, and took the opportunity to frame a general procedural order. In future, they decided, the county sessions would never be adjourned at the request of corporations, but only for the convenience of country gentlemen.[2] Furthermore, these magistrates of Totnes were Tories. Within a month of taking office they prosecuted twenty six inhabitants for not coming to church. The following spring they impressed the oaths of allegiance and supremacy

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[1] Glos.R.O., Tewkesbury Borough Records, A1/4 (Council Minutes 1677-86), entry for 15 July 1680.

[2] Devon R.O., Quarter Sessions Order Book (1679-85), entry in Epiphany 1682; Quarter Sessions Bundles, Michaelmas 1681: letter from Waymouth to Inglett, 4 Oct. 1681.

on over five hundred in a single session, imposing stiff fines on those who refused.[1] Even before political confrontations cast these animosities into battle-order, relations between the counties and corporations were severely strained by suspicion and distrust.

Seen in the context of the high-handed and unsympathetic attitude shown the boroughs by the gentry of Devon, Gloucestershire and Yorkshire, Andover's suspicion of the Hampshire gentry is understandable. Andover was Tory, amenable and ambitious. It surrendered its charter on the instructions on the duke of Beaufort, thereby consolidating its Tory ascendancy, and was rewarded with a number of additional privileges in its new charter. One of these, the liberty to hold the Weyhill Fair on any land a municipal committee found convenient, proved controversial. The fair had been held for over a century on land belonging to Ewelme Hospital and Weyhill rectory glebe, and the resulting rents supported the Regius Professor of Physic at Oxford and a fellow of the Queen's College. The corporation's new right was therefore challenged by the university. The dispute was heard by the king in council, Beaufort taking Andover's

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[1] Devon R.O., Totnes Borough Records 2/12/2e (Court Book 1672-1772), ff. 146, 148, 155. One man faced a fine of £45 before eventually conforming.

part, but could not be resolved, so both parties decided to try it at law.[1] The issue was a difficult one - the university's rights being by prescription and the corporation's by charter (although Andover had been persuaded to test their right in their old Elizabeth charter and overlook the new one). The contest could be staged either in a central court or in the county assizes. The venue was at Lord Chief Justice North's discretion. The corporation was convinced its only hope lay in the Common Pleas because it could not trust a Hampshire jury to be impartial. For some months the issue was reduced to finding an impartial court. The fellow of Queen's first noticed Andover's suspicions of the Hampshire gentry in January 1683. He reported how the corporation

> 'do seek for evasions, and are projecting to gett a Tryall att Barr and a Midlesex Jury (distrusting their Neighbours), so wee must watch their motions, and look to our witts and be ready for them against the beginning of the Terme.'[2]

Inevitably the University pressed for a Hampshire jury. Two months later Andover was still 'for the Barr and a Midlesex Jury, but wee are for a Hantshire Jury wherever it is try'd.'[3]

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[1] Cal.S.P.Dom. 1682, pp. 358, 366, 382-3, 514, 525.
[2] J.R. Magrath, ed., 'The Flemings in Oxford' ii, Oxford Hist.Soc. 62 (1913), pp. 79-80.
[3] Ibid., p. 86.

The matter was finally tried at Winchester assizes in July 1683 and Andover appears to have lost the case.[1] The corporation persevered, however, and secured another hearing in 1684, this time at the Exchequer Bar. Again all the town's efforts were directed at preventing a Hampshire jury from trying the case, but North insisted and the University 'forced them to concurr in strikeing a Hampshire Jury of Gentlemen.'[2] Again Andover appears to have been defeated by the Hampshire jury. The corporation still refused to yield and even managed to get a quo warranto served on an official of Ewelme Hospital.[3] One of James II's first acts as king was to order the withdrawal of the quo warranto and insist

> 'that his Name should not be made use of in behalfe of the Towne, but that the matter shold be left to the Law.'[4]

North finally conceded to the town the chance to try the matter in the Common Pleas 'by a forreigne Jury, and not by a Hantshire Jury att the Kings Bench as in a former order of chancery.' He later cancelled the order, however, and had the case heard by himself alone.[5] The final outcome is not clear, but Andover

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[1] For the following year the University refers to two verdicts made in its favour. Ibid., pp. 95, 125.
[2] Magrath, op.cit., p. 113.
[3] Ibid., p. 131.
[4] Ibid., p. 137. James II gave this order in council on 11 Feb. 1685.
[5] Ibid.

presumably accepted defeat, especially after the 1682 charter was revoked seven years later. It is quite clear from this extraordinary history that on a non-political issue Tory Andover could not trust the Tory gentry of Hampshire to hear its case sympathetically. Such was the hostility that existed throughout the country between counties and corporations. Based on jealousy of municipal immunities and frequently expressed in social friction, the petty antagonisms took on greater force when a government campaign was launched to curtail the independence of municipal jurisdictions.

The county gentry were therefore eager allies of the crown in applying the borough campaign locally. It was a double-edged eagerness, not only to annihilate the Whigs but also simply to see the liberties of the towns eroded. In the success of the campaign can be seen a triumphant resurgence of the landed interest in local politics at the expense of borough independence. This has been an appealing interpretation of the Tory reaction since P. Styles's work on Bewdley thirty years ago.[1] Styles showed how reincorporation in 1685 altered voting patterns in the corporation by introducing country gentlemen as honorary burgesses. This tipped the electoral balance in the Tory favour.

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[1] P.Styles, 'The Corporation of Bewdley under the Later Stuarts', Univ. of Birmingham Hist.Jour. 1 (1947-8).

From this and one or two less certain examples, J.R. Western has more recently tentatively suggested a general pattern of gentry infiltration of the boroughs in the 1680s for the purposes of electoral management.[1] That this was happening elsewhere in the country is undeniable. Sampson Byrch, mayor of Stafford, made over fifty county gentlemen honorary burgesses between 1679 and 1682, expressly to affect elections in the town.[2] The gentry domination of Oswestry had occurred rather earlier. The cost of procuring Oswestry's new charter back in 1673 had been borne in part by 114 named subscribers, described as 'countrey gentlemen persons of note and qualitie ... being Burgesses of the towne of Oswestrey.'[3] The Shropshire gentry consolidated their political ascendancy in the town by securing the exclusion of the 'popularitie' from the franchise in the new charter.[4] One of the charges made later

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[1] J.R. Western, Monarchy and Revolution: the English State in the 1680's (1972), p. 76.

[2] Cal.S.P.Dom. 1682, p. 456.

[3] S. Leighton, ed., 'The Records of the Corporation of Oswestry', Trans.Salop.Archaeol and Nat.Hist.Soc. 4 (1881), p.5.

[4] Leighton, op.cit., pp. 11, 47. The elections referred to were internal municipal elections: Oswestry returned no members to parliament. The 1673 reformation was so successful that Oswestry was not affected by the campaign of 1681-5. The crown already enjoyed the power to appoint the recorder to the newly constituted court of quarter sessions, and to remove corporation members at will. The sheriff of the county was also empowered to act in the corporation if the mayor and his officers failed in their duties. Oswestry's 1673 charter is in fact an interesting prototype of the changes sought in borough constitutions in the early 1680s.

against Charles II's borough campaign in general was that it aimed at packing parliament by bringing gentry voters into the municipal franchise. Roger North defended the practice, declaring the gentry 'might shew the deluded, not to say bribed Towns, a better Choice than they could, or at least would, have found for themselves.'[1] North rightly proceeded to deny, however, that the influx of gentry voters was a result of the reincorporations: the new charters rarely affected the right of election.[2] Gentry infiltration came about largely independently of charter renewal.

Bringing county gentlemen into the borough franchise began on a significant scale during the Exclusion struggle. We have seen that it was in 1679 that Sampson Byrch started introducing them into Stafford. In Exeter after the Restoration the freedom came to be used increasingly to affect the parliamentary franchise.[3] In the 1670s huge numbers of freemen were admitted wholesale. It was not until 1676, however, that county gentlemen were admitted on an unusual scale, when twenty four were. More were admitted every year until 1682,

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[1] R. North, Examen (1740), p. 626.
[2] Ibid., p. 627.
[3] Rowe & A.M. Jackson, ed.,'Exeter Freemen 1266-1967', Devon & Cornwall Record Soc., Extra series 1 (1973), p. xxvii.

although never more than twenty two in a single year.[1] Likewise in Oxford the introduction of gentry or aristocratic freemen can be dated to the end of the 1670s. The first one was brought in in 1679. Three followed in 1680, five the next year, and another five in 1684. Eleven new ones were introduced early in 1685.[2] It is certainly true a small number of gentlemen were brought into borough politics with the new charters or as a direct result of them. Five were so introduced in Wallingford, although significant gentry influence had occurred earlier - surrender and reincorporation had been brought off during the two year mayorality of David Bigg, high sheriff of Berkshire.[3] In reincorporated Abingdon, several of the J.P.s were gentlemen brought in from the county.[4] One of the changes introduced by the new charter of Newport (Hampshire) was that county J.P.s living on the Isle of Wight were to be J.P.s in the borough as well.[5] Leicester feared a similar fate, although it proved groundless.[6] St Alban's new

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[1] Rowe & Jackson, op.cit., pp. 167-74.
[2] M.G. Hobson, ed., 'Oxford Council Acts 1665-1701', Oxford Hist.Soc. 2nd ser., 2 (1939), pp. 117, 126, 129, 142, 170.
[3] Berks.R.O., W/ACa2 (Wallingford Statute Book 1648-1766), f. 128; J.K. Hedges, The History of Wallingford... (2 vols, 1881) ii, p. 230.
[4] B. Challenor, ed., Selections from the Municipal Chronicles of the Borough of Abingdon 1555-1897 (Abingdon 1898), p. 81.
[5] P.R.O., S.P. 44/66, p. 318: warrant, 24 Dec. 1683.
[6] H. Stocks, ed., Records of the Borough of Leicester (Cambridge 1928), p. 561.

charter appointed eleven county gentlemen aldermen and only eight townsmen.[1] A clutch of five country gentlemen were admitted free in Barnstaple soon after reincorporation.[2] One of these, Sir Bourchier Wrey, was also appointed freeman in Liskeard's new charter the same month. The Cornish charters of this period are spattered with gentry and aristocratic freemen, with some men, such as the Arundells of Trerice and Sir Jonathan Trelawney, appearing in several. Liskeard's charter appointed twenty five outsiders freemen, Bodmin, Launceston, Lostwithiel and Truro rather fewer.[3]

These figures suggest, however, that while gentry infiltration was a novel and significant factor in late seventeenth century municipal history, except in exceptional cases (Bewdley, Stafford) the scale of this infiltration was hardly large enough to have been used as an electoral ploy. The gentry introductions seem to have been used simply to reinforce the already existing political complexion of the corporations. There was in fact some care taken to ensure that

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[1] Hist.MSS.Com., Verulam MSS. (1906), p. 98.

[2] North Devon Athenaeum, Barnstaple, 1.B13984 (Sessions Court Records 1677-1716, vol 14), entry for 28 March 1685.

[3] Cornwall R.O., Boro/Liskeard 17, Boro/Truro 7, Boro/Bodmin 7, Boro/Lostwithiel 4. Launceston Borough Records (Townclerk, Launceston), charter 1 James II. Arundells were made free in Liskeard, Truro, Bodmin; Trelawney in Liskeard, Truro, Bodmin, Lostwithiel; Sir Hugh Piper in Liskeard, Launceston; Sir Richard Edgcombe in Liskeard, Truro, Bodmin; Nicholas Courtenay in Bodmin, Launceston.

gentry introductions did not overpower the townsmen voters. At least one charter of the period empowered the corporation to elect 'the more honest and discreet Inhabitants' of the county capital burgesses, provided they always made up a minority.[1] Certainly the gentry introductions referred to in Exeter, Oxford, Wallingford, Abingdon, Barnstaple and Cornwall constituted a small minority of voters - in Oxford never more than twenty four out of over a thousand. Furthermore, the boroughs themselves chose to honour local gentry as freemen: it was not a policy of electoral management imposed from outside. The gentry infiltration is significant because it is indicative of a new interest and acceptance in corporation politics which the borough campaign consolidated. But it should be emphasized that the number of country gentlemen so admitted was usually tiny. The service the county gentry did the crown in the borough campaign was emphatically not achieved by swamping the guildhalls and hustings of their nearby towns. The gentry successes scored against the corporations were brought off not from within the towns themselves, but from outside in the counties.

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[1] Bridport's, 1685. Dorset R.O., Bridport Borough Records B3/K9, charter 1 James II, (translation).

If Exclusion was the issue which animated the first Whigs and made a national political party out of the parliamentary opposition, the Tory resurgence was generated by the determination to eliminate religious dissent. The two pillars of popular Tory ideology were devotion to the lawful succession and loyalty to the Church of England. In defending these two monoliths of their credo, however, the Tories were activated by focussing on prosecuting dissent. To the average Tory, dissent was tantamount to sedition. Since the Civil War and Interregnum nonconformity was equated with commonwealth principles, and since Exclusion had brought the Whigs' clash with the crown in 1681 to a point at which it could not be resolved in parliament, Tories generally feared rebellion and an end to monarchy. As with the Whigs, it was less what they stood for than what they opposed that organized the Tories into taking action. Eradicating nonconformity was an obvious and emotive focus.

This work in the nation at large fell substantially upon the county benches of eager Tory gentlemen justices. After successive purges the county administrations were generally staffed by supporters of the government. James Blythman of Newlathes, a J.P. of the West Riding, was in no doubt of his

duty to the government in these dangerous times. His letter to Sir John Reresby, written within a fortnight of the king's appeal to the nation in April 1681, expresses the Tory position on the eve of Reaction perfectly:

> 'As factiouse persons about the Towne take upon them to speak treason and Arraigne the king's cabinet's Counsells, call in question his disolving as well as calling parlments, soe likewise people of the same persuasion take the same liberty of speech intending thereby to incite and stir up the people to hatred or dislike of his Majesty's person and the established government, hopeing by this meanes to involve us into another unaturall civil warr And thereby to Roote out monarchy and set up (their darling) a common wealth, which is so apparently designed by the non conformists that he that runs may reade! To prevent which is the duty of every subject, especially of all those on whome his Majesty has conferred the honour of Magistracy. For my part you have heard me often sweare my allegiance and I must now declare that as I am bound by oath soe I thank god my principles obliges me to vindicate the Honour of my soveraigne and I have often upon publick occasion told the people that never any prince strove to immitate the king of kings in justice and mercy as he does, nor ever any that studdied soe much the good of his people and country as oure now present King. But there is a sort of people that believe the King so farr from studdying the good of his subjects that they are perswaded that he does not soe much as consult his owne, and this is apparent when they discourse soe much of bringing in the French King. I need not tell you that we have many non conformists in our parts, especially about Peniston, nor need I tell you that they are the people that thus presume to talk. I wish to god that I could fix it upon any one of them that they might be brought to condign punishment.'[1]

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[1] Mexborough MS. 18, f. 12: Blythman to Reresby, 17 April 1681.

During the rest of 1681 addresses expressing similar sentiments poured into Whitehall, drawn up by general gatherings of county gentry on the occasions of the assizes, quarter sessions or extraordinary meetings. The effect of the king's declaration in Devon was a spontaneous decision to prosecute dissent straightaway. The Bishop of Exeter reported that the king's

> 'late Declaracion takes exceeding well...The Justices of peace, and the Gentry, this quarter sessions have expressed their loyalty to the King and their affection to the Church by their resolucion to view officers in trust with the militia, and to put the lawes into execution against Dissenters, and will effectually do it... The Gentry hereabouts are loylall, wel-affected, and ready to do him service... If the Fanaticks be once more indulged, I fear the event may prove mischeivous to his Majesty and the established Government.'[1]

As the Tory rally accelerated throughout the country the government was able to assess the strength of its reserves of support in the localities before it launched a concerted attack on the Whigs. As the Middlesex ignoramus juries paralysed successive government attempts to crush the opposition during the course of the year, by the end of 1681 the government was ready to act. After talking to the Attorney General, the earl of Arran was able to write to the Duke of Ormonde at the end of October 1681:

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[1]MS. Tanner 36, f. 11: Lamplugh to Sancroft, 16 April 1681.

> 'While such factious Grand Juries are returned by the sheriffs (which is a mischief the present law cannot remedy), there is little hope that any bills will be found, and the King will have no expedient left to bring that party to reason, but to put the laws in execution against fanatics and confine their ministers which I perceive to be resolved on in case the refractory humour continue.'[1]

Indeed, a week later, a general order was made in council for the Attorney General to institute proceedings against nonconformists from time to time in the king's name, for 'the Discouragement and prevention ... of the evil and seditious practices of divers disaffected persons, Dissenters from the Church of England, to the Disturbance of the peace and quietness of his Majesty and his loyal subjects.'[2] Government, that is, formally adopted the policy urged upon it from the counties and already begun there during the previous six months.

Their aims now formally united with those of the government, the Tory gentry's work of prosecuting nonconformists in the county sessions continued apace. A five point order for the suppression of nonconformity in Devon was made at the beginning of January 1682 at a general sessions for the county held at Exeter Castle. Its professed purpose was to prevent rebellion,

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[1] Hist.MSS.Com.,Ormonde MSS VI, p. 208. The words underlined were written in cipher.
[2] P.R.O., P.C.2/69, p. 386.

the order beginning

> 'Religion is the foundation of Civil Government, and whilst faction and Schisme are allowed and permitted in the Church, wee can never expect peace and quiet in the state ... [Dissenters may disagree among themselves] yet agree in theyre wicked attempts upon the Government and theyre trayterous plotts and designes against the King's sacred person.'[1]

Throughout the country dissent was accused of seducing men away from the true principles of the Church of England and thereby fomenting rebellion against the crown and established government. If the dissenters were not checked in Coventry, declared a gentleman neighbour, the nation would soon be reduced to a commonwealth.[2] In Walsall it was apparent conventicles met to plan a new rebellion.[3] A Windsor address expressed no doubt as to who was responsible for hatching the Rye House Plot. It was 'formed and Contrived by men of Republican Principles under the specious Pretence of Religion, viz. Seditious Preachers and Schismaticall Absenters from the Church, both known enemies to Monarchy.'[4] A Bedfordshire grand jury, mindful of 'His Majesties Safety and the security of the Government', resolved to 'Present all Conventicles and pretended

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[1] Bodl., MS Tanner 36, f. 212: copy of order, 10 Jan. 1682.
[2] Cal.S.P.Dom. 1682, pp. 35-6.
[3] Cal.S.P.Dom. Jan.-June 1683, p. 31.
[4] S. Bond, ed., 'The First Hall Book of the Borough of New Windsor 1653-1725', Windsor Borough Hist. Records 1, (1968), p. 41.

Religious Meetings, and all Clubs and Cabals of such whose Religion or Loyalty is much and justly to be doubted.'[1]

With government encouragement the process of prosecuting nonconformity in the county courts continued effectively. The initial strenuous burst of prosecutions in 1681-2 seems to have been repeated in 1683-4 following the disclosures of the Rye House Plot. The County Records for Warwickshire and Devon show a great bulge in the number of prosecutions of protestant dissenters in the period 1681-5.[2] Nonconformists were also vigorously hounded in Yorkshire, Dorset and Kent. In the West Riding the laws against dissenters were put into execution in January 1682.[3] No instructions had been given by Whitehall to that effect, but the justices met to discuss the problem presented by the nonconformists 'and at last agreed of that such was their insolency that it was apprehended necessary to humble them.'[4] The effort in the county seems to have intensified considerably after several prosecutions in

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[1] W.M. Wigfield, 'Recusancy and Nonconformity in Bedfordshire'. Beds.Hist.Record Soc.,20 (1938), p. 186.

[2] S.C. Ratcliff & H.C. Johnson, ed., 'Quarter Sessions Records 1674-82', Warwick County Records 7 (1946), passim, esp. pp. 235-54; H.C. Johnson, ed., 'Quarter Sessions Records 1682-90', Warwick County Records, 8 (1953), pp. 1-123. These records do not always clearly differentiate between Roman Catholic and Protestant dissenters, but certainly in the period 1681-5 no one presented is identifiable as a Catholic except in the two sessions following the Rye House Plot. In the first of these 116 are clearly Catholics, leaving over 1000 others. The following session the proportions remain similar, although the totals are roughly halved. The bulge in Devon's nonconformist prosecutions for the period 1681-5 shows a peak likewise in 1683. Bodl., MS. Rawlinson d. 372, passim: claims made in 1688 for fines paid for religious offences, 1677-88.

[3] Mexborough MS. 18, f. 85: Blythman to Reresby, 24 Jan. 1682.

[4] Mexborough MS. 18, f. 96: Kaye to Reresby, 31 Jan. 1682.

the assizes the following March.[1] In the wake of this lead given by the northern circuit judge, the next county sessions, held at Pontefract, was crowded with cases against conventicles, including 'that great one att Tanshelf almost at Pomfrett town end.'[2] Dorset Quarter Sessions minutes include a string of conventicle fines paid in during the early 1680's, and record frequent instances of exacting oaths and promises of conformity.[3] Such activity corresponds with the accounts of the Dorset Tory gentry given by the Bishop of Bristol to the Archbishop of Canterbury. They were vigilant and eager to see nonconformity eradicated from the county. They felt their work was hindered by the number of Dorset peculiars which harboured nonconformist ministers.

> 'The Gentlemen of this County are very warm for a Commission to visitt peculiars, and desire me to acquaint Your Grace with it, and they will cleanse the County.'[4]

The Kent Quarter Sessions records of the period show a number of prosecutions for conventicles held at Woolwich, Deptford and Brastead, and for non-attendance at church. The severe statutory

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[1]Mexborough MS. 18, f. 15: Harwood to Reresby, 23 March 1682.
[2]Mexborough MS. 18, f. 21: Kaye to Reresby, 9 May 1682. 30/12:Yarburgh to Reresby, 15 May (1682).
[3]Dorset R.O., Dorset Quarter Sessions Minutes from 1669, passim.
[4]Bodl., MS. Tanner 34, f. 75: Gulston to Sancroft, 7 July 1683.

fines were imposed, sometimes by distraint, £20 for the first preaching offence, £40 for the second, £30 for the householder, and smaller fines for the congregation.[1]

The county justices soon saw some good effect of their great efforts in suppressing nonconformity. In Yorkshire it was observed that 'their meetings are neither so frequent nor publick where the laws are executed as they have been.'[2] A similar effect was seen in Devon. The Bishop of Exeter enthused

> 'This good effect of it we find already, that our churches are generally more full then formerly, and with such Persons as have not been seen there for several years.'[3]

The work could not be completed, however, unless the corporations wholeheartedly joined in the campaign. A good number, under Whig control, were understandably reluctant to do so. The natural antipathy the counties showed the boroughs which has already been discussed flared into open hostility. For not only

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[1] Kent R.O., Q/SR m2/15, 17, 18-23: Quarter Sessions 'conventicle rolls' for 1675-84, 1681, 1682 respectively.

[2] Mexborough MS. 28, f. 21: Kaye to Reresby, 9 May 1682. 3 MS. Tanner 36, f. 235: Lamplugh to Sancroft, 22 Feb. 1682. Indeed, the Devon Quarter Sessions records show an enormous number of convictions for not attending church in the first half of 1682 which abruptly dwindles to only three or four thereafter. This evidence, however, is contradicted by the claims made in 1688 for fines on religious offenders which indicate a more or less steady stream of non-attendance convictions in the county sessions during 1682-5. It is impossible to state with any degree of certainty whether this discrepancy is due to deficiencies in the surviving Quarter Sessions records, or in the memories of the claimants of 1688.

were the county Tories appalled to see pockets of nonconformity flourish in jurisdictions beyond their control, they were incensed to find that the persistence of dissenting worship in the corporations actually infected the counties themselves. Nonconformists living under the county jurisdictions were free to resort to the towns to meet in conventicles unchecked. In this way, Abingdon, for example, became the centre for nonconformist worship in north Berkshire, and nonconformity in the county could never be suppressed as long as it was propagated by preachers in the town. The few prosecutions attempted in Abingdon, during George Winchurst's mayoralty of 1682, show how widely the town's freedom of worship undermined the Anglican uniformity of Tory Berkshire. Quaker and Baptist conventicles, some held by preachers coming in from Faringdon, were attended by inhabitants of a dozen villages within a ten mile radius.[1]

So it was that a number of corporations were singled out for attack by the Tory gentry of the surrounding counties. The gentry antagonism appears to have been particularly marked in the

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[1]Appleton, Charney, Childrey, Chilton, Didcot, Drayton, Eaton, Harwell, Sandford, Wallingford, West Challow and West Hagbourne. Berks. R.O., A/JQz II (miscellaneous Quarter Sessions papers, 1673-1700), ff. 76, 79, 81, 83-4, 86-7, 91.

west country. This may in part have been the fruit of Francis North's encouraging loyalist traditions in the west country gentry when he was on the western circuit. He had certainly left his mark in the west: the Bishop of Bath and Wells (and of Winchester from 1684) dubbed him 'deliciae occidentis or the darling of the west.'[1] Roger North attributed the origin of the borough campaign to the complaints of 'some gentlemen of Dorsetshire and Devonshire, provoked by the impudent and audacious behaviour of some corporations.'[2] The county gentry found the abuses of such corporations insufferable.

> 'The Mischief lay in Towns that had Justices of their own with a Clause that the Justices of the Country ne intromittant; so, by excluding the County Justices, they were become the ordinary asylums for all sorts of Rogues that fled from the Justice of the Sessions, and particularly those that were tumultuous and seditious, and there found protection. And, particularly, the Town of Pool in Dorsetshire was of this Order, and, if I mistake not, Taunton Dean another. Others there were in the West of England complained of; and so much in Earnest, that the Grand Juries in Dorsetshire and Devonshire, or one of them (for I do but just recollect some Particulars) presented these places as common Nusances.'[3]

North was right in that the Dorset and Devon gentry were particularly aggressive towards their boroughs, and that juries from both counties presented neighbouring boroughs. It was in fact a Devon grand jury which presented, in August 1681, their corporations as common nuisances, and the text of the presentment makes clear that the tumultuous and seditious rogues North referred to were

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[1] North, Lives, i, p. 150.
[2] Ibid., p. 166.
[3] North, Examen, pp. 624-5.

nonconformists who escaped prosecution. The text of this presentment formed the basis of the fourth clause in the order to suppress dissent made by the county justices at Exeter Castle in January 1682, referred to on p. 330, which reads

> 'Forasmuch as the great danger that at this time threat'nes the Government flows from Corporations and Burroughs, who are the nests and seminaries of faction and disloyalty, where notwithstanding and in Contempt of a Lawe made in the 17th yeare of this King, Entituled an Act to prohibit Nonconformists from inhabiting in Corporations, Wee find that in some of our Burroughs and Corporations in this County, several of those dangerous and disloyal persons inhabite and reside, takeing the same seditious methods they did in the late Rebellion of draweing the people from theyre Allegiance and dutie; That we may therefore prevent the mischeif that may flow from such practizes Wee Order and agree that the aforesaid Lawe be duly put in Execution through every part of this County.'[1]

At the next Devon Quarter Sessions, the county justices again approached the problem of corporation dissent. In the long preamble to an order to tighten up their own efforts against seditious elements in the county by suppressing disorderly alehouses, the county justices noted the great success they had already achieved in Devon against nonconformity. Their

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[1] MS. Tanner 36, f. 212v.
Devon R.O., Devon Quarter Sessions Order Book (1679-85), order made Epiphany 1682. A copy of the jury presentment itself (August 1681) is preserved in MS. Tanner 36, f. 91: Lamplugh to Sancroft. I have quoted the later order as it makes the same complaint at greater length, and rather more precisely. The authors were substantially the same, as Lamplugh's letter makes clear.

efforts had 'reduced most of those wandring people into the bosome of their mother Church whom they had undutifully forsooke.' They then addressed the corporations and recommended that they joined in the assault 'as unlesse that be done we can never hope to reform the country.' Having reminded the corporations of the duty they owed the king for confirming their liberties at his restoration, the order continued

> 'more particularly we desire you would deliver upp to us those ungratefull Monsters (Nonconformist Ministers wee meane) who in the late rebellion preached up sedition and treason and though the kinge out of his wonderfull grace and mercy hath since been pleased to pardon them yet we have reason to beleeve they take the same methods and endeavour to debauch the people with the same Doctrines still.'[1]

The Dorset justices were presented with an identical problem: Lyme sheltered several nonconformists preachers, notably the notorious Ames Short, whom they were unable to silence.[2] Poole, a county borough, also incensed the Dorset gentry by harbouring a nonconformist minister.[3] The situation in both these cases was complicated by both parishes being peculiars exempt from the jurisdiction of the diocese of Bristol. In each case the minister himself was accused of nonconformity and propagating schism. The

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[1]Devon Quarter Sessions Order Book (1679-85), order made Easter 1682.
[2]MS. Tanner 129, ff. 87-9: anonymous informations on Lyme, n.d.
[3]MS. Tanner 129, f. 59: Ettrick to Lamplugh, 30 April 1682.

collaboration of dissenting magistrates, dissenting ministers and itinerant preachers using these boroughs as bases 'makes the Fanatiques there tryumph and gives offence to our Gentlemen in Dorset.'[1] Other peculiars in the Bristol diocese were complained of: Neatherbury, Holstock and Colliton, the last place infected by an itinerant preacher based in Lyme.[2]

Such was the problem facing the county gentry. It remains to be seen how they tackled it. They mobilized themselves through their meetings as county justices and deputy lieutenants. These two wings of the county administration were staffed by the same men: deputies were invariably justices, too, but as they were fewer represented a higher stratum of county society than the J.P.s. In the first years of reaction most of the counties' work directed against the boroughs was organized through the civil wing. We have seen in Devon the county J.P.s combined to issue instructions to the boroughs in the county and even, as a grand jury, to present them at the assizes. In Dorset, the county J.P.s acted similarly.

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[1] Bodl., MS Tanner 35, f. 163: Gulston to Sancroft, 6 Jan. 1683.
[2] Ibid., f. 164: same to same, 17 Jan. 1683; f. 39: anonymous account of Lyme.

Following Devon's lead, a Dorset grand jury at the assizes - 'the most considerable Grand Jury that has been in my time here, that is consisting of 23 very considerable gentlemen, many of them Deputy lieutenants and Justices of peace' - presented the town of Poole:

> 'We present that the incorporating of the Towne and County of Poole within this County, and its being a Peculiar governed, we feare, by a mercenary Official is a great hindrance to the execution of the Lawes Ecclesiasticall and Civill, all debtors and Criminals returning thither for a sanctuary from this county as to an Asylum. Which is further aggravated in regard the greatest part by farre of the Townsmen are knowne to be obstinate opposers of his Majestys Lawes, being influenced by the seditious preaching of one Samuel Hardy, an hired Nonconformist preacher who for at least 12 yeares past hath held a Conventicle in the Church of the sayd Towne, reading little or none of the Liturgy of the Church of England, to whom allso multitudes of your Majestyes disaffected subjects within this County doe constantly resort, the privileges of the said Towne exem'ting the said Hardy and them; And therefore we humbly beseech yourLordships to represent this great grievance to his Majesty and to beseech him in his Princely wisdome to thinke of some expedient for redresse hereof.'[1]

The expedient was a quo warranto writ, issued a year later. The corporation refused to surrender, its liberties were seized by default, and the Dorset Justices and grand jury petitioned the king asking that the town should not be reincorporated. They claimed that the government would be unable to find enough loyal men in the town to staff a corporation. But particularly the

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[1]MS. Tanner 129, f. 118: Ettrick to Sancroft, 1 April 1682.

petitioners asked that Poole should not be reincorporated as a county, the status which had always gravely hindered the administration of justice in the county of Dorset.[1] The government apparently agreed with the Dorset gentry: at any rate Poole was not reincorporated.[2] Furthermore, a Dorset J.P., Anthony Ettrick, was given a commission to enquire into the peculiars of Poole and Lyme.

In Somerset, too, the gentry mobilized themselves at the county sessions, making orders to put the laws against dissenters into operation. They, too, found municipal independence obstructed these efforts, and so appealed to the government. County orders, they complained, 'cannot reach our Corporations, whose rebellious actions are the sole disturbers of the Peace of our Nation; there is yet somewhat else left that must be don from above; a particular Command to every Mayor to Command, noe Conventicles or unlawful assemblies to be Keept.'[3]

The county justices, then, made opportunities at the county sessions and assizes to mobilize local Tory efforts

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[1] S.P. 30/case G: petition, 15 Jan. 1684.
[2] At least not until 8 Dec. 1688, three days before James II's flight from the kingdom.
[3] S.P. 29/418, f. 112: copy of resolution of Somerset J.P.s at county Quarter Sessions, 10 Jan. 1682.

against the boroughs. It was there that their own political working doctrines were publicly declared in a deliberate attempt to rouse them in others. Orders framed there could later be broadcast from every pulpit in the county, and copies were sent to the government in Whitehall. The county sessions, therefore, were used as a platform from which to threaten the boroughs, to goad them into conformity and co-operation or to expect reprisals. The ultimate threat which the gentry could invoke was the expedient taken against Poole, the dissolution of its incorporated status. The political importance of the county quarter sessions, however, was found less in the actual force of the threats they could make against the corporations than in the opportunities there afforded of defining Tory aims publicly and clamourously, boosting morale and mobilizing opinion. The effect of this activity was to set up a hostile, aggressive and crusading attitude in the counties against the boroughs, and to give the energies aroused a sense of direction along which the government's borough campaign could be carried triumphantly.

Occasionally, however, the aggression from the county courts broke out and showed more immediate and practical results

in invading corporation liberties. In Plymouth, for example, the Bishop of Exeter claimed, conventicles 'are held without check or controul, and have been so for several yeares, as if there were no Lawes against them.'[1] Some check was soon provided by the appointment of Lamplugh's candidate, Gilbert, to the parish of St Andrews. But a year later, the Bishop complained, 'the men of Plymouth are returned to their old vomit again.'[2] County justices issued out warrants for the arrest of several preachers in the town, but the town constables refused to serve them, disputing the county's right to invade the corporation's jurisdiction. The constables were therefore bound over by the county J.P.s to appear at the assizes. 'The Mayor and Aldermen were alarmed at it, but the Gentlemen went thorow with their work.'[3] At the next assizes, Judge Dolben gave the important new ruling 'which gave satisfaction to all the welaffected here, in declaring the Justices of Peace to have power to command constables in Corporations.'[4] Corporations

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[1] MS. Tanner 36, f. 91: Lamplugh to Sancroft, 13 Aug. 1681.
[2] MS. Tanner 35, f. 118: Lamplugh to Sancroft, 3 Oct. 1682.
[3] Ibid.
[4] Ibid., f. 227: same to same, 21 March 1683.

Either individually or as a body of J.P.s or deputy lieutenants, they could provide the government with the information necessary to justify the serving of a quo warranto writ. The investigations by members of the gentry into breaches of corporation regulations could be either the result of a spontaneous independent act or of government instructions relayed through the lord lieutenant. So Leoline Jenkins sent instructions to the duke of Newcastle to organize local gentlemen to investigate abuses in the administration of Berwick, with a view to sending out a quo warranto.[1] Jenkins also instructed the townclerk of Ipswich to help a local gentleman, Sir Robert Brooke, to prepare a list of maladmistrations for which Ipswich could be prosecuted. Brooke, not being a townsman, lacked accurate information, but not zeal.[2] A gentleman from near Sudbury got a quo warranto engrossed against the corporation on his own initiative, and the clerk of the peace for Suffolk was put forward to provide additional information against the town.[3] The ever vigilant Tory gentry

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[1] Cal.S.P.Dom. 1683-4, pp. 215-6.
[2] Ibid., pp. 143-4.
[3] Ibid., pp. 157-8, 168-9.

in Kent also had to be wary of encroachments by the county justices into their jurisdictions. Presumably dissatisfied with the way dissent was being prosecuted in Dover, Kent justices had thirty Dover nonconformists presented and indicted at the county assizes in August 1681.[1] During the following six months nonconformists from Sandwich, Deal and Margate suffered a similar fate, and the Cinque Ports, alarmed and incensed by this invasion of their privileges, rounded on the county and tried to organize a defence.[2] Whatever came of this defence, huge fines were imposed on nonconformist ministers at the next assizes, and when these 'Impudent rascalls' next met at Dover, their meetings were quickly dispersed by the previously uncooperative mayor.[3] Occasionally, therefore, perseverence by county men succeeded in breaking through municipal liberties in order to prosecute dissent, even before reincorporation.

As well as petitioning the government, harrying the boroughs in the county sessions and organizing local opinion, the county gentry provided the government with more practical service in the local application of the borough campaign.

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[1] Cal.S.P.Dom. 1680-1, p. 389. It is likely that the instigator of this policy was Col Strode of Dover Castle, but one can assume the co-operation of the Kent gentry.

[2] Cal.S.P.Dom. 1682, pp. 100-1.

[3] MS. Tanner 35, f. 54: Veel to Lodwik, 30 July 1682.

Either individually or as a body of J.P.s or deputy lieutenants, they could provide the government with the information necessary to justify the serving of a quo warranto writ. The investigations by members of the gentry into breaches of corporation regulations could be either the result of a spontaneous independent act or of government instructions relayed through the lord lieutenant. So Leoline Jenkins sent instructions to the duke of Newcastle to organize local gentlemen to investigate abuses in the administration of Berwick, with a view to sending out a quo warranto.[1] Jenkins also instructed the townclerk of Ipswich to help a local gentleman, Sir Robert Brooke, to prepare a list of maladmistrations for which Ipswich could be prosecuted. Brooke, not being a townsman, lacked accurate information, but not zeal.[2] A gentleman from near Sudbury got a quo warranto engrossed against the corporation on his own initiative, and the clerk of the peace for Suffolk was put forward to provide additional information against the town.[3] The ever vigilant Tory gentry

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[1] Cal.S.P.Dom. 1683-4, pp. 215-6.
[2] Ibid., pp. 143-4.
[3] Ibid., pp. 157-8, 168-9.

of Dorset investigated the grounds for issuing a quo warranto against Poole.[1] Two deputy lieutenants of the West Riding 'and some other gentlemen of Yorkshire' investigated the grounds to justify the forfeiture of York's charter.[2] The sheriff of Staffordshire and several J.P.s reported against members of Walsall corporation with a view to their being ejected in the new charter.[3] Assize judges on the western circuit in the summer of 1684 consulted Devon J.P.s about the proposed reincorporation of Honiton.[4] The counties were full of men - not surprisingly they were often J.P.s - ready to inform against the corporations in their neighbourhood and provide the government with the intelligence needed to institute quo warranto proceedings.

The military wing of the county administration came into its own in the heyday of reaction, during the months following the Rye House Plot. The deputy lieutenants had been used systematically against the boroughs by the government in 1680 when they were dispatched throughout the kingdom to investigate corporation records with a view to expelling members who had not subscribed to the statutory oaths. But it was less in their detective role

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[1] Cal.S.P.Dom. July-Sept. 1683, pp. 235-6.
[2] Reresby, Memoirs, pp. 329-30.
[3] Cal.S.P.Dom. Jan.-June 1683, p. 95.
[4] S.P. 44/55, p. 395.

than as commandoes that they proved their worth to the government in the early 1680s. They certainly represented the inner circle of the country gentry and as a body were involved in the organization of every aspect of county politics from issuing orders to put the laws against dissenters into operation[1] to discussing and selecting suitable candidates for parliament. But as deputies in the period of Tory reaction, their greatest use was as officers of the militia. After the Rye House Plot they could put down by force what previously could only be harried with threats. Throughout the kingdom the summer months of 1683 were occupied with extensive searches which would have been inconceivable except in times of national emergency. Deputy lieutenants searched the houses of the leading local Whigs, confiscating incriminating papers and impounding firearms. The county gentry were finally able to see their Whig enemies in the towns hounded down and arrested. The deputies improved the opportunity by suppressing nonconformity in corporations by force. They set fire to a meeting house in Bridgwater.[2] They rode into Lyme

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[1] As in Kent, September 1681, Cal.S.P.Dom. 1680-1, p. 433.
[2] Cal.S.P.Dom. July-Sept. 1683, p. 60.

Regis and Bridport, broke into the meeting houses there 'and destroyed all the seats, pulpitt &c.'[1] Most vestiges of municipal resistance were broken in the process.

If the borough campaign was championed by the Tory gentry of the counties as a whole, it also gave individual Tory gentlemen opportunities to assert themselves locally and achieve a certain style of leadership in nearby corporations. So in Beverley Sir Ralph Warton used the borough campaign to oust Sir John Hotham from all influence in the corporation. Hotham had represented Beverley in the parliaments of 1679 and 1681, but some dispute seems to have arisen between him and the corporation as a result of which the town's repeated requests that he should release them from all financial obligations to him as their M.P. met with gruff refusals. At about the same time Sir Ralph Warton was making himself useful to the town in royal service. A deputy lieutenant of the East Riding, he had the duke of Somerset present Beverley's 1684 address to the king, promised to use his influence to secure the town a new fair in the next charter, and arranged for a muster of East Riding militia to

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[1]MS. Tanner 34, f. 75v: Gulston to Sancroft, 7 July 1683.

be held for four days in Beverley, according to the minutes to the great advantage of the town.[1] He was admitted free in recognition of his services. Most new gentry freedoms of these years, referred to above (pp. 322-4), probably acknowledged such an entry into corporation politics that the borough campaign entailed.[2]

Certainly the campaign gave a cue to individual gentlemen who already had some influence in corporation politics to take the lead. John Heath, a Kent J.P., swiftly organized Gravesend. He sent the corporation the draft of an address which he and the sheriff of Kent proposed should be sent to the king in June 1681 in emulation of those from other corporations throughout the country. He instructed the mayor to get the jurats, common council and townclerk to sign it, concluding tersely, 'I would advise none of their hands to be wanting, and none more to be added to them.'[3] Heath offered to present the address himself. He was also presumably involved in Gravesend's surrender in 1684.

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[1] J. Dennett, ed., 'Beverley Borough Records 1575-1821', Yorks. Archaeol. Soc. 84 (1932), pp. 106, 170-2.

[2] For example Sir Jonathan Trelawney and lord Arundell of Trerice, who were to be made free in several Cornish corporations, provided similar service to these as Warton did to Beverley. They assisted the earl of Bath in presenting several surrendered charters to James II in March 1685, including those of Liskeard, West Looe, East Looe, Penryn, Fowey and Helston. London Gazette 2015.

[3] Brit.Mus., Egerton MS. 2985 (Heath and Verney Papers, VIII), f. 235: Heath to mayor (of Gravesend), 11 June 1681.

Similarly Colonel Thomas Strangways, deputy lieutenant and J.P. of Dorset, seems to have taken a lead on the county's behalf in several Dorset corporations. High steward and capital burgess of Bridport since 1677,[1] he does not seem to have played much part in corporation politics until the time of the Dorset gentry's rally in 1681, when he and his brother were accused by two Bridport men of being 'pensioners and Clubbvoters'.[2] His intervention was required in the town when a minister refused to read an order from the county bench in church in July 1684, and one of the burgesses declared 'hee would not wipe his Arse with itt' if he were bailiff. The town's J.P.'s were reluctant to act against these offenders without Strangways's direction.[3] The Tories in the town depended on his leadership for their business to have any weight, and expressly relied on his electoral influence in Bridport until the corporation might be reformed by a quo warranto.[4] He was also taking a lead in Dorchester at this time. It is almost certain that he was instrumental in having the town's loyal address to the king passed at a general sessions

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[1] Dorset R.O., Bridport Borough Records, B3/H1 (The Red Book 1453-1817), entries for 11 Sept. 1677, 1 Oct. 1677.
[2] Dorset R.O., D 124 Strangways MSS. (Family), papers of Giles and Thomas Strangways: Bishop and Ellis to T. Strangways, 29 July 1681.
[3] Ibid., Nossiter to T. Strangways, 22 July 1684.
[4] Strangways MSS. (Official), Box 255: Hollins, Spenser and Nossiter to T. Strangways, 20 Sept. 1684.

of the peace in August 1681. His signature, after the mayor's, heads the list of over three hundred.[1]

In Oxford the earl of Abingdon's most important agent in city politics was Sir George Pudsey. He too used the borough campaign to lift himself from comparative insignificance in the city to comfortable eminence. An Oxfordshire J.P. and deputy lieutenant, Pudsey was also a city freeman and in the two elections of 1679 and in 1681 proved to be the strongest Tory contender to represent the city in parliament. He was no serious threat, however, to the securely established Whig team of William Wright and Brome Whorwood.[2] He was a henchman of Abingdon's, knighted in 1681 on his patron's application to the king at the time of the Oxford Parliament. His care of the thwarted Tory interest in the city was rewarded in the new charter, which made him recorder. In 1685, with Whorwood dead and Wright retired, Pudsey had no difficulty in being returned by the city to serve in parliament.

On a scale more impressive than Warton's, Heath's, Strangway's or Pudsey's, Sir Thomas Grosvenor in Chester rose as a direct

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[1] Dorset R.O., Dorchester Borough Records, B2/2/1 (Quarter Sessions Minutes and Sessions Book), text of address dated 31 Aug. 1681.
[2] Oxford Council Acts 1666-1701, pp. 116, 119, 135.

result of the borough campaign from almost total obscurity in city politics to undisputed leadership. Grosvenor had served Chester briefly as an M.P., having been returned in the second election of 1679. The following election he was displaced by the Whig Roger Whitley. Grosvenor had also been honoured with an alderman's place since 1677, but it was only in the period of reaction that he tried to make any political use of it. His attempts to use the city grand jury as an instrument to suppress nonconformity and present Whig magistrates were blocked by the city's Whig ring-leaders who through the offices of recorder and mayor dominated the city courts. The earl of Macclesfield even brought an action of scandalum magnatum against Grosvenor for having a grand jury present him as disaffected to the government.[1] As the government tackled the city's manoeuvres to impede Tory justice, however, Grosvenor's leadership had a chance to take root. It came into its own when he accompanied the surrendered charter to London at his own expense and saw the new charter through all the offices at half fees. He was appointed mayor and was again elected to parliament in 1685.

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[1] N. Luttrell, A Brief Historical Relation of State Affairs (6 vols, Oxford 1857) i, p. 305.

One of the most tireless hustlers of a corporation on behalf of the king and county was William Rooke. He was a Kent J.P. and deputy lieutenant, and also colonel of a regiment of the Cinque Ports militia. Colonel Rooke was also a Canterbury J.P., and it was largely in that capacity that he insinuated himself into Canterbury politics on the king's behalf. Early in 1681 he was instructed by Winchilsea, the lord lieutenant, to act as an informer of Kent politics to the government.[1] Accordingly, his detailed account of Canterbury's Michaelmas Quarter Sessions in 1681 was one of the first specific complaints against the maladministration of justice in corporations to reach the government in this period. On that occasion Rooke urged remodelling as the best method of undermining the total Whig hegemony of the city.[2] Rooke continued to ply Jenkins with informations against Canterbury and the Whig stranglehold there, trying at the same time to improve Tory chances in the city by methods which stopped short of remodelling.[3] When Canterbury's new charter was finally being drawn up, the present mayor was demoted in midterm and replaced by Rooke, apparently on the personnel intervention of the king himself.[4]

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[1] Cal.S.P.Dom. 1680-1, p. 201.
[2] Ibid., pp. 505-6.
[3] E.g. by trying to get Thomas Enfield restored to the Burmote. See above p.
[4] Cal.S.P.Dom. 1684-5, pp. 11-12.

The intervention of country gentlemen in corporation politics was doubtless motivated by a mixture of ambition and duty. Men like Pudsey in Oxford and perhaps Rooke in Canterbury seem to have been intent on advancing their careers in local politics, and the borough campaign - whose object they identified strongly with - gave them the opportunity to do so. The intervention of men like Strangways and Grosvenor seems to have stemmed less from local ambitions than out of a sense of duty to save the kingdom from strife and disorder. They were interested in corporation politics only insofaras they wanted to set them on a dutiful and ordered footing. If that necessitated their own intervention, they were prepared to intervene.

The gentry's widespread role in the subversion of municipal independence - whether as individual careerists or organized as a bench of justices, panel of jurors or body of deputy lieutenants - is significant because it helps account for the borough campaign success. When the king decided to suppress the political activity of half the political nation, he already had half the local administration behind him who were among his most fervent allies. Remodelling the corporations was not merely the brainchild of a despotic government: it was willed and its

burden gladly shouldered by the county gentry throughout England. In this context the Tory reaction can be seen not only as a surge of conservative politics: it was a socially conservative movement too. The Exclusion elections had drawn attention to the political independence of the boroughs: in the reaction that followed, the aristocracy and gentry made a recovery at the boroughs' expense. J.R. Jones has recently suggested that one cause of James II's downfall was his daring dependence on the boroughs to the detriment of the traditional exponents of royal government in the localities, the landowning classes.[1] Conversely, it was by reviving that alliance so surely to the detriment of municipal independence in the early 1680s that Charles II brought the Stuart crown to the highest point of political security it ever enjoyed.

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[1] J.R. Jones, The Revolution of 1688 in England (1972), p. 11.

Chapter Eight

Stalwarts of reaction: judges, governors and bishops.

I. The judiciary.

By the end of Charles II's reign the judiciary was recognized as a primary instrument of royal government.[1] Its membership was repeatedly remodelled accordingly: by the summer of 1683 the judges of King's Bench and Common Pleas were committed exponents of royal policy to a man.[2] For the crown, having discovered that the Whig opposition could not be successfully countered in parliament, settled for dismembering it in the law courts, and found judges who accepted the role thus fashioned for them. Initiated in the problematic early political trials of the reaction - of Fitzharris, College, Rouse and Shaftesbury - united in the crucial judgment against London's charter in 1683 and tirelessly engaged in the spate of trials that followed the Rye House Plot, the judiciary developed fully as an instrument of reaction in these years. It was, in fact,

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[1] A.F. Havighurst, 'The Judiciary and Politics in the Reign of Charles II', Law Quarterly Review, 66 (1950), pp. 247, 250.

[2] King's Bench: Jeffreys (Chief Justice), Holloway (earlier College's prosecuting counsel), Wythens, Walcot; Common Pleas: Jones (Chief Justice) Levintz, Wyndham (Street from 1684), Charlton. E. Foss, The Judges of England... (9 vols, 1848-64), vii (1864), pp. 10-12.

the government's principal weapon.

In these circumstances the crucial issue in gaining political power - and the government's first aim in reaction - was the control of juries. The judges, in the front rank of the government's battle with the Whigs, were the first to understand this. Once the tide had turned against the Whigs and there was a better assurance of Tory juries, it was a judge who thus happily summed up the reversal, in addressing a Tory grand jury:

> 'Wee have good Lawes but they cannot be put in execution without you. When a Rebellious Designe was prosperously and successfully carryed on, The very Root of this was the perverting of Grand Juryes, and the delivering of Traytors from Justice, and bringing innocent persons into great hazard of their Lives. But we see now that Gentlemen of courage and honesty appear on Grand Juryes, Gentlemen that will not be discouraged from doeing their Duty by being threatened with Actions at Law so long as the King sits at the Helme and steers the Government.'[1]

The means of securing control of juries, and of the administration of justice more generally, was, of course, the government's borough campaign. The corner-stone of the borough campaign was the judgment given against London's charter in June 1683.

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[1] Chester R.O., Grosvenor Family MSS., Thomas Grosvenor 3rd Bart, 'Letters and papers re 1685 charter, 1684-5': speech by Sir Edward Herbert, 1 April 1684. Herbert was Jeffrey's successor as Chief Justice of Chester when the latter was promoted to the King's Bench in 1683. That Herbert was referring to political offences is evidenced by his instructions to the jury to present men who speak against the King's government, who attend tumultuous meetings 'as Horse Races' (a reference to Monmouth's Wallasey rally of 1682), and who publish 'false and seditious newes'.

For not only were the Middlesex juries responsible for hearing the kingdom's most important political trials and so were the first juries the government had to control, but also once it had been established in law that a corporation's liberties and franchises were indeed liable to forfeiture for irregularities committed by its members in its name, the force of a quo warranto campaign conducted nationally against all the corporations was shown to be irresistable in law. This is not to say Whig municipal resistance throughout the kingdom collapsed at a single blow, but resistance was shown to be both expensive and untenable. The final outcome of the borough campaign, provided the government survived, was inevitable.

In this judgment Charles II was well served by his judiciary. A decision in the crown's interest was deftly secured by a minimal re-shuffling of the judiciary. Pemberton, Chief Justice of the King's Bench, whose commitment to the Stuart cause was suspect, was transferred early in 1683 to the Common Pleas as a precaution before the quo warranto case was heard in the King's Bench. He was suitably replaced by Sir Edmund Saunders, counsel for the crown against Fitzharris in 1681. Shortly before judgment was given, William Dolben was also dismissed from the King's Bench,

perhaps indeed because he was regarded as 'too independent'.[1] In the event, Saunders was too ill to give judgment, though he favoured the crown's case. Sir Thomas Jones deputed for him and, supported by all the Justices of the King's Bench, gave the ruling against the city. Pemberton was then dismissed from the Common Pleas and Jones was promoted Chief Justice there in his place.[2]

The judgment given against London's charter was the most important single piece of service the judiciary did the crown in the period of reaction, and it cleared the ground for the successful prosecution of the borough campaign throughout the kingdom. But the judges were also of considerable practical help to the government in the localities. As judges on assize they represented a vital channel of communication between government and the localities. Like the lord lieutenants they could, on instruction, act as chief executors of government policy in the counties. Unlike the lord lieutenants, however, they were free from the complex tangles of local obligations and relationships. They were therefore able to impart and direct government wishes with a single-mindedness and impartiality not

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[1] Foss, Judges vii, p. 313.
[2] Ibid., p. 249.

always possible for a man enmeshed in the web of county ties and allegiances. Their platform, furthermore, was a court of law. This service the assize judges could do the government had long been recognized. Francis North, indeed, alluded to it in his memorandum on corporation jurisdictions when he observed that shire towns were potentially less troublesome than towns which lay off the circuit, for they at least were exposed to the good influences of the assize judges.[1] At a time when the courts were both the principal platform for political propaganda and the only forcible means of attacking political opponents, the use of assize judges as royal agents in the localities was obvious. They could there give the lead where necessary in prosecuting dissent, riotous assembly, seditious publications, and scandalous words. The sumptuous entertainments and kind social contacts usually occasioned by their visits also enabled assize judges to be of more particular use to the government in the conduct of the borough campaign itself, as will be seen later.

Furthermore, the traffic of communication afforded by the judges on circuit was two-way. The judges not only relayed and enacted government instructions in the localities. They were also able to report on country matters to the government. This again

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[1] P.R.O., S.P. 44/66, p. 89.

was a service long recognized and exploited in Whitehall. Roger North,as we have seen, ascribed the origin of the borough policy itself to his brother's experience of borough truculence on the western circuit. This was probably a pardonable exaggeration on North's part, for accounts of the inconvenience of borough independence reached Whitehall from all over England. But Francis North's experience on the western circuit undoubtedly contributed to his assuming the central role in government of framing and overseeing the borough policy. The contacts he established and nurtured in the west country when on circuit also probably contributed to the extra-ordinary fanaticism shown by the gentry of Dorset and Devon in their hostility towards their neighbouring boroughs at this time. Generally, their assize experience would have taught the king's judges the inconvenience of borough jurisdictions when immune from county interference or royal nomination of their magistrates. This experience would again have put them in the forefront of royal agents in the borough campaign. Even 'independent' Dolben gave the crucial ruling on borough jurisdictions that county J.P.s had the power to command corporation constables, when on assize in Devon in 1683.[1] And it was none other than Hale himself the previous decade

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[1]Bodl., MS. Tanner 35, f. 227: Lamplugh to Sancroft, 21 March 1683.

who pronounced on the return of writs, the bedrock of a borough's exclusive jurisdiction, that 'return of writs I always took to be one of the most pernicious liberties to the common justice of the kingdom.'[1] Judges not committed to the Stuart cause might still be sympathetic to the aims of the borough campaign.

The remodelled judiciary were therefore active agents of reaction. Grown to accept their position as an executive branch of Stuart government, they also participated in the government policies of the period from personal conviction. One of the effects of the Popish Plot had been to show that the control of juries was a catalyst of the political climate. The king's justices when they held their commissions at the king's pleasure naturally joined in the campaign to secure that control for the king. And even those of them least addicted to the Stuart cause were able to see in the campaign an attempt to curtail the independence of the corporations in the less partial cause of common justice itself.

One of the first assize judges to have interested himself in the politics of a specific borough with a view to getting it to

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[1]Quoted in H.A. Merewether & A.J. Stephens, The History of the Boroughs and Municipal Corporations of the United Kingdom ... (3 vols, 1835), p. 1725.

surrender its charter seems to have been Richard Hopton. Hopton was chief judge on the north Wales circuit and busied himself intimately with attempts to remodel Leominster. It is not clear how far he used his position as a judge to this effect, although he was presumably introduced to the town in the first place when on circuit. At any rate he soon became the government's main agent in its dealings with the borough. He communicated with the cabinet through Beaufort, who, as President of the Council of Wales, lord lieutenant of the Welsh counties and of Herefordshire, would naturally have had dealings with Hopton before, and would obviously have a concern in negotiations with Leominster. Hopton's initiative against Leominster was taken fairly early on in the campaign, he having already become involved in attempts to surrender the charter to purge the corporation in May 1682.[1] When these early overtures failed, because of the Whig control of the council, he himself searched copies of the corporation's charters and found grounds for forfeit by the end of 1682.[2] Following the judgment against London's charter it was by Beaufort's representing Hopton's opinions on Leominster's transgressions to the king that the Attorney General was instructed to issue a quo

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[1] Cal.S.P.Dom. 1682, p. 219.
[2] Ibid., pp. 576-7.

using his position as judge on circuit specifically to reap in a harvest of surrendered charters from towns he visited on assize. And though not involved as North was in the formative period of the policy's development - he was at that time on a distant periphery of government as Chief Justice at Chester and had no personal place in cabinet or Privy Council meetings - Jeffreys was undoubtedly in tune with the government's aims from the beginning.

Jeffreys was peculiarly well-acquainted with the judiciary arrangements of corporations, and the harm the existing arrangements could do the king to whose interests he was a devoted and seasoned adherent. In 1678 he was elected to the recordership of London as the king's candidate, superseding Dolben, and served in that capacity until 1680. The king then appointed him Chief Justice of Chester, displacing Job Charleton, who was moved to the Common Pleas. Chester proved to be a testing ground for Jeffreys's ingenuity in serving the crown. He was at the same time retained in London as Chairman of the Middlesex Quarter Sessions, where he had first-hand experience of the trouble caused by Whig under-sheriffs empanelling a jury of dissenters.[1] Conspicuously a rising figure, he was at this time also coming

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[1]Foss, Judges vii, p. 232.

to the notice of a number of other corporations. In 1681 he was created Baronet of Bulstrode, a place in Buckinghamshire where he had recently bought an estate and through which he began to introduce himself into local politics. Also in 1681 he was elected high steward of Wallingford.[1] In the same year he was made an honorary burgess of Oswestry[2], a town he presumably came into contact with as Chief Justice at Chester, an office which included duties on the North Wales circuit.

It was his work at Chester which brought Jeffreys to the forefront of government pioneers of reaction. It can be safely assumed that his position there was a great encouragement to the city's frustrated Tories. One of his last acts there was to preside at the assizes when the grand jury, under Thomas Grosvenor's foremanship, presented the earl of Macclesfield and twenty seven others for being friends of Monmouth and harbourers of nonconformist ministers. Jeffreys bound all twenty eight over on their own security for their good behaviour.[3] Jeffreys's most inspired artifice against Chester's Whigs, however,

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[1] J.K. Hedges, The History of Wallingford... (2 vols, 1881) ii, p. 241.
[2] S. Leighton, 'The Records of the Corporation of Oswestry' Trans. Salop.Archaeol. & Nat.Hist.Soc., 4 (1881), p. 51.
[3] G.W. Keeton, Lord Chancellor Jeffreys and the Stuart Cause (1965), pp. 170-1.

had occurred a year earlier, and is particularly pertinent to his involvement in the borough campaign. The rioters who had broken into St Peter's Church to ring the bells on Monmouth's visit to Chester, and later gone on the rampage in the duke's honour, were safeguarded by the Whig mayor and recorder, who totally dominated the administration of justice in the city. It was therefore in Chester that one of the first and most important collisions occurred between the government and a corporation, and specifically on the issue of the independence of municipal jurisdictions. The confrontation was deftly side-stepped by Jeffreys. Learning that a number of coin-clippers were held in Chester gaol - the offence a treasonable one which could not be tried in the city courts - he, as Chief Justice, suggested a special commission of Oyer et terminer should be drawn up to include simultaneously the rioters within its jurisdiction. This was quickly done, and Jeffreys tried and sentenced the lot of them.[1] He remained Chief Justice in Chester until after the quo warranto case against London had been settled. He was therefore spared the embarrassment and difficulties involved in confronting a corporation whose rights he had recently been

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[1] Cal.S.P.Dom. 1682, p. 406.

responsible for representing as recorder.[1]

As soon after Saunder's death in June 1683 as Sunderland could persuade the king, Jeffreys was brought down to London as Chief Justice of the King's Bench. It was a controversial appointment, particularly unpopular with Francis North, and indicates Sunderland's growing domination of government. Sunderland and Jeffreys were of one mind on the desirability of systematic reincorporation, an eventuality which now, after the fall of London and the collapse of Whig morale involved in the Rye House Plot prosecutions, was becoming a realistic proposal. And while Francis North may have resented Jeffreys the glory that his contribution to the borough campaign now earned him, he could hardly have quarrelled with the results it brought the crown. The time was ripe for capitalizing on the growing Tory ascendancy which was gaining ground throughout the country.

There was a growing number of boroughs which were ready to surrender their charters. Either lengthy preliminary negotiations were coming to fruition or more simply a number

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[1]Incidentally, this might better account for Dolben's removal from the King's Bench in 1683 than ascribing too much 'independence' to him. He had preceded Jeffreys as recorder of the City of London.

of boroughs were ready to capitulate to the prevailing political climate sweeping the country. Jeffreys was ready to catalyse the situation with his persuasive presence to bring off a chain reaction of charter surrenders. It has been said that he was sent out on the western circuit in February 1684 specifically to report back to the government on the state of the country and to receive surrendered charters.[1] If this is so, his degree of success is uncertain. He certainly prevailed with Plymouth to surrender, and perhaps had some effect on other Devon boroughs to surrender which were reincorporated in the following few months.[2] Roger North, at any rate, makes no reference to Jeffreys's interest in the west, although this would perhaps have cast an unwelcome light on Guilford's reputed supremacy there. Later the same year Jeffreys went on the northern circuit, presumably with the specific intention of securing surrenders. On this occasion he met with spectacular success. He courted a number of boroughs, and prevailed by means now no longer clear with a good number to surrender. Surviving letters record pleasant

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[1] Keeton, Jeffreys, p. 236.

[2] Okehampton (May 1684), Dartmouth (July 1684), Totnes (Sept. 1684), Exeter (Oct. 1684), Tiverton (Nov. 1684). I have no evidence that Jeffreys had a hand in the surrender of any of these boroughs, and only suggest them because of the rough coincidence of their dates of reincorporation and his apparent intention of gathering surrenders in the west. There is no evidence to connect him with Wallingford's surrender (3 Sept. 1683), either, except his interest in the town as its high steward.

encounters between Jeffreys and corporations, promises of giving charters easy passage through the offices at reduced fees and augmenting old liberties with new grants. Doubtless this success was gained by a mixture of affability, charm, promises, veiled threats and the considerable force of his forthright personality. At least seven corporations succumbed to this treatment when Jeffreys was on the northern circuit in the summer of 1684.

He certainly secured the surrender of Lincoln's charter then, and later introduced the city deputation bearing the instrument of surrender to the king.[1] At Newcastle on Tyne he was made freeman, rebuked the magistrates for their leniency, and persuaded them to surrender the charter, drawing up the instrument of surrender himself.[2] His presence at Pontefract also induced the corporation to lay itself at the king's feet.[3] A like effect was had at York.[4] Jeffreys was dined at the city's

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[1] Hist.MSS.Com. 14th Report, VIII, Lincoln MSS. etc. (1895), pp. 109-10.
[2] Bodl., MS. Rawlinson d.850, f. 143: Grey (to Basire), 5 Aug. 1684.
[3] Brit.Mus., Addit.MS. 12,097, f. 30: Jeffreys to Mayor of Pontefract, 16 Sept. 1684.
[4] York R.O., Register Book E.85, f. 62: Jeffreys to Mayor of York, 16 Sept. 1684. Indeed, except for the name of the addressee this letter is identical to the one Jeffreys wrote to Pontefract the same day. This is interesting as Pontefract surrendered its charter and York did not - its liberties had already been seized. That Jeffreys prepared a stock letter whose ambiguous wording could be applied to a number of corporations in various stages of abjection at the king's feet, implies that charter-surrender in the north was being directed on a truly grand scale at this time.

charge in York. The city's liberties had already recently been forfeited after a quo warranto case to which the city had made no appearance. The magistrates now begged Jeffreys to tell them the king's pleasure. The judge replied 'That the Kinge expected nothinge but the Governement of the City to be at his dispose', at which a common council was called which petitioned the king under the city seal in the manner Jeffreys instructed.[1] Carlisle surrendered its charter into Jeffreys's own hands and he carried the instrument off himself at the beginning of August.[2] Carlisle later received Jeffreys's stock letter of 16 September.[3] In mid-August Jeffreys was visited by the mayor of Liverpool. The Chief Justice 'demanded from him the Charter of this Corporacion by Speciall direccion from his Majestie.' The corporation immediately complied and delivered the sealed instrument of surrender into his own hands at Bewsey.[4] Jeffreys also brought

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[1] York R.O., House Book 38, entry following 26 Jan. 1685.
[2] R.S. Ferguson & W. Nanson, ed., 'Some Municipal Records of the City of Carlisle', Cumb. & Westmorland Antiquarian & Archaeol.Soc. (1887), p. 17.
[3] Ibid., pp. 17-18; Hist.MSS.Com. 9th Report, I, (1883), p. 200.
[4] Liverpool R.O., Town Books IV (1671-1703), entries for 19 Aug. 1684.

about the surrender of Preston's charter, in August or September.[1] All these towns Jeffreys certainly induced to surrender or submit themselves to the royal will, and probably a good many more besides. By themselves they hardly justify North's remark that 'with his lofty Airs' on the northern circuit Jeffreys 'made all the charters, like the Walls of Jericho, fall down before him. And he returned laden with Surrenders, the Spoils of the Towns.'[2] North implies that Jeffreys had been sent on the northern circuit for this purpose, and the judge's own words to Carlisle say as much. This was in all probability so. At any rate, he had made his mark: on his return he was made a member of the cabinet[3], and the borough campaign passed into its final triumphant phase.

II. Garrison towns.

The English Army was disbanded soon after the Restoration: parliament was suspicious of the constitutional abuses which

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[1] Notes and Queries, 2nd ser. ii (1856), p. 25: letter from Jeffreys to mayor of Preston, 29 Sept. 1684. In this letter Jeffreys alludes to an earlier letter, which sounds again like the stock letter of 16 Sept.

[2] North, Examen, p. 626. Jeffreys has also been credited with the surrenders of Kendal (13 Aug. 1684), Lancaster (14 Aug. 1684), Clitheroe (22 Aug. 1684) and Newcastle-under-Lyme (15 Oct. 1684). T. Pape, The Charters of the City of Lancaster (Lancaster 1952), p. 62; T. Pape, The Restoration Government and the Corporation of Newcastle-under-Lyme (Manchester 1940), pp. 30, 33.

[3] Keeton, Jeffreys, p. 244.

the maintenance of a standing army threatened. The Act of Disbandment, however, exempted guards and garrisons, which the king was empowered to keep up as long as he deemed them necessary for securing the peace of the kingdom. Apart from the troops responsible for guarding the king's person, these were distributed throughout the country as castle-guards or billetted in garrison towns placed strategically to secure the external defences of the kingdom. Exempt from the authority of the civil magistrate (except in extreme specified cases) and responsible only to the crown, they confirmed parliamentary suspicions by representing a potential instruments of royal repression inside the kingdom. Though unable to inflict the royal will by force of arms (the militia was responsible for policing duties and for the country's internal defences) they constituted enclaves posted in likely trouble-spots, feeling little in the nature of local allegiances, but admitting a complete dependence (through intermediate officers) on the crown. Furthermore, the period following the Restoration was one of growing regulation of these forces and of increased central control by the office of Ordnance.

At a time when the king was attempting to curtail the independence of the towns, there were several ways he could override

municipal privilege by using his standing forces. The exemption of the soldiery from the authority of the civil magistrate meant that a body of men responsible only to the crown could inhabit a town while immune from its jurisdiction. This position had been regulated by the Orders and Articles of War of 9 April 1666, the ninth clause of which stated that

> 'No magistrate of a town or county shall imprison an officer or Soldier in Our pay, unless it be for high Treason, or misprison of treason, or being accessory thereunto, or for the killing or being accessory to the death or robbery of any person not being an Officer or Soldier.'[1]

Furthermore, the king could establish a garrison wherever he chose, and instruct the corporation to provide a guard house and rooms for the officers at its own charge, or expect the forces to be billetted upon the inhabitants. An order of 1672 instructed the bailiffs of Ipswich to provide accommodation for the garrison 'at the charge of the corporation..... the guard house being generally provided and assigned by the Magistrates of Townes where our Forces are quartered.'[2]

The towns, being powerless both to resist the garrisons' placement and to discipline its members, naturally tended bitterly to resent their own subordinate position. Tensions and jealousies

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[1]Quoted in C.M. Clode, The Military Forces of the Crown; their Administration and Government (2 vols, 1869) i, p. 448.
[2]Clode, Military Forces i, pp. 452-3.

were quick to breed between garrisons and their host corporations and petty grievances could easily flare into hot-tempered confrontations. Such a climate no more endeared the corporations to the garrisons than vice versa, and so, should the occasion arise, the crown would not be short of agents in garrison towns eager to bring down their corporations. There are several examples of extreme bitterness in the period of reaction between garrisons and corporation magistrates, but two desperate instances can serve to illustrate the point. During 1683 the size of the garrison of Berwick was increased on Governor Newcastle's pleas for reinforcement, and the resulting billetting forced on the inhabitants further alienated an already vehemently Whig corporation. The following year a plot to murder all the soldiers billetted there was discovered, and one of the duke of Newcastle's officers, Andrew Birch, received no help from the townsmen in his attempts to make searches and arrests. A constable refused to recognize Newcastle's warrant, and so Birch 'was obliged to search alone without any aids from the civill Magistrate.' He later complained to the mayor, who was persuaded to commit the constable to prison, but was himself totally uncooperative in the matter of committing a nonconformist minister to gaol, whom Birch had seized.[1] In York

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[1]Brit.Mus., Addit.MS. 41,803, f. 98: Birch (?to Newcastle), 2 Oct. 1684.

Fairfax observed 'how little esteeme the present Mayor hath of the Garrison, or of any Military Man.'[1] A later lord mayor publicly whipped a uniformed soldier from the castle in the market place, declaring he would be glad to treat all the soldiers so.[2]

During the period of reaction attempts were made to regulate better the organization of the garrisons, to turn them into a more professional military force and bring them more securely under the control of the Master General of the Ordnance. This was done by a royal warrant of 1682, which authorized the Master General to enquire into the efficiency of gunners and reject those who were unsuitable, notwithstanding any patent appointments held from the Exchequer. Two years later the War Office fixed the number and pay-scales of the various garrison appointments.[3] The Master General of the Ordnance, Dartmouth, was himself a stalwart of reaction with more than a passing interest in the reincorporation of the boroughs. Already Governor of Portsmouth, he was appointed

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[1] Mexborough MS. 17, f. 36: Fairfax to Reresby, n.d.
[2] Ibid., 27/38: Butler to Reresby, 18 Jan. 1685.
[3] Clode, Military Forces i, pp. 8-9.

an honorary burgess in the new charter of this early reincorporated borough and was soon after awarded a peerage with the other pioneers of reaction at the end of 1682. On the resignation of Sir John Biggs early in 1685 he was asked by the mayor of Portsmouth to become their recorder, too.[1] Dartmouth was also in some way involved in the reincorporation of the city of Lichfield, and was certainly chosen to be appointed its recorder in the new charter, thereby usurping the place earlier promised to Weymouth.[2] As Master General of the Ordnance he also superintended the process of disarming political dissidents throughout the country in the summer of 1683, which was crucial to the disintegration of Whig morale.

A royal sign manual establishment of guards and garrisons of 1 January 1686 shows that there were then thirty three garrisons to be kept up.[3] Only a very small proportion of these had played any part in the borough campaign. The governors of Berwick, Hull, York, Chester, Portsmouth and Dover were the only government agents in garrisons noticeably active in borough

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[1] Hist.MSS.Com. 11th Report, V (1887), Dartmouth MSS., p. 123.
[2] Hist.MSS.Com. Dartmouth MSS., p. 122.
[3] Clode, Military Forces i, p. 78.

politics. But those six towns are a far from insignificant clutch. Berwick and Chester were two of the most notorious trouble-spots in the kingdom, Whig strongholds, and dangerous and disorderly places for the king to hold. Berwick, Hull, York and Portsmouth were all under the governorship of some of the crown's most useful and reliable Tory supporters in government and the localities, namely, Newcastle, Plymouth, Reresby and Dartmouth. The appointments of Reresby and Plymouth, moreover, were products of the reaction itself: Reresby replaced Frescheville in York on his death in 1682 in the face of fierce competition; Plymouth displaced the misfitting Mulgrave at Hull the same year, at about the same time as his elevation to the peerage. Newcastle's work for the government in Berwick has already been outlined.[1] Plymouth's use of the governorship of Hull quickly to become the corporation's undisputed patron and get it to surrender its charter to the king has also already been discussed at greater length.[2] Reresby's appointment to York gave the government no pay-off in terms of a surrendered charter: there

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[1] Above, p. 272.
[2] Above, p. 292.

were too many outsiders interested in that project for Reresby to play much part in it. He did, however, use his new position in the town to bring his influence to bear on city politics in the king's service more generally. By the end of 1682 he had drawn off under his influence a few leading townsmen, particularly Alderman Ramsden, who found it politic to prepare to drift with the Tory tide they surmised was in the turn.[1] At the same time he relayed to the whole city court recommendations for a mayoral candidate.[2] He also built up a strong personal electoral influence there in a remarkably short time. Within two years of struggling to keep his hold on the voters of Aldborough, he transferred his efforts to York to top the poll in 1685.

The governors of Chester and Dover will now be looked at more closely. The strategic importance of Chester in the kingdom and its significance in the borough campaign made the relations between city and garrison particularly involved. The capitulation of Dover was improved by the governor to bring off a submission of all the Clinque Ports and their member boroughs. Furthermore, the histories of both places in these years show

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[1] J. Reresby, Memoirs, ed., A. Browning (Glasgow 1936), pp. 283-4.
[2] Mexborough MS. 22, f. 29: Fairfax to Reresby, 26 Dec. 1682.

how in the governors of castle or garrison-towns the king had indispensable agents in local politics should for one reason or another the local lord lieutenants prove ineffective.

The history of the garrison of Chester Castle in the early 1680s is not absolutely clear. The governor at the beginning of 1681 was certainly Sir George Shakerley, for he wrote to Jenkins on 22 January proposing to turn two factious gunners out of the guard.[1] It seems that soon afterwards, however, Shakerley's commission was terminated or allowed to lapse, for in the summer of 1682, with the news on Monmouth's imminent visit to the north west alarming Cheshire Tories, the castle was described as abandoned and defenceless, and Dr Matthew Fowler wrote to Jenkins asking that it be garrisoned pro tempore under the command of Sir George Shakerley again.[2] Shakerley was back at the castle by the time of Monmouth's visit, for Matthew Anderton left the city in protest the night Monmouth stayed in Chester, and spent it with Sir George at the castle.[3] Soon afterwards the garrison was augmented with a new company commanded by Captain

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[1] Cal.S.P.Dom. 1680-1, p. 141.
[2] S.P. 29/420, f. 44: Fowler to ____, 16 Aug. (1682).
[3] Cal.S.P.Dom. 1682, p. 402.

Nott.[1] Shakerley was a committed king's man who in many ways filled the vacuum created by the earl of Derby's indifference to the Stuart cause. Indeed, it was he who forwarded the cabinet's instructions to the Cheshire deputies since Derby could not be trusted.[2] He was also one of several correspondents of Jenkins who informed the cabinet of the progress of attempts to undermine the independence of Chester's law courts. Within a month of his arrival the city's Whigs were looking suspiciously and apprehensively at the activities of the castle guard.[3]

It was Peter Shakerley, however, Sir George's son, who was the government's main intriguer in Chester and the north west. At the time the Chester garrison was re-established in 1682, Peter Shakerley was thirty and passionate to involve himself in the king's concerns. He lived at Hulme, near Congleton, but came to Chester with his father in September 1682, and swiftly wormed his way into the centre of political intrigue. His father made him deputy governor of the castle within a week of arriving. Perhaps it was Peter's relentless

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[1] Cal.S.P.Dom. 1682, p. 420.
[2] Ibid., p. 467.
[3] Ibid., p. 458.

zeal which made him unpopular: at any rate, the newly arrived Captain Nott contested his deputy governorship and Shakerley threatened to return to Hulme.[1] He kept his commission, however, and became an important government spy in the north west. He pursued Monmouth's entourage throughout the duke's progress in Cheshire, engaging them in conversation in inns in order to testify to their disloyal speeches, and amassing a long list of the names of the chief of them.[2] Indeed, it was Shakerley's information that was largely responsible for Monmouth's arrest soon afterwards.[3]

At the same time, Peter Shakerley insinuated himself into Chester city politics. Soon after Monmouth's departure it was time for the mayoral elections. Colonel Whitley, one of the county's leading Whigs and a recent vociferous companion of the duke, appeared to be the strongest contender. Young Shakerley wrote to Jenkins suggesting that the recorder and Alderman Street should be summoned to London (on the pretext of discussing the constitutional conflict aroused by the impending trial of the Chester rioters) in order to give the

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[1] Cal.S.P.Dom. 1682, p. 472.

[2] His deposition of 19 Sept. 1682, made at Chester Castle, names thirty seven gentlemen from Cheshire, Lancashire, Staffordshire and Shropshire who accompanied Monmouth at Wallasey and Liverpool. Three of them were peers. Cheshire R.O., DDX 7, f. 1.

[3] Given in Cal.S.P.Dom. 1682, pp. 387, 395.

Tories a better chance at the mayoral elections.[1] The system of election was that all the contenders would undergo a poll by the commons, where about a thousand votes would be cast. The two who led the poll would then retire inside and a vote by the aldermen would choose between them. At the election on 13 October 1682 there were three contenders, Whitley, Edwards (both Whigs) and a leading Tory, Sir Peter Pindar, one of Grosvenor's allies. Before any vote was cast it was evident Whitley would be a clear winner in the popular vote and Pindar would make an ignominious third. Peter Shakerley therefore assembled a bare majority of the aldermen the day before the election, and gave them a glass of wine. Supported by the Tory alderman William Wilme he persuaded them to put their weight behind Edwards at the second vote and thereby exclude Whitley. He also secured their co-operation in promising to elect Tory sheriffs at the same time. At the popular election Whitley indeed topped the poll. He won 459 votes, Edwards 436, and Pindar about 80. Among the aldermen, Shakerley's eleven voted for Edwards and the remaining nine for Whitley. One of the eleven defected at the shrieval election,

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[1] Cal.S.P.Dom. 1682, p. 449.

however, and the mayor having the casting vote, the Whigs got one of their own men returned sheriff. Mayor Edwards was no Tory, but Shakerley judged him more ductile than Whitley, and determined to cultivate an interest with him:

> 'This Mayor wee now have has a plaugy a Nicticorax as the last; but hee's a timourous man, has several honest Fellows he converseth with, and if hee does noe great good, I think hee'l doe noe hurt; he professeth much Friendshipp to mee & your Lordship may be sure I shall doe my best to make good use of it, infuse into him good & loyall Principals; and that hee may persevere in 'em shall be frequently with him, and encourage him all I can.'[1]

During the same week Peter Shakerley also took steps to defeat recorder Williams's projected plan to spare the Chester rioters. The Whigs planned to have the rioters indicted and then nominally fined before the commission of _oyer et terminer_ could remove them from the city court. Shakerley therefore secured a _certiorari_ writ to be ready in court for having the rioters removed as soon as the jury found Anderton's bill against them _billa vera_, and before the court could proceed to convict them.[2] In the event Shakerley's precautions proved unnecessary, since the foolish jury, to the recorder's chagrin, threw out Anderton's bill with an _ignoramus_, and so the commission was able

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[1] S.P. 29/421, f. 6: Peter Shakerley to Jeffreys, 14 Oct. 1682.
[2] _Cal.S.P.Dom._ 1682, p. 465.

to try the rioters later. Shakerley's interest in Chester's politics intensified during the remaining years of reaction, and he took particular care in reporting on the Whig attempts to deflect the effects of the quo warranto.[1] The king appointed him alderman and J.P. in the new charter,[2] and he appears to have succeeded his father as governor of the castle soon afterwards.[3]

Peter Shakerley's record in Cheshire was parallelled by Colonel John Strode's in Kent, albeit on a rather more impressive scale. Colonel Strode, Governor of Dover Castle and Lord Warden of the Cinque Ports, seems to have first tried to dominate Dover corporation in 1680. At that time the Whigs were apparently unassailably secure. The Whig mayor, Nicholas Cullen, elected in September 1679 and continued in office until 1683, together with Dover's two Whig members of parliament, Thomas Papillon and William Stokes, led the corporation with courage and considerable resourcefulness. The declared Tories on the council were very few: after Papillon

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[1] Cal.S.P.Dom. 1683-4, p. 166.
[2] Grosvenor Family MSS., Thomas Grosvenor 3rd Bart, 'Letters and papers re 1685 charter, 1684-5': 'The Paper of heads' (alterations to charter).
[3] Chester R.O., AB/3 (Assembly Book 1685-1724), f. 2: order dated 8 Dec. 1685.

and Stokes's election to the Oxford Parliament they were addressed by a jubilant council, only Major Breames, George West, Captain Roberts 'and some few others' refusing to sign.[1] This handful of men, and Warham Jennet an old opponent of Stokes who had been excluded as a jurat, were the agents through whom Strode tried to influence corporation proceedings. For example, they alone addressed the king in May 1681 thanking him for his late declaration, the rest of the council refusing. It had presumably been suggested by Strode: he later delivered the address to the king.[2] Major Breames was one of the few men of Dover, encouraged by Strode, who tried to make the borough justices break up conventicles.[3] It was, however, a pathetic residue of excluded and ambitious men for Strode to use to try to break the determined resistance of Papillon, Stokes and Cullen. The governor's perseverence was not rewarded in Dover for four years.

In April 1680 Dover, in common with corporations throughout England, received a letter from the Privy Council warning them to prepare to have the borough records scrutinized to see how far corporation men had complied with the statutory requirements of taking the sacrament and oaths on assuming office.[4] Shortly

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[1] Kent R.O., Papillon MSS. U1015 024, f. 5.
[2] Cal.S.P.Dom. 1680-1, pp. 261-2.
[3] Ibid., p. 429.
[4] Papillon MSS. U1015 025, f. 1.

afterwards Strode himself inspected the records and observed the return the corporation made to the Privy Council on this matter.[1] Unlike most corporations, however, Dover was found seriously defective in its record of administering oaths. Within a fortnight two jurats and twenty six common council men were removed for failure to take the oaths or sacrament.[2] Strode then made out the case that the council was now inquorate, the government of the city was dissolved, and the borough should be reincorporated. He suggested that in the new charter the king should have the nomination of all the jurats, who would in turn appoint a common council. The corporation's depredation caused by the expulsions of April 1680 meant not only that there was only a handful of men left on the council, but also that the Whig majority had been disastrously depleted: the proportion of the Tories on the council was suddenly significant. Strode's ambitions for remodelling did not stop at the proposed new charter for Dover (itself indeed a totally novel step for 1680); he also hoped it would involve the renewal of the charter

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[1] Papillon MSS. U1015 025, f. 48.
[2] Ibid., f. 2.

of all his Cinque Ports. Such reports reaching Dover were alarming indeed for the remaining Whigs, and Whig survival during this intimidating period is attributable entirely to the vigorous direction of their leaders, particularly Papillon.

Papillon stayed in London to attend discussions before the council board where he assiduously opposed all Strode's plans. Stokes and Cullen remained in Dover, and following Papillon's instructions worked to keep Whig resistance going. Strode's plans at this stage were in fact too sweeping to have any chance of success, though they did cause considerable alarm. In the meantime he also had less daring plans afoot to get the empty places in Dover corporation filled by royal appointment. Papillon quickly wrote to Stokes to warn him that if

> 'from above persons should be appointed in the Room of those you have put out, that were to give up the Previledge of the Corporation and to suffer your selfes to be Imposed on, and who can you think would be put in but Breames and Siddeman and such like as the Gouvenour should nominate.'[1]

To prevent this Papillon urged that although the council was now inquorate the charter included the Commonalty of Dover too, and so a common assembly of all the freemen should be called

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[1]Papillon MSS. U1015 025, f. 4: Papillon to Stokes, 4 May 1680 (draft).

to elect replacements. Those who had been ejected should take the oaths and sacrament and stand for re-election. Meanwhile Strode prepared a list of names he wanted the king to put into the vacant places of jurats and common council men.[1] Whitehall prevaricated, uncertain of the rights involved. Strode still advocated calling in the charter altogether

> 'that soe a new one might be introduced and such magistrates made as might comply with the Governour's will and humour.'[2]

Papillon still argued his case in London that the freemen were empowered to fill the vacant spaces, and in Dover the elections were being arranged, the dispossessed preparing to qualify for election.[3] In order to stall matters, Strode suddenly declared that the return the corporation had made to Whitehall's original letter of April had been faulty, and the borough's records were summoned to London to be scrutinized. Strode himself refused to elucidate at this stage what these faults were, and when he finally did prepare a written list[4], his accusations were shown to be either quibbling

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[1] Papillon MS. U1015 025, f. 12: Cullen to Papillon, 10 May 1680.
[2] Ibid., f. 14: Papillon to Stokes, 10 May 1680 (draft).
[3] Ibid., f. 32: Cullen to Papillon, 22 May 1680.
[4] Ibid., f. 52.

objections of the most insubstantial kind or blatant fabrications. He was losing ground in Whitehall and eventually tacitly accepted Papillon's triumph.

Strode was enabled to continue, however, when the campaign was later launched against all the boroughs in the kingdom. By 1683 Dover's resistance no longer seemed convincing. Furthermore, although Strode's meddlings of 1680 had shown no positive effects in terms of a charter surrender and he had to abandon his cause against Dover's Whigs in Whitehall, his aggressive politics had thrown Dover itself into a turmoil. Although Papillon prevailed with most of the remaining council, it was clearly against the better judgment of some of them. Although they wanted to see Papillon's cause succeed, they were nevertheless frightened. Strode's rampant and determined hostility had its effects on the timorous or undecided in Dover. Waverers were being driven into the Tory camp. Stokes observed,

> 'Wee meet with strong opposition by sum men who make their will their Reason. And others, for want of Resolution being I doupt not posesed with a Panick feare are too apt to yield to sum things that I feare may be prejudiciall to us.'[1]

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[1]Papillon MSS. U1015 025, f. 26: Stokes to Papillon, 17 May, 1680.

These opposers broke away a month later into a properly organized faction dependent on Strode's patronage. Some of them were jurats. According to Stokes, they 'howld a privat Caball' and intended to overthrow Dover's government 'and upon a new modall them selves have sum promises to be brought In againe.'[1]

This division bore fruit in September 1682. At the mayoral elections George West tried to oust Cullen from his long-held mayoralty. Cullen was elected. The Tories, however, claimed he was disqualified as he had not conformed to the statutory requirements since being turned out by the commissioners acting under the Corporation Act in 1662. As a result both Cullen and West were sworn in as mayors by their rival factions.[2] Ordered government in Dover by now seems to have collapsed. A quo warranto was issued against the charter, and eventually judgment was given against the corporation. Strode's tactics in dissolving the government of the city had ultimately proved successful.

Meanwhile he was busy with other corporations in Kent. He was presumably involved in searching the records of all the

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[1] Papillon MSS. U1015 025, f. 45: Stokes to Papillon, 23 June 1680.
[2] Cal.S.P.Dom. 1682, p. 376.

Cinque Ports after the order of April 1680. He certainly inspected Sandwich's soon after Dover's.[1] The charters of New Romney, Hastings, Sandwich, Dover and Faversham all fell during 1684 and 1685. The seal was set on Strode's hard-won domination of the Cinque Ports in March 1685 when he finally persuaded them to surrender their joint charter. An assembly of thirty nine - three men from each of the ports which subscribed to the charter[2] - agreed to surrender their charter on 31 March. Furthermore, on the same occasion a committee of thirteen was formed with one man from each port to agree on an address to send to James II. Although it was not unanimously supported, it acknowledged Strode's ascendance. The text declared

> 'Wee will not Elect or admitt into any office or place of trust (within our power) any persons that abetted or voted for that Diabolicall and Unjust Bill of Exclusion designed to Involve us in Blood, and to destroy the Constitution of the Ancient Monarchy of your Majesties kingdomes. And further add that Wee doe readily acknowledge our Lord Warden's Right of Recommendation of one member for Each Port to serve in parliament.'[3]

His hand in the whole project is clearly discernible.

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[1] Papillon MSS. U1015 025, f. 9.
[2] Dover, Faversham, Folkstone, Fordwich, Hastings, Hythe, Lydd, New Romney, Pevensey, Rye, Sandwich, Seaford and Winchelsea.
[3] Papillon MSS. U1015 027, f. 2: record of special meeting of Cinque Ports, 31 March 1685.

III. The Church.

Bishops still regarded themselves as men of state no less than of the cloth. In the House of Lords they had helped save James II's crown in 1680, and for the rest of the reign worked to give practical effect to the maxim of the Crown and Church alliance. Though none but Compton and Sancroft took any regular share in government at Whitehall, they all took their public duties in their dioceses seriously: indeed, they would hardly have distinguished between their public and spiritual duties there.[1] Furthermore, under the influence of Sancroft and the Hydes, the machinery for ecclesiastical preferment during the period of reaction assumed a blatant political function.[2] Therefore the identity of interests of Crown and Church during these years ensured that the bishops in their dioceses would be active royal agents in government policy towards the localities. There were twenty English bishops: eight were stalwarts of reaction in their districts who showed particular interest in neighbouring corporations.[3]

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[1] E.g. see Morley's conduct in state affairs, F. Bussby, 'George Morley: Bishop of Winchester, 1662-1684', Church Quarterly Review 168 (1967), pp. 433, 438.

[2] R. Beddard, 'The Commission for Ecclesiastical Promotions, 1681-4; an Instrument of Tory reaction', Hist.Jour., 10 (1967), pp. 14, 17, 20, 39-40.

[3] Thomas Barlow (Lincoln), Nathaniel Crew (Durham), John Fell (Oxford), William Gulston (Bristol), Thomas Lamplugh (Exeter), William Lloyd (Peterborough), Peter Mew (Bath and Wells) and Anthony Sparrow (Norwich). In addition George Morley (Winchester) and Seth Ward (Salisbury), while not associated with the borough campaign, were in close accord with the general aims of reaction.

Furthermore, the Archbishops of Canterbury and York were both active participants in the borough campaign, and Compton in London was of the same mind. This constitutes indeed an impressive commitment on the part of the episcopacy to the practicalities of exalting the Stuart regime in the country at large.

Conflicting rights of precedence and immunity in cathedral cities had long involved a traditional rivalry between corporation and chapter that was not always good-natured. Although bishops and their host towns could frequently be on terms of perfect amity, nevertheless all relations between them were coloured by the tensions implicit in the operation of adjacent and distinct privileges and jurisdictions. The tangled relations between Oxford city and the University at this time were intensified by the University's principal protagonist in city affairs being John Fell, who was also bishop of the diocese. Gloucester's Tory magistrates quickly took offence at a sermon delivered in the cathedral in 1683, declaring it to be seditious, and swore never to attend cathedral services as long as the offending minister preached.[1]

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[1]Bodl., MS. Tanner 34, ff. 114, 125.

As a result they were locked out of their pews and, notwithstanding their earlier resolution, they attended the cathedral to hear the offending preacher again, and 'finding the door shut, got over the railes to the seates, with noe small scandall and griefe to me.' The resulting altercations were too much for the bishop to bear, and he professed to be weary of office 'were there any way for me to lay it downe with decency.'[1] It is not hard to detect in this typical example of over-reaction the strained rivalry existing between chapter and city, even when they shared a common political outlook. At about the same time Tory Exeter was having a legal dispute with its bishop, in which the corporation's charter was put to the test.[2] A major row had broken out in Bristol in 1681 between the chapter and the corporation over the placing of the corporation's seats in the cathedral, which threatened to 'putt the whole city into a flame, and divide the Loyall party amongst themselves, and cause the church here to suffer.[3]

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[1] Bodl., MS. Tanner 32, f. 143: Frampton to Sancroft, 19 Sept. 1684.
[2] Exeter R.O., City Act Book no. 11, ff. 476-7. This dispute was quite independent of the government's campaign against borough charters, and appears to have had no political significance at all.
[3] Bodl., MS. Tanner 129, f. 65: Gulston to Sancroft, 2 Oct. 1681.

The case of Chichester provides a clear example of the jealousies and disputes arising from distinct jurisdictions operating within the same city's walls. Again it is significant that the bitter contest between the chapter and corporation in Chichester in no way involved party political delineations: it was a conflict born simply from the chapter's exemption from the corporation's jurisdiction. The cathedral close enjoyed an ancient claim to be immune from the authority of the borough magistrates. The city charter of 1618, however, enlarged certain of the city's judicial privileges, while confirming that none of these could be interpreted to deprive the church and bishop of their ancient rights. Soon afterwards, however, the civil magistrates began to encroach on the jurisdiction of the chapter, claiming that because the close lay within the city walls it also lay within the city's jurisdiction. In the 1630s the mayor even exacted ship-money from the dean and residentiaries. Other disputes followed, such as whether the county J.P.s should be able to hold their sessions within the close. By the 1680s, then, the grievances resulting from the hostility between chapter and corporation were longstanding and bitterly resented by both sides. The bishop saw

in the projected reincorporation (effected March 1685) an opportunity to

> 'prevent those indignities the Deane, Residentiaries and my selfe have received from time to time from those insolent people of the towne, for they doe daily incroach more and more upon us.'[1]

It is important to recognize, as the bishop himself did, that 'it is not only those that are factious that are guilty of this, but even those of the community that would be thought Loyal.'[2] For this shows the competition existing between Church and corporations before political considerations activated the Church in the bid to see the corporations humbled and brought to a dependence on the royal will. Incidentally, it is hardly surprising to find that in Chichester's case the city's new charter clearly exempted the cathedral and close from the jurisdiction of the mayor and justices of the city.[3]

The Church, then, was already familiar with the inconvenience of independent borough jurisdictions, and of course it was as nests of dissent that the towns appeared as particularly noxious to the episcopacy and most of the clergy at this time. The

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[1] Bodl., MS. Tanner 148, ff. 11-14: Carleton to Sancroft, 15 Aug. 1684.
[2] Ibid.
[3] MS. Tanner 148, f. 21: Mayor of Chichester to Sancroft, 1 Jan. 1685. Cal.S.P.Dom. 1684-5, p. 199.

Church was used as a principal weapon in rallying the nation to the king's cause after the dissolution of the Oxford Parliament. The royal declaration of April 1681, appealing for support of monarchy and church, was ordered to be read in all churches and chapels. It was broadcast by the bishops who first had it read in the cathedral and churches of the host city, and then distributed to churches throughout the diocese.[1] A natural consequence of this movement was the persecution of dissenters, which naturally a number of bishops were foremost in organizing.

The bishops' natural suspicion of towns resulted in an attempt to use the clergy appointed to urban livings to bring the boroughs to settled conformity. Seth Ward's biographer drew particular attention to this strategy the bishop so effectually employed:

> 'To keep his diocese in Conformity, he took great care to settle able Ministers in the great Market and Borough Towns, as Reading, Abingdon, Newberry, the Devizes, Warminster etc., and because they are for the most part Vicarages of small value, as Prebends in the Church fell void, he bestowed them on the Ministers of these Towns.'[2]

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[1] Bodl., MS. Tanner 36, f. 17: Ward to Sancroft, 26 April 1681.
[2] W. Pope, The Life of Seth, Lord Bishop of Salisbury, ed. J.B. Bamborough, (Oxford 1961), p. 71.

It was a policy continued throughout the period of reaction, and of course one which met with a sympathetic response from Archbishop Sancroft. Bishop Fell took an interest in the candidates to fill the vacancy in the vicarage at Abingdon in 1683, a town 'for trade, wealth and faction, the most considerable of any in this part of England.' He strongly disapproved of Mr Baker of All Souls, advising Sancroft to choose a more reliable man and reward him accordingly, that being 'the likeliest way to reduce that numerous and disaffected people.' As the minister's place was only worth £60 a year, Fell reckoned it worthwhile rewarding the suitable candidate with the chaplaincy of Christ's Hospital Abingdon, which could earn him an extra £50 annually.[1] At about the same time the corporation of Marlborough petitioned the king on behalf of their vicar, Cornelius Yeates, asking that his income be increased. They testified to his being a good orthodox Anglican who worked very much in the king's interest, adding with force, 'that pious Loyall Mynisters, Especially in such a Corporacion as this, should at least be competently provided for.'[2]

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[1] MS. Tanner 34, ff. 55, 112: Fell to Sancroft, 26 June 1683, 22 Aug. 1683.
[2] Bodl., MS. Tanner 34 , f. 160.

Lamplugh at Exeter insisted on opposing Horneck's appointment as Vicar of Plymouth, although he enjoyed Albemarle's patronage. For the bishop, while apologizing to the duke, stressed that

> 'I would readily serv him, but that I had a stubborn and broken People to deal with and must use all meanes to settle peace and order in that Town.'[1]

The bishop's recommendation prevailed, and Gilbert was inducted at Plymouth in August. The wife of the mayor was deeply offended by the appointment, refused to be addressed by the new vicar and the next day, waited on by her sergeant, attended a conventicle. Gilbert quickly proved conciliatory, however, 'and so I doubt not but by degrees that Town wilbe brought to peace and order.'[2] William Lloyd at Peterborough supported John Camlin's appointment to the vicarage at Faversham. Recognizing that Gamlin would be very useful in this notorious dissenting town, Lloyd advised he should take advantage of the corporation's surprising invitation for him to be moved there. Lloyd also felt, however, that Gamlin deserved better pecuniary encouragement, knowing,'the temper and humor of the people of Feversham', and so asked Sancroft to have him continued in his

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[1] MS. Tanner 36, f. 72: Lamplugh to Sancroft, 16 July 1681.
[2] Ibid., f. 91: same to same, 13 Aug. 1681.

present cures as well.[1]

Generally the bishops and clergy worked in close co-operation throughout the country in an attempt to see dissent suppressed and the principles of Anglican uniformity settled on fractious towns wherever they could. As members of county society they were also involved in many of the congregations of Tory gentry assembled to address the king and organize local resurgence against the Whigs. Beyond the good effects of preaching and propagandizing in towns, members of the clergy might also attempt more specific contributions to royal service. Indeed, it was the curate of All Saints Newcastle, Ralph Grey, who prepared a list of the councillors of Newcastle-on-Tyne, advising which should be expelled and why.[2] The local urban clergy could provide when necessary a repository of information concerning the political affiliations of individual townsmen.

The bishops proved themselves capable advocates of the Tory ascendancy in their dioceses. Ecclesiastical courts could be used for political ends. The Bishop of Bristol, for example,

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[1]Bodl., MS. Tanner 35, f. 35: Lloyd to Gamlin, 1 July 1682.
[2]MS. Rawlinson d. 850, f. 143: Grey (to Basire), 5 Aug. 1684.

held court at Bridport early in 1683 with a view to bringing parts of Dorset to conformity. He had an uncooperative Blandford churchwarden dismissed and replaced 'to the great satisfaction and content of the Loyall party there.' He upbraided the minister of Dorchester in court

> 'for preaching publiqly some passages that tended to the encouragement of the Phatatiqs and discouragement of Loyall men in that Towne, which he made an open Recantation of before the Clergie of my Diocess in Court at Brideport, and hath promised future obedience to the canons and constitutions of the Church.'[1]

In such work the bishops received the constant encouragement of Sancroft, who maintained a network of close communication on political matters particularly with the bishops of the west. Sancroft himself took some pains with Canterbury in order to encourage the vulnerable Tory ascendancy there. The corporation's loyal address of June 1682 caused some controversy in the town, and one of the council 'blasted both the Men and their Address.' Hearing of this, Sancroft treated the deputation at Lambeth when they came to town to present the address. He

> 'gott them such Company as I thought might be acceptable to them, and gave them the usual Enterteinment; which I hope they accepted (as 'twas intended) kindly. ...I would be loth to make things worse than they are: God make them better.'[2]

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[1] MS. Tanner 129, f. 128: Gulston to Sancroft, 24 Feb. 1683.
[2] MS. Tanner 35, f. 44: Sancroft to _, 14 July 1682.

Similar services were provided by bishops in towns all over the kingdom. By a mixture of kindness and lecturing, the episcopacy strengthened the ranks of those pressing the corporations to do their duty to the crown. The Bishop of Peterborough, for example, emphasized in church at Northampton the points made in the king's declaration of April 1681, thereby taking the lead in the Tory rally.

> 'When I had sayd this and somwhat more to the same purpose, the people made an unusuall hum in the church, and I thought it would have enclined them to make a dutifull adresse for soe gratious a declaration. I tooke an occasion for the next day to minde some of the magistrates of the fitt occasion that was offered them to expresse their gratitude to his Majesty, who had beene theire great benefactor and had raysed them out of theire ashes by his extraordinary munificence, and att the same tyme I told them that it was very observable that theire demeanor and returnes were not sutable to the bounty and goodnesses which he shewed them in theire greate distresses. I left them chewing the Cudd upon thiese intimations.'[1]

Anthony Sparrow, Bishop of Norwich, was in the forefront of Reaction, helping in 1681 to unite 'the Gentry and Clergy into a firmer union then they were in since my comeing.'[2]

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[1] MS. Tanner 36, f. 33: Lloyd to Sancroft, n.d.
[2] Ibid., f. 6: Sparrow to Sancroft, 6 April 1681.

He pledged all his interest in the city of Norwich to be at the service of the earl of Yarmouth[1] in the matter of the charter surrender, just as earlier he had been involved in the earl's plans to secure a gift of a thousand guineas from the corporation to the king.[2] He naturally rejoiced in the city's surrender, exclaiming 'Now I do hope Loialty and love to the church will grow apace heer.' He further hoped Norwich's example could be applied on a larger scale, for 'we have some petty corporations, nurseries of faction; I hope they will not hold their charters long.'[3] Thomas Barlow, Bishop of Lincoln, also seems to have put some pressure on the city to surrender: at any rate he contributed £20 towards the cost of its reincorporation.[4] Nathaniel Crew, Bishop of Durham, secured the surrender of Durham's charter. It was he who directed government policy in the city, and the charter was delivered into his hands.[5] Crewe was appointed lord lieutenant of Durham in 1684. His archdeacon, Dennis Granville, was politically active in the north-east too.

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[1] Brit.Mus., Addit.MS. 36,540, f. 40: Cecil to Yarmouth, 2 June 1682.
[2] Brit.Mus., Addit.MS. 36,938, f. 185: Yarmouth to L'Estrange, 22 April 1682.
[3] MS. Tanner 35, f. 107; Sparrow to Sancroft, 11 Oct. 1682.
[4] Hist.MSS.Com., Lincoln MSS. etc., p. 110.
[5] Cal.S.P.Dom., 1684-5, p. 102; N. Luttrell, A Brief Historical Relation of State Affairs (6 vols, Oxford 1857) i, p. 314.

Granville, noting the absence of the mayor of Durham from church on Fridays and Wednesdays during Advent, rebuked him, and instructed the corporation to send members of their families if they could not attend themselves. Granville was also interested in the remodelling of Newcastle-on-Tyne, staying there to attend to 'the temporall Good of that considerable town' which he had by his 'seasonable Pains in Preaching and Conferences so much improved in Spirituall Matters.'[1] He was much absorbed in the remodelling of Newcastle, a project he engaged in through the services of Isaac Basire, the official of Northumberland, a county J.P. and barrister.[2] During his visit to London (? in 1684), as his diary records, Granville was frequently called upon to give accounts of the political transformations effected in the corporation. He discussed it with Leoline Jenkins, and was himself soon afterwards personally commended by the king. On his return journey he stayed at Oxford and informed John Fell 'and many others' how Newcastle had been brought

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[1] MS. Rawlinson d.850, f. 190: Granville to Mayor of Durham, n.d. (draft); ibid., f. 141: Basire (to Granville), n.d.

[2] S.P. 29/437, ff. 146-8: Granville to Jenkins, 4 April 1684. Basire was appointed J.P. in Berwick's new charter, along with Crewe and Granville.

'to an exemplary Pitch of Conformity, considering it is a Sea-Port Town, and a Corporacion. Which is a Topick that I much oftner discoursed on than is noted in this Book.'[1]

The Archbishop of York and the bishops of Exeter, Bristol and Bath and Wells were pre-eminently useful to the government in the operation of the borough campaign. John Dolben (brother of the judge), newly appointed Archbishop of York, was quickly brought into the negotiations between the government and the city of York. The city, without a suitable aristocratic patron, sought his help as mediator. He did not hesitate to get busy 'workeinge to bring this corporacion to a surrender, but (I thinke) they have not used his Grace well, in asking his advice and not following it.'[2] Dolben achieved better success at Ripon, however. There had been longstanding grievances between the corporation and Dolben's predecessors, and so the archbishop's involvement in a charter surrender was deemed by the recorder a chance to ameliorate these earlier animosities. 'To have the concurrence of the Archbishop with them in this act', he wrote to Godolphin,

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[1] Bodl., MS. Rawlinson d. 103 (Granville's journal, n.d.), ff. 2, 3, 6.
[2] Mexborough MS. 26, f. 18: Fairfax to Reresby, 31 March 1684.

'was thought a good means, not only to allay all jealousies, but to procure some advantages to the Towne about their Faires and such things.' The corporation decided unanimously to surrender the charter into Dolben's hands.[1]

Thomas Lamplugh, Bishop of Exeter, led the rally of the Tory gentry in Devon in 1681. He acted as their spokesman in government, relaying their decisions to prosecute dissent to Sancroft, and forwarding back the cabinet's good opinions of their efforts. It is almost certain he had a hand in their famous presentment of corporations as common nuisances. He shared their sentiments entirely, and advocated a campaign to reduce all corporations to conformity, beginning with London. He wrote to Sancroft in February 1682:

> 'The People would more easily be brought to conformity if it were not for their pestilent leaders, who poyson them with continual pressing home upon them seditious Principles; if the corporations could be rid of them, the work were done; but that will never be thoroughly done till London be better ordered, for I find in their stresse they send thither for advice and comfort.'[2]

The bishop's attempts to pacify Plymouth have already received some notice.

William Gulston, Bishop of Bristol, performed an exactly

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[1] Addit.MS. 41,803, f. 94: Dawson to Godolphin, 5 Sept. 1684.
[2] MS. Tanner 36, f. 235: Lamplugh to Sancroft, 22 Feb. 1682.

parallel function in Dorset, until his death in 1684. He organized the rally of the Dorset Tory gentry. A keen persecutor of dissent, it is likely he was involved in the Dorset grand jury presenting Poole as a haven for dissenters. He certainly prepared an address from the Dorset grand jury at the assizes held in Sherbourne in August 1682 which informed the king how much the peace of the county had been secured by the recent vigorous prosecution of dissent. Gulston hoped this might be an example to other counties, and would show the nonconformists that they could not expect 'any sort of Toleration.'[1] His leadership of the Dorset gentry in some ways even usurped the function of the rather indifferent lord lieutenant, the earl of Bristol. After the deputies had searched the county for arms and broken down dissenters' meeting houses in the wake of the Rye House Plot, it was the bishop to whom they gave an account.[2] He was also instrumental in arranging Anthony Ettrick's commission to purge Dorset's peculiars of nonconformist ministers, particularly Poole and Lyme Regis. He took an unfailing interest in Bristol's politics as well, assisting, on the cabinet's instructions, in the mayoral elections

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[1] MS. Tanner 35, f. 55: text of address, 3 Aug. 1682; f. 67: Gulston to Sancroft, 12 Aug. 1682.
[2] MS. Tanner 34, f. 75: same to same, 7 July 1683.

of 1681.[1] He was soon afterwards commended for his concern to order the city better, especially in his appearance at the sessions and pressing for the laws against dissenters to be put in execution.[2] He kept a watchful eye on city politics, always anxious to see the charter surrendered, and when this was finally achieved he wrote to Sancroft to suggest that he and successive bishops should be put

> 'in Commission in that City, and if possible to be present at all Counsells there, by which meanes the king may be assured of their designes.'[3]

He himself, however, died a month before the new charter was sealed.

Peter Mew, Bishop of Bath and Wells, cultivated interests in several west country corporations, and employed it all diligently in the service of the crown. He was sent by the government to Bristol at the beginning of 1684 to help quell the storm which the politics of surrender had incited.[4] It was with the smaller boroughs further west, however, that he was particularly associated. In the summer of 1683 he combined

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[1] Cal.S.P.Dom. 1680-1, pp. 451-2.
[2] Ibid., p. 530.
[3] MS. Tanner 129, f. 108: Gulston to Sancroft, 10 Nov. 1683.
[4] Cal.S.P.Dom. 1683-4, pp. 245-6.

with lord Stawell to produce a list of reliable men to be put into the corporation of Bridgwater should it surrender its charter.[1] After Stawell had searched the town for arms and set fire to the meeting house, the council met and decided to send a deputation to Stawell and Mew. This done the corporation agreed to surrender its charter. In the following discussions about alterations to be made in the new charter, the bishop presumably took a seminal part: at any rate, one of the alterations proposed was that he and Stawell should have the authority to eject any council member on the complaint of the majority.[2] When the government tried to undermine Taunton's independent jurisdiction by proposing to try rioters there by a commission of association, someone was needed to search through Taunton's charter to establish whether this commission was legally allowable. Mew was the man who provided the information.[3] In October 1683 the bishop succeeded in getting Richard Hole elected mayor of Wells. Within days the new mayor, with difficulty persuaded the council to surrender its charter. Hold was certainly acting under Mew's encouragement in this,

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[1] Cal.S.P.Dom. Jan.-June 1683, pp. 322-3.
[2] Cal.S.P.Dom. 1683-4, pp. 93-4. In the event, this alteration was not allowed: the crown's reservation clause made it superfluous.
[3] Cal.S.P.Dom. Jan.-June 1683, pp. 265-6.

and probably under his direction too. For the new charter not only made the bishop and his chancellor justices of the peace within the city, it also included them in the quorum.[1] The government had good reason to be very pleased with Mew's political activity in the west country boroughs. He was soon afterwards transferred to Winchester, on the death of George Morley. He was the first bishop to be consecrated after the disbanding of the commission for ecclesiastical promotions in September 1684, but not one whose suitability to preferment any of its members could have questioned.

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[1] Cal.S.P.Dom. 1683-4, pp. 35, 43, 140.

Appendix I. Borough list.

This list comprises all English parliamentary boroughs, and such other English municipal corporations as were subjected to the borough campaign between 1681 and 1687. It is impossible to cite all the evidence for all the information supplied in the list, because the sources are so many and so diverse. The most important single sources, however, are the warrant books of the secretaries of state for these years, and the list of charters revoked in 1689, given in Hist.MSS.Com., 12th Report Appendix VI, House of Lords MSS. 1689-90 (1889), pp. 289 et seq.

Dates in the left hand column refer to Charles II's reign, 1681-5; dates in the right hand column refer to James II's reign, 1685-7.

Boroughs in upper case are those affected by the campaign; boroughs in lower case escaped.

Numbers in the central column denote the number of M.P.s each borough returned.

Abbreviations:

nc new charter

qw service of quo warranto writ

s charter-surrender

wnc warrant for new charter

I have only used the last three symbols in the following cases:

(a) for charters sealed after Charles II's death;

or (b) if there is no other evidence that a new charter was sealed.

s June 84	ABINGDON	(1) Berks.	nc Feb. 86
	Aldborough	(2) Yorks.	
	Aldeburgh	(2) Suffolk	
	Amersham	(2) Bucks.	
nc Aug. 82	ANDOVER	(2) Hants.	
	APPLEBY	(2) Westmorland	nc July 85
	Arundel	(2) Sussex	
wnc Dec. 84	ASHBURTON	(2) Devon	
	Aylesbury	(2) Bucks.	
nc Jan. 84	BANBURY	(1) Oxon.	
nc Oct. 84	BARNSTAPLE	(2) Devon	
nc Dec. 84	BATH	(2) Somerset	

nc June 84	BEDFORD	(2) Beds.	
	Beeralston	(2) Devon	
s Nov. 84	BERWICK	(2) Northumb.	nc Sept. 86
s Aug. 84	BEVERLEY	(2) Yorks.	nc Mar. 85
s July 84	BEWDLEY	(1) Worcs.	nc May 85
wnc Dec. 84	BIDEFORD	Devon	
	Bishop's Castle	(2) Salop	
	Bletchingley	(2) Surrey	
s Nov. 84	BODMIN	(2) Corn.	nc Mar. 85
	Boroughbridge	(2) Yorks.	
s Nov. 84	BOSSINEY	(2) Corn.	nc Apr. 85
	BOSTON	(2) Lincs.	nc Mar. 85
	BRACKLEY	(2) Northants.	nc Nov. 86
s Nov. 84	BRADNINCH	Corn.	nc Apr. 85
	Bramber	(2) Sussex	
	Bridgnorth	(2) Salop	
nc Dec. 83	BRIDGWATER	(2) Somerset	
	BRIDPORT	(2) Dorset	nc Feb. 85
wnc Oct. 84	BRIGHTON	Sussex	
nc May 84	BRISTOL	(2)	
nc July 84	BUCKINGHAM	(2) Bucks.	
nc June 84	BURY ST EDMUNDS	(2) Suffolk	

wnc Dec. 84	CALLINGTON	(2) Corn.	nc Aug. 85
	CALNE	(2) Wilts.	nc Mar. 85; nc Apr. 85
nc Dec. 84	CAMBRIDGE	(2) Cambs.	
s Nov. 84	CAMELFORD	(2) Corn.	nc Apr. 85
nc Nov. 84	CANTERBURY	(2)	
nc Nov. 84	CARLISLE	(2) Cumb.	
	Castle Rising	(2) Norfolk	
nc June 82	CHARD	Somerset	
nc Jan. 85	CHESTER	(2)	
	CHICHESTER	(2) Sussex	nc Mar. 85
	CHIPPENHAM	(2) Wilts.	nc Mar. 85
	Christchurch	(2) Hants	
	Cirencester	(2) Glos.	
	Clitheroe	(2) Lancs.	
	Cockermouth	(2) Cumb.	
nc Oct. 84	COLCHESTER	(2) Essex	
	Corfe Castle	(2) Dorset	
nc Oct. 83	COVENTRY	(2)	
	Cricklade	(2) Wilts.	
nc July 84	DARTMOUTH	(2) Devon	
nc Aug. 82	DERBY	(2) Derby.	
	DEVIZES	(2) Wilts.	nc Mar. 85

	DONCASTER		Yorks.	nc Mar. 85
	Dorchester	(2)	Dorset	
nc Aug. 84	DOVER	(2)	Kent	
	Downton	(2)	Wilts.	
	Droitwich	(2)	Worcs.	
	DUNWICH	(2)	Suffolk	nc Feb. 85
s July 84	DURHAM	(2)	Dur.	
	East Grinstead	(2)	Sussex	
s Nov. 84	EAST LOOE	(2)	Corn.	nc Mar. 85
	EAST RETFORD	(2)	Notts.	nc Mar. 85
nc Feb. 84	EVESHAM	(2)	Worcs.	
nc Oct. 84	EXETER	(2)		
	Eye	(2)	Suffolk	
	FAVERSHAM		Kent	nc Nov. 85
s Nov. 84	FOWEY	(2)	Corn.	nc Mar. 85
	Gatton	(2)	Lancs.	
	Gloucester	(2)		
	GODMANCHESTER		Hunts.	nc Apr. 85
s Nov. 84	GRAMPOUND	(2)	Corn.	nc Mar. 85
	GRANTHAM	(2)	Lincs.	nc Feb. 85
s Dec. 84	GRAVESEND		Kent	nc Mar. 87
	Great Bedwin	(2)	Wilts.	

	Great Marlow	(2) Bucks.	
nc June 84	GREAT YARMOUTH	(2) Norfolk	
	GRIMSBY	(2) Lincs.	nc Oct. 86
s Dec. 84	GUILDFORD	(2) Surrey	nc Mar. 86
qw Jan. 85	HADLEIGH	Suffolk	
wnc Nov 84	HARWICH	(2) Essex	nc Mar. 85
	Haslemere	(2) Surrey	
	HASTINGS	(2) Sussex	nc Nov. 85
	HEDON	(2) Yorks.	nc Feb. 85
nc Dec. 84	HELSTON	(2) Corn.	
nc Apr. 82	HEREFORD	(2) Herefs.	
	Hertford	(2) Herts.	
	Heytesbury	(2) Wilts.	
nc Feb. 84	HIGHAM FERRERS	(1) Northants.	
	HIGH WYCOMBE	(2) Bucks.	nc Mar. 85
	Hindon	(2) Wilts.	
	HONITON	(2) Devon	nc Apr. 85
	Horsham	(2) Sussex	
wnc Jan. 84	HULL	(2)	nc June 85
	HUNTINGDON	(2) Hunts.	nc May 86
	Hythe	(2) Kent	
	Ilchester	(2) Somerset	

nc July 84	IPSWICH	(2)	Suffolk	
nc July 84	KING'S LYNN	(2)	Norfolk	
	KINGSTON-o-THAMES		Surrey	nc Aug. 85
nc Dec. 84	KIRKBY KENDAL		Lancs.	
	Knaresborough	(2)	Yorks.	
nc Dec. 84	LANCASTER	(2)	Lancs.	
nc July 82	LAUNCESTON	(2)	Corn.	nc Mar. 85
nc Dec. 84	LEEDS		Yorks.	
nc Dec. 84	LEICESTER	(2)	Leics.	
nc Jan. 85	LEOMINSTER	(2)	Herefs.	
	Lewes	(2)	Sussex	
s Dec. 84	LICHFIELD	(2)		nc June 86
nc Dec. 84	LINCOLN	(2)		
qw June 84	LISKEARD	(2)	Corn.	nc. Mar. 85
s Aug. 84	LIVERPOOL	(2)	Lancs.	nc Apr. 85
s Nov. 84	LOSTWITHIEL	(2)	Corn.	nc Apr. 85
	Ludgershall	(2)	Wilts.	
	LUDLOW	(2)	Salop	nc Mar. 85
nc Dec. 84	LYME REGIS	(2)	Dorset	
	Lymington	(2)	Hants.	
nc Nov. 84	MACCLESFIELD		Ches.	

s June 84	MAIDENHEAD		Berks.	nc June 85
nc Oct. 82	MAIDSTONE	(2)	Kent	
	MALDON	(2)	Essex	nc Feb. 87
	MALMESBURY	(2)	Wilts.	nc Mar. 85
	Malton	(2)	Yorks.	
	Marlborough	(2)	Wilts.	
	Melcome Regis	(2)	Dorset	
	Milborne Port	(2)	Somerset	
	Minehead	(2)	Somerset	
s Nov. 84	MITCHELL	(2)	Corn.	nc Apr. 85
	Monmouth	(1)	Mon.	
	MORPETH	(2)	Northumb.	nc Mar. 86
	NEWARK-o-TRENT	(2)	Notts.	nc Feb. 85
	NEWBURY		Berks.	nc May 85
nc Jan. 85	NEWCASTLE-o-TYNE	(2)		
s Oct. 84	NEWCASTLE-u-LYME	(2)	Staffs.	nc Mar. 85
	Newport	(2)	Corn.	
nc Feb. 84	NEWPORT	(2)	Hants.	
	New Shoreham	(2)	Sussex	
	Newton	(2)	Lancs.	
	Newton Frankvil	(2)	Hants.	
	Northallerton	(2)	Yorks.	

nc Sept. 83	NORTHAMPTON	(2) Northants.	
nc Mar. 83	NORWICH	(2)	
nc Sept. 82	NOTTINGHAM	(2)	
nc May 84	OKEHAMPTON	(2) Devon	
	Old Sarum	(2) Wilts.	
	ORFORD	(2) Suffolk	nc Mar. 85
nc Sept. 84	OXFORD	(2) Oxon.	
s Nov. 84	PENRYN	(2) Corn.	nc Mar. 85
	Peterborough	(2) Northants.	
	Petersfield	(2) Hants.	
nc June 84	PLYMOUTH	(2) Devon	
s Nov 84	PLYMPTON	(2) Devon	nc Apr. 85
	PONTEFRACT	(2) Yorks.	nc Mar. 85
qw 1683	POOLE	(2)	
nc June 82	PORTSMOUTH	(2) Hants.	
nc Jan. 84	PRESTON	(2) Lancs.	
	Queenborough	(2) Kent	
	READING	(2) Berks.	nc Feb. 86
	Reigate	(2) Surrey	
nc June 84	RICHMOND	(2) Yorks.	
	RIPON	(2) Yorks.	nc Nov. 86

	Rochester	(2) Kent	
	ROMNEY	(2) Kent	nc Dec. 85
	Rye	(2) Sussex	
	SAFFRON WALDEN	Essex	nc July 85
	ST ALBANS	(2) Herts.	nc Mar. 85
wnc Dec. 84	ST GERMANS	(2) Corn.	
s Nov. 84	ST IVES	(2) Corn.	nc Mar. 85
wnc Dec. 84	ST MAWES	(2) Corn.	
	SALISBURY	(2) Wilts.	nc Mar. 85
nc Apr. 83	SALTASH	(2) Corn.	
nc Feb. 84	SANDWICH	(2) Kent	
nc July 84	SCARBOROUGH	(2) Yorks.	
	Seaford	(2) Kent	
nc Apr. 84	SHAFTESBURY	(2) Dorset	
s 1683	SHREWSBURY	(2) Salop	nc Mar. 85
s Nov. 83	SOUTHAMPTON	(2)	
nc Dec. 84	SOUTH MOLTON	Devon	
	Southwark	(2) Surrey	
wnc Dec. 84	SOUTHWOLD	Suffolk	
s Nov. 84	STAFFORD	(2) Staffs.	nc June 85
	STAMFORD	(2) Lincs.	nc Mar. 85
	Steyning	(2) Sussex	
	Stockbridge	(2) Hants.	

	SUDBURY	(2)	Suffolk	nc Mar. 85
	Tamworth	(2)	Staffs.	
	Taunton	(2)	Somerset	
nc June 82	TAVISTOCK	(2)	Devon	
s Sept. 84	TEWKESBURY	(2)	Glos.	nc Mar. 86
nc Feb. 82	THETFORD	(2)	Norfolk	
	Thirsk	(2)	Yorks.	
nc Nov. 84	TIVERTON	(2)	Devon	
s Jan. 85	TORRINGTON		Devon	nc Oct. 85
nc Sept. 85	TOTNES	(2)	Devon	
s Nov. 84	TREGONY	(2)	Corn.	nc Mar. 85
s Nov. 84	TRURO	(2)	Corn.	nc Mar. 85
nc Oct. 84	WALLINGFORD	(2)	Berks.	
s Feb. 83	WALSALL		Staffs.	
	Wareham	(2)	Dorset	
nc Dec. 83	WARWICK	(2)	War.	
nc Jan. 84	WELLS	(2)	Somerset	
	Wendover	(2)	Bucks.	
	Wenlock	(2)	Salop	
	Weobly	(2)	Herefs.	
	Westbury	(2)	Wilts.	
s Nov. 84	WEST LOOE	(2)	Corn.	nc Mar. 85
	Westminster	(2)	Middx.	

	Weymouth	(2) Dorset	
	Whitchurch	(2) Hants.	
	WIGAN	(2) Lancs.	nc Feb. 85
	WILTON	(2) Wilts.	nc May 85
	Winchelsea	(2) Kent	
s 1684	WINCHESTER	(2) Hants.	
s 1684	WINDSOR	(2) Berks.	nc Mar. 85
	Woodstock	(2) Oxon.	
	Wooton Bassett	(2) Wilts.	
qw May 81	WORCESTER	(2)	
	Yarmouth	(2) Hants.	
qw Mar. 84	YORK	(2)	nc July 85

Appendix II.

Parliamentary representation, 1681-5.

(a) Exclusionists (1679) returned in 1685:

Edward Ashe	Heytesbury	-
William Ashe	Heytesbury	-
Allan Bellingham	Westmorland	co.
Edward Berkley	Wells	nc Jan. 84
Maurice Bockland	Downton	-
Sir Thomas Byde	Hertford	-
Thomas Chafin	Poole	dissolved 83
Charles lord Clifford	Yorks.	co.
John Connocke	Liskeard	nc Mar. 85
Sir John Cordell	Sudbury	nc Mar. 85
Sir John Downay, visc. Downe	Pontefract	nc Mar. 85
Sir William Drake	Amersham	-
Cresheld Draper	Winchelsea	-
Daniel Eliot	St. Germans	s Dec. 84
Thomas Erle	Wareham	-
Sir Humphrey Forster	Berks.	co.
Thomas Freke	Dorset.	co.

Sir Eliab Harvey	Old Sarum	-
Sir Edward Hungerford	New Shoreham	-
John Kellond	Totnes	nc Sept. 84
Sir John Maynard	Beeralston	-
Sir Thomas Meres	Lincoln	nc Dec. 84
Sir Thomas Mompesson	Old Sarum	-
Sir Henry Monson	Lincoln	nc Dec. 84
Richard Onslow	Guildford	s Dec. 84 (nc Mar. 86)
John Pleydell	Wooton Bassett	-
Sir William Portman	Taunton	-
Sir Thomas Putt	Honiton	nc Apr. 85
Sir Francis Russell	Tewkesbury	s Sept. 84 (nc Mar. 86)
Bennett lord Sherrard	Leics.	co.
William Stawell	Ashburton	wnc Dec. 84
William Stockdale	Knaresborough	-
Sir John Stonhouse	Abingdon	s June 84 (nc Feb. 86)
Simon Taylor	King's Lynn	nc July 84
Charles Trevanion	Tregony	nc Mar. 85
Thomas Turgis	Gatton	-
George Vernon	Haslemere	-
Henry Wallop	Whitchurch	-

Michael Warton	Beverley	nc Mar. 85
Thomas Wharton	Bucks.	co.

(b) 'Worthy men' and 'hardy men' returned in 1685 who did not vote in the 1679 Exclusion Bill division:

Sir William Blackett	Newcastle on Tyne	nc Jan. 85
John Borlase	Great Marlow	
Richard Bridger	Lewes	
George visc.Castleton	Lincs.	co.
Thomas Cradock	Richmond	nc June 84
Julius Deeds	Hythe (declared void)	-
John Egerton visc. Brackley	Bucks.	co.
Anthony Eversfield	Horsham	-
Sir John Fagge	Steyning	-
Thomas Frewen	Rye	-
William Garway	Arundel	-
Nicholas Glyn	Bodmin	nc Mar. 85
Sir Marmaduke Gresham	Bletchingley	-
John Hunt	Milborne Port	-
Sir John Lowther	Westmorland	co.
Francis Lutterell	Minehead	-

Sir Thomas Mackworth	Rutland	co.
Sir Edward Nevile	East Retford	nc Mar. 85
Sir John Norton	Petersfield	-
Sir Littleton Osbaldeston	Woodstock	-
Thomas Pelham	Lewes	-
John Ramsden	Hull	nc Jan. 85
Hender Robartes	Bodmin	nc Mar. 85
Sir John Thomson	Gatton	-
John Treffry	Fowey	nc Mar. 85
Edmund Webb	Cricklade	-
Sir Michael Wentworth	Aldborough	-
Humphrey Wharton	Richmond	nc June 84
Sir William Whitmore	Bridgnorth	-

(c) Exclusionists (1679) representing counties in 1681:

Sir William Barker, bart.	Berks.
Sir Samuel Barnardiston, bart.	Suffolk
Allan Bellingham	Westmorland
Henry Boothe	Ches.
Charles lord Clifford	Yorks.
Sir William Courtenay	Devon
Edward Dering	Kent

George Evelyn	Surrey
Henry lord Fairfax	Yorks.
Sir Vere Fane	Kent
Thomas Foley	Worcs.
Thomas Freke	Dorset
Charles lord Gerrard	Lancs.
William Leveson Gower	Salop
William Hale	Herts.
Richard Hampden	Bucks.
Sir John Hartopp	Leics.
Henry Mildmay	Essex
Arthur Onslow	Surrey
John Parkhurst	Northants
Sir William Portman	Somerset
William Russell	Beds.
William Sacheverell	Derby.
Bennett lord Sherrard	Leics.
Thomas Thynne	Wilts.
Silas Titus	Hunts.
Thomas Wharton	Bucks.
Sir Trevor Williams, bart.	Mon.

(d) Other 'worthy men' and 'hardy men' (1679) representing counties in 1681:

Sir John Bowyer, bart.	Staffs.
George visc. Castleton	Lincs.
Sir Charles Cesar	Herts.
Sir Scroope How	Notts.
Sir John Lowther	Westmorland
Sir Edward Morgan, bart.	Mon.
Richard Newport	Salop
Francis Robarts	Corn.
Samuel Roll	Devon
Sir Francis Rolle	Hants.
John visc. Scudamore	Herefs.
Philip Sherard	Rutland
John White	Notts

Appendix III.

Francis North's memoranda on municipal corporations.

(a) Brit.Mus., Addit.MS. 32,518, ff. 155-6:

The view of the Several Judicatures in England as they are' Now executed will be very usefull to any Minister of state. ...

Corporations have bin erected for Gouvernement, and the custody of the place put into a Mayor, Instead of the sherrif as Necessity Required where the Inhabitants are Numerous, and the occasions of disturbance so frequent that the sherrif could not attend.

In some corporations there is but a concurrent jurisdiction so that the justices of the county may act in the corporation. In others it is emempt by a Ne intromittant of the justices which excludes them as to their ordinary comission. But the King May for his service impower other justices Notwithstanding such clauses, by comission of association, because the king is Not bound without express words to exclude him.

And justices of goal delivery whose Commission is to enquire as well within libertys as without, Most clearly extends to all such places, And comissions of oyer & terminer extend to all

places according to the words of their commission, so that they May Inquire of the defaults and offences in such places.

All these jurisdictions that are thus Granted out of the crowne are upon this trust that there be justice done, and that the people Receiv no prejudice thereby, For if there be any prejudice to the people by Nonuser or abuser it is caus to Resume, and the king may either annex them againe to the ordinary judicatures by a judgment Quod excludantur, or use them himself by a seisure into his owne hands.

In ancient time there were justices Itinerants went thro the kingdome wherein all Men were the first day to claime their libertys els they were seised, and if not Replevyed at the Iter they were forfeted. This Method was Necessary For the knowledg of them. Now there are two ways.

1. By writt of Quo Warranto at the returne whereof if they did Not appear the libertys are seised, and if Not Replevyed the same terme are forfeted.

2. An Information in the Nature of a Quo Warranto or Inquisition upon the finding of any caus of forfeture, the franchise is seised untill the party by travers, &c &c, shall clear himself. ...

This is the first sceme of the designe and unhappily imperfect.

(b) P.R.O., S.P. 44/66, pp. 88-90:

Concerning Charters to Corporations

Corporations for Government are either

1. Countyes of themselves where they have Mayor, Sheriffs, Aldermen and Justices of the Peace
2. Exempt from Jurisdiction of the Justices of the Peace of the county, so that no Justice can act in the Corporation
3. Where they have the keeping of the Peace in the bounds of the Corporation for ease of the Justices of the County, But they may come in and act when they please.

In these the Officers relating to the Government are

1. The Mayor or Chief Officer, by other name, as Alderman, Portreeve, &c.
2. 2[d] Recorder
3. Towne Clerk
4. 4th the Justices of the Peace
5. the serjeants or Bayliffs, which are as the sheriffs to serve processe and returne Juryes

Officers relating to the Revenues and other private Affaires of

the Corporation are the Aldermen, Common-Councill, &c.

1. Corporations being County's of themselves are very inconvenient, for there is in small Corporations so perfect knowledge and acquaintance that it is hard to have justice against them in any Criminall Case, especially in Capitall Cases where they are allowed peremptory Challenges.

This was found in the Tryall of a Goldsmith Clipper in the County of the Citty of York, where notwithstanding manifest and demonstrative proof, by his Challenging 25 indifferent Men he was Tryed and acquitted by his own Friends, though the Jury were very fairely returned.

It is worse where it is in a By Towne, where Judges seldome come, then when it is in a Shire Towne, and the lesse the Towne is, the more inconvenient it is.

2. To be exempt from the Commission of the Peace is very inconvenient unlesse the king have power by his Commission to associate some of the Neighbouring Justices to act within the Corporation when they see occasion.

3. The 3rd sort are of no inconvenience but are in ease of the Gentlemen of the Country who else would have their houses continually thronged with the Inhabitants for Matters of Peace.

Some Libertyes that Corporations have are very inconvenient, as

1. To have returne and Execution of Writts from the King's Courts, which is to be exempt from the King's Sheriff, vide Placita Parliamentaria 336 of what importance Edward 1st tooke this to be, and what care he tooke that it should not be granted during his life, but to his children.

2. To exempt them from Attendance at the Assizes or from being returned of the Grand Jury of the County, for it is fit their Officers should attend there that their faults may be enquired of.

Neverthelesse, for those whom the king is pleased to honour, it is not fit there should be Dimminution in any of these particulars, but it will be enough To have it in the Kings Power within one Moneth after Election, and before the swearing by his signe Manuall notifyed &c to disaprove the Election of any Mayor or Sheriffs who are more immediately the King's Officers, and in that case the Election to be voyd, and they are to proceed to a new Election, and the king to have the same power, and if at the 3rd Election the king does not approve he may by his Signe Manuall and Signet appoint those Officers.

That he may when he thinks fit appoint any Inhabitants of the County or any of his Privy Councill, Judges or Counsell Learned

to be Justices of the Peace within the limits of their priviledge.

To have the Approbation of the Recorder and Towne Clerke.

Any Alderman, Common Councill, Bayiff, or Serjeant at Mace, Sword Bearer and such like Officers may be either refused when chosen, or if admitted may be displaced by the Court of Aldermen or other Chief Court of the Corporation.

They may be gratified with Faires or Marketts, or Jurisdiction in Civill causes within their Limitts &c which may be more for their profitt.

Those that forfeit not to be restored to any of those priviledges that are inconvenient.

Care must be taken of the good Corporations that they first surrender and grant to the King all their Lands and Goods and Chattells, and the king regrant them to the new Corporation, that there may be no Escheats.

Let ill Corporations take care of these Consequences in standing out.

(c) Brit.Mus., Addit.MS. 32,518, f. 184v.

In order to surrenders & Renewall of charters

It May be observed to corporations that will surrender at all their franchises into the king's hands that care is taken of them in these particulars.

1. That there is contained in the Instrument of surrender a grant of all the goods and chattells, lands and Debts, &c., which is to preserve the right that so they May have it againe by a regrant, which otherwise perhaps might escheat or fall to the possessor.

2. There will be no Inrollment of a surrender untill the New grant is ready to pass, that so in the Mean time they May carry on the Governement and other affaires of the corporation in the usuall Manner whilst the New charter is preparing.

3. There will be care taken that the charges of New charters shall Not be excessive, but the fees Reduced, when the corporation is Not able to bear the charg.

Note. Great care must be taken to have the true Name of the corporation Inserted in the surrender, And to have it sealed formally in the comon assembly of the corporation.

Appendix IV. English lord lieutenants, 1681-5.

The sources upon which the following lists are based are the royal warrants for lieutenancy commissions kept in the State Papers, and calendared in the Cal.S.P.Dom. under the relevant year. Where I have been unable to trace such warrants I have relied on information in The Complete Peerage. In these cases, I have put the dates in brackets. Men marked with an asterisk were dismissed by James II in 1687.

(a) By person:

ABINGDON*. James Bertie, lord Norreys of Rycote, 1st earl of Abingdon (1653-99). (Earldom cr. 30 Nov. 1682).

Oxfordshire 1674-87.

AILESBURY. Robert Bruce, 1st earl of Ailesbury (c. 1638-85).

(Earldom cr. 1665).

Bedfordshire 1660-7 (joint).

1667-85 (sole).

Cambridgeshire 1685.

Huntingdonshire 1681-5.

ALBEMARLE. Christopher Monck, 2nd duke of Albemarle (?1653-88).

(Dukedom cr. 1660).

Devon 1675-85 (retired).

Essex (joint with OXFORD) 1675-85 (retired).

Wiltshire (joint with PEMBROKE) 1681-?83.

ALINGTON. William Alington, 1st baron Alington of Wymondley (d. 1685). (Barony cr. 5 Dec. 1682).

Cambridgeshire 1681-5.

ARLINGTON. Sir Henry Bennet, 1st earl of Arlington (?1620-85).

(Earldom cr. 1672).

Suffolk 1681-5.

BATH. John Granville, 1st earl of Bath (1628-1701).

(Earldom cr. 1661).

Cornwall 1660-96.

BEAUFORT. Henry Somerset, marquess of Worcester, 1st duke of Beaufort (1629-1700). (Dukedom cr. 2 Dec. 1682).

Gloucestershire (1660-89).

Herefordshire (1660-89).

Monmouthshire (1660-89).

BRIDGWATER. John Egerton, 2nd earl of Bridgwater (1623-86).

(Earldom cr. 1617).

Buckinghamshire 1660-86 .

Hertfordshire 1681-(86).

BRISTOL. John Digby, 3rd earl of Bristol (c. 1635-98).

(Earldom cr. 1622).

Dorset 1679-98.

BURLINGTON*. Richard Boyle, 1st earl of Burlington (1612-98).

(Earldom cr. 1664).

Yorkshire, West Riding 1679-87.

CAMPDEN. Baptist Noel, 3rd viscount Campden (1612-82).

(Viscountcy cr. 1628).

Rutland by 1663-82.

CARLISLE. Charles Howard, 1st earl of Carlisle (?1629-85).

(Earldom cr. 1661).

Cumberland (1660)-85.

Durham 1672-84.

Westmorland (1660)-85.

CONWAY. Edward Conway, 1st earl of Conway (c.1623-83).

(Earldom cr. 1679).

Warwickshire 1681-3.

CRAVEN. William Craven, 1st earl of Craven (1608-97).

(Earldom cr. 1679).

Middlesex 1670-(89).

DERBY*. William Stanley, 9th earl of Derby (c. 1655-1702).

(Earldom cr. 1485).

Cheshire 1676-87.

Lancashire 1676-87.

DEVONSHIRE. William Cavendish, 3rd earl of Devonshire (1617-84).

(Earldom cr. 1617).

Derbyshire 1660-84.

DORSET. Charles Sackville, 6th earl of Dorset (1638-1706).

(Earldom cr. 1604).

Sussex 1670-(77). (joint).

(1677-88) (sole).

FAUCONBERG*. Thomas Belasyse, 2nd viscount Fauconberg (1627-1700).

(Viscountcy cr. 1643).

Yorkshire, North Riding (1660)-87.

GAINSBOROUGH*. Edward Noel. Lord Noel of Tichfield, 1st earl of Gainsborough (1640-89). (Earldom cr. 1 Dec. 1682).

Hampshire 1676-(87).

Rutland 1682-7.

LINDSEY. Robert Bertie, 3rd earl of Lindsey (c. 1630-1701).

(earldom cr. 1626).

Lincolnshire 1666-1700.

MULGRAVE. John Sheffield, 3rd earl of Mulgrave (1647-1721).

(Earldom cr. 1626).

Yorkshire, East Riding 1679-82.

NEWCASTLE. Henry Cavendish, 2nd duke of Newcastle (1630-91).

(Dukedom cr. 1665).

Northumberland 1670-(1676) (joint).

(1676-88) (sole).

Nottinghamshire 1677-(88).

NEWPORT*. Francis Newport, 1st viscount Newport (1620-1708).

(Viscountcy cr. 1675).

Shropshire (1660)-87.

NORFOLK. Henry Howard, earl of Arundel, 7th duke of Norfolk (1655-1701). (Dukedom restored 1660; Arundel succeeded to dukedom Jan. 1684).

Berkshire 1682-1701.

Norfolk 1683-1701.

Surrey 1682-1701.

NORTHAMPTON*. George Compton, 4th earl of Northampton (1664-1727).

(Earldom cr. 1618).

Warwickshire 1682-7 (minor until 1685).

OXFORD. Aubrey de Vere, 20th earl of Oxford (1627-1703).

(Earldom cr. 1142).

Essex (joint with ALBEMARLE) ?1665-1703.

PEMBROKE. Philip Herbert, 7th earl of Pembroke (1652-83).

(Earldom cr. 1551).

Wiltshire 1675-83.

Thomas Herbert, 8th earl of Pembroke* (c. 1656-1733).

Wiltshire 1683-7.

PETERBOROUGH. Henry Mordaunt, 2nd earl of Peterborough (1623-97).

(Earldom cr. 1628).

Northamptonshire 1678-(88).

PLYMOUTH*. Thomas Windsor, lord Windsor of Stanwell, 1st earl of Plymouth (c. 1627-87). (Earldom cr. 6 Dec. 1682).

Worcestershire (1660)-87.

RUTLAND*. John Manners, 9th earl of Rutland (1638-1711).

(Earldom cr. 1525).

Leicestershire 1677-87.

SCARSDALE*. Robert Leke, 3rd earl of Scarsdale (1654-1707).

(Earldom cr. 1645).

Derbyshire 1684-7 .

SHREWSBURY*. Charles Talbot, 12th earl of Shrewsbury (1660-1718).

(Earldom cr. 1442).

Staffordshire 1681-7.

SOMERSET*. Charles Seymour, 6th duke of Somerset (1662-1748).

(Dukedom restored 1660).

Yorkshire, East Riding 1682-7.

Somerset 1683-7.

SUNDERLAND. Robert Spencer, 2nd earl of Sunderland (1641-1702).

(Earldom cr. 1643).

Staffordshire 1679-81.

Warwickshire 1683-6.

THANET*. Thomas Tufton, 5th earl of Thanet (1644-1729).

(Earldom cr. 1628).

Westmorland 1685-7.

WINCHILSEA*. Heneage Finch, 3rd earl of Winchilsea (c. 1628-89).

(Earldom cr. 1628).

Kent 1673-87.

Somerset 1675-83.

YARMOUTH. Robert Paston, 1st earl of Yarmouth (1631-83).

(Earldom cr. 1679).

Norfolk 1676-83.

(b) By county:

Bedfordshire

AILESBURY 1660-7 (joint).

1667-85 (sole).

Berkshire

NORFOLK 1682-1701 (appointed on death of Prince Rupert).

Buckinghamshire

BRIDGWATER 1660-86.

Cambridgeshire

ALINGTON 1681-5 (appointed on dismissal of SUFFOLK).

AILESBURY 1685.

Cheshire

DERBY 1676-87.

Cornwall

BATH 1660-96.

Cumberland

CARLISLE (1660)-85.

THANET 1685-7.

Derbyshire

DEVONSHIRE 1660-84.

SCARSDALE 1684-7.

Dorset

BRISTOL 1679-98.

Durham

CARLISLE 1672-84.

Nathaniel Crewe, BISHOP OF DURHAM by Aug. 1684-90.

Essex

ALBEMARLE 1675-85 joint with:

OXFORD ?1665-1703.

Gloucestershire

BEAUFORT (1660-89).

Hampshire

GAINSBOROUGH 1676-(87).

Herefordshire

BEAUFORT (1660-89).

Hertfordshire

BRIDWATER 1681-(88) (appointed on dismissal of ESSEX).

Huntingdonshire

AILESBURY 1681-5 (appointed on dismissal of MANCHESTER).

Kent

WINCHILSEA 1673-87.

Lancashire

DERBY 1676-87.

Leicestershire

RUTLAND 1677-87.

Lincolnshire

LINDSEY 1666-1700.

Middlesex

CRAVEN 1670-(89).

Monmouthshire

BEAUFORT (1660-89).

Norfolk

YARMOUTH 1676-83.

NORFOLK 1683-1701.

Northamptonshire

PETERBOROUGH 1678-(88).

Northumberland

NEWCASTLE 1670-(76).(joint).

(1676-88) (sole).

Nottinghamshire

NEWCASTLE 1677-(88).

Oxfordshire

ABINGDON 1674-87.

Rutland

CAMPDEN by 1663-82.

GAINSBOROUGH 1682-7.

Shropshire

NEWPORT (1660)-87.

Somerset

WINCHILSEA 1675-83 (during SOMERSET"s minority).

SOMERSET 1683-7.

Staffordshire

SUNDERLAND 1679-81.

SHREWSBURY 1681-7.

Suffolk

ARLINGTON 1681-5 (appointed on dismissal of SUFFOLK).

Surrey

NORFOLK 1682-1701 (appointed on death of Prince Rupert).

Sussex

DORSET 1670-(77) (joint).

(1677-88) (sole).

Warwickshire

CONWAY 1681-3.

SUNDERLAND 1683-6 (during NORTHAMPTON's minority).

NORTHAMPTON 1686-7.

Westmorland

CARLISLE (1660)-85.

THANET 1685-7.

Wiltshire

7th PEMBROKE 1675-83.

ALBEMARLE 1681-?83.

8th PEMBROKE 1683-(87).

Worcestershire

PLYMOUTH (1660)-87.

Yorkshire, East Riding

MULGRAVE 1679-82.

SOMERSET 1682-7.

North Riding

FAUCONBERG (1660)-87.

West Riding

BURLINGTON 1679-87.

Bibliography.

I. MSS.

The manuscripts which I have used in writing this thesis are listed below according to the repository in which they are kept. I begin with the three most important record repositories, the Public Record Office, the British Museum and the Bodleian Library, and then arrange the local record offices alphabetically. Much of the material in the local archives is scanty, but I have included in the bibliography everything which I found of use, even where this amounted to no more than a single paper.

Public Record Office

State Papers 29/416, Letters and papers, June - Sept. 1681.

417, ditto, Oct. - Dec. 1681.

418, ditto, Jan. - April 1682.

419, ditto, May - July 1682.

420, ditto, Aug. - 12 Oct. 1682.

421, ditto, 13 Oct. - Dec. 1682.

422, ditto, Jan. - 20 March 1683.

423, ditto, 21 March - 25 April 1683.

424, ditto, 26 April - 14 June 1683.

425, ditto, 15 - 30 June 1683.

426, 'Rye House Plot', June - July 1683.

427, Letters and papers, 1 - 7 July 1683.

428, ditto, 8 - 16 July 1683.

429, ditto, 17 - 31 July 1683.

430, ditto, 1 - 24 Aug. 1683.

431, ditto, 25 Aug. - 6 Sept. 1683.

432, ditto, 7 - 28 Sept. 1683.

433, ditto, 29 Sept. - 22 Oct. 1683.

434, ditto, 23 Oct. - 30 Nov. 1683.

435, ditto, Dec. 1683.

436, ditto, Jan. - Feb. 1684.

437, ditto, March - May 1684.

438, ditto, June 1684 - Feb. 1685.

S.P. 30/Case G, Parchments and pamphlets, 1678-85.

S.P. 44/55, Entry book, petitions, 1679-84.

56, Entry book, Secretary's letters (Sunderland), 1679-88.

62, Entry book, Secretary's letters (Jenkins), 1680-4.

66, Entry book, Warrants (Jenkins), Sept. 1681-March 1684.

68, Entry book, Secretary's letters (Jenkins), 1680-3.

70, Entry book, Warrants (Jenkins, Godolphin, Middleton, Preston), March 1684-Nov. 1688.

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18,447, 'Letters from the Duke of York to Lord Dartmouth, 1679-89'.

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19,253, 'Letter Book of Philip Stanhope 2nd Earl of Chesterfield, 1657-1712'.

24,136, 'Lansdowne Papers. Index to the Book of the Secretaries of State' (1661-1799).

27,448, 'Paston Family Correspondence and Papers'.

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28,053, 'Thomas Osborne Duke of Leeds. Correspondence, 1661-1700'.

28,087, 'Letters and Papers concerning Buckingham, 1678-88'.

28,875, 'Ellis Papers. Correspondence of John Ellis, vol. I, 1643-86'.

28,929, 'Ellis Papers. Letters from Dean Prideaux to John Ellis, 1674-1722'.

28,930, 'Ellis Papers. Correspondence of the Family of Ellis, vol. I, 1642-86'.

29,558, 'Hatton-Finch Papers. General Correspondence, vol. IX, 1680-1.

32,095, 'Malet Collection. State Papers and Historical Documents, vol. V, 1677-95'.

32,518, 'Copies of Lord Keeper Guilford's Papers', vol. I.

33,512, 'Sandwich, Kent. Letters and Papers, 1570-1729'.

34,222, 'Earl of Westmorland Letter Book, 1660-5'.

36,540, 'Miscellaneous Letters and Papers, 1566-1604' (Paston Papers).

36,988, 'Correspondence of the Paston Family, 1551-1699'.

38,847, 'Hodgkin Papers, vol. II. Historical Papers, 1639-1708'.

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41,803, 'Middleton Papers, vol. I'.

42,592, 'Brockman Papers, vol. VII'.

Egerton MS. 2985, 'Heath and Verney Papers, vol. VII. Kent'.

Stowe MS. 196, 'State Papers, Charles I - William III, vol. III'.

746, 'Dering Correspondence, vol. IV, 1678-90'.

Department of Western MSS., Bodleian Library, Oxford:

MS. Add.A.191, (ff. 75-89): letters from Halifax to Burnet, 1680-1).

C.303, (including papers on remodelling Gloucester, 1672).

MS. Aubrey 12, (letters to John Aubrey, including ff. 57, 61: from Norreys, 1681).

MS. Autogr. c.8, (f. 40: Fell to Abingdon, 24 Oct. s.a.).

MS. Carte 39, (Ormonde Papers, esp. ff. 458-9 : his paper against Anglesey).

118, (Ormonde Papers, letters reporting on public affairs, and ff. 348-9: his complaint against Anglesey).

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MS. Clarendon 155, (Miscellaneous Clarendon Papers, esp. ff. 33-6, 39-63: letters and papers about Oxford and Oxfordshire, 1678-85).

MS. Eng.lett. c.53, (Letters from Philip Madoxe to Sir Robert Southwell, 1683-8).

d.40, (ff. 133-55: letters from Sir Thomas Clarges, 1681-2).

e.29, (Correspondence of the Henry Family, 1652-1713).

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c.129, 'The Character of a Tory in Answere to that of a: Trimmer: written in the yeare 1684.'

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MS. Gough Norfolk 33, (including copies of letters from the city of Norwich to the earl of Yarmouth, 1682-3).

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MS. Rawlinson A.178, (Pepys Papers, IX).

D.18, (Copies of petitions to Charles II, 1670-84).

D.103, (Journal of Dennis Granville, 1683).

D.372, (Returns from Devon parishes about fines imposed for religious offences, 1677-88).

D.849, (Papers of Dennis Granville, vol. I).

D.850, (Papers of Dennis Granville, vol. II).

D.1136, (Law notes about the business of a J.P., Cambridgeshire).

D.1137, ditto.

D.1481, (English topographical papers, vol. II).

MS. Tanner 32, (Sancroft letters and papers, 1684).

34, (ditto, 1683).

34*, (f. 160: petition from Marlborough corporation to Charles II, 1683).

35, (Sancroft letters and papers, 1681).

36, (ditto).

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44, (Sancroft letters and papers, 1668-71).

129, (ditto, on the diocese of Bristol).

148, (ditto, on the diocese of Chichester).

MS. Top. Oxon. c.325, (Miscellaneous Bertie Papers about the University, city and county of Oxford, 1681-1702).

c.606, (Transcripts of Banbury Corporation records, 1556-1689).

d.241, (Speeches by Thomas Creech of Oxford, 1683).

d.272, (Copies of letters and charters relating to the city of Oxford).

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Barnstaple Borough Records (North Devon Athenaeum, Barnstaple):

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DDX 7, letters concerning Monmouth's rebellion (1682-6).

Chester City R.O. (Town Hall, Chester):

AB/2, Assembly Minute Book (1624-84).

AB/3, Assembly Minute Book (1685-1724).

ML/4, Mayors' Letters (1674-1714).

QSF/82, Quarter Sessions Files (1674-82).

Grosvenor Family MSS., The Papers of Sir Thomas Grosvenor, 3rd Baronet.

Cornwall R.O. (County Hall, Truro):

Boro/Bodmin 7, Bodmin charter, 27 March 1685.

Boro/Liskeard 17, Instrument of surrender, 1684 (copy);
Liskeard charter, 1685 (copy).

Boro/Los. 4, Lostwithiel charter, April 1685.

Boro/Pen. 6, Penryn charter, 17 March 1685.

Boro/Truro 7, Truro charter, 17, March 1685.

Devon R.O. (Concord House, Exeter):

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Devon Quarter Sessions Bundles (1681, 1682).

Bideford Borough Records:

1064Q/SO1, Quarter Sessions Papers (1659-1709).

South Molton Borough Records:

1190, Quarter Sessions Papers (1671-84).

1190, Orders and Ordinances (1627-1772).

Totnes Borough Records:

2/12/2e, Borough Court Book (1672-1772).

Dorset R.O. (County Hall, Dorchester):

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Bridport Borough Records:

B3/K9, charter, 4 March 1685, and translation.

B3/J5, petition to confirm townclerk, 10 May 1683.

B3/H1, 'Red Book' (1453-1817).

Dorchester Borough Records:

B2/20/2, letter from Nathaniel Napier, n.d.

B2/2/1, Quarter Sessions Minutes.

Shaftesbury Borough Records:

A.17, charter 10 April 1684.

Corporation Minutes (1664-1719).

D60/F56, Trenchard Correspondence (1680-93).

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Dartmouth Borough Records:

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Exeter City Records:

'Ancient Letters Etc.' (1640-1700).

City Act Books, 11 (1663-83).

12 (1683-4).

13 (1684-1726).

Quarter Sessions Book, no. 66 (1682-8).

Gloucestershire R.O. (Shire Hall, Gloucester):

Tewkesbury Borough Records:

A1/4, Council Minutes (1677-86).

Kent Archives (County Hall, Maidstone):

Faversham Borough Records:

Fa AC 4, Wardmote Book (1633-1740).

New Romney Borough Records:

NR 1 2, Draft Letters Patent, n.d.

Sandwich Borough Records:

Sa AC 8, Year Book (1642-1730).

Sa AL 1 1, Muster Lists (1681, 1683).

Sa ZB 2/144-6, miscellaneous municipal papers.

3/1, ditto.

3/38, ditto.

4/6, ditto.

Papillon MSS., U1015 024, (Letters and Papers of

025, Thomas Papillon,

027, M.P. for Dover,

045, 1680-5).

Q/SB 14, Kent Quarter Sessions Papers (1680-2).

15, Kent Quarter Sessions Papers (1683-4).

Q/SRm 2/15, Kent 'Conventicle Rolls' (1674-84).

2/17-23, Kent 'Conventicle Rolls' (1681, 1682).

Launceston Borough Records (c/o Townclerk, Launceston):

Charter, 34 Charles II.

Charter, 1 James II.

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Leeds Corporation Court Book (1662-1705).

Mexborough MSS., 628339, 'The Correspondence of Sir John Reresby'.

Leicester Department of Archives (Museum and Art Gallery, Leicester):

Borough Hall Papers (Bound) (1680-5).

Borough Quarter Sessions Rolls, 11 (1681).

12 (1681).

13 (1682).

Liverpool R.O. (City Libraries, Liverpool):

Town Books, vol. IV (1671-1703) (micro-film).

Lyme Regis Borough Records (c/o Townclerk, Lyme Regis):

A3/1, 'Misdemeanour Book, Loyal Addresses Etc.' (1647-85).

A4/3, Quarter Sessions Rolls (1660-84).

B6/11a, 11b, Freemen Registers (transcripts).

D1/3a, Council Order Book, vol. I (1594-1789) (transcript).

D2/1, Correspondence (1570-1692).

C1/3, Mayor's Accounts (1662-99).

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219/1, Letters about Nottingham's charter (1682-5).

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