

THE POLITICAL RELATIONSHIP BETWEEN CENTRAL GOVERNMENT
AND THE LOCAL ADMINISTRATION IN YORKSHIRE
1678-90

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ABSTRACT

The long decade from 1678 to 1690 was one of the most turbulent in the history of early modern England. In this thesis the politics of the period is re-evaluated with the help of source material deriving specifically from Yorkshire. Its primary focus is the complex relationship between central government and its agents on the one hand and a wide range of local administrators, activists and commentators on the other.

The thesis employs a broadly chronological (as opposed to a thematic) framework, and places particular emphasis on three structural devices - a close analysis of the workings of central and local institutions of all kinds; potted biographies of hundreds of men, many of them relatively modest; together with a strong grounding in the national politics of the day. As well as using public records held in the great London repositories, it draws widely on material produced by the municipal corporations, the ridings and other political institutions in Yorkshire, without overlooking less formal documentation such as letters and diaries. Much of the local material has never been used before. Indeed some of it is identified here for the first time.

A great many events, half-known and unknown, have been disinterred while researching the thesis. Some of them had a national and not just a local resonance, and these have been picked out for closer scrutiny. As a result, a number of historical orthodoxies have been challenged and reassessed. There is, for example, a radical (and much more positive) reappraisal of James II's longer-term prospects. Several unexamined assumptions have also been disposed of - for instance, that parliamentary boroughs were by definition chartered boroughs. But most important of all, this is the first fullscale study of the national politics of the period to be written from a regional standpoint. As such, it makes a distinct contribution to the historiography of late seventeenth century England.

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LIST OF ABBREVIATIONS

Atkinson	<u>North Riding Sessions Records</u> , ed. J.C. Atkinson, North Riding Records Society, VI and VII (1884-92)
Besse	<u>A Collection of the Sufferings of the People called Quakers</u> , ed. J. Besse (2 vols. London, 1753)
<u>BIHR</u>	<u>Bulletin of the Institute of Historical Research</u>
BJL Hull	Brynmor Jones Library, University of Hull
BL	British Library
Bolron	R. Bolron, <u>Narrative of Robert Bolron of Shippen Hall, gentleman</u> (London, 1680)
Broth. Lib.	Brotherton Library, University of Leeds
Comber	<u>The Autobiographies and Letters of Thomas Comber</u> , ed. C.E. Whiting, Surtees Society, CLVI-CLVII (1946-47)
DA	Doncaster Archives
<u>Depositions</u>	<u>Depositions from the Castle of York</u> , ed. J. Raine, Surtees Society, XL (1861)
Duckett	'King James II's Proposed Repeal of the Penal Laws and Test Act', ed. G. Duckett, <u>YAJ</u> , V (1879), 433-73
<u>Dugdale</u>	<u>Dugdale's Visitation of the County of York, 1665-66</u> , ed. R. Davies, Surtees Society, XXXVI (1859)
<u>DUJ</u>	<u>Durham University Journal</u>
<u>EHR</u>	<u>English Historical Review</u>
ERAS	East Riding Archive Service
<u>Gazette</u>	<u>The London Gazette</u>
Glassey	L.K.J. Glassey, <u>Politics and the Appointment of Justices of the Peace, 1675-1720</u> (Oxford, 1979)
HCRO	Hull City Record Office
Henning	<u>The House of Commons, 1660-90</u> , ed. B.D. Henning (3 vols. London, 1983)
Heywood	<u>Oliver Heywood's Autobiography, Diaries, Anecdote and Event Books</u> , ed. J.H. Turner (4 vols. Brighouse, 1881)
<u>HJ</u>	<u>Historical Journal</u>
HLRO	House of Lords Record Office
<u>HR</u>	<u>Historical Research</u>
Hunt. Lib.	Huntingdon Library, California
<u>JBS</u>	<u>Journal of British Studies</u>
<u>JSAHR</u>	<u>Journal of the Society for Army Historical Research</u>
Knights	M. Knights, <u>Politics and Opinion in Crisis, 1678-81</u> (Cambridge, 1994)

<u>LC</u>	<u>Transactions of the Historical Society of Lancashire and Cheshire</u>
<u>Leyburn</u>	<u>Bishop Leyburn's Confirmation Register of 1687</u> , ed. J.A. Hilton et al., North West Catholic History Society (1997)
<u>Luttrell</u>	<u>Narcissus Luttrell, A Brief Historical Relation of State Affairs from September 1678 to April 1714</u> (6 vols. Oxford, 1857)
<u>Memoirs</u>	<u>Memoirs of Sir John Reresby</u> , ed. A. Browning, 2nd ed. (London, 1991)
<u>MH</u>	<u>Midland History</u>
<u>Mowbray</u>	<u>L. Mowbray, Narrative of Lawrence Mowbray</u> (London, 1680)
<u>N&Q</u>	<u>Notes and Queries</u>
<u>NH</u>	<u>Northern History</u>
<u>NYCRO</u>	<u>North Yorkshire County Record Office</u>
<u>PER</u>	<u>Parliaments, Estates and Representation</u>
<u>PRO</u>	<u>Public Record Office</u>
<u>RH</u>	<u>Recusant History</u>
<u>Steele</u>	<u>A Bibliography of Royal Proclamations</u> , ed. R. Steele (2 vols. Oxford, 1910)
<u>TRHS</u>	<u>Transactions of the Royal Historical Society</u>
<u>TS</u>	<u>Publications of the Thoresby Society</u>
<u>WMO</u>	<u>William and Mary Quarterly</u>
<u>WYAS</u>	<u>West Yorkshire Archive Service</u>
<u>YAJ</u>	<u>Yorkshire Archaeological Journal</u>
<u>YAS</u>	<u>Yorkshire Archaeological Society</u>
<u>YCA</u>	<u>York City Archives</u>
<u>YCM</u>	<u>Yorkshire County Magazine</u>
<u>YFA</u>	<u>Yorkshire Friends' Archive</u>

PREFACE

Remarkably little work has been carried out into the complex political relationship between central government and the provinces in Restoration England. Still less of it spans the Glorious Revolution and continues into the reign of William and Mary. Local studies meanwhile, where they exist, focus on the counties (on the prime gentry especially) to the neglect of the far more autonomous corporate boroughs, or else recount the story of one selected borough in isolation from its neighbours and from the county at large. In neither case do they address questions of a more general political interest - above all, how far the experiences they describe were typical or unique. As a result, there is still an urgent need for a regionally based study of centre-local relations in later seventeenth century England, especially one which crosses the watershed of 1688-89 - the kind of study for which Yorkshire, with three ridings, ten incorporated boroughs, and a wide range of other political institutions (not to mention a vast quantity of source material), is ideally suited. As it happens, the county has been particularly poorly served by historians, and little secondary material is to be found beyond a scattering of articles in local journals and a few useful contributions to the Victoria County Histories for York

and the East Riding. Restoration Pontefract, to take just one instance, is virgin historical territory.

The period selected for study in this thesis is the long decade from the popish plot in 1678 to the dissolution of the convention parliament early in 1690. I have incurred many debts during the course of its preparation. First and foremost I extend my grateful thanks to my supervisor, Professor J.C.R. Childs, who cheerfully allowed me an unreasonably long length of rope and trusted me not to hang myself. Thanks is also due to staff at the following record offices and libraries: the East Riding Archive Service, Beverley; Doncaster Archives; Hull City Record Office; the Brynmor Jones Library, University of Hull; the West Yorkshire Archive Service repositories in Leeds, Wakefield and at the Yorkshire Archaeological Society; the City of Leeds Local History Library; the Brotherton Library, University of Leeds; the Public Record Office, London; the North Yorkshire County Record Office, Northallerton; and the York City Archives. A particular debt is owed to Mr Ray Powell of the university's Information Systems Services who miraculously resurrected the entire thesis when my ancient word processor broke down irreparably at the eleventh hour, to Mrs Margaret Mattocks who generously allowed me to use her computer to restore many thousands of underlined words (and much else), and to Mr Chris Edwards for the loan of a printer. I also acknowledge with gratitude the

financial support received from the Humanities Research Board of the British Academy. Thanks of a different kind is due to my family and friends for all their forbearance in recent years. Two of them I will mention by name. My father, Dr W.S. Short, has been a source of constant practical support - in turn helping me translate awkward passages of Latin and guiding my stumbling understanding of statistics. Lastly I reserve a special thanks to Mr Nigel Prentice, without whose unfailing encouragement this thesis would never have taken shape.

CHAPTER 1: INTRODUCTION

On Sunday 1 March 1685, a little before midday, a deputation began to assemble at the palace of Whitehall.[1] There were a dozen people in all - civic dignitaries, merchants, lawyers - and they were led by Alderman Robert Mason of Hull, who had arrived from Yorkshire the Friday before. With him he had an address from the town congratulating the new king on his accession, and signed by the mayor, most of the aldermen, and many of the burgesses and other inhabitants. At about twelve o'clock Mason and his colleagues were joined by the town's high steward, the earl of Plymouth, who ushered them into the royal presence. James II received them 'with a most pleasant aspect', and Mason fell on his knees to present the address. But the king returned it, bidding him stand up and read it out loud.

Dread sovereign [he began], Your lineal, rightful and peaceable succession to the imperial crown of these realms we look upon as a most seasonable blessing, in order to the reparation of that great loss these nations have sustained by the death of King Charles the second, your royal brother of blessed memory . . . We therefore with joyful hearts and resolute minds do hereby acknowledge and assure your majesty of our duty and faithful allegiance . . . And will also diligently endeavour to make choice of such persons

for our representatives in parliament as are truly loyal and cordial lovers of your royal person and government . . . And shall ever pray to God, by whom kings reign, to take you into his especial care . . . [2] -

'Loyall and well penned' the Hull address may have been (in the words of the town's London solicitor),[3] but thus far it was devoid of real substance. Still, it managed to end on a positive note:

The persons who have subscribed this address are much the greater number of those who within the said town have right to vote for burgesses to serve in parliament.

The king was pleased. 'Gentlemen,' he replied graciously, 'I thank you heartily and hope you wilbe as good as your words.'[4] Then one by one they kissed the royal hand and the deputation broke up. By the following Saturday Mason was ready to set off back to Hull. He had the parliamentary writ in his luggage.

The Hull address had not of course been spontaneous, and in truth the presentation was nothing like as agreeable as the parties pretended - not least because everyone presumably knew that the text had been tampered with after the subscribers had signed it, and that the town's high steward was responsible for inserting the positive sentence at the very end.[5] All the same, compared with the repression which followed Rye

House or the government's assault the previous summer on the town's governing charter, the doctoring of the address must have seemed relatively benign, even if Alderman Mason did have some explaining to do when he got back to Hull.

Rethinking the Historiography of Restoration Yorkshire

It comes as no surprise to discover that the Hull address has been ignored in recent histories. As one of twenty-three addresses in 1685 from Yorkshire alone,[6] and as the product of one addressing campaign out of half a dozen dotted through the 1680s, it would appear to be of minimal historical importance. Yet viewed cumulatively and in the light of an imminent general election, it is surely significant that loyal addresses were sponsored by men from each of the fourteen parliamentary boroughs in Yorkshire (although the 'burghers' of Aldborough and Boroughbridge did pool their efforts) - a point which has not been picked up before. Again, this time viewing the Hull addresses in chronological sequence, it is interesting that different campaigns met with very different reactions in the town: a bland and very belated address in 1681, a decision not to send one at all in 1682, an almost unacceptably short effort in 1683, the doctored address of 1685, and another doctored one in 1687 (although this time the

corporation wisely submitted it to the earl of Plymouth before soliciting signatures from the burgesses). In fact, analysis of the various addressing campaigns shows that (for whatever reason) the political atmosphere in Hull had changed again and again over a period of just six years.

This use of cumulative and chronological comparisons to trace connections and thus discern patterns is an important key to understanding political relations between central government and local institutions in the 1680s.[7] In the historiography of restoration Yorkshire however such comparisons are rarely found. Instead, in the older works especially (there are surprisingly few modern works), one is left with a false impression of uniqueness. There are other methodological problems too. First there is the antiquarian urge to record in nitpicking detail without explanation - reasonable enough perhaps, bearing in mind how long ago many of these books were written (and very useful, as it happens, when so much of the manuscript material has since disappeared). Second is the unconsidered assumption, found even in recent studies, that the inner workings of national and local institutions are transparent and thus unworthy of historical analysis - although if it is not understood how an institution worked (the privy council, say, or a particular municipal corporation), it is not easily explained why it chose to do exactly what it did. A third problem is a widespread tendency

to hide people behind generalising labels and thus to obscure individual motivation. It is sometimes assumed without examination, for instance, that the anglican gentry as a group responded to James II's policies in one way and the catholic gentry in another, thereby obscuring any exceptions to the rule - or worse, dismissing them whiggishly as of no long-term historical significance (non-resisting anglican JPs in 1688, say). Fourthly there is the use of miscellaneous evidence purely as illustration and disengaged from any context. No-one, for example, has tried to identify the much-cited John Eyre of Sheffield Park, who according to Reresby could 'neither write nor read' - proof, it is claimed, of the low status of James's new JPs in 1688 - although if they had looked, they would have found perfectly intelligible letters from Eyre among the Reresby papers together with hints as to why Reresby misrepresented him. Yet another methodological problem is a marked reluctance in local historians to study provincial politics against a proper understanding of what was happening centrally. It is certainly relevant, as will be seen, that Alderman Hoare was expelled from the Hull bench at exactly the moment the second exclusion parliament was sitting in London.

By contrast, the following chapters make use of three structural devices, each one intended to counter some of these methodological problems - the stories of hundreds of

individuals and groups of individuals, many of them quite modest socially, and all properly 'placed'; a close scrutiny of the day-to-day workings of particular political institutions, local and central, overt and covert; and an understanding that what happened in London, politically and not just governmentally, at times mattered crucially in Yorkshire. (Of these three devices, the biographical and institutional are introduced in the next section, and the 'London' device is self-explanatory.[8]) To this framework is added a broadly chronological narrative based on a study of selected 'flashpoints' - that is to say, moments when centre-local relations came to a particular head. A riot in Doncaster, say, the treason trial of a prominent papist, the York quo warranto, the collapse of the catholic-led corporation in Scarborough, the proclamation of William and Mary in Leeds - each is analysed with an eye to its wider applicability. It would be impossible, after all, to describe each event mentioned in this study in equal detail, even if the evidence happened to be available. An attempt has therefore been made to cover every significant aspect of centre-local political relations in Yorkshire during these years by studying the response of one representative institution (or individual or group of individuals) at a particular historical conjuncture, and then comparing it with others (as was done briefly at the start of the chapter with the Hull address). To take just one example, the impact of the

imposition of new charters on all ten municipal corporations in 1684 and 1685 is assessed by examining in depth the experience of Scarborough, and then looking to see how far this experience was typical or atypical. Although attempts have been made to draw widely from around Yorkshire (and to use material which has never been looked at before), to some extent the sources have had to dictate the 'flashpoints' chosen. Naturally a bulk of material giving a variety of contemporary perspectives is the ideal (as in Chapter 8, where the Hull corporation's dispute with the soldiers of Huntingdon's regiment is examined using extensive correspondence both from the municipal records and from the army officers themselves). The question of choice of source material is dealt with in the last section of this chapter.

One other county-wide attempt has been made to escape the tangle of unimportant fact and unexamined assumption which bedevils nearly every account of local politics during this period. Since this present study is organised according to quite different principles, it might be useful to contrast the two - and Dr Andrew Coleby's invaluable account of government relations with Hampshire is well able to shrug off a little methodological carping.[9] Part III of his book, 'From the Popish Plot to the Revolution of 1688', covers most of the period of this study and is arranged thematically - local officeholding; the enforcement of policy (itself subdivided

into defence and internal security, finance, and religious policy); and finally court and country. Although within each section there is an element of narrative, the result of such thematic analysis is to flatten out perceptions of rapid historical change - and in Yorkshire, at least, such changes had a marked effect on local politics. There is an impression too that Coleby's schema has been imposed on the evidence rather than being suggested by it. In contrast, it is argued here that provincial politics can be explained only if the people involved (however lowly) have been 'placed', [10] only if the workings of the political institutions are understood, only if the wider national background is recognised, and above all only if proper account is taken of what old books liked to call the march of history.

It would be sensible to conclude this section by explaining more clearly what this study is not. In the first place it is not social history. There is nothing, for example, on the economic activities of a particular town's corporators or the administration of the poor law. Nor for that matter will much be found on the prime gentry as such (for reasons explained in the next section). Religious difference too is considered only as a political phenomenon, and financial policy is excluded altogether. Indeed, local politics as an autonomous activity distinct from local institutions is itself often ignored. Danby's conspiracy in 1688 is deliberately neglected, for

instance, but the official response is not. Finally, it should be pointed out that little will be found on MPs or parliamentary elections generally (with the important exception of James II's packing campaign) - not least because parliament only sat for eight weeks between 1681 and 1689.

People and Institutions

Besides reading out the 1685 address, it cannot be said that Robert Mason of Hull has left much impression on the historical record. Even his date of birth is unknown. All that remains are the generally uninteresting details of his official career, a published pedigree (of questionable accuracy), and a few scraps from elsewhere.[11] The son and brother of clergymen, he held several senior posts in Hull customs and was elected to the bench in October 1680. (He became mayor for the first time the following year.) An undoubted loyalist and employed by the ordnance office to advance money to help pay for the town's new citadel,[12] he was not averse to a little nepotism, for his son and son-in-law were also customs officers. However the nearest one gets to him as a real person is an anonymous poison letter which dates from the summer of 1685. 'Robert Mason never had above 40£ salary and has purchased 300£ a year and not born to

a penny,' it declared, hinting at a 'combination' between Mason, his son, and his son's father-in-law Anthony Lambert, an 'eminent merchant' who happened to be a fellow alderman.[13] Since the customs commissioners apparently took no action to follow up the letter, it is difficult to know what to make of it.

Fortunately, plenty of men were willing to thrust themselves a great deal further into the political limelight than Mason. Some of them had claims to high birth, but most did not - and since historians have generally taken the former at their own estimation, naturally enough it is the prime gentry who dominate the history books.[14] It is striking in this connection to note how few of Sir John Reresby's more modest correspondents are even mentioned in his Memoirs. Sixty-one letters survive from the York attorney Thomas Fairfax, for instance, with only three brief references in the autobiography. Again, there are thirty-six letters from Dr Nathaniel Johnston, a physician from Pontefract, and no mention of him in it at all. Yet these two men were political wheeler-dealers of the first rank and Reresby's most important informants by far. In an attempt to redress the historical balance, therefore, a sample of lesser men has been disinterred especially for this study. Each was of more than merely parish-pump importance (and known, for instance, to government ministers), but none has featured in traditional

accounts of the period.

Something should be said about the principles used to select these men[15] - although the truth is that most simply demanded inclusion and it seemed churlish to complain.[16] In a couple of instances interest was prompted by discovering a sequence of letters, and on one occasion by positively identifying the author of a newly discovered diary. Many held office at least for a time, although this was not a necessary criterion for inclusion. Indeed, political freelancers were often the most interesting of all (like Fairfax and Johnston just mentioned). In addition, strenuous efforts have been made to identify the main protagonists involved in every 'flashpoint', however socially insignificant - not just who they were, but how they responded to earlier (and later) political conflicts. Some of them, regrettably, have remained elusive (like Joseph Scott, for many years foreman of the York common council). This particular selection might well seem arbitrary, even though an attempt has been made to choose people of different backgrounds and with radically contrasting political beliefs. On the other hand it avoids the bogus air of scientific exactitude conveyed by methods of sampling - especially the presupposition that everyone in the parent group is of equal historical interest.[17]

An attempt has also been made to prepare collective

biographies for a number of groups whose members shared a measure of common identity, and to trace their membership dynamically through time and (if appropriate) in comparison with other similar groups. (Sampling methods of course annihilate any such subtle links between people the moment a few of them are wrenched out of context for individual analysis.) In order to do this, many have been condensed into chart form. Obvious subjects for collective biographies are the corporators in the municipal boroughs, the ridings justices of the peace and the officers of the militia regiments. In each of these cases the group might be expected to have a sense of corporateness, of loyalty to the institution itself. The members of other, more nebulous groupings can also be traced dynamically through time. The protestant dissenter signatories of the Leeds address in 1687 (a self-selected group); the papists whose names were published in 1680 as plotters in Yorkshire against the king's life (shared notoriety); the lists of prospective officeholders prepared by James II's regulators in 1688; even baronets by inheritance and their willingness (or otherwise) to take up public office - all these groupings are considered in later chapters. In each case, the use of collective biography allows historians' generalising assumptions to be tested - for example, as to who exactly was intruded into office in 1688. It should be stressed, however, that it is the biographies of the individuals within the group which are

explored here, as distinct from the history of the group itself.

Turning now to look at some of these groups, it is interesting to find that in 1685 addresses came from nearly every political institution in Yorkshire. The assize grand jury, the three lieutenancies (with the militia officers), the ten corporate boroughs (eight of them also parliamentary boroughs), the JPs of the East Riding (and, in the guise of 'gentry', the JPs of the other ridings too), even the garrison officers of Hull - all of them sent representatives to London to present addresses to the king, and all to a greater or lesser extent participated in the political life of Yorkshire during these years. In this study the term 'political institution' is defined as a corporate body, constituted formally or informally, which had greater or lesser authority to initiate its own policy. The term includes the ten corporations of Yorkshire, the three commissions of the peace (and the commissions for the liberties of Ripon, St Peter's York, and Cawood), the three lieutenancies (and more informally the militia officers of the different regiments), the assize and quarter sessions grand juries (albeit temporary institutions), and the garrison officers (especially in Hull). Initiative was, of course, inherent in magistracy and included the power to bind third parties, but the other bodies had enough autonomy to offer rich scope for political conflict,

both external and internal. As defined here however the term 'political institution' excludes purely administrative bodies like the customs hierarchy in Hull port, the high sheriff and his officers, and (at a much more modest level) parish officers like petty constables. This is not to claim that politics had no part to play within these bodies, merely that the bodies themselves were not inherently political. The county JPs and the army officers have already been analysed in their capacity as political institutions by Dr Lionel Glassey and Professor John Childs respectively.[18] There is no need to cover the same ground here. However the other institutions have not been examined collectively, and the next two chapters are devoted in part to rectifying this.

The Nature of the Evidence

Five broad categories of primary source material have been used in this study. The first is official documentation belonging to the ten municipal corporations, the commissions of the peace (including the liberty commissions), the lieutenancies, and the Hull garrison - that is, from each permanent political institution based in Yorkshire. In every case an attempt has been made to consult all the relevant manuscript and printed material without exception.[19]

Examination of the second category, family papers, has been less systematic since it is only documents relating to public office and politics (especially correspondence) which are of immediate interest. In the Brynmor Jones Library at Hull University, for instance, the calendars for each landed family were trawled one by one, but useful material turned up only among the Constable of Everingham, Hotham, Langdale and Lloyd-Greame papers.[20] (The numerous volumes of the Historical Manuscripts Commission have of course been widely consulted.) As for the third category of source material, central government records, the published calendars of state and treasury papers have been used extensively and reference made to the originals only to obtain names or to check dates and other details. On the other hand, the unpublished privy council registers and crown office docket books have been consulted directly. The fourth category, printed and manuscript ephemera, includes the London Gazette, private newsletters, printed tracts of all kinds, diaries and memoirs, the State Trials, among very many other items. Fifth is a mass of printed source material relating to Yorkshire and varying enormously in reliability,[21] which ranges from antiquarian compilations of the early eighteenth century, through Victorian abridgements of municipal records, to parish registers and the numerous publications of the Thoresby and Yorkshire Archaeological Societies. Many of the earlier works contain the texts of documents which have not been traced.

Other sources, like the Yorkshire Friends' Archive at Leeds University and the Main Papers of the House of Lords (the latter on microfilm), have been consulted as required.

The pattern of survival, especially as regards official records from the localities, has inevitably affected the shape of this study. In the late summer of 1688, to take one example, municipal records seem to have been destroyed in Hull, Leeds, Richmond and Scarborough, but not the other six corporate boroughs. (Reasons are considered in Chapter 10.) Even ignoring the peculiar circumstances of the Glorious Revolution, the survival of particular records varies surprisingly from corporation to corporation - Leeds possesses a Court Book and nothing else; Richmond's records have been partly incinerated and then rebound higgledy-piggledy; whereas Hull, York and Doncaster all have huge collections of books and other items. (It is interesting to observe, incidentally, how widely record-keeping arrangements varied between the municipalities.) As for the commissions of the peace, quarter session records survive for the North and West Ridings, and (from 1685) for the liberty of Ripon, but not for the East Riding or the other liberties - or for that matter most of the corporate boroughs. Again, no proper lieutenancy books survive, although correspondence and militia paperwork is to be found among the gentry collections.

It may be appropriate at this point to consider how much of this material has been consulted before. The quick answer is very little, at least of the unpublished documentation held locally. Of the fifteen Yorkshire constituencies reviewed by Henning's team,[22] for instance, where local evidence might be thought essential, just eight refer to manuscript material found outside a national repository, and only in Hull and York is there any indication that the municipal archives have been searched.[23] It is understandable therefore that a number of minor errors have crept into Henning's text, among them an erroneous assumption that government orders in 1688 to remove corporators in Pontefract, Ripon and York were carried out to the letter (an error which is repeated by others).

Meanwhile important bodies of local source material are used here for the first time. These include (amongst much else) uncalendared municipal records from Pontefract, Richmond and Scarborough,[24] as well as papers relating to politics and public office included in several family collections. (The political papers of the Wentworths of Woolley Hall, only partly calendared, are inferior in quantity only to the Reresby archive, and are much broader in scope.[25]) In this context it is worth mentioning some new material which has been discovered while preparing this study. Leaving aside the Hull 'Coppie Book of Letters', which has already formed the basis of an article in Historical Research,[26] major

discoveries include the minutes of York's 'Comittie for regulateinge matters touchinge the renewinge the cittyes charter' of 1684;[27] correspondence relating to the Leeds dissenters' address of 1687 (and much else besides), which has been bound into a large autograph collection;[28] two bundles of letters among the Reresby archive (thirty in all), which for some reason have remained unlisted;[29] a small group of documents belonging to the Hull garrison and citadel, and providing new information about the ordnance office's covert activities in the town;[30] a bundle of assize papers found at the Yorkshire Archaeological Society, and including original depositions relating to the escape of two Rye House plotters from Scarborough;[31] highly compromising letters about the establishment of a nunnery at Dolebank (not, it seems, unearthed by the prosecution before Gascoigne's trial for high treason);[32] and the private diary of Castilian Morris of Pontefract (hitherto unattributed and miscatalogued as a 'prayerbook').[33]

Since biography forms one of the three devices intended to provide a structural framework to this study, some mention should be made of the sources used to identify the individuals concerned.[34] A conscious decision has been taken to rely exclusively on published material, whether pedigree books, parish registers or other sources, on the grounds that biography (and collective biography) is intended merely as a

tool and is not itself the subject matter of this study. No attempt therefore has been made to consult manuscript sources like wills, parish registers or the reports of civil cases. It follows that a few identifications might not be strictly secure - as, for example, when father and son bore the same christian name and the former's date of death is unknown. However imprudent guesswork has been avoided, and errors that exist are unlikely to have a material effect on the conclusions drawn. After all, it is the subject's political career, not the finer details of his family tree, which is the principal concern of this study - either as recorded by himself (in diaries, letters and in a couple of cases printed tracts), or more usually as reported by others (in official papers, say, or letters between third parties). Here, of course, manuscript material has been consulted extensively.

CHAPTER 2: THE PATTERN OF CENTRAL CONTROL

The Doncaster riot of 1684 has been overlooked by historians. In itself this is hardly surprising. Urban riots were by no means uncommon in later seventeenth century England, even riots involving members of the armed forces,[1] although few can have been quite so devoid of discernible political content. What is unusual in this instance, however, is the quantity and quality of the surviving source material, which conveniently touches upon all four main themes of this chapter - the employment of oaths to enforce political loyalty; the institutions used by central government to monitor provincial affairs; the role of local officeholders appointed directly by the crown; and the use of informers to secure covert intelligence.

The facts were not in dispute.[2] A company of travelling players had been given permission by the mayor of Doncaster to perform on the evening of 11 June 1684, and one of their number was detailed to beat a drum through the streets giving notice of the play. (There is no indication what the play was.) Earlier that day, however, Sir John Reresby's grenadiers

had marched into town under the command of Lieutenant Ralph Fludd. According to Reresby's Memoirs, Fludd 'went upon the presumption that noe drum ought to beat wher the King's drum is without the officers knowledge'.[3] He therefore ordered the drummer's arrest and detention, and told Mr Justice Raisine (whose drum it was) that 'there should no play be acted in the towne whilst he staid there'. Tempers flared up, a crowd collected and swords were drawn. As a witness remarked, the soldiers were 'apparently very much in drink, as the officer himselfe was likewise'. No notice was taken of the mayor when he charged the soldiers in the king's name to keep the peace, and when he ordered Fludd to send his men back to their quarters, the lieutenant's response was to bid them 'Fight ladds'. In the meantime Raisine had been struck on the back and another justice wounded in the hand. Law and order in the town had evidently broken down. But there were only thirty-three soldiers in the company, and in due course the constables managed to overpower and disarm them. They spent the night cooling off in prison and were set free the following morning. Their arms were not returned, however, until they left town.

Trivial events sometimes have momentous consequences, and a month later what had begun as a drunken argument over a drum wound up as a hearing at the York assizes in front of Lord Chief Justice Jeffreys. By then news of the riot had allegedly

reached 'the ears and eyes of most of the kingdome'.[4] As early as 12 June Captain Reresby received separate express letters from his lieutenant and from the mayor of Doncaster, and naturally both sides endeavoured to place the best possible construction on their own actions. Before writing, the mayor had consulted his fellow justices and aldermen, and had taken legal advice, 'thinking thereby no more would have beene made of it'. Fludd, on the other hand, accused the mayor of leading a 'rabble', and of taking the drummer's part 'to justifie his power'. Reresby was at a loss what to do, 'the company being mine and the corporation being my neighbours'. So he took the letters to the king and the duke of York, and after a meeting of the privy council on 14 June[5] Secretary of State Sunderland wrote to the mayor as follows.

His majesty commands me to tell you that he wonders much greater care was not taken and in a more regular manner to prevent the [disorders], which might easily have been done. His majesty has given directions to my lord chief justice, when he goes the circuit, to examine into the matter.[6]

This was unpleasant news. Moreover a letter from Reresby seems to have accused the corporation of mistreating his company of grenadiers simply because it was his. It was a charge they vigorously rejected.[7]

Reresby meanwhile returned to Yorkshire ready for the assizes on 14 July.[8] He took the opportunity to write to Alderman

Daniel Hall, a disaffected member of the Doncaster corporation, hoping he could throw more light on the events of 11 June and on the town's likely defence, and also enquiring about possible witnesses. Hall wrote two long letters in reply, claiming, for instance, that several of the soldiers had not been involved and were dragged out of their beds by the constables and hurried off to prison. His first letter concludes by 'humbly desireinge what I informe may be kept secrett, beinge a member of the corporation'. Reading the letters one is hardly surprised at his caution.[9] For example:

If this be not absolute rebellion to ringe an alaram bell, raise insurrecons and tumults, disarme and imprison his [majesty's] soldiers, and putt a force upon them by threates to retane their armes, I know not what is - beinge quite contrary to the oath of allegiance we have all solemnly sworne.

And:

If [the mayor and justices] escape with impunitie for such great insolencies, they and others will presume to further actes. . . . [I] hopes the corporation will be taught better manners then to attempt any more such high things upon the kings soldiers.

There is something suspiciously synthetic about Hall's outrage (of which this is only a small sample), and Reresby seems to have made little use of his informant's communications.[10] The captain had resolved 'to stand by my officer and souldiers as farr as I legally might', but a discussion with Jeffreys

beforehand convinced him that the riot was 'as much occasioned by the fault of the souldiers as the maior and his bretheren'. So after a brief hearing, and with Reresby's consent, the lord chief justice 'reproved' both sides and packed them off home. As it happens there was much more important work for him to do in Yorkshire.[11] It is interesting all the same that each side was left with the impression that it was the other side which had been worsted.

The remainder of this chapter looks at a number of legal and administrative devices which offered central government a degree of political control over the English provinces. It does not consider the implementation of specific policy objectives. Still less does it assess local responses to central pressure. These are the business of later chapters. Rather, the focus is on legal and administrative continuities, in every case viewed from the top down.

The Law as an Agency of Government

To modern minds the seventeenth century had a strangely unrealistic faith in the efficacy of oaths.[12] A political oath, however insincerely sworn, instantly removed any liability to a legal penalty, and it is hard to share the

moral outrage felt by Alderman Hall when his Doncaster brethren allegedly broke their oaths of allegiance.[13] Certainly historians have paid little attention to the oaths used to enforce political conformity within local institutions, even though many of the same oaths appear in classes of legislation whose effects have been much more closely studied.[14] Yet it remains possible that a package of oaths which was demonstrably ineffective in one context (the total eradication of popery, say) might in normal times have been perfectly adequate as a mechanism for guaranteeing the political loyalty of a bench of county justices or the officers of a militia regiment. In any event it is worth trying to establish what it was the political oaths were designed to achieve, and how far they managed to meet those objectives.

The legal framework itself was by no means straightforward.[15] For most of the period covered by this study[16] military and civil officeholders under the crown were required to take an oath of supremacy and an oath of allegiance in open court at the first quarter sessions after their appointment. At the same time their oaths were enrolled and they subscribed a declaration against transubstantiation. Within three months they had to take the anglican sacrament in public and obtain a certificate from the minister (signed by two further witnesses on oath), which again was recorded at

quarter sessions. Failure to meet any of these statutory obligations simply voided the appointment.[17] Corporation officials had three additional obligations. They were required to swear a non-resisting oath and to subscribe a declaration against the solemn league and covenant, and had to have taken the anglican sacrament during the previous twelve months. Of course, these oaths, declarations and certificates supplemented any ordinary oaths of office. A Hull alderman, for example, had to swear an oath of office and an oath as a JP, and also had to meet seven additional statutory requirements.[18] If he did so in good faith, he could not be a papist or a dissenter; neither could he be an opponent of the king. Moreover by making the whole procedure as public as possible and by supporting it with the full majesty of the law, it was no doubt hoped to inhibit any backsliding.

But did the law work? And for that matter, how far was it actually implemented? The first point is that unlike the penal legislation (which was enforced spasmodically and unevenly) the test and corporation acts were not allowed to slip into disuse, and periodic checks were made to confirm that existing officeholders were legally capacitated to serve (as will be seen in chapter 5). In particular, there is no evidence that even the most disaffected of Yorkshire corporations systematically flouted the law and failed to keep the statutory records - which is not to say that officials did not

take the oaths with mental reservations (or that the rules were not sometimes bent). Secondly, there is no evidence of any seepage of Roman Catholics into public office in Yorkshire before (or after) the reign of James II,[19] and it appears that the more extreme dissenters were also unwilling to qualify (the quakers, for example, refused on principle to take any oaths). And although the practice of occasional conformity meant that many moderate presbyterians served in towns like Hull, the third and most important point is that significant numbers of people did refuse to take one or other of the oaths and were forbidden (or removed from) office. Equivocation, it would seem, was by no means universal even among moderate dissenters. When the diarist Ralph Thoresby, himself a former dissenter, was elected to the Leeds corporation in 1697, he took the oaths of allegiance and supremacy without a qualm, but 'boggled' when required to subscribe the declaration against the covenant ('which I argued could have no influence upon me who was then unborn').[20] In normal times, therefore, and in most local institutions, oaths, declarations and certificates were probably enough to guarantee the political loyalty of the great majority of officeholders.

It remains to outline some of the other legal devices by which central government sought to control political institutions in the provinces. Most infamous by far were the writs of quo

warranto which were used with such devastating effect against all ten corporate boroughs in Yorkshire during the last months of Charles II's reign. Writs of mandamus, designed to restore individuals to office if unjustly removed, were also employed on occasion,[21] and both were issued in the king's name upon application to the king's bench. The municipal charters themselves, which were granted by the crown under the great seal, often allowed royal intervention in the appointment of key personnel. In 1681, for instance, Edward Haslam was appointed town clerk of Hull in defiance of the corporation's own clearly expressed wishes.[22] Moreover, the new charters of 1684 and 1685 permitted the removal of all corporate officeholders by order in council. It was a power which would soon be widely used.

The value of the law as a mechanism of central control should not be overstated. In any case, as will be seen in the rest of this chapter, the law was not expected to work unaided. All the same, there can be little doubt that the routine use of oaths and other legal devices did help buttress the loyalty of political institutions in provincial England, even if, as Hall asserted of his brother aldermen in Doncaster, it was sometimes only 'lip loyalty'.[23]

Supervisory Institutions

In his Memoirs Sir John Reresby noted that the 'quarrell' between his grenadiers and the corporation of Doncaster attracted the attention of three institutions in succession - the privy council, the secretary of state (in the person of the earl of Sunderland), and the court of assizes (notably Lord Chief Justice Jeffreys).[24] Together, as has been seen, they were able to settle the dispute to the satisfaction of both parties. Government interest in the provinces was not however confined to matters of public order, and in different ways the same three institutions oversaw local affairs almost on a daily basis. In this section the supervisory responsibilities of each of these bodies is examined in turn, focusing where possible on political rather than routine administrative matters.[25] Their collective success or failure in implementing the royal policies will be assessed in later chapters.

David Ogg once described William III's privy council as 'the central clearing house of the administration'. [26] Certainly, whatever its advisory and other duties, the council's institutional links with the provinces gave it a unique authority. The board could not itself try political suspects, for example, but it could order their arrest, call them up to London for interrogation, and if necessary imprison them ready

for trial. Indeed, so diverse was the council's involvement in local affairs (as even the briefest glance at the registers will reveal), it is difficult to classify its activities satisfactorily. All the same, and ignoring such relatively non-political matters as the 'pricking' of sheriffs or the approval of passes to travel overseas, the council routinely dealt with three broad classes of business - it deliberated local petitions; it issued proclamations, declarations, orders and warrants; and it implemented the decisions of its own committees.

In later seventeenth century England petitions offered a formal mechanism for redressing grievances and soliciting favours of all kinds. When parliament was in session, for instance, MPs came under intense pressure to facilitate the progress of constituency petitions.[27] The governor of a royal garrison and the mayor and corporation of a borough (to name just two more examples) could also expect to receive frequent petitions.[28] However, as the most powerful patron of all, the king was the most obvious addressee - and petitions to the king were referred to the council board as a matter of course.[29] Some indication of the scope of the council's supervisory work can be ascertained by examining a number of petitions originating from Yorkshire. In most cases the political background will be explained in a later chapter.

Of the petitions from private individuals and officeholders which were read out in council, many overtly solicited favours. In 1685 Thomas Aslaby, a crypto-catholic who had been dismissed as a collector of customs two years earlier, petitioned to be made searcher in the port of Hull, 'he having detected a fraud in the execution of the place.' [30] Similarly Castilian Morris, son of the governor of Pontefract castle when it fell in 1649 (he was executed after a rigged trial), petitioned in 1679 for a grant of the Forest of Knaresborough to recompense his father's loyalty. [31] Other petitioners sought the redress of specific grievances. In 1680 Daniel Hoare, a Hull alderman with dissenting connections, was removed from office on the grounds that he had not taken the anglican sacrament in the twelve months before his election. Naturally he petitioned the council, and he later appeared at the board to put his case in person. [32]

From time to time the council deliberated petitions from particular interest groups. The innholders of Hull alleged in 1688 that they had not been paid for quarters taken by soldiers staying in the town. [33] Again, prisoners in York castle regularly petitioned for their release - the catholics in 1679 and 1683, for example, and the quakers in 1684. [34] More dramatically, in mid-October 1688, following the collapse of the catholic-led regime in Scarborough, the inhabitants urgently petitioned the king for a new corporation. [35]

Most valuable of all in the present context were the petitions from local political institutions. Their diversity of subject-matter is illustrated in the following cases, which all originated with the corporation of Hull. First there were petitions requesting crown approval for the appointment of senior officeholders in accordance with the governing charter. In general this was a mere formality. In 1689, for instance, the corporation successfully petitioned for the earl of Kingston to be chosen high steward.[36] Secondly there were petitions on behalf of their own inhabitants - such as a request for the payment of debts left behind when Dumbarton's regiment marched out in 1688.[37] Most important, of course, were the petitions concerning the powers and even the very existence of the corporation itself. In 1684 and again in 1688, the corporation surrendered its governing charter, and on both occasions drew up a petition listing certain material improvements they hoped to see in its successor.[38] Finally there were occasional counter-petitions. Daniel Hoare's petition not to be struck off the bench of aldermen (which has been referred to) prompted a petition from most of the rest of the bench who argued that he should.[39] Similarly, the corporation's own petition for renewal of the town's charter in 1684 stirred up a counter-petition from some lead traders who feared the insertion of new clauses restricting their activities.[40]

Whereas petitions were always instigated locally, the common feature of proclamations, declarations, orders in council and warrants is that they originated in the privy council itself.[41] Sometimes, even so, the board was merely responding to information received from a particular locality. In April 1681 the mayor of Hull was ordered to prosecute John Baker, otherwise known as the Protestant Tinker, for spreading false news. The informer was probably either the lieutenant governor or one of the engineers at the ordnance office.[42] Two years earlier, when Robert Bolron gave an information to the privy council against Sir Thomas Gascoigne and others which accused them of high treason, an arrest warrant was entrusted to two of the king's messengers who immediately hurried northwards to pick up the suspects. Three months later Bolron was back at the council board, this time with his fellow informer Lawrence Mowbray. They returned to Yorkshire with an order requiring JPs to assist them in investigating the plot, and authorising the two men to hunt for priests and 'superstitious trinkets'.

Often, however, the privy council initiated action without local prompting. The series of proclamations ordering the general enforcement of the anti-catholic legislation in 1678 and 1679 came in direct response to a national emergency.[43] Similarly, orders in 1680 requiring reports from individual boroughs to prove their full compliance with the Corporation

Act were intended to underpin current royal policy - as were the declarations of indulgence issued in 1687 and 1688. Moreover few could have doubted that the proclamation of October 1688 restoring the ancient corporations came in response to the threat of invasion. It is interesting that in these and other cases the authorities in Yorkshire showed little inclination to disobey the council's wishes. Even during James II's campaign to pack parliament, when the government sought the wholesale removal of corporation officeholders, orders in council were obeyed, if slowly and very reluctantly.

A last important area where the privy council had a direct interest in local affairs was in implementing the decisions of its own committees. The popish plot committee can be assumed to have reported on Sir Thomas Gascoigne, for instance,[44] and a committee nominated in October 1686 was certainly responsible for preparing revised lists of JPs covering the entire country. After discussion at the council board, their recommendations were implemented the following spring.[45]

A second institution through which the centre sought to control provincial affairs was the office of the secretary of state.[46] As an ex officio privy councillor the secretary was closely involved in the board's day-to-day operations, and it must have seemed perfectly natural to use him to write a stiff

letter to the mayor of Doncaster about a riot. However, two functions brought the secretary into an intimate relationship with the localities on his own terms (and not merely on behalf of the council). In the first place he was the government official primarily responsible for gathering intelligence, a subject which is dealt with in the last section of this chapter. Secondly he was in overall charge of public order and security, and it is this second function which is examined here.

The secretary of state's security machine in Yorkshire sprang into action immediately after Rye House.[47] Sir Leoline Jenkins's first priority was to catch the fleeing conspirators (some of them seen heading north), to disarm the disaffected, and to arrest other suspicious persons - although within days a new priority was to catch the people who had helped some of the plotters escape by sea from Scarborough and Bridlington. To do all these tasks his principal local resource was the lieutenancy. Two of the lords lieutenant were in London when news of Rye House broke, and only the earl of Burlington was able to implement Jenkins's directions in person. Nevertheless all three quickly dispersed orders to their deputies, and there is every indication that they were carried out promptly. In the meantime a steady stream of letters found its way to the secretary's office (some via intermediaries like the customs commissioners or the master-general of ordnance). As

well as the lieutenants, their deputies and the militia officers, Jenkins's correspondents included the mayors of York and Hull, the collector of customs in Scarborough, and the postmasters of Hull, Ferrybridge and Boroughbridge (not to mention one or two anonymous informants). Thanks to all these letters (some of them solicited personally), Jenkins must have felt reasonably firmly in control of security arrangements in Yorkshire, even from two hundred miles away.

Although public order fell within the remit of the secretary of state, it was a third great central institution, the court of assizes, which ultimately settled the Doncaster riot. In a sense this was hardly surprising. Unlike the privy council or the secretary, the judges went out into the provinces rather than expecting the provinces to come to them - and when they arrived, they brought with them all the majesty of the law.[48] The Lent 1687 assizes in York, for instance, were presided over by Mr Justice Powell. In five days of business a Scotsman was fined £500 and set on the pillory for asserting that Monmouth was still alive, two soldiers were convicted of manslaughter and burnt in the hand (and a third acquitted of desertion), four felons were condemned to death (including a witch whose sentence was respited), and one case was stopped by the judge when he found the jury had been nobbled. In all, one hundred and ten causes were heard. Except that only one judge was on circuit it was probably a typical workload.[49]

However it represented only one part of Powell's duties on this occasion, for before riding their circuits the judges had been given instructions by the lord chancellor. Some of them survive. The judges were to take care that private soldiers in garrisons were allowed to work at their trades. More contentiously, they were to 'closet' MPs to find out whether or not they were likely to support repeal of the tests and penal laws.[50] But most contentious of all was the appearance as grand jurors of several prominent Roman Catholics. The lord chancellor had presumably ordered Powell and his brother judges not to enforce the test act.

This was not the only time that circuit judges were expected to publicise government policy in the localities.[51] Nor was it unknown in the past for judges to be employed for blatantly political purposes - rather like the privy council and the secretary of state in fact. It will emerge from the following chapters, however, that their collective effectiveness as supervisory institutions could not always be guaranteed.

Officeholders under the Crown

It took two days for news of the Dutch landing at Torbay to

reach York.[52] Even by express letter this was remarkably quick. By contrast, ordinary letters posted in the capital were collected only three times a week,[53] and correspondents had to allow three days for them to arrive (say) in Hull[54] - meaning it would be a full week before they could reasonably expect a reply. Postal connections with the outlying parts of Yorkshire were still more uncertain. In November 1674 Thomas Aslaby in Bridlington grumbled to Secretary Williamson:

There being no settled post here will occasion that I cannot convey my letters to you constantly every week this winter time, for the bad weather often prevents those that carry our letters to the post office at Hull.[55]

Delays in the postal service, however inevitable in themselves, sometimes unsettled the smooth running of provincial affairs. On 7 February 1685 the citizens of York lit bonfires and added their names to a joyful address celebrating reports of Charles II's sudden recovery from illness. They could not know he had died the day before.[56] More worrying politically was the Scarborough corporation's insistence two years earlier that they 'were not so happy as to receive' the king's proclamation against the two Rye House plotters whose escape some of them had actively facilitated - a claim which was plausible if not perhaps truthful.[57] Indeed, when government orders were especially urgent, king's messengers were used to carry them out in person. On 4 July

1679 Robert Bolron gave an information at the council board against Sir Thomas Gascoigne and others accusing them of high treason. He was ordered back to Yorkshire with two messengers, and four days later Gascoigne, his daughter, his nephew, and a clutch of catholic priests and servants were all in government custody. Since news of the plot was public knowledge in London by 5 July, speed had been essential if the suspects were not to be tipped off and allowed to slip into hiding.[58]

On a day to day basis, however, rather than trying to run the provinces from the centre, the government required the various institutions in the localities to work actively on their behalf (subject of course to the kinds of supervisory control already described). Looked at collectively these institutions fall into two broad groups - purely executive agencies like the customs; and bodies with a degree of political autonomy like the benches of county justices ('political institutions' as defined in chapter 1). The next two paragraphs survey each group in turn.

It is sometimes said that restoration England lacked a proper (that is to say, a French-style) civil service. In a sense this is true. As will be seen, no-one would deny that many local institutions were headed by amateurs. All the same, there were several recognisably professional organisations based in Yorkshire - and while Reresby's grenadiers may not

have behaved with notable professionalism during their drunken sojourn in Doncaster, the army was undoubtedly one of them. So too was the customs department. In both instances, far from being run by volunteers, most or all their staff were paid. Nor did they always recruit locally - even quite junior customs officers could hail from far beyond Yorkshire - and army field units were moved around the country as a matter of course. Moreover, common to them all was their purely executive function, which allowed the institutions little political autonomy of their own. Needless to say, some individuals did use executive office as a springboard for their own political aspirations. John Knowsley, commissary of the musters for Yorkshire and a virulent opponent of protestant dissent, achieved local notoriety when the king named him mayor of Scarborough in the town's new charter in 1684 (as is described in chapter 8). But for all this, the commissariat was no more a political institution than the customs establishment in Hull port.

Very different were the bodies controlled by local men (the unpaid amateurs of conventional historiography), which were often political institutions in their own right. In this connection benches of county justices are usually cited, although they were by no means the only such institution. In the mid-1680s, for instance, the militia officers of the York and Ainsty regiment took a lively interest in city politics as

leaders of the so-called 'loyall party'.[59] Every week they assembled in their 'clubb' with a number of other like-minded gentlemen, where toasts were drunk to Reresby as governor of the castle and Sir Thomas Slingsby as militia colonel.

Reresby's personal relations with Slingsby were somewhat sour, and the officers had threatened to resign en masse when he was first commissioned governor. Although they did not, it was militia officers who led the unsuccessful campaign against Reresby's parliamentary candidacy in 1685. It was militia officers again who oversaw the quo warranto proceedings against the corporation in 1684 - after which Reresby quickly found himself drawn into a political alliance with the very men who would shortly be ejected from the bench. In 1688 therefore, when York was seized for William of Orange and the governor taken into custody, it is surely significant that the only militia officer who refused to join the rebels was Reresby's own lieutenant.[60]

Except in the corporate boroughs, where the crown enjoyed little everyday influence, most appointments to senior provincial posts were granted by letters patent or by commission.[61] In this respect it made no difference whether or not an office offered financial remuneration. In May 1682 Reresby boasted that he now held eight separate commissions - as governor of York and of Bridlington, as a deputy lieutenant for the West Riding and captain of a militia troop of horse,

and as a JP respectively in the West Riding, the liberty of St Peter in York, Middlesex and Westminster.[62] For the governorships he was paid, for the others he was not. Sometimes commissions were addressed to an individual (like Reresby as governor of York), and sometimes to a group of people (like a commission of the peace). In all cases however they provided the terms of reference according to which officeholders were required to act. Some, again, were issued centrally (like army commissions), and others by senior commission-holders themselves (like the commissions from lords lieutenant appointing militia officers). Still others were ad hoc (like the 1681 commission for erecting a new citadel in Hull[63]). Indeed even the assize judges in York had to act in accordance with commissions. In the present context, however, it does not much matter who the various issuing authorities were. More relevant is the fact that with relatively unimportant exceptions commissions were held during pleasure,[64] and also that subsidiary appointments (such as deputy lieutenancies and deputations generally) usually lapsed on the death or removal of the principal officeholder.

Historians meanwhile have greatly underestimated the level of expert administrative support which could be called upon by the 'amateur' leaders of political institutions in the localities, and few look beyond the leadership towards the vast army of fee-earning professionals working on their

behalf - undersheriffs, clerks to the assizes and town clerks at the top; and at a comparatively lowly level, justices' clerks and serjeants at mace.[65] There are several reasons for this. In the first place, justices' clerks, to take one example, were responsible to individual JPs not to the clerk of the peace or to quarter sessions, and any source material has presumably long since disappeared. Second, although it was the clerk who looked after his master's routine clerical affairs, the privy council always corresponded directly with the justice, thus tending to obscure the clerk's very existence.[66] Third and perhaps most important, few of these men were prominent socially - although a surprising number of politically minded attorneys will be met with during the course of this study.

Finally it is worth drawing brief attention to the remarkable longevity in office of many Yorkshire administrators. The contrast with the turmoil among the political leadership is sometimes startling.[67] Thomas Mace was clerk of the peace to the East Riding from 1679 until his death in 1713. Yet of twenty-four 'working' JPs in his riding in November 1680, only one survived even to the summer of 1688 with his record of service unbroken.[68] Again, of the nineteen militia officers in the York and Ainsty regiment in 1680, only eight were listed when the regiment was re-officered in anticipation of the Dutch invasion, and just two survived until 1697.

Meanwhile Richard Hewitt had been appointed clerk to the lieutenancy early in 1679 and was still in office in 1700.[69] But most striking of all is the record of John Jackson, who was chamber clerk to the Beverley corporation from 1660 until his resignation in 1707. Of the thirteen 'governors' in Beverley at the date of his appointment the last survivor had been displaced from office as early as 1685.[70] Clearly in many cases continuity at the administrative level must have provided a strong incentive towards institutional stability regardless of any political manipulation of the leadership.

Intelligence and the Manipulation of Opinion

In 1693 Daniel Defoe wrote:

Intelligence is the soul of government and directs all its actions . . . without it you consult in the dark and execute blindfold.[71]

It was for this reason that Sir John Reresby wrote to Alderman Hall shortly after the riot in Doncaster in 1684 - in order to obtain the kind of inside information which would help him decide how best to proceed. His 'in' letters show he cultivated a wide circle of local informants and constantly sought out intelligence of all types, which he passed on (when

he thought fit) to the appropriate central authority.

Lieutenant Francis Sterling of the Holland regiment observed of one:

Your correspondent Captain Fairfax is a man of such exact intelligence in what concerns the town [he meant York], that nobody needs give you the trouble of saying any thing after him.[72]

In recent years historians have started to pay closer attention to the plotters, conspirators and other activists who skulked in the provinces after the restoration.[73] Perhaps these men are more immediately appealing than their counterparts who worked covertly or semi-covertly for the government. In any event, very little has been written about the local end of the secretary of state's intelligence-gathering machine,[74] and it is this that provides the principal focus for the section. (Its effectiveness or otherwise will be assessed in later chapters.)

Reresby was not the only man in Yorkshire who used other people to gather intelligence for him. In the early 1680s William Osbaldeston of Hunmanby, an East Riding justice of the peace and a deputy lieutenant, headed an efficient but narrowly focused intelligence network based in the Bridlington area. Osbaldeston's own particular enthusiasm was the

extirpation of protestant dissent,[75] and in March 1683 some quakers incarcerated in York castle complained that he

hath greatly encouraged informers and granted out warrants against our friends at and near Burlington upon the act of 22 Car. 2 [i.e. 1670 Conventicles Act], whereby great spoil hath been made of many friends goods. . . . The justice still goeth on together with the informers to prosecute for silent meetings, and he also fined two constables 10^l for not informing.[76]

One of Osbaldeston's warrants still survives and gives the names of twenty-five men and women from Bridlington who were to be fined 5s. (or 10s. for a second offence) in accordance with the Conventicles Act.[77] Since it dates from as late as December 1684, it shows that Osbaldeston had not been deflected from what he no doubt regarded as his duty, however notorious it made him in dissenting circles. His chief informer was a certain William Roxby, also of Hunmanby - and with a third of each fine going directly to the informer by virtue of the same act, Roxby had every reason to inform assiduously. He it was, for instance, who told Osbaldeston about 'the constables neclecte of their duty' - for which they were fined ^l5 each (and he was awarded ^l1). Indeed by the beginning of March 1683 eleven parish officers had become so sympathetic towards the quakers' plight that they laid out nearly ^l80 of their own money to go towards fines, 'and were content to gitt as they could againe, or as friends were free to give it them'.[78]

One of Osbaldeston's local connections was the crypto-catholic Thomas Aslaby, who was collector of customs in Bridlington between 1672 and 1683, and ordnance storekeeper in the town's fort from around the same date until the revolution.[79] Aslaby was ideally placed to provide the secretary of state with routine, low-grade intelligence, for which in return a manuscript newsletter was posted to him every Saturday.[80] Two hundred and fifty letters survive among the state papers from the collector and his eldest son between 1672 and 1678 - about one a week. Usually a straightforward description of shipping movements and the weather (spiced up with an occasional titbit of continental news), Aslaby's correspondence was sometimes rather more to the point - his gushing loyalty after kissing the duke of York's hand in 1672 (while the fleet rode at anchor off Bridlington); his special pleading as regards the future of the town's fort (he admitted he had become storekeeper solely to have use of the storekeeper's house); and above all his fervent denunciations of dissent and all its works. 'I have nothing to intimate but what is no news,' he wrote in 1675, 'the frequent meeting of conventiclers.' Two years later nothing had changed. 'Our conventiclers meet still in great numbers,' he grumbled, 'quakers and others.' [81]

If Thomas Aslaby was a government employee who provided intelligence out of a sense of duty (ostensibly at least),

Lawrence Mowbray's motives were altogether less pure.[82] A young man in his early twenties when the popish plot burst into life, footman to the wealthy recusant baronet Sir Thomas Gascoigne,[83] and a recent catholic convert himself, Mowbray came under heavy pressure from the informer Robert Bolron to become the second 'lawful and credible' witness needed to secure a conviction for high treason against his master and his confederates.[84] The following exchange was supposedly overheard in a Leeds pub, and although it was almost certainly fabricated for the defence (the witness received 40s. for his testimony), some such conversation probably took place.

Bolron Thou knowest that Sir Thomas Gascoigne hath been very severe against thee and me, and now here is an opportunity offered us to take a revenge upon Sir Thomas Gascoigne.

Mowbray As for Sir Thomas he is a very honest man, and I know no hurt by him; but as to my Lady Tempest, if I knew anything against her I would hang her, for I would discover it.

Bolron But thou knowest that Sir Thomas sues and troubles me, and if I do not make somewhat out against him he will ruin me; and it must be done by two witnesses.

Mowbray How shall we bring this business about?

Bolron If thou wilt come to my house, I will put thee in a way to contrive it; and we shall have a considerable reward.[85]

Presumably the two men reached an agreement and co-ordinated their stories. At any rate, Mowbray's career as an informer was launched - and a convenient attempt on his life, while he

was in London spilling the beans to the privy council, no doubt added to the credibility of his testimony.[86] Trials were ordered to proceed.

Very different from the one-time catholic Mowbray was John Baker the Protestant Tinker. Early in 1681 the ordnance office selected him to make 'diligent enquiry' into the alleged misappropriation of lead, timber and other materials acquired sixteen years earlier for use in the North Blockhouse at Hull castle.[87] Baker seems to have taken his intelligence responsibilities seriously.[88] He found that lead had been sold to the value of £564 and the rest delivered to houses owned by Governor Bellasis and Lieutenant-Governor Gilby. Worse,

there was a many thousand of new bricks laid in towards repaireinge the abovesaid [block] house (and new timber), which was all conveyed away by the lord Bellassis and Colonel Gilby, the latter aboute that tyme haveing occassion to build a new house.[89]

In later letters Baker drew attention to particular individuals who could provide further information, and suggested tactics for encouraging others to speak out - leads which the ordnance office quickly followed up. But suddenly Baker got too big for his boots:

I do give you this further account that for some remarkable

time past (and yet is) a materiall gate or entrance into the said garrison left open every night without so much as a sentinell to gaurd it; which time and other circumstances considered hath been (and yet is) of dangerous consequence to that considarable garrison. This I thought convenient to advise your honours of.[90]

Convenient or not, it marked the end of Baker's employment as an agent by the ordnance office, and within a month the privy council had ordered his prosecution 'for spreading of false news'.[91] Not until the autumn of 1687 would Baker again find himself in government favour, and before then he was more often in trouble than not.

The spymaster, the correspondent, the informer and the agent - each story illustrates one aspect of the English government's abiding concern with the darker side of provincial affairs. Sometimes, however, the government was not so much interested in gathering intelligence for its own sake (a passive function), as in bending local opinion to its will (an active function). To achieve this, its undercover operations had to be every bit as subtle as its intelligence operations. Sometimes indeed, as is shown in the secret instructions drawn up for James II's election agents, both functions could be performed by the same individual. Particularly interesting is this attempt to manipulate political opinion by deliberately spreading disinformation.

Inform yourselves what members [of parliament] each corporation intend to choose; and if they are contrary to his majesties interest and you find the corporation resolved upon them out of prejudice, consider then how to give a diversion to their intentions by seeming to promote such persons election, which they [the electors] observing, may create an aversion to them and dispose them to elect others.[92]

Addresses offered the government another means of manipulating political opinion in the provinces (as seen in Hull's address welcoming James II's accession). Between 1681 and 1688 there were six different addressing campaigns, with the London Gazette dutifully noting the arrival of seventy-two addresses from Yorkshire alone. For the present, only two general points need be made. In the first place, addresses were rarely spontaneous and were often organised directly by royal officials and local patrons (like the earl of Plymouth in Hull in 1685). Second, special public meetings were called at which people were invited to subscribe their names to the address itself so as to signify their personal approval of the royal policies (as again happened in Hull). All this was intended to create a favourable climate of opinion - to ensure, for instance, that signatories would vote for government-approved parliamentary candidates. It will emerge, however, that loyal sentiments were not always meant unconditionally, and that the content of a particular address could sometimes leave a great deal to be desired.

Other mechanisms for manipulating political opinion were more indirect and fell into two groups - propaganda, or telling the people what the government wanted them to know; and censorship, or making sure they could not find out what was not fit for them to know. Propaganda ranged from government-sponsored publications at one end to judges' dinners and assize sermons at the other.[93] Censorship (broadly understood) included the deliberate rationing of domestic news and the suppression of seditious literature.[94] Taken together, propaganda and censorship were central features of the government's covert activities in Yorkshire for most of the period, and both will be met with many times in the following pages (especially in chapter 9). As with addressing however, and as with the machinery of central control generally, the results were not always quite what was intended.

CHAPTER 3: POLITICS AND THE MUNICIPAL CORPORATIONS

Every city of England, by their charters or priviledges granted by several kings, is a little commonwealth apart . . . [with] jurisdiction among themselves to judge in all matters criminal and civil. . . . The mayor of the city is the kings lieutenant, and with the aldermen and common-council (as it were king, lords and commons in parliament) can make laws called by-laws for the government of the city. . . . The government of boroughs and other towns corporate is much after the same manner.[1]

If Edward Chamberlayne's analysis is unsophisticated, Thomas Hobbes's is characteristically robust. Corporations, he thunders, are 'lesser common-wealths in the bowels of a greater, like wormes in the entrayles of a naturall man'.[2] Worms or not, they were also, in Professor J.R. Jones's words, 'the key feature of late seventeenth century politics'. 'Municipalise', he urged researchers in 1972.[3] Since then, although work has been carried out on the politics of individual corporations,[4] little attempt has been made to compare municipal experiences within a particular region, and still less to evaluate the impact of often idiosyncratic constitutional arrangements on municipal affairs.

There is no technical reason why politics in the ten corporate

boroughs of Yorkshire should have been any less exciting than in the city of London (say) or in parliament itself. After all, the institutional structures which controlled the corporations were inherently political in a way county benches of justices were not. JPs were appointed (and removed) by the crown. They met infrequently, many of them failed to take their oaths of office, and in counties where divisional sessions were held an individual JP might never meet all his colleagues. Again, their functions were primarily criminal and administrative[5] - functions which were in any case perfectly familiar to senior corporators who were also chartered justices. By contrast, corporations controlled their own membership, organised their own affairs and (some said) could even vote themselves out of existence. Moreover they had their own civil courts, held land and property, could sue and be sued, had the right to exclude certain royal officers from their jurisdiction, and (within the terms of their charters) issued bylaws and ordinances which were binding on third parties.[6] All this gave them a corporate identity which could inspire genuine loyalty in the inhabitants at large and was symbolised by possession of a common seal. In short, as 'a little commonwealth apart', led by a small but active group of men and with plenty of local issues to argue about, the municipal corporation was arguably the political institution par excellence of provincial England.

Politics in Pontefract

The civil war cast a long shadow over Pontefract.[7] As late as 1681, in a loyal address to King Charles II, the mayor and burgesses bewailed their 'present demolished parish church, shattered homes, bare and tottering walls', and their 'once princely, now ruined castle'. A brief history lesson recounted the events which had led to the devastation of the town, and reminded the king that at the time of his father's execution the castle was held for the crown and coins were minted 'post mortem patris pro filio'.[8] It was a matter for great satisfaction that Pontefract had been the very last stronghold in England to fall to the rebels - not least to Castilian Morris, son of the royal governor, who was begotten during the siege.[9] The victors of course took a different view. A petition urged demolition, trustees were appointed, and within months the castle had been dismantled and the materials carted away. The site was found to be ideal for the cultivation of liquorice.[10]

The shadow cast by the civil war was as much political as material.[11] Three times Pontefract Castle had been besieged by the rebels, and in 1644 the mayor and nine of his brethren joined the volunteers who were defending it for the crown. Needless to say their names quickly disappeared from the corporation records, and by 1657 (if not long before) Robert

More and Robert Frank were the sole survivors from before the war (see Chart 3/1 and sources cited). However the political leadership of Pontefract would soon change almost in its entirety for the second time in less than twenty years. Five aldermen seem to have found it expedient to resign, among them More and Frank. Frank was succeeded by his son John, but the latter like James Outhwaite (elected six days later) staunchly supported the royalist William Lowther during the 1660 elections.[12] It was something the MP did not forget, and two years later, when he descended upon the town as one of the Corporation Act commissioners, the two were among just five aldermen to be retained from the pre-restoration bench. In the meantime two survivors from 1644 had quietly resumed office. One was Nicholas Stable, the present mayor.

Stable had last been mayor in 1636. Childless himself, it is no doubt significant that two of the commissioners' nominees were his own nephews and two more had married nieces (see Chart 3/2 and sources cited). Moreover four were the sons of royalist aldermen who had fought alongside him in the castle, and all six were anglican conformists. Even so, protestant dissent remained strong in Pontefract (as also in Tanshelf, a jurisdiction distinct from the corporation but only one mile from town), not least among the displaced aldermen. Although three of them had been willing to swear the loyalty oaths and subscribe the new declaration against the covenant (which

failed to keep them in office), the others refused even to meet the commissioners. One of the latter, Leonard Ward (elder brother of Sir Patience Ward, the exclusionist MP and lord mayor of London), would later license his house for presbyterian worship.[13]

If the Clarendon code meant religious repression generally, it was Pontefract's quakers who had the worst of it. (Probably they made up the majority of the Compton census figure of sixty dissenters out of a population of 1600.[14]) Robert Tatham, one of the commissioners' nominees, was a particularly zealous persecutor. In the 1680s, for instance, Thomas English, a well-to-do grocer who gave his fellow quakers a plot of land to build a meeting house, was more than once levied at £20 a month for failing to attend church, each time apparently at Tatham's instigation.[15] It is hardly surprising to discover that Tatham was among the first aldermen to be removed from the corporation by James II's regulators, or that the quaker English was identified as a possible successor. Meanwhile except for a few months in the summer of 1688, the Corporation Act kept dissenting protestants like the Ward family off the Pontefract bench, although political opponents who conformed could not be excluded so easily. The year 1674 even saw the re-election of William Oates, a former commonwealth mayor who had been expelled by the commissioners in 1662 and was described as a

'great leader' of the opposition. He was followed in due course by his son-in-law William Ramsden and his son Richard (see Chart 3/2),[16] and it took a new charter in 1685 (and the timely death of both Oates and his son) to restore a brief loyalist hegemony in the town.

Two themes are beginning to emerge. In the first place, political conflicts in restoration Pontefract were shaped by memories of war. In this respect the ruined castle was more than just a symbol. Second was the influence of deep-rooted religious difference. In 1688, for instance, if the intruded corporation had been given time to settle in, it would have been controlled by protestant dissenters (led by a catholic mayor), and without a single representative of the conforming but anti-loyalist 'contrary party' (see Chart 10/2).[17] Naturally each grouping in Pontefract used national politics and central government policies to help bolster its own position - as Mayor Stable demonstrated so spectacularly in 1662. But before looking at the pattern of faction and party generally, it is necessary to examine the workings of the political institutions within the town. For in Pontefract ages-old constitutional arrangements, whether chartered or customary, were of more than merely technical importance. Rather they were the very stuff of local politics, as the rest of this section will show.

The central institution in restoration Pontefract was the bench of thirteen aldermen which dated back to the first charter of incorporation in 1484.[18] Elected for life, aldermen were JPs ex officio and provided the pool from which a mayor was chosen every year. The new mayor in 1678 was Richard Austwick, one of the commissioners' nominees in 1662. Austwick's father had fought in the first siege, his elder brother in the last, and his own credentials as a royalist were impeccable. More remarkable was his family's history of service to the corporation which stretched as far back as Robert Austwick in 1489. Richard's father, grandfather, great-grandfather, great-great-grandfather, and great-great-great-grandfather - all had been mayors of Pontefract.[19] Moreover Austwick was only the most striking example of the quasi-hereditary nature of the Pontefract corporation. In 1678 six other aldermen could claim paternal descent from earlier mayors and belonged to what might be called 'corporate' families (see Charts 3/2 and 3/3). The Franks went back to 1600, for instance, and the Oateses to 1623. Family relationships should not of course be taken as positive indications of political allegiance (although contemporaries no doubt thought, and sometimes hoped, they could). John Frank abandoned his parliamentary heritage in 1660 (as has been seen), and Richard Oates, William's father (or possibly his father-in-law), fought for the king in 1644. All the same, in 1681, when William Oates's daughter married

Robert Warde, one of the leading dissenters in the town, it cemented an alliance between two important political clans. As a hostile observer noted:

Alderman Oats, a great leader there, had lately married his daughter to a nephew of Sir Patience, which is believed hath confirmed his interest more there.[20]

Chamberlayne, in the passage quoted at the beginning of this chapter, likened the mayor, aldermen and common council of a municipal corporation to the king, lords and commons in parliament. It is certainly true that the Pontefract bench bore a far closer resemblance to the lords than to the commons - even disregarding its quasi-hereditary membership. Service was for life, not for a term of months or years, and vacancies were filled by the surviving membership without formal consultation with anyone else.[21] Moreover the bench did not represent (and was not intended to represent) the interests of the burgesses at large. Its function was merely to try civil and criminal cases arising within its jurisdiction, and to oversee the good government of the town. Indeed, except when it sat as a court or met to regulate its own internal affairs, the bench of aldermen never assembled alone.[22] Day-to-day matters of public policy, like audits, decisions to go to law, and the raising of assessments, were decided in general meetings with undisclosed numbers of 'burgesses and other inhabitants'. Sometimes a group of auditors or rating

assessors would be nominated at the meeting, in which aldermen (if they were included at all) were always in a definite minority.

Meanwhile provision was made in the 1484 charter for making bylaws and ordinances 'for the public good of the town or borough aforesaid', with the consent of 'twelve of the better sort of men'. In 1692, for instance, stringent penalties were laid down for refusal to serve on the bench, and the men nominated by the mayor on this occasion included three burgesses who were not aldermen.[23] There was however no mention in the 1484 charter (or any of its successors) of an institution intended specifically to represent the burgesses of Pontefract - parallel, as Chamberlayne saw it, to the House of Commons.[24] On the contrary,

every inhabitant of the same town hath been admitted to intermeddle and deal in the said affairs . . . without any respect at all to the public weal or good government of the said borough.[25]

However in 1627 sixteen burgesses were chosen, with the consent of the others, 'to join with the mayor and comburgesses in ordering the affairs of the town'. It was agreed

that the said mayor and comburgesses, together with the said sixteen burgesses, shall have full power and authority

to treat and conclude of and upon all matters and affairs touching and concerning the good estate, weal public and welfare of this borough; and that all such things as shall be mutually agreed upon, concluded and set down by them, or the greater part of them, for and on behalf of themselves and of all the rest of the said inhabitants, shall bind and conclude both themselves and all the residue of the same inhabitants.

The sixteen were recruited by the bench itself and were appointed for life. Perhaps they are to be identified with the 'burgesses' who attended general meetings of the corporation (as distinct from the 'other inhabitants' who were sometimes also present). Perhaps, again, they provided some or all of the men called upon to act as auditors and rating assessors for the corporation - many of them prominent dissenters and identified as prospective aldermen by James II's agents (see Chart 10/2). All the same, it is a pity they were not given a distinctive name. It is not even clear from the records whether it was the burgesses at large or just the sixteen who elected mayors after 1627[26] - and the mayor was the only officeholder in the Pontefract corporation who was not co-opted.

If the functions (and for that matter the identities) of the sixteen burgesses remain obscure, the same is not true of the mayoralty. In Pontefract, uniquely in restoration Yorkshire, mayors were chosen by secret ballot (in accordance with complex provisions in the 1607 charter). Uniquely too, there

were no formal candidates and in principle any serving alderman might be elected. However the results were sometimes open to question, since ballot papers were counted by the three senior aldermen and immediately burnt.[27] After one such election a formal protest was entered in the town's records:

I Richard Lyle of Pontefract, grosser, doe sweare that I did, on the fourteenth day of September instant 1682, at the election of the major of Pontefract for the yeare ensuinge in the Moot-hall there, deliver in my note or tickett to one of the three senior aldermen then sittinge for Mr John Rusby and not for Mr William Oates or any other.[28]

Oates was the former commonwealth mayor who had resumed his aldermanic gown in 1674, and Lyle a wealthy nonconformist who was frequently called upon to act as an auditor or rating assessor for the corporation (and had himself turned down a place on the bench in 1657).[29] It is not apparent what kind of trick Lyle suspected had been played on him, and it is interesting to discover that prominent dissenters could not necessarily be counted upon to support the leader of the 'contrary' faction in the town. More intriguing is the question how Oates managed to get back on to the bench in the first place. After all, aldermanic vacancies in Pontefract were filled by co-option, and the Corporation Act commissioners had long ago packed it full of loyalists. Of the eleven aldermen in office on 16 August 1674, seven were

undoubtedly loyal.[30]

There are several possible explanations (discounting, that is, any suggestion of fraud). The first is that Oates and his supporters were capable of causing so much trouble it would have been political suicide not to choose him. Variations on this theme include the possibility that the loyalists hoped to spike his guns by associating him with their own decisions - or else by detaching him from his grass-roots support.

(Similar ideas have of course been advanced to account for the political mix in Charles II's privy council of 1679.)

Alternatively, it is possible the aldermen thought a man of Oates's standing had a moral duty to join them (provided he was not disqualified as a dissenter). In 1689, for instance, of the militia principals listed for Pontefract, all ten had close aldermanic connections. Seven were serving aldermen (of widely varying political hues), the eighth was a former alderman, the ninth a future alderman, and the tenth Robert Warde, leader of the town's dissenting interest, and himself an alderman for a few months in the summer of 1688.[31] All other things being equal, perhaps it was thought preferable to elect a wealthy political opponent than a impoverished political ally.

Oates was not the only political leader in restoration Pontefract. As has been seen, the two Wards, Leonard and

Robert, were leaders of a dissenting faction working outside the corporation. Meanwhile on Stable's death in 1676 leadership of the loyalist group passed to local gentlemen like Sir John Kaye (a would-be MP in 1681), and to non-residents like Castilian Morris (son of the royalist governor of Pontefract castle) and Dr Nathaniel Johnston (whose brother John was an alderman). It can be no coincidence that Morris and Johnston presented the corporation's addresses to the king in 1682 and 1683 respectively,[32] and it is the loyalist faction whose organisation can be studied most closely, thanks in part to an inherent numerical inferiority which encouraged systematic canvassing, not to mention a little extra-legal jiggery-pokery. Efforts were made to extend the parliamentary franchise to 'foreigners' who owned burgages in the town, for example, and in 1680 and again in 1682 Robert Warde and other dissenters were excommunicated simply to deprive them of their votes.[33] More important in the present context, however, election correspondence provides the names of ordinary loyalist and 'contrary' aldermen on the 1682 bench (see Chart 3/3). The only real surprise is Thomas Jackson, whose relationship with the Wards clearly meant more to him than his nomination twenty years earlier by the Corporation Act commissioners.[34]

Constitutional Background

The impact on national politics of particular parliamentary procedures or of the varied mechanisms for electing MPs is well-trodden historical ground.[35] It is obvious, after all, that the course of high politics was materially influenced by the character of the institutions within which the political process took place (regardless of contingent matters like the personality of a particular minister). Yet the impact on local politics of the workings of corporate institutions or of the machinery used to recruit new officers remains largely unexplored.[36] It is as if observers imagine that local politics happened in an institutional vacuum, or alternatively that their workings were somehow transparent. This was by no means the case. In Pontefract, for instance, the appointment by the corporation of sixteen burgesses to act on behalf of the burgesses at large was avowedly designed to box everyone else out of the process of political decision-making. There is every indication that it succeeded. Again, the co-option of new aldermen by the survivors surely strengthened the quasi-hereditary membership of the Pontefract bench, just as mayoral elections by secret ballot allowed for the possibility of genuine choice (if only for the electors). In Pontefract, just as in parliament, constitutional considerations structured the very shape of politics, directing it and constraining it in turn. Without a governing charter, however,

there would have been no autonomous political institutions in Pontefract. It is with the charters therefore that this section begins.[37] (For the location of translations, see Chart 3/4.)

A charter of incorporation was a prerogative grant by the crown of specified rights and privileges to certain designated persons, and took the form of letters patent under the great seal.

We have willed, ordained, constituted, and granted, and by these presents for us, our heirs, and successors, do will, ordain, constitute, grant, and declare that our aforesaid town or borough of Richmond in our county of York may be and for ever remain hereafter a free borough of itself; and that the mayor, aldermen and free burgesses of the town or borough of Richmond in our county of York, and their successors for ever hereafter, may and shall be by virtue of these presents one body corporate and politic in substance, deed, and name, by the name of mayor and aldermen of the borough of Richmond in the county of York.[38]

The ten corporate boroughs in Yorkshire each possessed a charter with a similar (if not identical) clause granting it legal personality and carefully distinguishing it from the geographical county in which it stood. As a 'body corporate and politic' it was legally capacitated to own property, to sue and be sued, to fill vacancies in its own government (in accordance with its charter), and to have a common seal. Some

technical features appeared in every governing charter.[39] In the first place the charter regulated the corporation's relations with central government, especially in such matters as law and order, and justice. To this end it always enumerated the corporation's chief officers (the 'governing part') and their terms of service, and identified which of them were to be justices of the peace. In many cases the first holders of each post were named, and sometimes the charter laid down detailed rules for corporation elections (though rarely so complex as those for the mayors of Pontefract[40]). Secondly, provision was made for a legislative body which could make ordinances and bylaws for the good government of the town. Third, a court of record or other civil court was usually established, and with it sometimes a whole network of lesser courts (dealing with markets and so forth). And finally, although of little importance in the present context, the corporation was given the right to levy rates and other charges, to have a market and annual fairs, and sometimes to control conditions of trade more generally.

What was not mentioned in the charters, however, is just as interesting as what was. Charters were not concerned, for instance, with the minor offices of the corporation - what they were, who chose the officeholders, or how they were made accountable. Nor were they interested in such internal affairs as the levying of rates to repair a particular highway or the

use of the town's meadow. More remarkable is the fact that in Yorkshire at least charters made no attempt to regulate the recruitment of freemen, or even for that matter the duties of officeholders like the mayor and aldermen. The latter were presumably taken as read, and the former recruited according to local custom. In fact a charter can be seen as setting a series of parameters - ringfencing internal activities which were of no concern to the king (so long as they were not repugnant to the laws of England), while endeavouring to uphold the government's interests in such areas as criminal justice. Gaps and ambiguities were mediated through ordinances and bylaws, not to mention custom, and the result was a rich mix of constitutional idiosyncrasy in which a general uniformity of nomenclature disguised a wide degree of structural variation.[41] Perhaps this was to be expected. Except in Leeds each corporation had existed for at least two hundred years, and there was no necessary reason why the practices of one should have influenced any of the others. Nor, it seems, did they. Of the nine corporations in Yorkshire headed by a mayor, no two had exactly the same machinery for electing him into office.

In a memorandum of 1682 'Concerning Charters to Corporations', prepared in advance of the borough campaign,[42] Lord Chief Justice North usefully (if conventionally) pinpointed one corporate privilege which directly affected local politics -

the boroughs' relative independence from central control over the administration of justice. In this connection he identified three broad classes of corporation. Most independent of all were the counties of themselves (or counties corporate) whose internal affairs had been severed entirely from the county at large. Such in Yorkshire were the city of York and the borough of Hull. Scarcely less independent were the second group - corporations like Beverley, Leeds and Scarborough - in which crown-appointed JPs from the county were forbidden to act. Very different were corporations in the third category, where county JPs had the power to intermeddle directly - in Ripon because the town did not have its own quarter sessions, and in Richmond 'in defect of the justices within the said borough aforesaid for the time being'. [43] In every case, however, the extent of the corporation's judicial independence from the county authorities was laid down in the charter.

As a lawyer Sir Francis North had little interest in 'officers relating to the revenues and other private affaires of the corporation'. [44] Instead he concentrated on 'government' - by which he meant the people who controlled the administration of justice generally, including JPs, recorders and town clerks, as well as officials like bailiffs and serjeants at mace (involved in the selection of jurors and the service of writs respectively). Viewed politically, however, some of the others

were of equal importance, and Chart 3/5 lists the principal officers for each corporation in rough order of rank with JPs identified separately. In six corporations all but the specialist officers (like the recorder and town clerk) belonged in one of two grades - aldermen (or governors or comburgesses) at the top, and below them assistants (or capital burgesses or common councillors).[45] With rare exceptions aldermen had all served in the lower grade first, although promotion was by no means inevitable. Except in York (which is looked at separately below) corporators did not meet in 'houses' like parliament (and as is implied by Edward Chamberlayne). The twenty-four assistants of Leeds and Ripon, for example, did not constitute separate corporate bodies and never assembled formally except in the presence of the mayor and aldermen. Neither did the capital burgesses of Beverley and Doncaster (or for that matter the burgesses and common councillors of Pontefract and Richmond). Indeed in all these places (and except when acting as a court) even the mayor and aldermen never assembled on their own.

Rather than pursuing analogies with the houses of parliament, it may be more fruitful to see the corporate hierarchy as a resource whose membership was drawn upon differently in each borough. In all ten corporations the functions of the 'governing part' resolved broadly into four - criminal justice (i.e. the chartered JPs and the recorder), civil justice,

routine administration, and local legislation.[46] Depending on the corporation, different groups of officeholders were responsible for each function. (For this, compare Charts 3/5 and 3/6.) Bylaws, for instance, were approved by a body called the 'common council' - which in Beverley and Doncaster comprised the mayor, aldermen and capital burgesses, in Hull the mayor and aldermen alone, and in Pontefract the mayor and a hand-picked group of twelve 'better men'. Again, in four corporations routine administration included men from the second grade of the corporate hierarchy, in two more a second grade was created especially for this purpose by the corporation itself, and in Hull individual burgesses were brought in on an ad hoc basis.

The constitutional structure was at its most complex in York and can only be surveyed briefly. Routine administration was supervised by a body sometimes called the 'upper house' or 'privy council', which comprised the mayor, aldermen, sheriffs and 'twenty-four' (the last a varying number of former sheriffs). Meeting separately, or at least voting separately, was a body known as the 'commons' (seventy-two common councillors under the direction of a foreman), whose members, in the vague words of the 1664 charter,

shall have their voices in the election of mayor, aldermen, and sheriffs of the said city, and in all and singular other acts, matters and things concerning the said city as

the common council of the said city before the date of these our letters patent have had, used and enjoyed.[47]

Although not elected by the freemen, the commons in some sense represented their interests. Their coherence as an autonomous political institution would be displayed on several occasions, most strikingly at the time of the quo warranto in 1684.

The internal decision-making processes followed by individual corporations are obscure to say the least, although as in the House of Commons such processes must sometimes have had a material effect on political practice. Meetings were usually held in private, making it all the more unfortunate that minutes, when they exist, simply report decisions and not the discussions which preceded them.[48] (With the exception of the York corporation's 'Comittie for regulateinge matters touchinge the renewinge the cittyes charter' in 1684,[49] no minutes seem to survive from any subsidiary bodies.) Moreover 'ordinances for the government of the town', like those codified by the Doncaster corporation in 1656, merely regulated such matters as the seating order or set fines for unapproved absence.[50] They did not deal with the procedural organisation of the meetings themselves. Indeed it is not apparent whether procedures were uniform corporation to corporation, or whether (as seems more likely) each had built up its own body of precedent over the centuries. Most

important of all, corporation records do not show if internal decisions were agreed by acclamation or if formal votes were required. Certainly, in some corporations important matters (at least) were decided by division.[51] The bench books for Hull show that the corporation regularly divided - over whether, for instance, to send an address to the king.[52] But even in Hull details of the voting mechanism remain unclear. In Scarborough during the time of the mayoralty voting for corporation officers was made in order of seniority (and in full knowledge of the mayor's own wishes) - although it does not follow that policy decisions were necessarily arrived at the same way. In Richmond, on the other hand, voting started with the most junior and was done in writing (which theoretically allowed for more flexibility).[53] In both corporations the mechanics must sometimes have influenced the result. Unfortunately these are the only unambiguous examples which have turned up.[54]

Hardly less obscure are the processes by which individual men were picked out to join the corporations. In general, electoral procedures were not laid down in the governing charter and relied heavily on bylaws and local precedent.[55] Indeed in some cases all that can be said of them is that they were understood by the participants.[56] Even so, Chart 3/7 reveals an astonishing range of constitutional inventiveness - with Leeds at one end whose officers were all (in effect)

co-opted, and Hull at the other where they were elected by the burgesses at large. In between was Richmond, where the freemen voted separately in each of thirteen guilds and the mayor was the candidate with the support of most guilds. Then there was York, where it was the commons who selected the candidates and the upper house which chose between them - the reverse of the usual arrangement. Meanwhile in Scarborough the annual process of choosing the two bailiffs required the election by the outgoing corporation of two coroners, who then nominated four 'electors', each of whom nominated another two - after which all twelve 'electors' were locked up by the coroners (each using a separate key) and left to reach a unanimous decision.[57] These are just illustrations. Moreover the chart itself hides much variety, especially with regard to the choice of candidates. In Leeds there was a process of pre-selection eight days before an election which reduced numbers of mayoral candidates from four to two. In Ripon the three candidates were in some fashion pre-selected before the election, whereas in Pontefract, as already seen, every alderman was already a mayoral candidate by definition.

Although meaningful generalisation about the appointment of corporate officeholders in Yorkshire is exceedingly difficult, patterns do emerge and it is worth identifying some of them. It is surely significant, for instance, that in each of the nine mayoralities provision was made for a choice of mayoral

candidate - and equally significant that aldermen were simply co-opted by existing members of the corporation (except in Hull and Hedon, where there was no second grade of officeholder). Moreover, in nine of the ten the selection of candidates was controlled (directly or indirectly) by the corporation itself. (The exception was York.) More interesting perhaps, in seven corporations there was an element of popular participation in at least some local elections (underlined in Chart 3/7), although only in Beverley did the burgesses choose a substantial proportion of the corporation every year. Again, in every case there was a recognised sifting process which ensured, for instance, that mayoral candidates already had some experience of corporate office - as had all JPs (except the bailiff-justices of Hedon).

Finally a few words must be said about 'membership' of the corporations - freemen in some, burgage-holders in others, and in Leeds (in effect) just the corporation.[58] Membership conferred a varying mix of social, economic and political rights, including (sometimes) the right to elect the town's MPs and some or all of its 'governing part', although even then not necessarily exclusively (see Chart 3/8).[59] Never once however is membership actually defined in a Yorkshire charter, although it seems astonishing that so basic an institutional building block should be left to the vagaries of local custom. Moreover the evidence itself is often

contradictory. In Richmond, for instance, it is not immediately apparent how to reconcile the burgage-holders (who were definitely the parliamentary electors in 1679), with the freemen (who voted by guilds for the mayor), and the scot and lot payers (to whom all elections were restricted in the 1684 charter).[60] Even the term 'freeman' disguises a multiplicity of meanings. In Hull men became free by patrimony, apprenticeship, purchase and co-option, and in York women were occasionally made free; whereas in Scarborough freedom by patrimony was restricted to the eldest son, and in Hedon the corporation itself controlled the freeman roll.[61]

The Shape of Municipal Politics in Yorkshire

All the constitutional inventiveness in the world is as nothing if it is not reflected in political practice. This section begins, therefore, by testing how far the individual municipal constitution might have influenced the particular choice of mayor - although it has to be said straight away that a mayoral survey is almost bound to be disappointing. One might have expected direct elections in Hull, for example, to produce a different kind of mayor to the co-opted mayors of Leeds. Numbers, however, dictated that every alderman in every corporation could expect one day to be elected, whatever his

political beliefs - the pool of aldermen was too small to allow the annual election of 'party' mayors - and while it is true that one or two men did resign rather than be elected, custom usually settled on the senior alderman who had not yet held office (or his immediate junior). The only major exception to this rule was Hedon (like Beverley and Hull a borough with a burgess electorate), where in 1673, 1674 and 1683, completely out of the blue, three local gentlemen were chosen as mayor. The reasons remain obscure and were almost certainly unconstitutional (there is nothing to show they were even made aldermen).[62] But they make a strange trio and it is worth pausing to look at them - not least because the tiny borough of Hedon hardly features elsewhere in this study. The first, Matthew Alured, son of a regicide, refused the declaration against the covenant. So did Sir Thomas Strickland, whose father and uncle had both been called to Oliver's 'Other House'. Only the third, Hugh Bethell of Rise, and nephew to one of Richard Cromwell's knights, was actually sworn into office.[63] Meanwhile John Ombler, by the summer of 1678 a Hedon alderman of some sixteen years' standing, would never be elected mayor.[64]

Ombler's experience (or lack of it) was unique among Yorkshire aldermen in 1678.[65] More common were rules restricting re-election. Lord mayors of York, for instance, could not serve more than three times, or without a gap of at least six

years between periods of office[66] - rules which severely restricted the pool from which the three candidates could be drawn. Not surprisingly, of the thirteen York aldermen in the summer of 1678, eleven had already served (eight of them consecutively and in order of election to the bench), and the other two would be made mayor in 1679 and 1680 respectively. In Leeds too eleven had already served (again in strict order of seniority), and only the thirteenth would later upset the applecart by refusing to accept the mayoralty and resigning instead.[67]

In Leeds and York, as also in Doncaster and Ripon, it was the corporation (or some of it) which chose the mayor. Greater flexibility might be expected in the burgess boroughs of Hull and Beverley, even if voters could still find themselves hamstrung by the corporation's choice of candidate. In Hull however, Buggins's turn seems to have operated every bit as surely as in York and Leeds. In 1684 John Feild fought a close contest against John Forcett, with 133 votes to his rival's 121. Feild was the senior candidate and had lost the previous year's contest. Forcett, his immediate junior, was elected in 1685 (as was his junior the following year). It is interesting all the same that half the burgesses thought it worth their while to turn up and vote.[68] In Beverley on the other hand (as for that matter in Hedon), the order of election was by no means pre-determined by the order of appointment to the bench,

although each governor in 1678 had nevertheless been mayor at least once. In fact only in Pontefract, as has been seen in connection with William Oates, did the actual mode of election (secret ballot in this case) have a major political impact (see Chart 3/3). Generally speaking, at least as regards the election of mayors, varying constitutional arrangements had surprisingly little effect.

This is not to imply that there were no significant differences between the governing bodies themselves - between the wealthy alderman-justices who dominated life in Hull, say, and the modest bailiff-justices of Hedon just five miles away.[69] Nor is it to argue that particular constitutional arrangements might not sometimes have accounted for these differences - as indeed will emerge during the course of this study. Some of the differences between them are well worth exploring.[70] Socially, for instance, the aldermen of York, Hull and Leeds were altogether grander than the leaders of the other seven corporations. Of the twelve York aldermen whose occupations are known in the summer of 1678, seven were merchants and one was an attorney. (The others were a furrier, a draper, a grocer and a butcher.) In Hull the bench included at least seven merchants and in Leeds there were at least six.[71] Beverley and Doncaster corporations, on the other hand, were dominated by smaller tradesmen. In Beverley there were four woollen-drapers, two grocers, a cordwainer, a

maltster, a baker, an ironmonger and a tanner. (Two gentlemen made numbers up to thirteen.) Again, in Doncaster at the time of the 1684 riot, the mayor was an apothecary, and his three fellow alderman-justices comprised a tanner, another apothecary and a woollen-draper. Meanwhile a year earlier the bailiffs of Scarborough had explained away the poor response to an address from their town by pointing out that the corporation 'consists chiefly of seamen, who in summer are mostly abroad'.[72]

Hearth tax records reveal a similar pattern, while confirming that aldermen everywhere were recruited from among the wealthiest residents of the borough. The median number of hearths possessed by the Hull bench in 1678 was ten, for example, compared with six in Pontefract, Doncaster and Beverley - six hearths in the Pontefract pecking order being equivalent to ten in Hull.[73] (If the aldermen of Hull and York were often treated as the social equals of the county justices, to whom they were sometimes related, the aldermen of Pontefract most certainly were not.) All the same, it was not necessarily the wealthiest corporations which were the most politically independent - and for this the burgesses could sometimes thank their predecessors' constitutional inventiveness.

Even before 1678 the independence of the corporations had been

challenged on several occasions by central government,[74] and this will be an important theme in later chapters. Sometimes intervention was piecemeal - new governing charters were sealed for Hull and Leeds in 1661; Beverley in 1663; Doncaster, York and Hedon in 1664; and Richmond in 1668. In many of them the new mayor and aldermen were listed by name. However the most sustained attack came in 1662 when the Corporation Act commissioners descended upon eight, if not all, of Yorkshire's municipalities (see Chart 3/9).[75] In some cases almost half the existing corporation was turned out of office. In Ripon, for example, eight of the thirteen aldermen and eight of the twenty-four assistants were expelled. But to see the commissioners' work in isolation is to underestimate the impact of Charles II's restoration on municipal officeholding generally. As has been seen in Pontefract, some of the more politically compromised quietly vacated their offices long before the commissioners arrived - something which appears to have happened in Hedon. Elsewhere, as in Hull, the king ejected obnoxious members shortly after he returned.[76] More indicative, therefore, of the true scale of the changes immediately after the restoration is a headcount of the men who survived in office from Charles's landing in 1660 until the Corporation Act commissions lapsed in 1663. In Leeds, for example, only three of the aldermen in the latter year had also served during the interregnum - indeed, including the assistants, only five of the

thirty-seven corporators had hung on for just three years.[77] The Leeds corporation was only the most remarkable example of what had occurred in every other corporation in Yorkshire.

In some cases (as in Pontefract) the commissioners selected new aldermen from among the descendants of the old. Elsewhere they found replacements from men who had already served the corporation in a lesser capacity - sheriffs in York, chamberlains in Hull, bailiffs in Hedon. (Naturally these groups were not mutually exclusive.) Sometimes, however, the commissioners failed - or else decided that an infusion of outside blood was required. In Ripon they promoted three assistants to the bench and filled the remaining five vacancies, uniquely in Yorkshire, with local gentlemen. These included one of their own number. Again, out of eleven new assistants in Ripon, four were not even freemen.[78] As late as 1678 five of the aldermen still owed their original appointment to the commissioners.

As dozens of displaced corporators will have observed in 1662, the municipal corporations of Yorkshire did not exist in isolation either from central government or from national politics - or for that matter from institutions in the county at large. That isolation would never be less than during the 1680s.

Chart 3/1

ALDERMEN OF PONTEFRACT SERVING ON SELECTED DATES

	25.12.44	13.6.57	10.9.62
	<u>first siege protectorate after Corp Act</u>		
J. Wakefield	x		
*E. Rusby	x		
+ R. More	x	x	
*N. Stable	x		x
+ R. Frank	x	x	
*T. Wilkinson	x		
*T. Austwick	x		
*J. Tatham	x		
*J. Wilkinson	x		
*R. Oates	x		
*G. Shillito	x		
*R. Smith	x		x
*J. Lund	x		
+ J. Ramsden		x	x
+ M. Frank		x	
+ J. Cowper		x	
L. Ward		x	
+ C. Long		x	x
R. Wildman		x	
W. Oates		x	
R. Cowper		x	
J. Drake		x	
W. Ashenden		x	
G. Cowper		x	
E. Booth			x
J. Frank			x
J. Outhwaite			x
#W. Wilkinson			x
#R. Tatham			x
#R. Austwick			x
#G. Shillito			x
#L. Stable			x
#T. Jackson			x

Key * = in the castle as volunteers for the king (25 Dec. 1644)
 + = actively favouring parliament, i.e. trustee to demolish castle and/or took depositions against Governor Morris (4 Apr. 1649/30 July 1649)
 # = intruded by Corporation Act commissioners (10 Sept. 1662)

Chart 3/1 continued

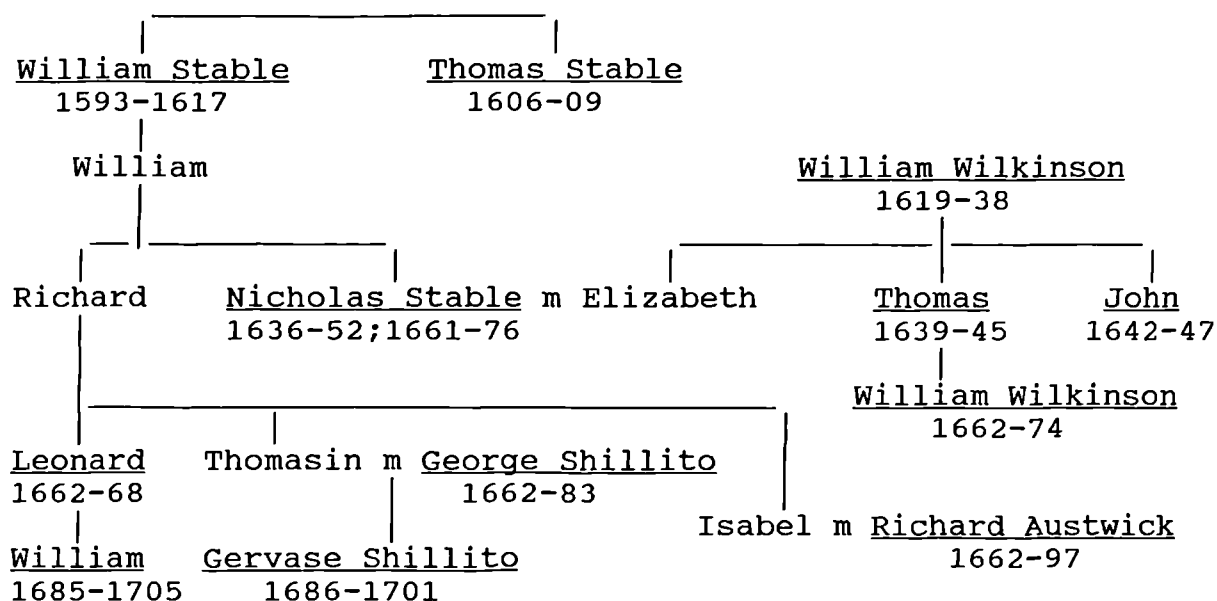
Principal sources

The Sieges of Pontefract Castle, 1644-48, ed. R. Holmes
(Pontefract, 1887), pp. 23-4, 325
Depositions, pp. 13-20
Booke of Entries, pp. 77-80

Chart 3/2

CORPORATE 'CLANS' IN PONTEFRACT

1. THE STABLE CLAN (uniformly 'loyalist')



2. THE FRANK-OATES CLAN (mostly 'contrary')

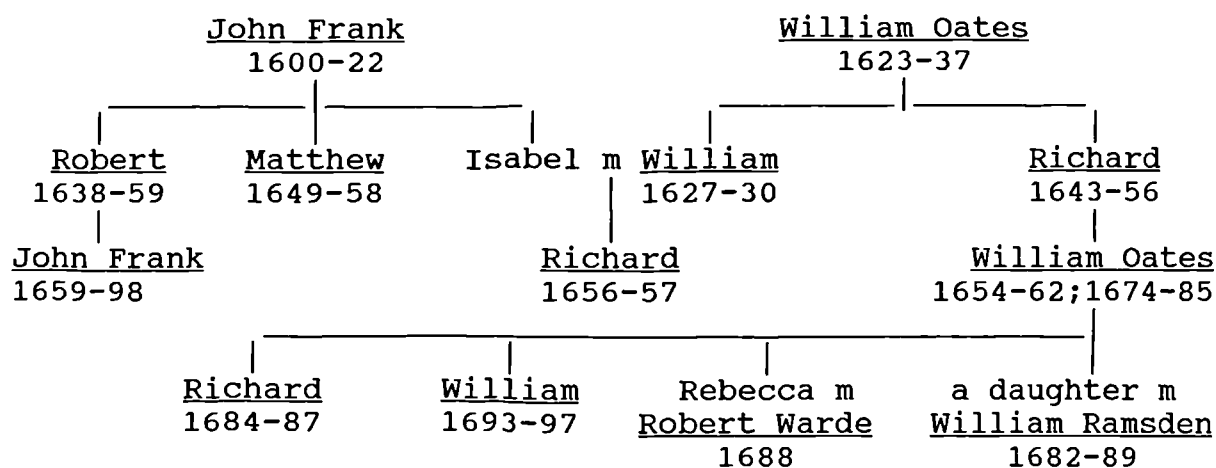


Chart 3/2 continued

- Notes 1 Aldermen are underlined. All non-essential family members are omitted.
- 2 William Oates III may have been Richard's son-in-law (Holmes, Sieges, pp. 379-81).
- 3 A third great clan, the dissenting Ward connection, has proved doggedly resistant to genealogical enquiry.

Principal sources

Dugdale's Visitation of the County of York, ed. R. Davies, Surtees Society, XXXVI (1859)
Pontefract Parish Registers, Yorkshire Parish Registers Society
Booke of Entries
Holmes, Sieges
WYAS Leeds, MX/R 18/27

chart 3/3

ALDERMEN OF PONTEFRACT 1678 AND 1682
(in order of election)

<u>date of election</u>		<u>number of hearths</u>	<u>politics in 1682</u>	<u>served as mayor</u>
1659	<u>John Frank</u>	9	LLL	1660 1673 1694
1662	<u>Robert Tatham</u>	7	LLL	1665 1666 1679
1662	<u>Richard Austwick</u>	11	LL	1664 1678 1691
1662	<u>George Shillito</u>	5	LLL	1667 1680
1662	Thomas Jackson	5	CCC	1668 1681
1663	<u>John Rusbie</u>	6	L	1669 1683 1684
1665	<u>Francis Kellam</u>	6	C	1670 1687
1668	John Johnston	6	LLL	1671 1689
1668	Samuel Taylor	4	LLL	1672 1689
1673	Christopher Hayford	5	(dead)	1675
1674	<u>William Oates</u>	7	CCC	1654 1676 1682
1674	Edward Holcott	5	CC	1674
1676	Francis Farrer	6	C	1677
1682	<u>William Ramsden</u>		CC	(never served)

Note In 1684 George Shillito died ('LLL'), and Richard Oates was elected in his place ('CC'). There were then no elections until after the 1685 charter, which had meanwhile removed Jackson ('CCC') and Holcott ('CC').

Key

LLL = referred to by name as supporting the 'loyal' faction
LL = definitely 'loyal'
L = possibly 'loyal'
C = possibly 'contrary'
CC = definitely 'contrary'
CCC = referred to by name as supporting the 'contrary' faction
underlined = member of a 'corporate' family

Principal sources

WYAS Wakefield, WMT/PON/1/1
WYAS Leeds, MX/R 4/41, 18/23
Booke of Entries
Purdy, Hearth Tax, p. 202 (assessed in 1674)

TRANSLATIONS OF THE GOVERNING CHARTERS

1 BEVERLEY	1663	ERAS, BC/I/86
	1685	Poulson, <u>Beverlac</u> , app. pp. 48-71
2 DONCASTER	1664	Miller, <u>Doncaster</u> , app. pp. 26-36
	1685	ibid., pp. 37-42
	1688	ibid., pp. 42-5
3 HEDON	1664	ERAS, DDHE/2/15
	1685	ibid., DDHE/2/16
4 HULL	1661	Boyle, <u>Charters</u> , pp. 152-89
	1685	ibid., pp. 190-218
	1688	ibid., pp. 219-55
5 LEEDS	1661	Wardell, <u>Municipal History</u> , app. 62-82
	1684	ibid., pp. 118-31
6 PONTEFRACT	1607	Fox, <u>Pontefract</u> , pp. 32-9
	1677	ibid., pp. 42-8
	1685	ibid., pp. 50-3 (a partial translation)
7 RICHMOND	1668	Clarkson, <u>Richmond</u> , pp. 365-406
	1684	NYCRO, DC/RMB (uncatalogued typescript)
8 RIPON	1605	WYAS YAS, MS 881/14
	1686	ibid.
9 SCARBOROUGH	1632	<u>Copy Translations</u> , pp. 136-42
	1684	ibid., pp. 143-52
10 YORK	1664	YCA, E60b, fols 349-65
	1685	ibid., fols 377-90

CHARTERED OFFICEHOLDERS IN 1678
arranged by rank

1. BEVERLEY	mayor	annually	= JP
	recorder	during pleasure	= JP
	12 governors	for life	= JPs
	13 capital burgesses common clerk	annually annually (renewable)	
2. DONCASTER	mayor	annually	= JP
	recorder	during pleasure	= JP
	12 aldermen	for life	3 = JPs
	24 capital burgesses common clerk	for life during pleasure	
3. HEDON	mayor	annually	= JP
	recorder	?during pleasure	= JP
	2 bailiffs	annually	= JPs
	9 aldermen common clerk	for life ?during pleasure	
4. HULL	mayor	annually	= JP
	recorder	for life	= JP
	12 aldermen	for life	= JPs
	sheriff	annually	
	common clerk	for life	
	high steward	for life	
5. LEEDS	mayor	annually	= JP
	recorder	for life	= JP
	12 aldermen	for life	= JP
	24 assistants	for life	
	common clerk	for life	
	2 serjeants at mace	during pleasure	
6. PONTEFRACT	mayor	annually	= JP
	recorder	during pleasure	= JP
	12 comburgesses	for life	= JPs
	[16 burgesses]	[for life]	
	common clerk	for life	
	2 serjeants at mace	during pleasure	

Chart 3/5 continued

7. RICHMOND	mayor	annually	= JP
		last mayor	= JP
	recorder	during pleasure	= JP
	12 aldermen	for life	
	[24 common councillors]	[?for life]	
	common clerk	during pleasure	
	2 serjeants at mace	annually (renewable)	
8. RIPON	mayor	annually	= JP
		2 last	= JPs
	recorder	?for life	= JP
	12 aldermen	for life	
	24 assistants	for life	
	common clerk	during pleasure	
9. SCARBOROUGH	2 bailiffs	annually	= JPs
	recorder	?	= JP
	2 coroners	annually	
	4 chamberlains	annually	
	36 capital burgesses	annually	
	common clerk	annually (renewable)	
10. YORK	lord mayor	annually	= JP
	recorder	for life	= JP
	2 counsel	?	= JPs
	12 aldermen	for life	= JPs
	varying 'twenty-four'	for life	
	2 sheriffs	annually	
	72 common councillors	for life	
	common clerk	for life	
high steward	for life		

- Notes
1. The mayor in each case was another alderman.
 2. 'For life' meant (in theory) during good behaviour.
 3. 'During pleasure' meant the pleasure of the mayor and corporation.
 4. [] = non-chartered officeholders.
 5. Omissions include certain minor offices (like clerks to the market), provisions for the appointment of deputies, and clauses relating to quorums.

Chart 3/6

CHARTERED OFFICEHOLDERS IN 1678
arranged by function

	<u>justices</u>	<u>'legislation'</u>	<u>civil courts/ administration</u>
1. BEVERLEY	mayor recorder all governors	mayor aldermen cap burgesses	mayor aldermen #cap burgesses
2. DONCASTER	mayor recorder 3 aldermen	mayor aldermen cap burgesses	mayor aldermen #cap burgesses
3. HEDON	mayor recorder 2 bailiffs	?	?
4. HULL	mayor recorder all aldermen	mayor aldermen	mayor aldermen [#ad hoc]
5. LEEDS	mayor recorder all aldermen	mayor aldermen assistants	mayor aldermen #assistants
6. PONTEFRACT	mayor recorder all comburgesses	mayor 12 'better men'	mayor comburgesses [#16 burgesses]
7. RICHMOND	mayor last mayor recorder	mayor aldermen [com council]	mayor aldermen [#com council]
8. RIPON	mayor 2 last mayors recorder	mayor aldermen assistants	mayor aldermen #assistants
9. SCARBOROUGH	2 bailiffs recorder	bailiffs cap burgesses	bailiffs #cap burgesses
10. YORK	mayor recorder 2 counsel all aldermen	mayor aldermen common council	mayor aldermen sheriffs 'twenty-four'

Chart 3/6 continued

Note # = not involved ex officio in civil courts etc (which third parties like the Hull sheriffs and the York chamberlains were)

Chart 3/7

AN OUTLINE OF CORPORATION ELECTIONS
(in 1678)

	<u>candidates drawn from</u>	<u>candidates selected by</u>	<u>elected by</u>
1 BEVERLEY <u>mayor</u> governor <u>cap burgess</u>	governors cap burgesses burgesses	governors governors M & governors	burgesses governors burgesses
2 DONCASTER mayor alderman <u>cap burgess</u>	aldermen cap burgesses burgesses	corporation - corporation	corporation M & aldermen burgesses
3 HEDON <u>mayor</u> <u>alderman</u> <u>bailiff</u>	aldermen ex-bailiffs burgesses	corporation corporation corporation	burgesses burgesses burgesses
4 HULL <u>mayor</u> <u>alderman</u> <u>sheriff</u> <u>chamberlain</u>	aldermen ex-sheriffs ex-chamberlain burgesses	M & aldermen M & aldermen M & aldermen M & aldermen	burgesses burgesses burgesses burgesses
5 LEEDS mayor alderman assistant	aldermen assistants inhabitants	corporation - -	corporation corporation corporation
6 PONTEFRACT <u>mayor</u> comburgess 'burgess'	comburgesses burgesses burgesses	- - -	burgesses comburgesses comburgesses
7 RICHMOND <u>mayor</u> alderman com council	aldermen inhabitant inhabitants	alderman - com council	by guilds aldermen aldermen

Chart 3/7 continued

8 RIPON			
mayor	aldermen	M & aldermen	assistants
alderman	assistants	mayor	corporation
<u>assistants</u>	burgesses	mayor	inhabitants
9 SCARBOROUGH			
bailiff			12 electors
coroner			corporation
chamberlain			12 electors
first twelve			12 factores
second twelve			first twelve
third twelve			first twelve
10 YORK			
lord mayor	alderman	common council	M ald & sher
alderman	ex-sheriffs	common council	M ald & sher
sheriff	citizens	common council	M ald & sher
twenty-four	ex-sheriffs	-	-
com council	citizens	common council	upper house

Note

underlined = elections with an element of popular participation

Chart 3/8

'MEMBERS' OF CORPORATIONS

	<u>members</u>	<u>entitled to elect</u>
1 BEVERLEY	400 freemen	*MPs mayor capital burgesses
2 DONCASTER	freemen	capital burgesses
3 HEDON	70 freemen	MPs mayor aldermen bailiffs
4 HULL	500 freemen	MPs mayor aldermen sheriff chamberlains
5 LEEDS	(the corporation)	-
6 PONTEFRACT	260 burgage-holders	MPs mayor
7 RICHMOND	292 burgage-holders	MPs mayor (via guilds) common councilmen
8 RIPON	180 burgage-holders	MPs assistants
9 SCARBOROUGH	90 freemen	*MPs
10 YORK	1700 freemen	MPs

Key * = the parliamentary franchise (probably) changed between 1660 and 1678.

Chart 3/8 continued

Principal sources for numbers (which are all approximate)

Henning, I, 472-89

W.A. Speck, Tory and Whig (London, 1970) pp. 130-1

R. Carroll, 'Yorkshire Parliamentary Boroughs in the
Seventeenth Century', NH, III (1968)

Gazette, nos 1640, 1649

WYAS Leeds, MX/R 15/78

Chart 3/9

WORK OF THE CORPORATION ACT COMMISSIONERS
(mayors and aldermen only)

	<u>removed</u>	<u>continued</u>	<u>appointed</u> <u>/restored</u>	<u>survived</u> <u>29.5.60-25.3.63</u>
1 BEVERLEY	6/12	6/12	7/13	4/13
2 DONCASTER	4/13	9/13	4/13	8/13
3 HEDON	1/6	5/6	5/10	3/10
4 HULL 1661 chtr	2/13	11/13	2/13	up to 8/13
5 LEEDS 1661 chtr		no evidence		3/13
6 PONTEFRACT	6/13	7/13	6/13	4/13
7 RICHMOND		incomplete evidence		up to 11/13
8 RIPON	8/13	5/13	8/13	5/13
9 SCARBOROUGH		no evidence		-
10 YORK	5/12	7/12	6/13	5/13

Notes 29.5.60 = Charles II's return
25.3.63 = Corporation Act commissioners' powers lapsed

At the time of the commissioners' visit in 1662 there were aldermanic vacancies in Beverley, Hedon and York.

Principal sources

Beverley Borough Records

DA, AB2 1/5

ERAS, DDIV/33/1

VCH Hull, p. 118

Pryme, Hull, II, 98

Court Books, app. I

Booke of Entries, pp. 77-80

NYCRO, DC/RMB 2/1/1

NYCRO, DC/RIC 8/1/1, 2

Hildyard, York, pp. 115-19

CHAPTER 4: POPERY, PANIC AND THE BARNBOW PLOT

1678-81

'There was no Popish Plot', says Dr Barry Coward, and few would disagree.[1] But contemporaries thought otherwise, as one of them later explained:

That there was at that time a Popish Plot, and that there always has been one since the Reformation to support if not restore the Romish religion in England, scarce any body calls in question. How far the near prospect of a popish successor ripen'd the hopes and gave new vigor to the designs of that party, and what methods they were then upon to bring those designs about, Coleman's letters alone without any other concurring evidence are more than sufficient to put the matter out of doubt. But what superstructures might have been afterwards built upon an unquestionable foundation, and how far some of the witnesses of that plot might come to darken truth by subsequent additions of their own, must be deferr'd till the great account to be made before a High Tribunal; and till then a great part of the Popish Plot, as it was then sworn to, will in all human probability lye among the darkest scenes of our English history.[2]

Among the 'darkest scenes' alluded to by Dr James Welwood was Thomas Thwing's execution in York on 23 October 1680.[3] Thwing was the only person outside the capital who went to the gallows for involvement in the plot, and his was the first successful conviction for high treason since June 1679.[4] As

might be expected, he vigorously protested his innocence both at the York assizes and on the scaffold. In his last speech he denied attending a 'consult' at Barnbow Hall near Leeds to draw up plans to kill the king, and denied also that his name had appeared on a list of men who would help pay for it (although he did acknowledge that he was a Roman Catholic priest). There is no reason to disbelieve what he said. It is interesting therefore that he did not challenge the existence of a popish plot in general, 'consults' at Barnbow Hall in particular, or even, implicitly, a consult called to discuss killing the king. He merely denied his own involvement. His speech ended, according to one account, in words curiously reminiscent of Welwood's:

Though I know the affairs of the kingdom are in a bad posture, yet I hope they will be cleared ere long; and then the actors will be more fully known.[5]

The principal 'actors' at Thwing's trial, as at all the other Barnbow trials, were the informers Robert Bolron and Lawrence Mowbray. As Mr Justice Dolben observed to the court:

The thing doth depend purely upon the credit of the witnesses . . . I can see nothing but Bolron and Mowbray are good witnesses.[6]

For the first and only time a Yorkshire jury agreed. However the previous day Thwing's cousin, Lady Anne Tempest, had been

acquitted of the same charge ('to the great admiration of the whole court'),[7] and at both trials the prosecution had much the best evidence - but only so long as the informers' credit remained unshaken. (This point has not been picked up by commentators.) Meanwhile, so obvious does it appear that the popish plotters were the innocent victims of political hysteria, and so unsettling it is to discover that many of them were guilty of capital offences (if not always the precise offence for which they died), contemporary bewilderment at the *string of acquittals* from Yorkshire, if it is noted at all, has come to seem disingenuous. As late as the Lent assizes of 1682 Narcissus Luttrell could write:

The evidence against them was the positive oaths of Bolron and Mowbrey with other very materiall circumstances; however the jury thought fitt to bring them in not guilty, to the great wonder of most present.[8]

For there was a popish plot in restoration England as informed opinion knew perfectly well - not just in the sense of Dr Jonathan Scott's 'vociferous and popular public belief',[9] but an active plot 'to support if not restore the Romish religion'. In accounts of the Barnbow trials, to give just one example, historians have started from the presumption of innocence. No-one has therefore considered the displeasing fact that Sir Thomas Gascoigne, the chief defendant, was forced to lie when interrogated about a nunnery at Dolebank

near Ripley which he had helped to establish a year or so earlier. Conspiring to promote the catholic religion was a capital offence and was included in Gascoigne's indictment. (To modern observers the penalty may seem morally repugnant, but that is another point entirely.) Indeed however much Bolron and Mowbray might have 'darkened' the truth (even at the cost of Thomas Thwing's life), their imaginary 'superstructures' were 'built upon an unquestionable foundation', as this chapter will endeavour to show.

The popish plot as it influenced Yorkshire fell into three phases. First came the reaction to the discovery of Oates's plot in London - a reaction characterised by rumours and panic, and tackled piecemeal by the authorities. This phase lasted roughly until December. It was followed during the early months of 1679 by a systematic, government-directed campaign against catholic recusancy generally. This quickly ran out of steam. The third phase began in July when Yorkshire's own homegrown popish plot was revealed (conveniently christened the Barnbow plot by antiquaries), after which treason trials pottered on until March 1682. In this chapter each phase is given its own section, with (between the first and the second) a wider-ranging survey of catholics and catholicism in the county.

Riders in the Night

For a few days in mid-November 1678 a terrible panic billowed out across Yorkshire. 'Straynge reports' of a plot had been circulating round the country and people were already feeling nervous.[10] Government orders, given without proper explanation, were also deeply unsettling. Now, suddenly, sinister nocturnal horsemen were to be found everywhere, and for ten or twelve days 'the crack and noise filled us with great visions and the apparitions of armed men assembled and riding by night'.[11] On 13 November a 'greate number of horse' was reported in the south of the county. Two days later forty armed horsemen had been spotted well to the north of Whitby. Still more sightings came in. A party of two hundred horsemen was encountered near Huddersfield, seventy or eighty more were seen between Bridlington and Hull, and even within the town of Beverley 'several nights lately many horses have been heard passing the streets to and fro, but no account can be given of their business.'[12] Worse, there were stories that the papists were preparing to fire Pontefract and that five hundred men planned to murder all the protestants in the town.[13] M. de Villelune, a Frenchman licensed by the secretary of state to buy horses in the north of England, can hardly have been surprised when he was arrested by the authorities in York.[14]

The terrors quickly subsided. By the beginning of December it was clear that the night riders were simply the product of countless overwrought imaginations. Still, the sheer irrationality of the panic, like the Irish Fear ten years later, reveals something of the political ignorance in which ordinary men lived. (It was succeeded by a lesser, but equally ill-informed panic about a foreign invasion, possibly sparked off by Bedloe's revelations to the House of Commons on 10 November.[15]) More than twenty-five years ago Professor Kenyon explained:

It must be remembered that none of Oates's evidence was published before the following April . . . All the general public had to go on were rumours filtering down from above, and the overt acts of the government . . . These strongly suggested a crisis situation, and the public accepted the reality of the crisis because it had been bred in an atmosphere of continual plotting, or imagined plotting.[16]

Oates's revelations to the privy council began on 28 September 1678. Five days later Sir John Reresby, then in Yorkshire, was sent a letter accurately outlining what had been learnt of the plot so far.[17] By 17 October Thomas Aslaby, Secretary Williamson's correspondent in Bridlington, had already heard about Coleman's treasonable letters (which the council only began to examine a short while before).[18] It is clear from this that 'hard' news of the plot did percolate into the provinces, and not just stories about riders in the night. But how could it be decided what was reliable and what was not?

Clearly correspondence with trustworthy contacts in the capital was as good a way as any. It is not surprising therefore that Reresby was constantly pestered for news.[19] On 15 November his uncle Thomas Yarburgh, a barrister and a West Riding JP, thanked him for his letter of the 9th,

which gave mee much satisfaction and dispelled the mists of many mistaken rumors which swarme around our eares every where.[20]

For the same reason the mayor and corporation of Hull were duly grateful to their MPs for sending frequent letters,[21] although Colonel Anthony Gilby had to admit that he was not at liberty to divulge all he knew. 'There are more discoveries every day about the plott,' he told them on one occasion, 'but such as I dare not yet acquaint you with.'[22] A month later his fellow MP explained that he was not allowed to repeat what Prance had revealed to the House of Commons.[23] Nevertheless Gilby did give them 'hard' news about the progress of the new test bill, for instance, as well as details of Coleman's trial. Not that they always believed what he told them:

I doe assure you [he wrote on 28 November], I doe stedfastly beleeeve, that in all the fower companyes cominge towards you there is not one papist, either officer or souldier.

What Gilby said in this and his other letters was true, but only just[24] - for when Monmouth's regiment returned from

France, it was stuffed with Roman Catholics. They had been discharged a matter of days before.[25] .

Meanwhile, even before the panic of mid-November and the new security measures which immediately followed, a stream of proclamations and orders in council had begun to stir the local administration into action. First, the lords lieutenant were ordered to disarm the papists.[26] Thomas Aslaby wrote from Bridlington (in his capacity as cornet to a troop of militia[27]) that he and his men had searched several houses and had found almost nothing, 'and it is all the Romanists we have in this division'. (Presumably he had forgotten that his own wife was a popish recusant convict.)[28] In the West Riding too the deputy lieutenants turned up few arms in spite of intensive searches.[29] Next came a royal proclamation ordering a solemn day of fasting and prayer on 13 November. In Hull two alehouse-keepers lost their licences because they allowed people to drink on a fast day, but this seems to have been an isolated incident. Oliver Heywood wrote that the day was generally observed, 'and people were wonderfully affected and quickend with this dreadfull story of the popish plot'.[30] Perhaps recent reports of riders in the night had helped concentrate their minds.

In the garrisons security seems to have been organised locally. (It was not until 26 November that Monmouth, captain-

general of the army, specifically ordered night patrols.[31]) There were four garrison towns in Yorkshire - Hull, York, Scarborough and Bridlington - and in the autumn of 1678 Sir John Reresby's independent company was based at the fort in Bridlington where the captain was governor. Already on 1 November Lieutenant Adams had reported that two rounds of the watch were being sent every night to the quay. A few days later, following mutinous talk among the soldiers ('and as I have been informed there have been words passt amongst them which may com very neare it'), the guards were doubled and he and Ensign Browne stayed up all night making sure there was no trouble. He gave a little more detail on the 14th:

The company are now pretty well recoverd, wee have not above two but what does theyre duty, and wee keep our guards as dilligently and as full wee can. Either Mr Browne or my self gets up once or twice of a night and goes the round to see all things be kept in good order and quiet. Every souldjer has his musquet redy charged with powder and his bullet in his hand. And this course wee have tacken ever since you went to London; and I thought I could doe noe lesse in regard of the many rumors that are abroad in the countrey.

Adams added that he hoped he had not exceeded his commission by taking it upon himself to examine all strangers.[32]

In the towns too the authorities quickly stepped up security and ordered night patrols. In Beverley two men were summoned from each ward every night and a governor and capital burgess

detailed to make sure they kept watch properly. In Whitby the watch comprised eight masters of ships, while in Bridlington four of the chief householders (rotated between themselves) kept watch throughout the night (apparently in addition to the garrison patrols).[33]

In the meantime steps had been taken to call up the militia for protection against the nocturnal horsemen. Notice was very short. In the West Riding the three troops of horse and the earl of Danby's foot regiment were ordered to meet in Pontefract on 16 November, and there is no evidence that the decision was made before the 13th. Reresby's uncle Yarburgh expected that 'the appearance will be small and another day must be given then'. Still, the regiment was described (by one of the officers) as 'well officerd' and 167 horse turned up out of an establishment of 600. Danby's own company was ordered to guard Doncaster, and others posted to Pontefract. As Yarburgh remarked, 'The appearance of the trainebands has beene good, and in soe short a time are modell'd beyond expectacon.' [34] A much more jaundiced account survives of another meeting also held on 16 November. 'The whole company almost was drunk when they should have trained,' Oliver Heywood grumbled, '[and were] not fit to handle their armes.' One man even managed to set himself alight and 'was grievously burnt'. On the 24th the company was in Leeds, 'very unsettled', and still no captain had been appointed. Perhaps

it is fortunate they were dismissed shortly afterwards.[35]

Nothing has been said so far about the arrest and interrogation of suspicious persons by the authorities in Yorkshire - men like Calvert Smithson, a papist, who was alleged to have said 'I and my company will destroy the king', a charge he stoutly denied; like Daniel O'Farrell alias Moore, who was found, when in his cups, to have catholic literature on his person (he was still in York Castle the following July); and like Beeston, the son of a papist, and identified with the Biston alias Beeston whose arrest had been ordered by royal proclamation.[36] Most is known about a certain papist called Awdus,[37] who was arrested in Hull at the beginning of November for allegedly 'drinkeinge a health to the kings confusion'. It was said too that 'if the plott had taken he was to have beene an officer.' The response of the authorities seems quite out of proportion. Gilby, Hull's MP, heard the news in London and discussed it with the duke of Monmouth, who demanded copies of the original informations against Awdus as well as his examination. These in turn were shown to the speaker of the House of Commons, whose first impression was that 'there was enough to take his life'. On further reflection, however, and after the Commons agreed that MPs should obtain lists of papists in their constituencies to be delivered to a special committee,[38] Gilby judged it 'not fitt that you proceede to his triall untill you heare further

from mee'. Five days later he returned to the subject for the last time:

The chareman of the comitte for those affaires hath delivered to mee the saide examination and informations, and tells mee that upon perusall of them they doe not thinke there is matter enough in them to trooble the House with, soe that you are left to dispose of him as in your discretions you shall judge fittest.

The fate of Awdus is unknown.[39]

The Catholics in Yorkshire

The historian of popish recusancy in early modern Yorkshire will long remain indebted to Father Hugh Aveling.[40] Little need be added to his wide-ranging account of Roman Catholicism in the county - to his description of its organisational framework, for instance, or his assessment of the spiritual sustenance it offered believers. In the present context however one or two matters do deserve closer scrutiny.

Wild assertions about numbers of papists during the riders in the night panic are clearly absurd, and (as is well known) catholics made up only a tiny proportion of the total population of the county.[41] All the same, Roman Catholicism

was socially top heavy. Of the 679 gentry families in 1642 which have been identified by Dr J.T. Cliffe 163 (or 24%) were catholics and a further 138 partly catholic (44% in all).[42] There are problems trying to unravel the subtle gradations of gentility in early modern society - with baronets and knights at one end, and corporate officeholders like the chamberlains of York at the other.[43] Even among the armigerous gentry visited by the herald in 1665 and 1666 it is not always clear where one branch of a family stopped and another started - the Fairfaxes especially, or the Constables. Neither can it be assumed that a particular family even had a right to bear heraldic arms.[44] In the circumstances Cliffe's precision is perhaps a little suspect. Fortunately one important segment of the gentry can be studied with comparative ease. Since the baronets of Yorkshire included many of the wealthiest and socially most prominent men in the county,[45] they could expect to be appointed to senior local office almost as a matter of right - provided, that is, they were anglican conformists. However of the fifty-two resident baronets in 1678 thirteen (or 25%) were legally disqualified as Roman Catholics, as were eight (or 24%) of the thirty-three who inherited their titles. As it happens, seven of the thirteen would soon find themselves caught up in the Barnbow plot.

Lists of prominent Yorkshire papists were compiled for all sorts of reasons, both by hostile observers (such as the

informers Bolron and Mowbray in 1679), and by the agents who selected prospective officeholders in 1687 and 1688. The remainder of this section is based on lists of papists and reputed papists compiled in December 1680, many of whom would have been transported from Yorkshire to Exeter if the Papists (Removal and Disarming) Bill had become law. In all 128 people were named, nine of them women.[46]

Of the twenty-eight on the East Riding list twenty-six were men and only two have eluded positive identification (see Chart 4/1 and sources cited). Two were peers (Dunbar was a Scottish viscount), one was a baronet, another a knight, and twelve of the others were esquires. More important were the numerous family connections. There were six Constables and four Langdales, for instance, and in seven cases the head of the family and his heir presumptive were both named.[47] Again, the pedigrees of fifteen men were recorded by the herald, and to this number should be added the four Langdales - as an English peer the head of the family was not of course summoned. This leaves only a handful of men without recognised coats of arms. (Perhaps some of them, like William Stephenson listed in the West Riding, were stewards to greater men.[48]) Unfortunately the sessions records are missing for the East Riding. Even so, there is ample evidence to show that the vast majority of the men named (or, if they were too young, their fathers) had been convicted as popish recusants during the

1660s. Of the apparent exceptions Crathorne was a recusant convict by 1685 and Hildyard a recent convert.[49]

In December 1686 ten names were put forward in the privy council for inclusion on the East Riding bench of JPs (compare Chart 4/1 with Charts 9/2 and 10/1). Nine were Roman Catholics, and seven had been listed six years earlier. An eighth, George Metham, had been included on the West Riding list. (The ninth was not resident in the riding.) By December 1687 John Constable had also become a justice, and in the spring they were joined by four more. (Of the other catholic JPs George Palmes, for instance, had not been considered for removal from Yorkshire in 1680 because he was then just fourteen years of age.[50]) Other catholics on the list also took up office under King James. Hildyard was given command of a troop of horse,[51] and lord Langdale became governor of Hull.

Analysis of the lists prepared in 1680 for the North and West Ridings produces similar findings, and shared political notoriety seems to have ensured that few leading papists were omitted. As in the east, most had been convicted as popish recusants in the 1660s, many were caught up in the backlash which followed Oates's revelations in 1678, and in due course some of them took office under James II. Persecution of catholic recusancy resumed again after the Glorious

Revolution. But it is to an earlier persecution that this chapter now turns.

The Pattern of Persecution

On Sunday 15 December 1678 Ralph Hansby esquire, together with his wife and eldest son, failed to attend their local parish church as required by law.[52] (Hansby, a wealthy Roman Catholic gentleman with an estate based on Tickhill Castle,[53] would come into political prominence ten years later as mayor of Doncaster.) A warrant was sent to the three petty constables of Tickhill, ordering them to apprehend Hansby and his son as reputed recusants. The constables refused to execute it (perhaps they depended upon Hansby for their livelihood), and the warrant was reissued to three local gentlemen. This time it must have been delivered, because on 21 January the Hansbys were indicted at the Doncaster quarter sessions and a true bill was found against them by the grand jury (as also against the three recalcitrant constables). Further proceedings were adjourned and recognisances taken to secure their reappearance. Since their names then fall out of the records, it is likely that the Hansbys decided to obey the law and take the oath of allegiance at the Lent assizes and again at the Pontefract quarter sessions in April. Their

recognisances would thereby be discharged.

The Hansbys' experience was far from unique. More than five hundred other catholics were indicted in the West Riding between January and March 1679,[54] and there were assaults on popish recusancy elsewhere in Yorkshire (as will be shown). It is worth pausing however to consider the legal background to this sudden outbreak of persecution, for as Mr J.A. Williams has remarked:

It is . . . a mistake to infer from the existence of a particular penal law in the Statute Book that persons violating that law ran a risk comparable to that which accompanies breaches of the law today. The penal laws were rather in the nature of Damoclean swords, ever-present but lethal only when put into operation by proclamation.[55]

This chapter is concerned solely with those parts of the penal legislation which the government prodded into action late in 1678. (Even at the height of the panic over the popish plot much of the law was never enforced.)[56] On this occasion separate proclamations were issued against catholic recusancy in general and against the priesthood in particular. The first, on 17 November, ordered petty constables and others to take down the names of all papists and reputed papists over the age of sixteen, and required JPs to tender the oaths of allegiance and supremacy to each person on the list. Defaulters had to enter into recognisances to appear at the

next quarter sessions (or else be sent to the common gaol), when they would be proceeded against according to law.[57] By an act of 1606 a second refusal to take the oath of allegiance either at a quarter sessions or assizes meant conviction for praemunire - that is, imprisonment for life and (in theory) confiscation of all property.[58] As will be seen, Judge Dolben convicted over forty Yorkshire catholics at the March 1679 assizes for refusing the oaths a second time. Meanwhile a proclamation on 20 November ordered the immediate arrest of all priests and jesuits 'in order to their tryal'. A reward of twenty pounds was offered for apprehending them, and unusually there was no suggestion of a period of grace.[59] Several suspects were rounded up in Yorkshire and the reward was paid out at least once. However in the event there was only one successful conviction for priesthood and most languished in gaol, held there on a praemunire, sometimes for years.

There is every indication that the assault on Yorkshire recusancy was driven from London not locally. Thomas Yarburgh was one of four West Riding JPs present at the Doncaster quarter sessions on 21 January 1679 when the Hansbys and more than a hundred other recusants were indicted.[60] Writing to his nephew Sir John Reresby in London he explained why nothing further had been done:

I thinke that wee might know how in other places they

proceeded with them. . . . Pray lett mee know what is expected from us upon their appearance, and what is generally done in the southerne parts against them.[61]

The North Riding justices met at Richmond the same day and were equally dilatory. In a report to Lord Lieutenant Fauconberg in London they admitted that they had followed precedents elsewhere in Yorkshire and had merely bound the papists over to appear at the next sessions or assizes.[62] The lieutenant passed the report on to the privy council and received a stinging rebuke (it is perhaps not irrelevant that Fauconberg was nephew to lord Bellasis, one of the catholic peers in the Tower):

[We] do not think that the great number of papists in the North Riding of Yorkshire ought to be looked upon as any ground for their not being prosecuted according to law, but on the contrary that therefore the greater severity should be used in the execution of the laws, in regard that as the number, so consequently the danger must be great.[63]

Copies of this letter were sent by Fauconberg to several North Riding JPs.[64] It seems to have stiffened their resolve. When the Richmond sessions resumed on 18 February the twenty-two Roman Catholics who refused both oaths were sent to gaol pending the Lent assizes[65] - the only mass imprisonment for recusancy recorded at this time in Yorkshire (see Chart 4/2). Elsewhere, by contrast, refusals came piecemeal. On 10 March, for example, two East Riding justices committed Philip

Constable of Everingham and his manservant to the custody of York Castle. He would still be there in 1683.[66]

The assizes began a week later on 17 March, and there seems to have been little formal business besides the enforcement of the proclamations against recusancy and priesthood. Needless to say local men, protestant and catholic, watched the circuit judges closely to see how they dealt with people who had already refused the oaths once. Yarburgh, for one, was concerned at an apparent contradiction between the judge's deeds and his words. He told Reresby that Dolben discharged everyone who was willing to take the oath of allegiance and convicted only those who refused both oaths - but still seemed to expect JPs at the next sessions to proceed against papists to a praemunire, which 'doth not agree with that lenity I mentioned above'.[67] In practice, more than forty people refused the oath of allegiance and were convicted by Dolben, including at least sixteen of the twenty-two committed at Richmond the month before.[68] (An attempt by counsel for the Richmond defendants to use a technicality to avoid conviction seems to have been stillborn.) John Ryther of Scarcroft, writing about the assizes to a fellow Roman Catholic, offers a unique account:

Those in prison, Peter Middleton and Roger Mennall . . . did all refuse the oath before the judge and grand iuries (except Mr Tunstall of Barningham and Mr Danbye) for which

they were last night committed and indicted. . . . I was much with Sir John Lawson who though much troubled yet very couragious. . . . Those few in the East [Riding] have generally taken the oath except Phillip Constable and Capt Longley. Our West Riding is likely to be divided in their iudgement of it. . . . None in York refuseth either oath.[69]

The unhappy fate of the sixteen papists from Richmond neatly illustrates the random nature of the attack on recusancy in 1679. So far as is known there was nothing about the victims which made them more liable to persecution than anyone else. They merely had the misfortune to be living in the wrong place. Indeed if Fauconberg had not handed the justices' report to the privy council, it is unlikely that they would ever have gone to gaol. Once convicted of a praemunire, however, their release was legally almost impossible. Ten of the sixteen were still in York Castle six years later, and at least one died in custody (see Chart 4/2).

Dolben meanwhile had begun tendering the oath of allegiance for the first time to the likes of Ralph Hansby, and binding over those who took it to the next quarter sessions (the others he committed to gaol). Few demurred. For the most part, as Kenyon has observed, the catholic laity had no qualms about taking the oath.[70] A month later Yarburgh was again writing to his nephew Reresby:

The red letter men made a long sessions at Pontefract,

where most of them tooke the oath of allegiance and thereupon their recognisances were discharged according to the judges president at York assizes. But this was done further, that the oath of supremacy was tendered also to all, and it was agreed that thier refusall should be certyfied into the king's bench.[71]

A similar procedure seems to have been adopted at the North Riding sessions.[72] (There is no evidence that the king's bench acted on certificates received from the West Riding.) Here, no doubt, some catholics were influenced by a book specially prepared for them by Sir Christopher Wyvill, one of the justices for the riding, and himself born into a partly recusant family. In A Discourse prepared for the Ears of some Romanists at a General Quarter Sessions in the North [Riding], When they were Summon'd to take the Oaths, Wyvill described their religious scruples as 'needless':

I am not onely sorry and troubled, but afflicted to see so many persons standing there, who . . . were fit to sit here and manage the affairs of the country.[73]

Wyvill did not have the propaganda all his own way. Father John Pracid, a priest arrested in December (as is described later), seems to have profited from his confinement in York Castle to stiffen the resolve of his fellow prisoners. At any rate, Judge Dolben blamed Pracid for the forty convictions for a praemunire at the Lent assizes.[74]

By early September 1679 John Warner, vice-provincial of the Society of Jesus in England, was obliged to admit to Rome (from his own exile in Flanders) that the majority of Roman Catholics in Yorkshire had in fact taken the oaths.[75] Already, though, the attack on popery in the county had changed direction. Half-hearted attempts might still be made to present catholic recusants for absence from church. In the North Riding, for instance, two hundred people were presented at the Richmond sessions in July 1680, three hundred more at Thirsk in October, and another fifty at Helmsley the following January.[76] But by now public attention was gripped by something far more shocking - the story of Yorkshire's own homegrown conspiracy to kill the king.

If the privy council was the driving force behind the assault on popish recusancy in Yorkshire, as seems to have been the case, the local response to the proclamation against priests and jesuits of 20 November 1678 was altogether more robust. The first suspect, Nicholas Postgate, was arrested on 8 December, and it was not long before several more were in custody (see Chart 4/3).[77] Postgate was condemned to death for priesthood at the Lent assizes (as will be seen), Thomas Thwing would later be executed for high treason, and one at least died in custody. The other suspects, even if they were never tried, had nevertheless been taken out of circulation for the foreseeable future. It was, as Aveling has observed,

'a fearful blow to the Yorkshire mission'.[78]

There is little to add to David Quinlan's exhaustive account of the life and works of Nicholas Postgate - written, so the preface explains, 'to create more interest and so further Father Postgate's cause for Beatification'.[79] Hagiography is not of course history. All the same it is regrettable that Quinlan keeps his primary sources so close to his chest. One would have liked to have seen evidence for his assertion that John Reeves, the surveyor or gauger of Whitby who first apprehended Postgate, had once been Sir Edmund Berry Godfrey's manservant.[80] More important, Quinlan does not address the question which most tantalises the lay observer - why Postgate alone in Yorkshire was found guilty of priesthood under the 1585 act. After all, John Cornwallis alias Father Pracid, who was arrested barely a week later,[81] was an influential political figure in catholic circles. Pracid it was who stiffened the resolve of the forty recusants when Judge Dolben tendered the oath of allegiance. Pracid it was too whose compromising letters were read out by the prosecution at Gascoigne's treason trial. The octogenarian Postgate, on the other hand, is remembered only as the author of a hymn.

Certainly it was difficult to secure a conviction under the 1585 act.[82] In theory it was necessary to prove priestly ordination. 'Let them prove it,' Postgate retorted when asked

if he was a popish priest. (Pracid simply denied it pointblank.)[83] In practice, however, the testimony of two witnesses that the suspect had celebrated mass was considered enough to infer priesthood. This seems to have been Postgate's downfall - for two former catholics were willing to testify that they had seen him celebrate mass.[84] (It would be interesting to know their motives.) He was condemned to death, probably by Dolben, at the Lent assizes in 1679,[85] and although briefly reprieved, was hanged, drawn and quartered on 7 August. He was one of fourteen Roman Catholics to be executed nationally during the summer.

Pracid and the other suspected priests in Yorkshire were lucky - lucky in the first place that no witnesses apparently testified against them; lucky too that after 4 June 1679 the king's express consent was required before anyone could be executed for priesthood,[86] a change of policy which no doubt discouraged further prosecutions. In any case, by the autumn of 1679 much of the priestly hierarchy was in gaol and could do little harm. (Others had gone to ground or else fled the country.[87]) In the final analysis therefore the assault on Yorkshire priests and jesuits in 1678 and 1679 looks almost as random as the assault on catholic recusancy. If it began more enthusiastically, with the rounding up of suspects and the sentencing of one old man to death, it just as quickly ran out of steam.

The Barnbow Plot and its Consequences

Early in July 1679, probably on Wednesday the 2nd, a 'young yeomanlike fellow' turned up at the Green Dragon in Bishopgate Street and quickly fell in with the exclusionist MP Sir Robert Clayton.[88] He had set off to London armed with a letter to the privy council but had lost it at Ware. It hardly seemed to matter. Clayton listened to his story then took him along to see Lord President Shaftesbury, and a day or so later he was brought before the council to give an information on oath against Sir Thomas Gascoigne of Barnbow Hall, his son Thomas Gascoigne junior, his nephew Thomas Thwing, and other Yorkshire papists. The young man's story must have curdled their lordships' blood. On 30 May (he told them), following a conversation with Father Rushton which was presumably meant to soften him up - Rushton pointed out that he was damned for swearing the oath of allegiance at the recent Pontefract sessions - Sir Thomas called him to one side.

Well man [he told him], if thou wilt undertake a designe which I and others have in agitation to kill the king, I will send thee to my son Tom (if in town), who with the rest that are concerned shall instruct thee how thou shall assist in it. And thou shalt have a 1000^l for thy reward.[89]

For Robert Bolron, Shaftesbury's new protege, the previous ten

days had been hectic. First he had visited Mr Normanton, the anglican incumbent at Water Fryston. Finding his allegations of high treason against his former employer treated seriously (Bolron had been steward of Gascoigne's 'cole-works'), he followed Normanton's advice and went to talk to Bradwardine Tindall of Brotherton. A day or so later Tindall, William Lowther and perhaps a third JP took an information from him on oath. At this stage it seems only Sir Thomas Gascoigne and his confessor Father Rushton were implicated by name. Justice Tindall meanwhile provided him with a letter, the one he lost at Ware, and on Monday 30 June he set off for London prepared to tell all. It was on Friday 4 July that Bolron gave his information to the privy council[90] - by which time the number of traitors had increased to eleven. (Numbers would continue to grow, above all in August with the emergence of a second informer.) A warrant was drawn up for the arrest of all eleven, and another addressed to Tindall and two fellow JPs ordering them to examine Bolron's wife and grandmother with several others. Next day the informer could be seen hotfooting it back to Yorkshire in the company of two king's messengers. Gascoigne and Thwing were quickly apprehended (as were at least three others, probably all on Monday the 7th), and by Friday the prisoners were expected in the capital any day.[91] It all went rather to Bolron's head. 'I come from the king and council,' he complained petulantly during the York assizes, 'and [the judges] slight me and will not hear me speak.' 'You

did speak with us,' Dolben reminded him six months later, 'indeed you would have had us allowed you a guard for your safety, which we could not do.'[92]

Bolron seems to have created a good impression at the council board. Sir Robert Southwell, one of the clerks, enthused:

He is a very notable fellow . . . So that this will bring in new vigour to the prosecution of the plot; and it is plain to me that Shaftesbury does resolve if there be a parliament to befriend him.[93]

For his part Bolron seems to have let it be understood that the reason he spilt the beans when he did was fury on hearing that the five jesuits had brazenly asserted their innocence even on the scaffold (they were executed on 20 June). No doubt this explanation seemed perfectly adequate to contemporaries.[94] The king however was more interested in the prospect of dissolving parliament, and Gascoigne and his confederates were sent to join dozens of other suspected traitors already crowding out the gaols for want of a second witness. In the words of the act:

No person or persons shall be indicted, arraigned, condemned, convicted or attainted . . . unless . . . accused by the testimony and deposition of two lawful and credible witnesses upon oath, which witnesses at the time of the said offender or offenders' arraignment shall be brought in person before him or them face to face, and shall openly avow and maintain upon oath what they have to say against him or them.[95]

Once before the gaols had filled up with suspects who could not be tried. On that occasion Bedloe had emerged as Oates's second witness. If Gascoigne and his fellow Barnbow plotters were to be brought to trial, Bolron would need a second witness too. The privy council's original plan may have been to try and 'turn' one or more of the people whose examination was ordered on 4 July. If so they were to be disappointed.[96] Three days later, for instance, William Backhouse (presumably a petty constable) told Bolron's wife she must come along with him before a JP to swear against Gascoigne for high treason. When she insisted she knew nothing against him, 'Bolron said she must go, or else he would have her drawn at the cart's arse.' (She later denied under oath that her husband had made any such threat.) Mrs Bolron did appear at several of the Barnbow trials, but had nothing of significance to impart.[97]

Bolron himself revisited London at the beginning of August 1679 and was back in Yorkshire by the 10th, this time with orders to examine Matthias Hickeringill, Lawrence Mowbray and perhaps others.[98] On 16 August the latter, 'being encouraged by the appearance of others in this case', gave an information to justices Tindall and Lowther.[99] It was between these two dates therefore that Bolron must have 'turned' Mowbray, perhaps at a public house near Leeds parish church.[100] Certainly it was then that the number of suspected traitors grew yet again, presumably to accommodate Mowbray's nominees -

notably Lady Anne Tempest and Sir Miles Stapleton. On 31 August Mowbray wrote to the privy council saying he had more to disclose, and a few days later was given notice to appear before the board on 1 October.[101] Like Bolron, Mowbray gave a good account of himself, again under the watchful eye of Lord President Shaftesbury.[102] The earl of Burlington, newly appointed lord lieutenant for the West Riding, wrote of it:

The oaths of two creditable witnesses who have lately been examined before the lords of the council and came out of Yorkshire persuade many who before did little believe there was any such thing as a plot now to believe it. . . . My lord chancellor [Finch] yesterday told me that the evidence appeared to them so full that they would this time proceed against the accused.[103]

At a meeting of the privy council on 5 October (called by Shaftesbury on his own initiative, a provocative act for which he was sacked[104]) the trials of Gascoigne and Stapleton were ordered for next term, and funds set aside for the purpose.[105] (The Barnbow trials would have the distinction of being the only plot trials in England which were inspired from outside the capital.) At another meeting on the 17th (this time properly constituted and in the royal presence) Bolron and Mowbray were formally pardoned, and an order in council was approved which in effect gave them a free hand to accuse anyone they wished of complicity in the Barnbow plot. To it was annexed yet another list of names.[106] In the meantime Bolron could be found at the Half Moon, hobnobbing

over dinner with fellow informers like Titus Oates, Stephen Dugdale and 'Narrative' Smith.[107] By the 27th he and Mowbray were back in York busily rounding up priests and jesuits, giving informations to the lord mayor, and disposing of popish trinkets.[108] From that day on there is no evidence that the two men remembered new details or dragged in new names.

Before turning to the treason trials themselves, three initial points need to be made. First of all, if any plotting had been going on at Barnbow Hall, it was reasonable to assume the two informers would have known about it. Until recently Robert Bolron had been steward of Gascoigne's coalmines. He had been taken into the catholic church by Father Rushton in June 1675, and lived nearby with his young family at Shippen Hall, a property he still leased from his former employer. Lawrence Mowbray, described as a footman, had likewise been converted by Father Rushton, and both men were no doubt well-acquainted with comings and goings at the hall. All the same, in the nature of things Bolron was alone when Gascoigne offered him £1000 as a reward for killing the king - an allegation which Mowbray could not therefore corroborate. It was perhaps fortunate that in October 1678 the high court judges had made the following ruling:

If one witness swear fully to the point, with one or more other witnesses concurring in material circumstances to the same fact, it is sufficient.[109]

Second is the fact that background information volunteered by the two men coincided perfectly and would no doubt have inspired the listeners' confidence - the names of particular priests, for instance, or the cloak-and-dagger arrangements for worship (not to mention details about the foundation of a nunnery at Dolebank). This is because most of it was absolutely true (and Aveling, for one, has drawn on it extensively in his descriptions of the Yorkshire catholic mission). Far more beguiling however is the third point - Bolron's claim (although these are not his words) that the Barnbow plotters were using 'canting language' both at their consults and in their writings. Cant was very much in the news at the time. In Coleman's letters, for instance, as Sir George Treby later explained to readers, 'figurative words or words of cabal' were used to convey an impression of ordinariness - 'creditors' in reality signifying 'adversaries', 'debtors' 'friends', 'East India Company' 'parliament', and so on.[110] As Bolron told the privy council:

The said [Father] William Rushton told him (this informant), that when he heard at any time the word 'design' mentioned, that he must understand by that word the design they had in hand of killing the king [and] for establishing the Roman Catholick religion again in England; and that except at some of their private consults, he (this informant) should seldom hear mention made of killing the king but that only they were resolved when they spoke of it to call it by the name of the word 'design'.[111]

There was of course no reason why the word 'design' should not

have meant killing the king - any more than the fact that Oates and Bedloe invented the details of their popish plot meant all popish plots were imaginary.[112] (The Rye House plotters employed cant in their correspondence in 1683, as did the earl of Danby in 1688, and these conspiracies were real enough.[113]) At any rate Bolron played the idea for all it was worth, and to an audience predisposed to believe the worst of papists the evidence against the Barnbow plotters must have seemed all the more compelling.

Sir Thomas Gascoigne was arraigned on 24 January 1680 at the king's bench.[114] He pleaded not guilty. However the trial was put off until 11 February to allow him a jury of Yorkshiremen and to give him the opportunity to assemble a number of witnesses from overseas. More ominously it gave Bolron and Mowbray time to publish their Narratives. Trial proceedings, when at last they began, were presided over by Scroggs, Jones, Dolben and Pemberton, the four judges of the king's bench. (Scroggs left part way through to attend to other business.) The lord chief justice had presided at all six plot trials so far, and had been joined by Dolben at the trials of Coleman and Wakeman. With them was Sir George Jeffreys, the recorder of London, and he too had taken part in every trial. As contemporaries knew, only at Wakeman's trial had the defendants been acquitted. The others without exception were found guilty and executed.[115] It did not

augur well for Gascoigne.

The prosecution was led by the attorney general Sir Creswell Levinz and the solicitor general Sir Francis Winnington, with the assistance of Mr Serjeant Maynard and Mr Dormer. (For an invaluable analysis of procedural matters in the plot trials generally, see Kenyon's commentary on Coleman's trial.[116]) Eighty-five years old, mild-mannered and deaf, the defendant hardly lived up to the protestant myth of the infernal papist conspirator. (At regular intervals a Mr Hobart was detailed to shout down Gascoigne's ear to explain what was happening.) Here, indeed, was the prosecution's first problem - a catholic the defendant may have been, but could the jurymen be made to believe that such a man would offer someone £1000 to murder the king? A second problem was equally pertinent - would they accept that innocent-sounding references to a 'design', on occasion even written down on paper, were intended as canting language? If they did, the verdict was cut and dried; if they did not, proof of guilt would depend wholly on the credibility of Bolron and Mowbray. This points to a third problem, the one which in practice tripped up the prosecution. Even if they had the most convincing evidence in the world (and it is quite possible they thought they had), what would happen if Gascoigne came up with counter-allegations which cast serious doubt on the informers' motives for accusing him of treason?

Dormer opened for the crown and summarised the indictment for the benefit of the court:

[Gascoigne] stands indicted for high-treason in conspiring the murder of his majesty, the subverting of the government, and the introducing the romish religion.[117]

Bolron alone must have spoken for well over an hour (the trial lasted for more than six[118] and the transcript fills sixteen double-column pages folio). His main allegations boiled down to three. First was a collusive conveyance entered into by Gascoigne in 1675 with the assistance of Charles Ingleby, a catholic lawyer, and intended (so Bolron claimed) to preserve his estate intact if it became forfeit to the crown. Second was a meeting at Barnbow in 1677 which had been called to establish a nunnery at Dolebank near Ripley, 'in hopes the plot of killing the king would take effect'. Bolron listed the people present (they included Stapleton, Thwing and Lady Tempest), described some of the financial arrangements agreed upon, confirmed that in due course the nunnery was established, and explained that Mrs Lascelles (Gascoigne's niece) had been made abbess. But it was Bolron's third piece of evidence which was crucial to the prosecution - his allegation that on 30 May the previous year Gascoigne had solicited him to kill the king in return for £1000. He related his conversations with Father Rushton and Sir Thomas. Then he described his meetings with Mr Normanton, Justice Tindall and

the others, his journey to London, and his appearance before the privy council. At last Bolron finished, and Gascoigne was invited to cross-examine him. Gascoigne was unable to deny that a collusive conveyance had been sealed, although he did deny the implications drawn by Bolron. Again he admitted that money was used to buy Dolebank, but denied that it was a nunnery or that his niece was the abbess. Finally he denied pointblank that he had offered Bolron £1000 to kill the king. Indeed he wondered where so much money was supposed to come from.

After Mowbray had given his evidence (a much more perfunctory business), the prosecution concluded their case by producing some of Gascoigne's own books and papers. These included two mildly compromising letters from Father Pracid (one is examined at the end of this chapter). More interesting however were the extracts read out from Gascoigne's almanac. Some dealt with financial transactions (by no means innocent, for all that the defendant denied they related to a nunnery). Others looked to be in canting language - like this one from 15 April 1676:

Memorandum: Acquaint Mr Thomas Thwing with the whole design.[119]

Gascoigne insisted that his 'design' was simply to enable

Thwing and his sister Mrs Lascelles to buy a house, and denied they were a priest and a nun. But he was lying, and he was lucky the prosecution never uncovered copy correspondence which still survives in the family archive (and is written in his own hand).[120] On 28 June 1676, for instance, just ten weeks after the memorandum, Gascoigne again referred to 'the designe', apparently promising £100 per annum 'for the maintenance of eight religious'. Mention was also made of Stapleton and Gascoigne junior. The following month he wrote another letter, this time to a nun called Mrs Bene. It began:

The bearer, Mr Thomas Thwing, is my neece Ellens near kinsman [another nun], who comes purposely to acquaint you with mine intentions intention [sic] long designed, and now I hope shortly to come to execution. I did communicate my mind also to Richard Sherburne to the same purpose. You may please to conferr with them both of anything [one word illegible] to the businesse. Both of them I conceive may be very serviceable and willing to contribute their best endeavors.[121]

Whatever Bolron's malevolent urgings, the so-called 'design' was, of course, Gascoigne's innocent (though still treasonable) plan to establish a nunnery at Dolebank.

As is well known, when Gascoigne called upon his own witnesses the prosecution case immediately fell apart.[122] In the words of a contemporary newsletter, several defence witnesses testified that

Sir Thomas was at law with Mr Baldron and was prosecuting him to judgment with the utmost vigour the due course of law would allow of; and [Gascoigne] prayed the court to consider . . . the unlikeness of his trusting any man with his life and estate when he had a quarrel with him; and urged many other passages to the same purpose.[123]

It can hardly be doubted that Sir Thomas was indeed chasing Bolron through the courts for money (although the latter's name does not appear among the legal papers in the Gascoigne family archive[124]). Still, as the solicitor general observed in his summing up:

My lord, I think there is nothing in this case but only the credit of the witnesses; for if they be to be believed, there is an evidence as full as can be.[125]

In the event, however full their evidence, the credit of the witnesses had been damaged irreparably and they were not believed. Even so, the wider reaction to the verdict seems to have been bewilderment. In Luttrell's words:

there was pretty positive evidence against him, yet the jury (which was a very mean one) after near an hours being out gave in their verdict Not Guilty, to the wonder of many people.[126]

The government took immediate steps to recover the initiative (it is not clear at whose behest), and within ten days a new warrant charged Gascoigne with two secondary but still capital offences of which he was undoubtedly guilty.[127] Already,

though, he had fled the country. He would never return.

Care was also taken to ensure that the other Barnbow trials could proceed regardless. (On 3 March the trials of Lady Tempest, Thomas Thwing and Mrs Pressicks were ordered at the next York assizes.[128]) To this end the two informers seem to have made determined efforts to nobble the defence. Already in January Bolron had given an information against a Mr William Banks who had allegedly tried to buy him off. Banks was taken into custody and examined before the king.[129] Then on 20 February Richard Pepper of Gray's Inn was sent to Newgate on the oaths of both informers 'for endeavouring to corrupt the king's evidence against Thomas Thwing, a priest, and Mary Pressick'. Pepper gave bond of £200 (with bonds of £100 from two other individuals) to appear at the king's bench. His recognisances were discharged only in 1687.[130] Still, Pepper was more fortunate than William Batley, who was forced to fly abroad. A clothworker from Leeds, it was at Batley's public house that he and Dixon alleged they had overheard Bolron trying to 'turn' Mowbray. He was indicted for perjury on 9 July, presumably on an information from Bolron - conveniently removing him from circulation in time for the trials on the 28th and 29th. It is not known when he escaped overseas.[131] Banks, Pepper and Batley were just three of the peripheral players whose lives were blighted by Bolron and Mowbray.

There is little to say about the other Barnbow trials - of Lady Anne Tempest, Charles Ingleby, Mary Pressicks and Thomas Thwing at the summer assizes in 1680; Sir Miles Stapleton twelve months later; and the last three, Thomas Gascoigne junior, Stephen Tempest and Richard York, at the Lent assizes in 1682.[132] No important new evidence was brought forward, and one wonders that the government thought it worth their while pursuing these lesser people (and at considerable financial outlay) when the central conspirator himself had been acquitted. Indeed, the rest all got off except Thomas Thwing - and in his case, although he was technically found guilty of conspiring to kill the king, it was his priesthood which cost him his life. As he argued (and it could hardly be gainsaid),

It is very hard that I only should be guilty, and none of the rest who were arraigned for the same crimes.[133]

The most interesting aspect of these later trials is the attempt made by either side to influence the verdict by almost any means. Propaganda efforts included an account of Gascoigne's trial which was published shortly before the July 1680 assizes, and which Luttrell described as 'a popish peice done to villifye and asperse Bolron and Mowbrey'.[134] More sinister was a persistent attempt to suborn the other side's witnesses, or (if that failed) to undermine the value of their

testimony. At Stapleton's trial, for instance, the defendant's witnesses included Mr Normanton, the anglican cleric to whom Bolron had made his first admissions, Justice Lowther, one of the JPs who had taken his first information, and Henry Leggatt, one of the king's messengers who had arrested Gascoigne. Already at Thwing's trial the following exchange had taken place when the last-named unexpectedly appeared for the defence.

Judge Dolben Legget, did you not desire money yesterday of the clerk of the assizes as a witness for the king?

Leggatt Yes, my lord.

Dolben Did you so? You are a fine fellow.[135]

Swapping sides between trials was not of course a one-way process, and perhaps it hardly matters who was lying and who was not. All the same, if the Barnbow plotters were innocent as charged, at least as regards the conspiracy to kill the king, their defence most certainly was not. It is a point which has never been properly recognised.

In August 1681, just one month after Stapleton's acquittal, the trial took place in Oxford of Stephen College. Bolron (like Oates) had the temerity to appear as a witness for the defence, and when he was called the future Judge Jeffreys could contain himself no longer. 'Thou art such a discoverer,'

he sneered. College protested:

My lord, he hath been an evidence against the papists as well as Mr [Narrative] Smith; and therefore, pray, Sir George, don't make your flourishes upon him.

But the serjeant was unstoppable:

He was an evidence, but had the misfortune never to be believed.[136]

His remark would serve as Bolron's epitaph.[137]

One final question has still to be answered. What truth was there, if any, in the informers' revelations? - revelations which historians of all stripes have happily assumed are sheer nonsense. Leaving to one side the conspiracy to murder the king (almost certainly a complete fabrication), it is clear that Sir Thomas Gascoigne and his confederates did hope to 'subvert the government and introduce the romish religion' (the other two elements of Gascoigne's indictment). The evidence is slight but compelling. In the first place, Gascoigne's own letters prove there were meetings in 1676 to discuss the establishment of a nunnery at Dolebank, and in this respect the testimony of Bolron and Mowbray is probably perfectly reliable. Again, in a letter to Gascoigne dated 9 June 1678 Father Pracid advised the addition of a proviso to a

deed which began with the words: 'That if England be converted . . .' As Serjeant Maynard grimly observed, 'Pray, who thought of England's conversion at that time?'[138] Perhaps it was no more than wishful thinking on Pracid's part, echoing private conversations among the Barnbow circle - drunken dinner party talk about the duke of York, say. Technically, though, such talk was treasonable. Indeed, even if Bolron and Mowbray did seek to 'darken truth by subsequent additions of their own' (as Welwood would surely have acknowledged), their fabricated 'superstructures' were nevertheless 'built upon an unquestionable foundation'.

Chart 4/1

LEADING CATHOLICS IN THE EAST RIDING
based on lists drawn up for the Papists' Removal Bill
in December 1680

	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
1 Robert, viscount Dunbar	D	r		J	J
2 William Constable esq (brother of 1)	D	r			
3 Henry Constable of Garton esq (uncle of 1)	D	R		J	J
4 John Dalton of Swine esq (husband of 5)	D	R	d. by 1687?		
5 Mary, viscountess Dunbar (mother of 1)	D	R	d. 1685		
6 Thomas Crathorne of Ploughland esq	D		?c	J	J
7 Sir William Langdale of Langthorpe knt	d	R	d. 1685		
8 Philip Langdale esq (son of 7)	d	r	?c	J	J
9 George Acklam of Bewholme gent		R			
10 Richard Acklam (?son of 9)		r	?c		
11 John Brigham of Brigham esq	D	R	?c		J
12 Ralph Kirton of Burstwick gent		R			
13 John Vavasour of Willitoft gent	D	R	c		
14 Robert Dolman of Pocklington esq	D	R	c	J	J
15 Mary Langley of Pocklington		R	?c		
16 John Constable of Caythorpe gent		r	c	(J)	J
17 Thomas Appleby of Linton esq (in NR)	D	R			
18 John Wildman of Cawton gent (in NR)					
19 Marmaduke, lord Langdale [erased]	d	R		J	J
20 Marmaduke Langdale esq (son of 19)	d	r			J
21 Sir Marmaduke Constable of Everingham bt	D	R	d. 1680		
22 Philip Constable esq (son of 21)	D	r		J	J
23 John Thorpe of Danthorpe esq	D	R			
24 John Thorpe gent (son of 23)	D	R	?c		J
25 Henry Hildyard of Winestead esq	D				
26 Thomas Dalton gent (brother of 4)	D	R	c		J
27 George Cave (not identified)					
28 George Rod (not identified)					

Column 1

D = pedigree published in Dugdale

d = pedigrees have been published for the Langdale family

Column 2

R = convicted as a popish recusant 1664-70

r = father convicted as a popish recusant 1664-70

Column 3

c = confirmed by Bishop Leyburn in 1687

?c = someone of that name confirmed

Chart 4/1 continued

Columns 4 and 5

J = became a JP in about Mar. 1687 and Mar. 1688
respectively

(J)= John Constable not named 17 Dec. 1686, but serving by
14 Dec. 1687

Principal sources

HLRO, Main Papers, MS 321, fols c41 and c44

Dugdale

'A List of Convicted Recusants in the Reign of King Charles
II', ed. J.S. Hansom, CRS, VI

Depositions

Bishop Leyburn's Confirmation Register of 1687, ed. J.A.
Hilton et al.

PRO, PC2/71, fol. 366

Duckett, Penal Laws

WYAS Leeds, MX/R 50/55

The English Catholic Nonjurors of 1715, ed. E.E. Estcourt and
J.O. Payne (London, 1885)

Chart 4/2

PAPISTS REFUSING TO SWEAR THE OATHS
North Riding QS - Richmond, 18 February 1679

	<u>1679</u>	<u>1680</u>	<u>1683</u>	<u>1685</u>
1 George Allen of Washton, gent	Y	Y		Y
2 Trinian Anderson of Gales, gent	Y			
3 Francis Binks of Aiskew, gent	Y	d by 13.4.79		
4 Edward Birbecke of Carlton, gent	Y	Y		Y
5 Anchotellus Bulmer of Middleton, gent	Y	Y		Y
6 Anthony Danby of Leake, esq	Y	took oaths		
7 John Dawson of Kneeton, yeoman	Y	Y		Y
8 William Hildreth of Manfield, gent	Y	Y		Y
9 John Lambert of Askrigg, gent	Y	Y		Y
10 Sir John Lawson of Burgh, bart	Y	Y		
11 Henry Lomas of Grinton, gent	Y			
12 Anthony Metcalfe of Barmington, gent	Y	Y		Y
13 Thomas Metcalfe of Otteringham, gent	Y			
14 George Meynell of Dalton, esq	Y	Y	p	
15 Roger Meynell, esq	Y	Y	p	
16 Peter Middleton of North Kilvington, esq	Y	Y	p	
17 Edward Saltmarsh of Newby Wiske, esq	took oath of alleg			
18 James Thornton of Bedale, gent	Y	Y	p	
19 Francis Tunstall of Wycliffe, esq	Y	Y	p	
20 Francis Tunstall of Barningham, gent	Y	took oaths		
21 Mary Waite of Laborne, widow	Y	Y		Y
22 Catherine Wilson of West Layton, widow	Y	Y		Y
23 Robert Wilson of Manfield, gent	Y	Y		Y

1679 Y = Sent to gaol on 18 Feb. 1679 for refusing oaths of allegiance and supremacy, ie first time (Atkinson, VII, 19)

1680 Y = Still confined in York Castle July 1680, ie refused oaths a second time and imprisoned for a praemunire (Depositions, p. 269n)

1683 p = Petitioned, presumably successfully, for a pardon in about 1683 (CSPD, 1683-84, pp. 181-2)

1685 Y = Still confined in York Castle 10 Mar. 1685 (Depositions, pp. 271-2)

Chart 4/2 continued

Note 1 Danby (No 6) and Tunstall (No 20) took the oath of allegiance before the assize judge in Mar. 1679 and were discharged (Quinlan, Father Postgate, pp. 20-1).

Note 2 Lawson (No 10) 'and severall others' petitioned for release in Sept. 1679 (PRO, SP44/55, fol. 43), apparently without success.

Note 3 The fate of Anderson, Lomas and Metcalfe (Nos 2, 11 and 13 respectively) is unknown. It is not certain when Lawson (No 10) was released from gaol.

Note 4 On 18 Jan. 1681 the two Meynells and Middleton (Nos 14, 15 and 16) were presented at Bedale for not attending church (Atkinson, VII, 47). It is unclear how to square this with their continued confinement in York Castle.

Note 5 Lawson, the two Meynells and Tunstall (Nos 10, 14, 15 and 19) were all JPs in 1688.

Principal sources

Atkinson, VII

Depositions, pp. 269n, 271-2

CSPD, 1683-84, pp. 181-2

PRO, SP44/55, fol. 43

Quinlan, Father Postgate, pp. 20-1

Duckett

YORKSHIRE PRIESTS ARRESTED 1678-79
(an incomplete list)

	<u>arrested</u>	<u>10.79</u>	<u>7.80</u>	<u>3.85</u>
William Allanson/Allison	by 10.79	Y	Y	d 1680
John Andrewes	7.7.79 B	O?	O	O
Francis Collingwood	26.10.79 B	O?		
John Cornwallis alias Pracid	13.12.78 b	Y?	Y	Y
Anthony Langworth	by 10.79	Y	Y	Y
Simon Nicholson	by 10.79	Y	Y	Y
Francis Osbaldeston	by 10.79	Y	Y	Y
*William Pickering	b	?	Y	acq 7.80
*Nicholas Postgate	8.12.78	ex	7.8.79	
*William Russell	B?	N?	N?	+exiled
*Thomas Thwing of Heworth	7.7.79 Bb	N	Y	ex 10.80

Key

- * = tried either at king's bench or York assizes
- B = apprehended by Bolron
- b = accused by Bolron, p. 36 etc
- N = held in Newgate prison
- O = held in Ousegate prison, York (i.e. for inhabitants of the city)
- Y = held in York Castle (i.e. for inhabitants of the county)
- + = Russell (alias Marianus Napper or Napier) was found guilty of priesthood 17 Jan. 1680; sentence never carried out; exiled in 1684

Notes

- 1 The five men still in custody in Mar. 1685 were presumably released during James II's reign (see Depositions, pp. 269-72).
- 2 The fate of Collingwood (possibly a pseudonym) is unknown.
- 3 It is interesting to compare this list with, say, Bolron's list of Yorkshire priests (Bolron, pp. 23-4).

Chart 4/3 continued

Sources for places and dates

Depositions

Quinlan, Father Postgate

Kenyon, Popish Plot, pp. 219-20, 222-3, 240, 242
ST, III, 90

Memoirs, pp. 197-9

WYAS Leeds, MX 242, fol. 1

CHAPTER 5: FACTION AND POLITICS

1679-81

If the story of James duke of York's 'ill treatment' at the hands of the city of York is relatively familiar,[1] the repercussions are not. Following Monmouth's disgrace and exile in September 1679, Charles II decided to pack his brother off to Scotland.[2] Accordingly the duke and duchess left the capital on 27 October, and letters in the Gazette reported on their leisurely progress along the Great North Road. Reaching Yorkshire on Tuesday 4 November, the royal party were welcomed by the high sheriff with over two hundred horse. At Doncaster they were joined by the earls of Strafford and Derby, who accompanied them as far as Pontefract, and in both towns they stayed the night.[3] At last, after ten days on the road, a civic delegation met the duke three miles outside York. It was here that they were to rest for the weekend. First, though, the deputy recorder delivered a short speech.

Your royall highnesse is very welcome to this antient and loyall city, which gloryes more in her knowne loyalty and in your highnesses title of beinge duke of Yorke then in the birth and residence of emperors wherewith she hath beene formerly honoured. Our lives and estates are all

devoted to his majestyes service, under whose religious and reasonable government wee accompt our selves happy. And wee heartily wish prosperity to his majesty, your royall highnesse and the whole royall family.[4]

The mayor, aldermen and twenty-four then kissed the hands of the royal couple and welcomed them into the city to the sound of a twenty-one gun salute from the castle. There followed three days of feasting and celebration.[5] Thus the official record.

Already on 11 November, however, a reprimand was on its way to the city from Secretary of State Sunderland, warning the corporation of the king's anger 'that you did nott receive his royal highnesse upon his late comminge to that city with that respect which was due to him and in the manner heretofore accustomed'.[6] The informers Bolron and Mowbray had recently been in York rounding up priests and jesuits as well as Barnbow suspects. On 26 October, for instance, Bolron was to be found dragging an unfortunate priest out of bed.[7] James's arrival just ten days later could hardly have been less well timed. Moreover, as Reresby noted in his Memoirs,

one Mr [Edward] Thomson, who had taken the fittest hous in town to lodge their royall highnesses, was hardly persuaded to quitt his hous or to lend it them for soe long, and when he did he took away all his furniture.[8]

Thompson, a wealthy wine merchant, was brother to Alderman Sir

Henry Thompson, one of the city's MPs, and described by Reresby as 'both very antimonarchicall persons'.[9] Two months later the city added insult to injury when the lord mayor, the MPs, and most of the corporation signed a petition which demanded the sitting of parliament - one of six provincial petitions presented to the king in January 1680, and the sole city among them. Only nineteen people 'of any credit' were said not to have subscribed it.[10] Charles's response, at a meeting of the privy council on 9 March, was to order the attorney general to enquire whether the mayor and corporation had 'made any slips as might forfeit their charter or any other way bring them under power of the laws'.[11] In the event no action was taken. But where York led the capital followed: it would be nearly two years before the first serious mention of a quo warranto against London.[12]

The remainder of this chapter concentrates on the months between the duke's departure from York on 10 November 1679 and the immediate aftermath of the Oxford parliament. The emphasis throughout is on the 'fit' (or otherwise) between faction and party in Yorkshire on the one hand and national politics and government policy on the other.

Strange Alterations in Ripon

In seventeenth century Yorkshire the borough of Ripon had the doubtful distinction of hosting the only municipal corporation without a quarter sessions of its own. Instead, sessions were held by JPs from the archbishop of York's liberty of Ripon, although the mayor and recorder (chartered justices both) were generally invited to sit on the bench too.[13] In December 1679 a brief flurry of correspondence followed 'strange' alterations to the liberty commission of the peace, which were 'prejudicial both to king and church at this critical time'.[14] (For the alterations, see Chart 5/1.) The four men left out wrote an angry letter of complaint to lord Fauconberg, the custos rotulorum. So too did Dean Cartwright, James II's future bishop of Chester. Fauconberg in turn wrote to Lord Chancellor Finch. What was billed as a court regulation seemed to them to be quite the reverse. In the dean's words,

I hope the alterations which the public intelligence tells us are to be made in other commissions will not prove like these. I am apt to believe that not only my lord chancellor and your lordship have been surprised, but also that my lord archbishop hath been imposed upon by his learned steward, Mr Drifeild, in this change.[15]

Cartwright was being disingenuous. What he failed to convey in his letter to Fauconberg was any real sense of the political

background (conveniently illustrated in a collection of letters and other documents assembled more than twenty years later).[16] In particular, Archbishop Sterne had long been in dispute with the corporation of Ripon about the election of MPs,

which he affirmed to be the right of the see of Yorke to name the persons by letter, and the burrough-holders onely to have the formality of signeing the indentures.[17]

For present purposes the truth or otherwise of Sterne's assertion hardly matters. In any case, he was deftly outmanoeuvred at a by-election in 1673, when Alderman Sir Edmund Jenings managed to secure his own return. In response the archbishop set up a 'pretended' borough court in December 1675 to control the ownership of burgages and thus (indirectly) the choice of MPs. At the second exclusion election Jenings was defeated. Meanwhile in January 1675 Sir Edmund's brother, Alderman Sir Jonathan Jenings, had killed the archbishop's registrar in a duel. (Ignoring the inconvenient constraints of chronology, he later claimed that the two men fought over the 'pretended' court.)[18] So far as Sterne was concerned, therefore, nothing could have been more appealing than an opportunity to remove his leading opponents from the liberty bench in the guise of ensuring its complete loyalty to the king - or for those removed to explain it away as the work of the disloyal opposition. In truth, of course,

it was neither of these things, and in any case the alterations were quickly reversed.

In Ripon, at least, local issues such as the 'pretended' court shaped the contours of politics every bit as much as national issues like the royal succession (or, a few years later, the proposed repeal of the penal legislation). The 'strange' alterations in 1679 cannot therefore be explained simply (and anachronistically) in terms of whigs and tories. Besides, as Chart 5/1 indicates, political allegiances in Ripon would remain extraordinarily fluid all through the 1680s. Such long-term instability might seem surprising. After all, in the town of Pontefract (as was shown in Chapter 3) political factions tended to stick together from generation to generation regardless of changes nationally and locally. Perhaps the civil war left a longer shadow in Pontefract than Ripon. Perhaps too the prevalence of protestant dissent helped to crystallise a more permanent factional structure (as may also have been the case in Leeds). Or perhaps the sample in Chart 5/1 is simply far too small and unrepresentative. (There is of course no necessary reason why the political experiences of the two towns should not have been radically different.) Even so, it is clear that factional conflict bedevilled the political institutions of Yorkshire. In the town of Doncaster, to take just one more example, Alderman Daniel Hall[19] fell out with his brethren, allegedly 'for several knaveries and

misdemeanours' during his mayoralty, and by early 1679 was engaged in an acrimonious lawsuit which ran on for years. Hall it was who secretly corresponded with Sir John Reresby after the 1684 riot. Hall it was again, almost certainly, who led the attack on the town's charter a few months later (in April the following year he was forced to resign). James II's regulators restored him when they installed a catholic-led corporation in September 1688, and he managed to hang on to office (despite being fined for absenteeism) until his death in 1693. As Hall's experiences in Doncaster show, and as the ever-changing factions of Ripon also show, the 'fit' between national politics and the often intensely localised politics of late restoration Yorkshire was by no means straightforward[20] - which is not to say that local politicians did not sometimes use national politics as a cover for their own 'strange' schemes.

Yorkshire and the Corporation Act Enquiry of 1680

For no very obvious reason there exists no proper analysis of the enquiry into the enforcement of the Corporation Act which was ordered by the privy council in the spring of 1680. Still less is there a county-wide (or any other) comparative survey of the enquiry's impact locally. General works either overlook

it entirely or else just mention it (often disparagingly) in passing.[21] As for the ten municipal corporations of Yorkshire - and relevant documentation survives for six of them - the history books are more or less blank.[22] This is all a little surprising, not least because the enquiry foreshadowed the government's assault on the municipal charters a few years later, a topic which has received far greater attention.

The first months of 1680 saw a brief seizure of government initiative spurred on by the so-called 'Chits' ministry of Sunderland, Hyde and Godolphin. This followed the failure of popular agitation for the sitting of parliament in January,[23] which included, as has been seen, a well-subscribed petition from York. Dr Mark Knights identifies three strands to government policy towards the provinces during what he usefully calls 'a loyalist spring' - organised purges of county JPs, the attempted enforcement of the Corporation Act, and the muzzling of the press.[24] To these might be added (amongst other things) a revitalised determination to cultivate prospective supporters. This section focuses on the area which is most unfamiliar - the enquiry into the effectiveness of the various legal devices in the Corporation Act which had been designed to guarantee the political as well as the religious conformity of municipal officeholders. Already the previous December a centrally

inspired purge of unqualified common councillors in the city of London had met with some success.[25]

On 12 March 1680, just three days after the attorney general was given the task of finding a legal pretext for seizing the city of York's charter, the privy council ordered letters to be sent to the chief magistrates of every corporation in England. Two matters concerned them in particular:

Wee doe in his majesties name hereby require you with all convenient speed to give an account to his majestie att this board whether the said [Corporation] act hath been duely put in execucon from tyme to tyme within yor corporacon of Leeds, and whether memorandums or entrys have been kept of the same as by the said act is directed . . . And yow are alsoe carefully to examine whether all such as have beene allready chosen into any place or office or magistracy or trust or other employment relateing to or concerning the governement of yor said corporacon of Leedes have taken the sacrament and the said oaths and subscribed the said declaration as by the said act is required and directed, and that if yow finde any who have failed therein that you forthwith cause every such person to be removed according to the direcon of the said statute whereby the election of any person not takeing the sacrament and the oaths aforesaid and subscribing the declaration is enacted and declared to bee voyd.[26]

In practice, the council's letters were issued only slowly, and of the four which survive for Yorkshire two are dated as late as May. A second stream of letters then ordered lords lieutenant 'to make inquiry into and informe yourselfe by the best means and as conveniently as you can how the direcons in the said letters [to the chief magistrates] are complied with

and observed'.[27] Finally the privy council set up a committee of examinations to monitor the returns. This met on Fridays, sometimes in the royal presence.[28] In short, every effort was made to promote the enquiry's success, and although the government had lost its powers of direct coercion when the Corporation Act commissions expired in 1663, the lieutenants and their deputies were on hand to make sure problems were properly followed up.

The enquiry procedure can be followed in the records of the corporation of Leeds.[29] A letter dated 1 May (partly quoted above), and signed by five privy councillors and a clerk, was read out at a formal meeting on the 17th.

After due consideracon had [sic] of the premisses, and upon strict search, examinacon and enquiry of and into the records, memorandums and entryes of the said corporacon, an answer to the said letter was agreed upon and ordered to be sent.

A reply was despatched on 29 May (signed by the mayor and nine of the twelve aldermen), which stated categorically that every public officeholder in the town had complied with all the requirements of the Corporation Act. It seems Lord Lieutenant Burlington was unhappy with a merely blanket assurance and ordered a couple of deputy lieutenants to make further enquiries. They arrived in Leeds on 19 June and were able to extract a much more specific reply. It ends as follows:

And wee doe further certefie that some persons being elected members into the said corporacon, upon their refusall to take the said oaths and subscribe the said declaracon menconed in the said act att the tyme of the administring the oath of their office to them, their eleccons and places were adjudged ipso facto void as if the same had never been made, accordeing to the direccons of the said act.

This letter seems to have satisfied Burlington and nothing more is heard in Leeds of the enquiry. In any case, if he had cared to examine the town's court book he would have seen that religious scruples over the oaths had indeed voided the election to the corporation of two prominent dissenters (one of them John Thoresby, father of the antiquary). Again, when the test act came into operation in 1673, two nonconformists failed to produce sacramental certificates and were displaced from office.[30]

In York, however, Burlington's deputy lieutenants found less to satisfy them. A hostile observer, Richard Hewitt (clerk to the West Riding lieutenancy), accompanied three deputies to a meeting on 21 June with the lord mayor, the town clerk and other representatives of the city.[31] They spent all day wading through the subscription rolls, but none could be found for the years 1671 to 1677. Hewitt, perhaps unfairly, doubted that the roll had ever existed.[32] The meeting was adjourned until 5 July, when the entire corporation was summoned to meet together in order to 'subscribe a paper wherein they are to

declare whether or noe they have received the sacrament within a yeare before they were chosen to their respective places'.[33] Since Hewitt was ordered to attend and the records thenceforth are silent, it can be assumed everyone did so.

Looking at the impact of the 1680 enquiry right across Yorkshire, the experience of Leeds and York seems to have been typical and in practice very few men were turned out of office. In Beverley two capital burgesses were expelled (and a third was displaced by privy council letter on 3 June).[34] In Hull a single alderman was removed, albeit with the greatest of difficulty (as is described in the next section). That is all. Moreover, one of the men expelled from the Beverley corporation was back in office by September 1683. (He became an alderman the following year and was mayor in 1686.)[35] All in all, the 1680 enquiry in Yorkshire meant a vast expenditure of energy for very little reward, and the frustration of a loyalist like Richard Hewitt (not to mention the resentment of the duke of York) is perhaps understandable. What, then, had gone wrong?

Perhaps, rather than trying to answer this question directly, it is worth establishing how far the Corporation Act had already managed to bar the politically disaffected from office. To the extent that these men were nonconformists who

scrupled, like John Thoresby, to take unpalatable oaths the act was no doubt effective. In York as well as Leeds nonconformists and quakers were occasionally elected to minor office, usually (but not always) paying fines to be exempted.[36] Here, indeed, was the crucial problem for an English government which, as Knights observes, 'made little distinction between religious and political "fanatic" '[37] - for however strictly the Corporation Act was enforced, seditiously minded anglicans and occasional conformists would always slip through the net.[38] In a borough like Doncaster, for instance, which prided itself on having 'neither in our town nor corporation one dissenter from the present government of church or state', [39] the Corporation Act was simply a dead letter. Whatever Hewitt and his like wanted to think, religious nonconformity and political faction were by no means synonymous.[40]

In chapter 3, in the section on politics in Pontefract, mention was made of Alderman William Oates who was turned off the bench by the Corporation Act commissioners in 1662 even though he had taken the oaths and subscribed the declaration against the covenant. He was re-elected to office in 1674, and seven years later was regarded as 'a great leader' of the opposition in the town. Oates was, of course, an anglican conformist. In Hedon too one William Davison managed to secure re-election, also in about 1674. These two cases seem to have

been unique in Yorkshire (the merry-go-round of ins and outs became much more familiar in the 1680s). However a similar seepage of the government's political opponents into office was happening elsewhere in the country, and on 29 June 1680 the attorney general was ordered to give his opinion as to how far men removed by the commissioners could later qualify themselves for readmission.[41] Legally little could be done, and Oates and Davison remained in office. Worse, not only was the factious York corporation left intact, but Edward Thompson, the man who had cleared his residence of furniture before the arrival of the duke of York in November 1679, would himself join the bench on the first vacancy. In short, however rigorously the Corporation Act was enforced, it was unequal to the tasks laid upon it. The quo warranto campaign four years later would have a very different result.

Divisions and Division Lists in Hull

In the most recent edition of British Parliamentary Lists 1660-1800 the editors usefully identify five types of Commons list, the two most important being 'management lists' and 'division lists proper'. [42] At first sight, compared with an institution of 513 men, it might seem too much to expect to find similar lists in municipal corporations with only a dozen

or so members. Besides, in most Yorkshire boroughs the corporators were appointed for life, meaning there could be no equivalent of those 'white' and 'black' lists designed to promote or inhibit the re-election of former MPs. Again, corporation meetings were held in conditions of strict secrecy and internal disputes should have been kept well under wraps. On the other hand, municipal corporations were inherently political institutions for the reasons explained in chapter 3, in some cases intensely so, and a number of 'management lists' do survive - notably Governor Reresby's celebrated report on York politics in 1682 (written for the edification of the earl of Halifax), and several letters about Pontefract from earlier in the year.[43] In both these instances, however, many of the men mentioned were not corporators.

Only in Hull do the records refer routinely to formal divisions within the corporation itself. (The word 'division' is not used but conveniently identifies an issue which could be voted for and against - as opposed, that is, to an election.) It may be that the burgesses of Hull were more deeply divided than elsewhere in Yorkshire. In any event, a decision to prepare an address to the king, a proposal to indemnify an alderman elected in contentious circumstances, or an argument over the choice of a new town clerk - all these and many other matters were decided using variants of the following formula:

It is this day put to the question whether [such and such should be done], yea or noe, and it is carried in the affirmative/negative by [x] against [y].

It was rare in Hull for a 'question' to be approved nemine contradicente. After the privy council's letter enforcing the Corporation Act was read out on 12 April 1680, for example, there were at least eleven divisions before the end of the year, ten of them as a direct consequence of this initial letter. None was unanimous and several of them overturned decisions made at previous meetings, illustrating the heightened political tensions of these months. On a couple of occasions each man's vote was carefully noted in the bench book - the only 'division lists proper' to survive for a Yorkshire corporation from this period. (As official records they have the distinction of being authoritative, unlike the Commons lists.) Coupled with a mass of associated documentation both local and national, and looked at in conjunction with thumbnail biographies of each of the thirteen aldermen (and their immediate successors), these division lists allow the observer an unrivalled glimpse into the intricacies of Hull politics during the early 1680s. The picture which emerges is very different from Ripon.

On 7 May Mayor George Crowle brought a certificate into a meeting of the Hull corporation which he had drawn up in reply to the privy council letter of 26 March. The certificate

fudged the question whether all the aldermen had taken the anglican sacrament during the twelve months before their election, and merely 'believed' that they had. The bench divided in favour of returning it as it stood by just six votes to five (see Chart 5/2),[44] and one of those in favour was Alderman Daniel Hoare. Inadvisedly Hoare chose the next few weeks to be away from Hull, and when the matter came up for confirmation on 13 May the decision was overturned by five votes to three. Worse, it was decided by seven votes to three that Hoare's own election to the bench should be declared void, since 'he hath not made it appeare to us in this court assembled that he did take the sacrament.' A proviso to this effect (carried six to four) was added to the certificate, and of the eleven aldermen definitely in town in late May it seems only Richardson, Johnson and Rogers could not bring themselves to sign it. At last, still dated the 7th, it was despatched with a covering letter for Secretary of State Sunderland. Meanwhile the town clerk was ordered to give Hoare notice that his office was now void.

When Hoare returned to Hull he told the clerk that 'the bench dealt hardly with him', and begged the mayor not to elect a successor until he had returned from London - a request which they turned down on 23 June by seven votes to two. Instead, an aldermanic election was scheduled for 15 July.[45] As a consequence Hoare rushed up to London with Alderman Johnson

(it would be the first of three such journeys), taking with him a petition asserting that the corporation's information against him was 'malitious, false and groundless, and that he was of the Church of England and had received the sacrament the year before, and that he had done all other things required by law'.[46] Sunderland wrote to the corporation from Windsor on 28 June ordering them not to elect a new alderman until the matter had been examined by the privy council. This took place the following day and evidence was given on oath by both Hoare and Johnson. Hoare probably showed he had received the sacrament between the date of his election and his swearing into office. If so, it was of no significance in law.[47] All the same, he seems to have satisfied the council, who 'ordered that the said Daniel Hoar be continued in his said office of alderman within the said towne of Kingston upon Hull'.[48] (Only five days earlier two opposition firebrands, Slingsby Bethel and Henry Cornish, had been chosen sheriffs of London. Interestingly, their elections had been declared void for exactly this reason.[49])

Sunderland's letter and the order in council were delivered by Hoare himself on the very day the election for a new alderman was due to take place. (It is not clear why these documents were not sent direct or if Hoare's brinkmanship was for some reason intentional.) The order was allowed on 5 August, and Hoare resumed his seat on the bench the same day.[50] For him

phase one had ended in triumph. Already, though, phase two had begun - for Hoare had mortal enemies in the town and the Corporation Act enquiry provided a convenient pretext to remove him from office. In a printed denunciation of Hoare - eight pages of unmitigated and at times incoherent vitriol which dates almost certainly from summer 1681 - one of them decided not to beat about the bush:

As for his lineage it gave no trouble to the heralds, for he dropt out of the devils arse of Peak in Derbyshire as one of natures excrescencies, a meer terrae filius, the spawn of a chair bottom maker, begot on no body knows who, and produc'd like a cheddar cheese by the milk of the whole parish to render him an exquisite hocus . . .

He continued:

The truth is he was always an arch phanatick and enemy to the Church of England, a chappellor, and never frequented the sacrament of the church till prompted on by ambition and a design to get into power and thereby have the better opportunity of circumventing and oppressing people with authority and impunity. He, having gotten himself elected into office, made his pretended conscience truckle to his pride and hypocritically seems to conform, though he still retains his old fanatical, republican principles, as appears by his being still admir'd by that party and advancing upon all occasions their designs and they his.

The writer, one John Barnard, then went on to denounce certain of Hoare's confederates.[51] Unfortunately they mostly hide behind nicknames. Those who are readily identifiable include Alderman Crowle (whose fence-sitting as mayor seems to have been succeeded by support for Hoare after the election of his successor), and Alderman Johnson (the man who accompanied him

to the council board). The latter, for instance, is described as follows:

Then there is amicus certus, Fitz-Jack, a monkey of worship [etc] . . . This gentleman is so good-natur'd that he will not refuse to lend a friend an oath at any time, and swear and lye both in a breath, and yet look as demurely all the while as if he were saying his prayers.

The fact is Barnard had his own agenda quite apart from Hull politics - he was involved in an interminable lawsuit with Hoare who had (he said) swindled him out of an inheritance. All the same, he no doubt supported the six aldermen who in July 1680 petitioned the king to overturn the order restoring Hoare to office.[52] Their spokesman was Alderman Anthony Lambert, who was almost certainly in Whitehall on 4 August when the council referred the matter to the committee for corporations. The committee reported on the 25th and both parties were ordered up to London for a hearing before the board. This took place on 15 September, Hoare representing himself and Lambert the six petitioners. The result was an order in council discharging the earlier order restoring Hoare to office, but giving him leave to resort to the law.

Although Lambert delivered this latest order to the corporation on 27 September, Hoare continued to attend meetings until 18 October while an attempt was made to reach a compromise which would 'sedate the myndes of some unquiet

burgesses among you'.[53] Rather remarkably, three of the six alderman petitioners had died during September. One of the vacancies was therefore offered to Hoare provided he attended the elections on 18 October.[54] This would have given him the opportunity to receive the sacrament in time to qualify for office (which is what Bethell and Cornish had done before being re-elected sheriffs of London in mid-July). He refused, presumably because it would have implied a recognition that his earlier election was invalid, and his refusal led to 'open mutinys in [the town's] publick assemblys'.[55]

Phase three is quickly summarised. Hoare appeared for a third time before the council board on 12 November and presented yet another petition. This time he over-reached himself (it may be relevant that the second exclusion bill was about to be carried up to the Lords), and the privy council cancelled all earlier orders and left both sides to take their remedy at law.[56] Legally the onus of proof then rested with Hoare, and since he had not received the sacrament within the statutory period there was no point in trying to convince a judge that he had. (Perhaps he had hopes that the Corporation Act could be repealed in time to let him off the hook.[57]) The story ends on 9 December when Hoare gatecrashed a corporation meeting held immediately before the election of his successor. A couple of pompous divisions were made - was Hoare disturbing them in performing their duty? should they therefore compel

him to depart? Suitably emboldened, eight out of nine aldermen then signed and sealed a court order, and three officers 'gently remove[d] the said Mr Daniel Hoare from the said court held in the guild hall of the said town'.[58] Alderman Richardson had held out for Hoare right to the last. Johnson and Crowle simply stayed away.

There was then an unexpected epilogue. The following day, on 10 December, the town clerk died after thirty-three years in office,[59] and the corporation decided by seven votes to five that a local attorney called Samuel Duncalfe should succeed him.[60] A petition to the king was drawn up, as required by the charter of 1661,[61] and letters were written to the town's two MPs in Westminster as well as James Kynvin their London agent.[62] So confident were they that Duncalfe's nomination would be approved by the king that immediate discussions began about his successor as an attorney in the court of record.[63] But this was not to be. Already on 21 December Sir Michael Warton, one of the MPs, was writing:

One Haslam has been busy in getting your townclerks place and would have procured hands in order to introduce him, but I denyed him mine for I should not promote any interest in that kind without your approbation.[64]

A week later Warton noted that 'Mr Haslam did buze about itt butt I beleive his hopes by this time are vanished'.

Subsequent letters showed this was far from the case, and by 8 January Warton was talking openly about Haslam's 'sinister intent'. [65] Meanwhile the revelation that the town's preferred candidate had been indicted for robbery and burglary in 1673 cannot have stood him in good stead. [66] On the 7th the corporation rushed a letter to Secretary of State Jenkins, begging him to support their petition:

[Haslam] never gave the bench the least intimation of his intentions, nor has he merited any such favour from the town and therefore has no excuse for so unworthy an action. [67]

It was to no avail. On 11 January a warrant was ordered, and on 23 February Haslam produced his letters patent and was duly sworn into office. [68] 'I hope your new clerk by this has complimented you all,' Warton remarked sourly. 'He can do no lesse considering the manner of attaineing his place.' [69] (Unfortunately it is not clear how Haslam came to be involved in the clerkship, or even whether he was sponsored by the government or simply freelancing. [70]) Meanwhile Secretary Jenkins had responded to the corporation's letter, explaining that he had laid their address in favour of Duncalfe before the king 'together with the testimonialls he had furnished me with for his good affection to the government', but that 'it pleased his majesty to passe him by'. The town clerkship of Hull, he added, was 'indisputably in the king's guift'. [71]

Even Sir Edward Barnard, the town's recorder (and according to John Barnard one of Hoare's 'confederates'[72]), gloomily concluded that nothing was to be done. Moreover without precedents to guide them they could not very well split the office in two (as was done in Beverley, where the town clerk merely attended quarter sessions and a chamber clerk performed all his other functions). Besides, and this was no doubt the crucial point,

It is here discoursed, upon what grounds I knowe not, that the king declared he found ther were factions in the towne and soe the rather declined the gratifying your desires; which if true, the opposition of the kings grant at this time would not looke with a good aspect.[73]

What is to be made of all this? A first, obvious point is that politics in Hull was every bit as lively as in London. Political tensions ran deep, and with around five hundred burgesses entitled to vote,[74] many of whom must have chosen Hoare both as alderman and mayor,[75] it is hardly surprising that his expulsion gave the authorities a serious headache. A second point is the crucial part played by the privy council (each time in the presence of the king), which usefully illustrates centre-local relations in action. Most important of all, however, is the discovery of regularities and consistencies of political behaviour - that is to say, something a great deal less passive than the natural tendency

of people of similar views to stick together. (For all that follows, see Chart 5/2.)

One faction was of course led by Hoare, whose 'old fanatical, republican principles' were, in Barnard's jaundiced opinion, 'still admir'd by that party', not least because he 'advanc[ed] upon all occasions their designs and they his.' [76] Like many others in the town Hoare was placed under house arrest at the time of Monmouth's rebellion, and for a brief moment in 1688 he enjoyed the heady prospect of leading a corporation made up of old political cronies. [77] In 1680 Hoare's faction included Aldermen Richardson, Crowle, Johnson and Rogers. Richardson, for instance, failed to involve himself in the 1685 general election and encountered problems when the town's charter was renewed a few months later. Johnson meanwhile got into trouble for sympathising with religious nonconformity and he too barely kept his gown. For their part the loyalists in Hull had no obvious homegrown leadership, and in 1680 Alderman Lambert seems merely to have acted as spokesman. [78] As will be seen in the next chapter, it was Governor Plymouth who led the attack on the town's opposition in 1683. The other loyalist aldermen were Foxley, Skinner, Duncalfe and Maister, and it can be no coincidence that Lambert and Maister, the only survivors, led the delegation to the king which surrendered the town's charter in 1684. Meanwhile Lambert himself was much in demand as an agent

of central government. By 1683, for instance, he was treasurer to the commissioners constructing the new citadel.[79] In the same year his daughter married the son of Robert Mason, the alderman whose presentation of the 1685 address began this study.

In January 1681, as already noted, the king was reported to have declared that there were factions in Hull.[80] It is pleasing to be able to flesh out this royal assertion, thanks to the survival of corporate division lists and other associated documentation - not that the 'fit' between national and local politics was by any means transparent. (In Hull not even the loyalists supported Haslam's candidacy as town clerk.) In the next chapter, and using very different kinds of source material, it will be shown that politics in York was every bit as lively as in Hull. Perhaps it is only the absence of suitable evidence which makes other municipal boroughs seem so dull. Be that as it may, on 21 October 1680 when parliament at last met, in Hull if nowhere else the burgesses must have known exactly where their political allegiances lay. For months the town had thought about little else.

The Impact of Exclusion

On 13 May 1680, completely out of the blue, Charles II fell seriously ill.[81] The news focused minds on the succession, not least because there were stories about a black box whose contents were said to prove that Monmouth's mother had married the king. In response Charles declared in print that he had never been married to anyone but the queen, and in mid-June welcomed an address from Ripon, quite possibly the only one he received, which expressed the town's satisfaction that this was so. (It was presented by William Dawson, one of the JPs kicked off the liberty bench by archbishop Sterne six months earlier. He was knighted for his pains.)[82] Then on 26 June the opposition made a sensational bid to indict the duke of York as a popish recusant. James was presented by eight lords and nine MPs, and two of the MPs came from Yorkshire.[83] Sir Gilbert Gerard is familiar to historians as the alleged custodian of the black box, and Sir Henry Calverley was son-in-law to the 'antimonarchical' Sir Henry Thompson of York. Although the duke's indictment was immediately overturned, the Chits ministry had been wrongfooted - and as the prospect of an autumn parliament began to loom, so increasingly did the political initiative fall into opposition hands.

By the time the second exclusion parliament opened on 21

October loyalist MPs were mostly well and truly cowed - not that the momentum against them was for that reason lessened. On the 27th the house listened to a passionate speech from Sir Gilbert Gerard, and named a committee to enquire into traducers of petitioning (known as the committee of abhorrences). In addition to Gerard himself its Yorkshire members comprised Sir Henry Thompson, Sir John Hotham and Sir John Brookes.[84] The committee quickly picked out a couple of local victims, and on 1 November, the day before an exclusion bill had even been resolved upon, they reported that Sir Thomas Mauleverer and Sir Brian Stapylton (and four MPs from other counties) 'had made addresses to his majesty declaring their dislike of such petitions'.[85] The background to the committee's report was as follows.

On 1 July Lord Chancellor Finch had charged the circuit judges to ensure that assize grand juries were made up of loyal men, and strongly urged them to discourage petitioning.[86] It was at the York assizes on the 29th that the unfortunate Thomas Thwing was found guilty of complicity in the Barnbow plot. It was at these assizes too that an attempt was made to secure subscribers to a petition,[87] as Sir John Resesby related:

Some 6 gentlemen, known muteneers, attended the grand juries this assize with a petition for the sitting of the parliament, desireing them to offer it to the judges to be presented to the king in the name of the whole county, which in stead of being received was rent by one Mr Darcy.

And the next day some gentlemen to the number of near 50 mett and desired me to drawe up some thing to be presented to the judge expressing our detestation of petitioning contrary to the kings proclamation and in soe mutenous a manner, which I did. And all thos gentlemen subscribed, and afterwards sent the high sheriff to acquaint the judge with the contents of it.[88]

There are one or two hints as to the identity of Reresby's 'muteneers', who certainly included Humphrey Wharton, MP for Richmond, and his son Robert ('sticklers in promoting petitions for a parliament and for hindering all they could from signing the abhorrence'[89]). Nevertheless from the perspective of late October Yorkshire's abhorrence had become a liability. Luckily Mauleverer and Stapylton were the only signatories with seats in the Commons (Reresby did not sit in the second exclusion parliament), and thanks in part to the efforts of Sir Richard Graham, the future viscount Preston, Mauleverer for one got off.[90] Reresby, however, generously allowed himself all the credit:

2 gentilhoms . . . qui furent de la chambre furent enamne devant la committe, mais les paroles de quils signerent furent si peu coupables, car je les considerais avant que les escrire, quils ne peuvent pas y trouver grande faute.[91]

The committee meanwhile, legally or not,[92] had no intention of confining their investigations to members of parliament. By the beginning of November Reresby's friends in York were 'daly threatened to be punished by the comittee of abhorrences',[93]

and on 10 December one Christopher Darcy, the grand juror who had torn up the petition, was summoned before the committee to explain himself. 'He did it', he told them contritely, 'because it was against the king's proclamation which he thought to be law.'[94] Meanwhile it was reported that Sir John Kaye, Stapylton's father-in-law, had wanted to go overseas before the opening of parliament to avoid awkward questions about his own abhorring activities.[95] Kaye, like Christopher Tanckred, was even accused of being a papist.[96] Tanckred had been one of the jury which acquitted Lady Tempest and had exchanged hot words about it with Judge Dolben.[97] He later described the petition as a sham.[98]

Parliamentary interest in the localities was by no means limited to the House of Commons. It was the Lords, for instance, who shouldered the burden of preparing the Papists (Removal and Disarming) Bill which, if it had passed into law, would have deported several dozen prominent Yorkshiremen to Exeter. (On 13 and 14 December a committee examined lists of Yorkshire papists and selected names for inclusion in the bill.)[99] It was the Lords too who picked through lists of deputy lieutenants and militia officers (as well as officers of the army and navy) in an attempt to identify suspected papists.[100] More important in the present context was the Lords committee appointed on 8 November 'to inquire into the several abuses in altering the commissions of the peace'.[101]

Chaired from the third day by the earl of Shaftesbury, the committee diligently studied lists of JPs put in and turned out earlier in the year, considered 'how and by what counsels the commissions of the peace came to be altered', and discussed the various changes in personnel which they wished to see. The committee never reported. Even so, Dr Lionel Glassey has used its papers to survey changes made to the commissions of the peace earlier in 1680.[102] He has not however analysed the committee's own proposals, and for the North Riding enough evidence survives to make this possible (see Chart 5/3 and the sources cited).

As it happens there are few surprises. Among familiar names, Gerard and Calverley, MPs for Northallerton, were to be restored to the bench, as were Thomas Cradock and Humphrey Wharton, the exclusionist MPs for Richmond. Those to be removed included Sir Edmund Jenings, who had been added to the North Riding bench just two months after his expulsion from Ripon liberty - proof he was every bit as loyal as his supporters had asserted twelve months earlier. Meanwhile the removal of Pennyman, foreman of the jury which had acquitted Lady Tempest, and Marwood, who had signed the abhorrence drawn up on the same occasion, could in neither case have been unexpected.[103] Of the others who were earmarked to be turned out, 'lives out of the county' might well have provided a convenient pretext - although in the case of Leveson Gower,

exclusionist MP for Newcastle under Lyme, this was the exact truth. Of more direct interest is the likely overall shape of the commission after regulating. There would still have been prominent loyalists on the bench - the anti-exclusionist Sir Hugh Cholmley, for instance. All the same their influence would have been outweighed by the pro-exclusion contingent, which already included William Palmes and Sir Watkinson Payler, MPs for Malton, Sir William Frankland, MP for Thirsk, and Robert Wharton, the 'stickler' for petitioning,[104] as well as the six who were to be restored. It is likely too that suitable newcomers would have been added. If regulations early in 1680 and subsequently were designed to create partisan benches of justices,[105] so too was the counter-regulation envisaged by the Lords committee of enquiry in December. In the North Riding at least the 'adverse party' would have been immovable.

Parliament was prorogued on 10 January. Four days later sixty electors of Northallerton wrote to Gerard and Calverley, the town's MPs, thanking them for 'your actions before and in your last sessions of parliament', and promising to re-elect them should the occasion arise (as indeed they did).[106] On the 20th Sir Michael Warton wrote to the corporation in Hull to tell them that dissolution was now a certainty and soliciting re-election. The corporation wrote straight back apparently promising to elect the two former MPs unopposed. In turn

Warton replied:

I shall for my part persevere to promote those means in the last parliament pursued in order to our safety, and without the perfecting of which I think we cannot be soe.[107]

Meanwhile the sheriff and 122 'of the most eminent burgesses and electors' in the town advised the two would-be MPs that 'you may be confident, without your appearance or the least charge, to have all our suffrages nemine contradicente'. [108]

It is interesting that of the fifteen Yorkshire constituencies the only contest was in Pontefract. Moreover of the thirty MPs chosen in October 1679 only three were not returned again in 1681. [109] (One of the three was Sir Brian Stapylton. Perhaps he was unwilling to show his face in the Commons so soon after his ordeal at the hands of the committee of abhorrences.)

The question arises as to how far exclusion dominated the 1681 elections in Yorkshire, and here attention focuses on the fog of claim and counter-claim which greeted the presentation of 'instructions' to the county's new MPs on 28 February [110] - instructions which, depending on the individual's viewpoint, were either 'fully consented to by the whole assembly by a general acclamation', or else were 'obtruded upon [the county] as the act of the gentry by a mere surprise (that is, one man handing in a paper to be read in a crowd while all was in a hurry and nobody heeded what it was)'. [111] There were five

instructions in all:

- 1 To preserve the protestant religion, his majestys person, and the kingdomes of England and Ireland . . .
- 2 To exclude a popish successor
- 3 To unite all his majestys protestant subjects
- 4 To purge out the corruptions which abound in elections of members to serve in parliament; and
- 5 To secure us for the future against popery and arbitrary power.[112]

The officer who publicly read out the paper of instructions later claimed that the nature of its contents had been a surprise to him too.[113] Reresby, for his part, argued that 'it was only six or seven factious persons that had managed that business, though it passed for a more generall thing.' When he discussed it with the earl of Halifax and others early in March, they concluded with some complacency 'que le roy y eust la plus partie de la noblesse de beaucoup'. [114] This was perfectly correct. All the same, it was equally correct that most of the gentry would also have agreed with many or all of the MPs' instructions - that is to say, Yorkshire politics in 1681 is not to be understood purely in terms of exclusionism and loyalism.

In this context a few words are necessary about the labels 'whig' and 'tory'. The evidence from Yorkshire supports Dr

Knights' contention that they entered into common parlance only after the dissolution of the Oxford parliament.[115] The first mention of 'whigs' in the Reresby correspondence, for instance, is in July 1681.[116] It was being used more widely by the following spring, but seems to have died out before the end of the year.[117] As for the label 'tory', references are altogether more infrequent (perhaps because Reresby's correspondents would hardly use it of themselves), although in March 1682, when a loyal address was being drawn up, there was 'such distinguishing of whigs and tories that they are become averse to be seen in one another's company.'[118] Oliver Heywood reports a conversation which helps date its entry into local usage:

I being at Wallinwells October 24 1681, they were discoursing about a new name lately come into fashion for ranters, calling themselves by the name of torys. . . . I hear further since that this is the distinction they make instead of cavalier and roundhead. Now they are called torys and wiggs. . . . And the torys will hector down and abuse those they have named wigs in London and elsewhere frequently.[119]

More significant is the fact that it is in York alone that the labels whig and tory were attached to local politicians. Even there they were used only for a few months[120] and then not universally. Sir John Reresby, for one, sometimes described the opposition as 'mutineers'.[121] In Pontefract meanwhile they were called by their enemies the 'contrary party', and in

Hull it seems no identifying label attached itself to Daniel Hoare's group other than 'the faction' or 'the party'. In short, the labels whig and tory, in so far as they were employed in Yorkshire at all, merely described attitudes to national politics and found very little resonance at a local level. This divorce between national issues and local concerns is easily illustrated. Is it not striking that the Hull corporation, which had just expelled a factious alderman with the greatest of difficulty, should straight away have sponsored the election of two opposition MPs?

The King's Declaration to his Loving Subjects

On 28 March 1681 Charles II abruptly dissolved the Oxford parliament. As Sir Michael Warton told his constituents in Hull, 'We are all in amaze.'^[122] Eleven days later an official explanation appeared in print. Described by Dr Knights as 'a masterpiece of careful wording', His Majesties Declaration to all his Loving Subjects touching the Causes and Reasons that moved him to Dissolve his last two Parliaments was designed to appeal to the people directly over the heads of their elected representatives.^[123] Copies were soon on their way to Yorkshire,^[124] and it was ordered to be read out in all churches and chapels. (In Ripon this congenial task

fell upon Dean Cartwright, probably on 1 May.[125]) Not surprisingly, there is a new tone in Warton's covering letter of 12 April:

I have sent you down our accusation here. Itt is of great greif to lye under his majesty's displeasure, which I thought when we made those votes we were in danger off . . . We are huy and cryed into all our burroughs by the order of reading in churches. If the next parliament condemn us, I hope they will likewise passe an act of oblivion.[126]

This sense of unease quickly infected Yorkshire too, and in a letter to Sir John Reresby on 25 April the West Riding JP John Wentworth tried to explain it:

The people talk a much different dialect than what they were wonted to do, as to quaere one to another what the parliament had done for them.[127]

Meanwhile on 29 April the high sheriff, Sir Richard Graham, wrote to Secretary of State Jenkins confirming that 'the country continues in as good a posture as I could desire', and a week later told Reresby that the declaration had been read 'to the general applause of all'. [128] Although a certain Francis Barrowby of Ripon was denounced at Cartwright's instigation for saying that the declaration had given great dissatisfaction to the king's subjects, [129] and a 'phenatique' from Penistone was examined 'touchant des paroles dangereuses et traitres' and ordered to be prosecuted at the

next assizes,[130] for the time being theirs seem to have been lonely voices.

On 6 May Graham asked Reresby, who was still in London, whether he thought it would be a good idea to procure an address from the county thanking the king for his declaration.[131] (News of an abortive attempt to address the king from the capital had recently reached Yorkshire.[132]) In practice Graham had already been upstaged by the corporation of Ripon (no doubt inspired by Dean Cartwright), whose address was presented to the king by Secretary Jenkins on 15 May,[133] and in the event an address was never subscribed by the county as a whole (see Chart 5/4). For his part Lord Lieutenant Fauconberg was anxious not to be left out. (There was a strong element of political one-upmanship involved in the promotion of addresses.) On 25 June he told the North Riding deputies:

I could heartily wish that if the gentlemen of the country have not yet been assembled in order to a dutifull acknowledgement of these graces [etc] . . . that a place of meeting may be appointed to draw up an addresse in partchment with as much speed and as many hands as can be procured.[134]

Thoughtfully Fauconberg provided them with a 'modle of an addresse', and in due course he was pleased to 'hear that our county will imitate the rest in their loyalty'. A week or two later it had around 185 signatures.[135] In the West Riding

too correspondence can be used to illustrate the wider political background.[136] At a meeting in Wakefield on 6 June 'a discourse was started that it was a shame to Yorkeshire that we had not return'd thanks for the kings declaration as others have done before.'[137] Several gentlemen present wrote to the earl of Strafford (as recently as February a known opposition sympathiser[138]), asking him to join with them. After a delegation met Lord Lieutenant Burlington at home in Londesborough (he was lame, he said, and could not travel), three hundred gentlemen and a hundred clergy assembled on the 14th in Wakefield ready to sign an address, only for Strafford to arrive with a letter from Burlington adjourning the meeting to Pontefract on the 23rd. There was an uproar. Various drafts were discussed, but Strafford refused to consider anything except a 'fouleish paper' of his own. When he was told 'it would be a strainge adrese where wee give the king no thanks for his stedines to oure religion, the goverment and succesion', he retorted:

He thought no part of the king declaration deserved thanks but that part wherein he said he would have frequent parlements, and the king was ill advise'd in publishing his declaration and he would repent it.

A few unimportant alterations were made, and Strafford with some eighteen 'halfe gentilemen' signed it. The others simply withdrew. (There were mutterings about bringing his words to

the attention of the king.) It was then that the earl cleverly outmanoeuvred the loyalists by not turning up to the adjourned meeting in Pontefract on 23 June - which this time was nothing like so well attended. Since Burlington was unwilling to send an address without Strafford's hand to it, the rest of the company were obliged to sign the 'fouleish paper' too, hoping it would pass muster.[139]

Many other people refused to play ball. The address from the corporation of Richmond is remarkable for omitting the mayor (the town's chief magistrate) who was reported to have said, 'Those that medled least had least to answer for.'[140] The high sheriff observed that 'the East [Riding] would not att all concerne themselves',[141] and the corporations of Beverley, Scarborough and York, each of them notoriously disaffected, also failed to take part. (The Hull corporation voted ten to three, very belatedly, in favour.[142]) Still, the government must have found modest compensation in an address from the cutlers' corporation in Hallamshire, which was regarded by the duke of Newcastle as a 'miricle'.[143]

It remains to examine the content of the various addresses (see Chart 5/4). Some of it is surely meaningless, like the subscribers' reiterated promise to prostrate their lives and fortunes at the king's feet. This appears in nine of the eleven addresses, and in milder form in the other two. However

it quickly emerges that Strafford's address was by no means the only one to resort to careful cherrypicking out of the king's declaration. The Hallamshire cutlers, for instance, gave their

unfeigned thanks for your majesties graciously declaring your continued affection to parliaments, and your royal resolution to endeavour the extirpation of popery, and to continue to make the laws the rule of your government.

And that was all.[144] (Uniquely in Yorkshire the cutlers managed to avoid mentioning the Church of England.) Even where the addresses all agree, for example in the importance of the hereditary succession, closer analysis reveals that four mention the right line (or inherent birthright) and the others merely refer to lawful successors. The law might of course be changed to exclude the duke of York. Indeed the four addresses in question, Ripon, Pontefract, Leeds and Richmond, are notably servile - three of them making no mention of the king's promise to rule by law, two engaging to elect compliant MPs (Leeds was not a parliamentary borough), and all four using an at times ludicrous hyperbole. Needless to say, the subscribers' promises were often treated sceptically. In the case of the Hallamshire cutlers one observer remarked sourly:

I am of an opinion that an adress from them will not chang theire opinions, but that they will be as ready to rebell if an oportunity would offer it self as they will now be redy and willing to adress.[145]

As for the Pontefract address Sir John Kaye, defeated loyalist candidate in 1681, took careful note of Dr Nathaniel Johnston's comments. 'Notwithstanding their positive promises in itt, hee very much doubted they should nott be able to alter their last choyce.' [146] As it happened it scarcely mattered one way or the other - for despite false alarms, the central feature of the rest of the reign would be a politics without parliament.

Chart 5/1

'STRANGE' ALTERATIONS IN THE LIBERTY OF RIPON
(with an analysis of changing political allegiance)

	<u>1679</u>	<u>1685</u>	<u>1688</u>	<u>1689</u>
1 Sir Edmund Jenings	turned out	JP	3Qs no	JP
2 [Sir] William Dawson	turned out	JP	3Qs yes	-
3 Walter Lister	turned out	dead		
4 Richard Aldburghe	turned out	dead		
5 Welbury Norton	put in	JP	3Qs no	JP
6 Towers Driffeild	put in	-		
7 [Sir] Edward Blackett	put in	JP	3Qs no	JP
8 Thomas Benlowes	put in	-	3Qs yes	JP

Key

1679 turned out = opposed to Archbishop Sterne in December 1679, and removed from liberty bench
put in = archbishop's supporters, and put on bench

1685 JP = on liberty and/or other commission of peace in summer 1685 (ie favouring status quo)

1688 3Qs = Three Questions (all respondents were JPs)

1689 JP = on liberty and/or other commission of peace in summer 1689 (ie favouring status quo)

Principal manuscript sources

NYCRO, Fauconberg MSS, ZDV MIC 1285/9536-9 (on which this list is based)

NYCRO, Chaytor MSS, ZQH 9/7/2

NYCRO, DC/RIC II 1/1/3; 8/1/1

WYAS Wakefield, QS 4/13; QS 10/7-9

WYAS Wakefield, QT 1/2/1

WYAS Leeds, Vyner MS 5740 ('Naked Truth')

HLRO, Main Papers, MS 287

FACTION IN HULL CORPORATION IN 1680

	<u>7.5.80</u> <u>Division</u>	<u>13.5.80</u> <u>Division</u>	<u>27.5.80</u> <u>Certif.</u>	<u>July 80</u> <u>Petition</u>	<u>9.12.80</u> <u>Order</u>	
1 Foxley	anti	anti	anti	anti	dead	L
2 Ramsden	-	-		anti	dead	?
3 Richardson	pro	-				F
4 Crowle	pro	anti	anti		-	(F)
5 Skinner	anti	anti	anti	anti	dead	L
6 Franke	pro	anti	anti		resigned	?
7 Lambert	anti	anti	anti	anti	anti	L
8 Duncalfe	anti	anti	anti	anti	anti	L
9 Johnson	pro	pro			-	F
10 Hoare	pro	-			removed	F
11 Rogers	-	pro			-	F
12 Shires	pro	pro	anti		anti	?
13 Maister	anti	anti	anti	anti	anti	L
Sisson					anti	
Mason					anti	
Delacamp					anti	
Ellis					anti	
Feild					elected	

Key pro = pro-Hoare
 anti = anti-Hoare
 - = absent from meeting
 L = loyalist
 F = factious

7.5.80 = vote whether to send first version of certificate
 (carried 6:5)

13.5.80 = vote as to whether Hoare's election was legally void
 (carried 7:3)

27.5.80 = signatories to certificate voiding Hoare's election

July 80 = signatories to corporation's petition asking for
 Hoare's restoration to be discharged

9.12.80 = signatories to order removing Hoare from a meeting
 of the corporation

Principal source

HCRO, BRB5, fols 663-711

PROPOSED CHANGES TO NORTH RIDING PEACE COMMISSION
16 November 1680

Committee's comments

JPs to be restored

1	*Sir Gilbert Gerard MP	[none]
2	*Humphrey Wharton MP	[none]
3	*William Wyvill	'now to be put in his fathers room'
4	*Thomas Cradock MP	'to be in his fathers room'
5	#Sir Henry Calverley MP	[none]
6	#John Gibson	'a skilful justice'

JPs whose expulsion was to be confirmed

7	*Sir Roger Langley bt)	'both unfit'
8	*Sir William Cayley bt)	
9	*Francis Morley	'[left out] with good reason'

JPs to be removed

10	Sir Thomas Wharton	'lives out of the county'
11	Sir Chris Wyvill bt	'his sonne in his room'
12	Sir Henry Marwood bt	'a traducer of petitioning, by setting his hand to a paper to that purpose'
13	Sir Thomas Pennyman bt	'foreman of Lady Tempest jury, unfitt'
14	Sir William Chaytor bt	'a supposed favourer of papists'
15	Sir Edmund Jenings	'lives out of the ryding and no land there'
16	Sir Joseph Cradock	'his sonne to be in his room'
17	William Leveson Gower	'lives out of the county'
18	William Robinson	'lives out of the county'
19	Timothy Mauleverer	'refuses to act'
20	John Wilson	'of small estate and quallity'

Key # = removed November 1677
* = removed 28 January 1680

Chart 5/3 continued

Notes

1 The list includes all JPs put out in 1680 (ie *), except the duke of Buckingham (who was removed from commissions all over England), and three who died (Sir Henry Stapleton bt, John Wilkinson and William Dawson) - making eleven in all. Calverley and Gibson (nos 5 and 6) had been removed in 1677 (ie #).

2 The only JP who was put in was Sir Edmund Jenings (no 15) on 13 Feb. 1680.

3 The assumption has been made that vertical dashes designate JPs who were to be expelled. This seems perfectly reasonable. (Comments against other names are all perfectly innocuous.)

Principal sources

HLRO, Main Papers, MS 274, fol. 16; MS 275, fff i and fff ii
S.N., A Catalogue of the Names of his Majesties Justices of
the Peace (London, 1680)
HMC Finch, II, 43-6

Chart 5/4

LOYAL ADDRESSES IN 1681
(in order of publication in Gazette)

	<u>subscribers</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>
Ripon corporation (only)	under 40	x		x	x		
Pontefract corporation	100	x		x	x	x	
WR nobility, gentry, clergy	under 400	x	x	x	x		x
NR nobility, gentry, clergy	185		x	x	x		
Leeds corporation	400	x		x	x		x
Dickering gentry etc	800	x	x	x	x		
Richmond corporation	?	x	x	x	x	x	
Doncaster corporation	400	x	x	x	x		
York gentry, citizens etc	13/1400	x	x	x	x		
Hallamshire cutlers	510		x	x			
Hull corporation	?	x	x	x	x		

Key to catchphrases

- 1 = 'lives and fortunes'
- 2 = ruling by law
- 3 = lawful successors
- 4 = preserve Church of England 'as by law established'
- 5 = will choose compliant MPs
- 6 = welcome frequent parliaments

Principal source

Gazette, nos 1620 to 1673

CHAPTER 6: BEFORE AND AFTER RYE HOUSE

1681-84

Sir John Reresby of Thrybergh, the second baronet, was a hot-tempered little man with a well-developed sense of his own importance. Sometimes, indeed, his prickliness let him down, and never more dramatically than at the Rotherham quarter sessions on 19 July 1682. As senior justice in attendance, Reresby had given the charge against papists and protestant dissenters.[1] The sessions themselves were mainly devoted to the scrutiny of returns received from petty constables, which named teachers or preachers at conventicles and listed those who frequented them. None of this went down well with one of Reresby's fellow JPs, Francis Jessop of Broom Hall near Sheffield, 'a known favourer of dissenters'.[2] Moreover the constables in Jessop's patch had neglected to file returns, and Jessop himself refused to bind them over. Instead he declared publicly that the proceedings in this and earlier sessions were illegal. Reresby replied that 'it looked something saucy to arraign all the justices of the peace and all the proceedings of soe many sessions upon his own single opinion'. 'You are very impudent,' Jessop retorted angrily -

at which Reresby flung a lead inkstand which cut straight through his cheek. The two men drew their swords:

Mr Jessup was hindered from coming behind the table being fat, but his son, Mr William Jessup (a stripling of 15 or 16 years of age), goes to the floor, grasps about Sir Johns middle (being a little man), holds him, gets hold of his rapier, thrusts it to the wall, etc. So the brabble was stopt.[3]

The rest of the company forced the two men to make up, and an apothecary was summoned to attend to Jessop's 'great wound'. But the incident was undignified and can have done little to strengthen the majesty of the law in the West Riding. Reresby concluded a long self-exculpatory letter to Halifax with crocodile tears on Jessop's behalf: 'I beg that noe use may be made of it to his prejudice, either by his being turnd out of commission of the peace or otherwise.'[4] However Reresby's insincerity is palpable. Back in September he had been instrumental in obtaining a loyal address from the Hallamshire cutlers which Jessop had vehemently opposed.[5] Later that month, out hawking with the king in Newmarket, Reresby had

pris occasion de luy dire quelques difficultes, par l'entremise d'un justice de paix nomme Gysop, qui se firent en obtenant l'adresse, en ce qu'il refuse a la signer ce qui fut de meauvaise exemple a les voysins.

Charles volunteered that Jessop 'ne seroit pas long temps dans cette qualite de justice de paix'. Nevertheless Reresby had to

protest, because he was afraid that if Jessop lost his place he too would lose the support of the people of Sheffield 'ou il [Jessop] fut bien aime'. This, one suspects, is the real reason he asked Halifax not to pursue his enemy's removal from office the following July - although next time the Hallamshire cutlers held their annual feast, Sir John Reresby was pointedly not invited.[6]

By the summer of 1682, as this quarrel demonstrates, political priorities had changed remarkably since the sudden demise of the Oxford parliament. The persecution of protestant dissent was hardly new, but until recently had taken a back place to the persecution of papists. Indeed Joseph Besse could rustle up only nine lines of quaker sufferings in Yorkshire for the three years from 1679 to 1681. But now the political atmosphere was very different. It would take Besse twenty pages to record the next three.[7]

Protestant Dissent and the Pattern of Persecution

Regrettably there is no nonconformist equivalent to Aveling's corpus of work on Yorkshire's catholics.[8] In any case, blink hard and the vast majority of protestant dissenters turn into

conforming anglicans - for it was only the quakers and the separatist sects generally who had severed all links with the national church by the 1680s.[9] In the eyes of the law however the position was quite different: anyone at all who attended a nonconformist service was ipso facto a dissenter. An occasional conformist, for all that he held a sacramental certificate and was qualified for public office, could still be prosecuted if he was found in a conventicle. Again, doctrinally speaking there was little to distinguish between moderate dissenters and moderate anglicans, and after the restoration many of the former painlessly turned themselves into the latter. (As will be seen, in 1687 and 1688 James II would try to facilitate a return journey.) Often, too, loyalists found it in their interests to fudge the distinction between religious dissent and political disaffection, thereby obliging moderate dissenters to disguise their nonconformity for fear of being accused also of disloyalty. Taking these points together, the modern observer frequently cannot know if a particular individual was a dissenter or not. Where they exist, self-generated sources are certainly safer to use than anti-dissenting sources like (say) the letters of Thomas Fairfax in York. A substantial body of quaker material still survives locally,[10] and other separatist documentation has been printed.[11] In addition diaries written by men like Oliver Heywood and Ralph Thoresby contain many names, as do fragments of correspondence. These sources apart, the

investigator has to rely on official records of prosecutions for nonconformity, and grants of licences for dissenting worship in 1672 and again in 1689. (The Compton census, for all its value in establishing the overall pattern of dissent, merely gives numbers not names.) The result is not very satisfactory.

In the West Riding of Yorkshire the impetus for an attack on protestant dissent was inspired locally - spurred on no doubt by a political environment which was increasingly favourable to persecution,[12] and by an awareness that there was no immediate risk of parliamentary scrutiny as in 1680 over the abhorrences. (Only in 1682 did central government begin to monitor the progress of persecution directly.) In the middle of April 1681, barely a fortnight after the king's declaration, Sir John Reresby received a long ranting letter from Jasper Blythman, a fellow West Riding JP, which accompanied informations about seditious words allegedly spoken by one Hinchcliffe, a 'phenatique' from Penistone.[13] Blythman asked him to bring the matter to the attention of the privy council, and in due course Hinchcliffe was tried at the assizes. This was an isolated incident, however, and it was not until 16 December that Blythman brought the subject up again. He asked Reresby:

whether you think it may not be an acceptable service to

his majesty if wee take other methods in punishing the dissenters, as by the statute of the 22nd of this king [1670 Conventicles Act] or by the statute of the queen, then wee now take, scilicet 12d a Sunday. Wee are told in the country that you in Midlsex cause them to be indicted for keeping conventicles. Sir, your directions in this will give life to our proceedings.[14]

It was on the same day that the JPs of Middlesex, in obedience to the king's orders in council, resolved to enforce the laws against dissent.[15] Nevertheless, although news of it appeared in the London Gazette, and justices on the West Riding bench (and no doubt elsewhere) expected similar orders before the start of their own sessions, nothing was forthcoming. So they discussed what to do, agreeing eventually 'that such was [the dissenters'] insolency that itt was apprehended necessary to humble them, which will moderately enough be done'.[16] A notice was drawn up on 17 January 1682 (the last day of the sessions) which ordered the Conventicles Act to be put into operation in the riding. To that end warrants were sent to petty constables in each parish directing them to list nonconformist preachers and teachers, the names of substantial people who frequented conventicles, and the property owners concerned. Returns in writing were required, and high constables were ordered to monitor enforcement of the warrants and to attend the next sessions in person.[17]

At the Lent assizes in York the judge in his charge declared

'that the laws against all church dissenters and unlawfull meetings was to be putt in execution, [which] did give great satisfaction to all honest well meaning loyall people'.[18] Their resolve suitably stiffened, the West Riding JPs set to work, and at the Pontefract sessions on 25 April further orders were given against constables who had failed to submit returns (notably in and around Sheffield, that is to say in Francis Jessop's patch). Seven of the defaulters were imprisoned, and several others fined.[19] The justices' most prominent victim was Mark Trickett,[20] an ejected minister and a teacher at the conventicle in Tanshelf ('almost att Pomfrett town end'), who was committed to gaol for six months under the Five Mile Act.[21] (Ralph Thoresby visited him in July, a 'prisoner in York castle merely for conscience sake', and later noted with concern that incarceration had greatly weakened his friend's health.[22]) According to Oliver Heywood the 'chief that acted so briskly' in this and the other prosecutions were Sir John Kaye, John Peables, Jasper Blythman and Sir Jonathan Jenings. 'Lord pitty our forlorn case,' he added parenthetically.[23] Peables, attending his first quarter sessions as a justice,[24] happily played to the gallery:

Mr Pupils took off his hat and complemented the informer very deep, giving them hearty thanks for the good service they had done his majesty in informing.[25]

It was worth the informers' while. An order copied into the Easter sessions roll gave Thomas Wilkinson and Anthony Crossley the statutory one third of fines levied 'for their dilligence and industry' in the discovery of conventicles. Between them they took home more than £10.[26]

The machinery of persecution in the West Riding quickly settled into routine, notwithstanding Jessop's protests in the July sessions. (He did not turn up again until 1685.) Technical defects in the conventicling warrants were ironed out, and efforts were made to deflect criticism that 'the dissenters [were] more proceeded against att this tyme than the papists'.[27] According to Besse,[28] four quakers were ordered to York Castle from Skipton on 11 July, fourteen more from Knaresborough, Wakefield and Barnsley during the October sessions, and one hundred and sixteen (eighty-one of them from Wetherby alone[29]) the following January. Meanwhile on 12 December Blythman committed eight quakers to prison 'for refusing to give sureties for their good behaviour', and others were imprisoned for the same reason. By the time of the Lent assizes in 1683 there were more than two hundred and forty quakers in York castle, 'besides divers that died prisoners since their commitment'. In view of these numbers (matched elsewhere in the country), it is probably no coincidence that the judges were ordered to carry out a detailed survey of the nation's gaols when they rode

their circuits.[30]

Systematic persecution affected moderate dissenters in the West Riding far less than it did the quakers. At any rate they were unlikely to find themselves in York Castle. (The quakers imprisoned in January 1683 were caught by the anti-papist legislation because they refused to swear the oath of allegiance.[31]) More surprising is the variation in attitude towards persecution magistracy to magistracy, as well as the lack of any discernible relationship between the pattern of dissent generally and the pattern of persecution. Indeed for months many nonconformist communities remained relatively immune from the attentions of the authorities. Examination of Besse for the year 1682, for instance, reveals that persecution of quakers was confined almost exclusively to areas controlled by the West Riding bench. Only in Bridlington had William Osbaldeston begun to assemble his army of informers. Even so, moderate nonconformists took care to minimise their visibility. On 5 July 1682 the presbyterian chapel at Mill Hill in Leeds was shut up, and Thoresby was soon consulting with 'special friends' how to render their meetings inoffensive.[32] For the time being, in spite of periodic scares, they seem to have been successful. (In Leeds even quakers were not molested until after Rye House.) In York meanwhile, a county corporate with its own sheriffs and juries, the authorities were prepared to connive with the

accused so as to secure their acquittal. Loyalists were of course scandalised. It is to York therefore that this chapter now turns.

The York Juncto

At the York assizes in March 1682 one of the judges warned the lord mayor and aldermen

that if a quo warranto were brought against them he could not see but that their charter was forfeited for their misgovernment, and for suffering conventicles to be soe openly held without any controule by their connivance.[33]

Quo warrantos were in the news. Following the government's failure to convict the earl of Shaftesbury in November 1681, an information in the nature of a quo warranto was brought against the corporation of London on 21 December, which (amongst other things) accused the common council of seditious libel by promoting a petition calling for the exclusion of the duke of York.[34] Needless to say, the corporation of York could find its own existence exposed to a similar legal challenge. However the specific incident which prompted the judge's outburst occurred during the city's quarter sessions two months earlier, when a number of appellants against

conviction under the 1670 Conventicles Act were acquitted by a 'whiggish' jury (as it was called by the York attorney Thomas Fairfax in a long letter about it to Reresby).[35] The conventicle had been held in the house of Mr Andrew Taylor in Micklegate, a prominent nonconformist in the city ('that public-spirited merchant who opened his doors for private meetings in the straitest times', as Edmund Calamy later described him).[36] One Sunday Captain Toby Hodson[37] and two other gentleman saw a hundred or more people entering Taylor's house. They failed to obtain a warrant from one of the nearby justice-aldermen which would have permitted them to break up the conventicle, but they attempted to sneak inside anyway. Although they were unsuccessful, they did hear a person preaching or praying 'in a whyneinge, sniveling tone', and in due course had the satisfaction of seeing seven members of the congregation convicted and fined five shillings each, Taylor convicted and fined £20 for allowing the conventicle to be held in his house, and two others levied a total of £20 in place of the preacher 'beinge a person unknowne'.

Fairfax's letter contains the only surviving account of the conventiclers' appeal to the York city quarter sessions in January.[38] 'The learned grocers, chandlers, skynners and weavers, beinge the major parte of the aldermen upon the bench', first made a number of pronouncements designed to stack the cards in the appellants' favour - ruling, for

example, that no evidence was to be admitted unless it had already been given in writing, and also that the appellants should have been heard in front of two justices before conviction. Both rulings made complete nonsense in law. The appellants' counsel then made various 'frivolous observations and objections' about the case itself. All this seemed to satisfy the trial jury and the appellants were acquitted, 'and thus the law eluded and made useless and insignificant'. At the same sessions an indictment under the Five Mile Act against Ralph Ward[39] (an ejected minister whose name was often linked with Taylor's) was found ignoramus by the grand jury, 'although it was sworne by eight wittnesses that he has preached and lived in this citty contrary to the law.' It was not just in London that Charles could complain about denials of justice at the hands of whig juries.[40]

The Lent assizes were scarcely over before Sir John Reresby was appointed governor of York.[41] Preparations were immediately begun for his arrival - Fairfax of course made sure he knew exactly who the leaders of the factious in the city were[42] - and on 27 June he took formal possession of Clifford's Tower before visiting Lord Mayor Wood. Reresby told his lordship

that I had heard severall things were frequently said and acted to the prejudice of his majestys service, which I desired he would take care to prevent for the future,

otherwise I should be bound to represent it to the king.
. . . His lordship took all very well, tould me he was
obliged to me for my open and ingennious proceeding, said
he did take notice of my authority and would pay all due
respect to it, [and] that what I seemed to insist upon
appeared but reasonable.[43]

Agreeable Reresby's official reception might have been, but at
a deeper level all was not well. Early in April Fairfax wrote
that the whigs were 'very frolicksome of late att their plott
office, where the clubb meetes every night', and a fortnight
later reported that Robert Waller (responsible for a memorial
in the minster against the papists),[44] had set a gentleman
of quality in the stocks who called him a whiggish
alderman.[45] Although by the end of September, following
Monmouth's arrest, 'there is not a whigg appears here either
att coffee house or clubb', news was soon circulating about
Sir William Ayscough's 'ticklinge house' in the minster yard.
As Fairfax remarked, 'There was a numerous troope of pretious
saints assembled there on Wednesday last carryinge on the
worke.'[46] (That Fairfax was not always fair on the city
authorities is revealed by dissenting sources, which show that
by late August Ralph Ward had been fined £40 and had gone into
hiding, and John Taylor, a quaker sugar refiner, was in
Ousebridge gaol.[47])

Meanwhile, as also in the capital,[48] government ministers
had begun making efforts to assure themselves of loyal men at

the apex of corporate government in York. As in London, the most important officers were the lord mayor (as chief magistrate) and the two sheriffs (who nominated the juries). In contrast to London, however, there was no popular participation in corporate elections. Instead, the commons presented a fixed number of candidates for each post - they were themselves appointed for life in the same manner - from which the upper house selected their preferred man. In theory this must have made elections seem more amenable to pressure, and Fairfax was pleased when one of four candidates as sheriff, 'a greate conventicler', was rejected in September 1682. It was less satisfactory that Alderman Edward Thompson, the wine merchant who had upset the duke of York three years earlier by removing his furniture from his lodgings (and in Fairfax's opinion 'the greatest villane in nature against the kinge'), was next in line to take the chair as lord mayor - 'though if he had his due he ought to be as nere a ladder'.[49]

Towards the end of November Reresby dined several times with members of the York corporation.[50] A loyal mayor and sheriffs had recently been elected in London (as he himself mentioned in his Memoirs), and he was no doubt under orders to promote good elections in York too. His civility soon paid off, and he found that some of the faction leaders were willing to negotiate. On 4 December he spoke in private with

Alderman William Ramsden, 'one of the most witt of the whole fraternity'. Ramsden admitted the city's 'errours' - that is to say, choosing exclusionist MPs, snubbing the duke of York in 1679, petitioning for parliament in 1680, and neither addressing nor abhorring in 1681 or 1682. Asked how the city would show its repentance (for Ramsden insisted they would never surrender their charter), the alderman offered to do three things - to lay aside Thompson's election as lord mayor 'provided his majesty would command it by letter'; to choose the duke of York as high steward in place of the duke of Buckingham, who would be put out of office[51] (or if York refused, the marquis of Halifax, Reresby's own patron); and to elect better MPs for the next parliament. It emerged however that Halifax did not want the king to write a letter to the corporation 'except the successe was absolutely certain' (which it was not).[52] Neither did he want James to be high steward, although he was prepared to attempt it himself provided Reresby fixed it up for him. The latter agreed to do this,

yet I could have wished [the city] would have shown their obedience by some signall act of choice rather than of nescesity.[53]

A month later, towards the end of January 1683, Reresby was again entertained by the York corporation, and confidently predicted that Halifax's election as high steward 'could not

in reasonably miscarry'.[54] Already, however, the crypto-republican Thompson had been elected lord mayor, and after being sworn into office on 3 February immediately seized the political initiative. In a letter which must date from the spring of 1683 one of Thompson's nephews proudly informed his older brother:

If you please, you may tell my lord mayor that Mr [William] Sacheverill talks of him in the London coffee houses as of the greatest heroe of the age. It is no small thing to merit the praises of a person who, though all people commended him to the world's end, yet can never be commended enough. So vous avez my lord mayor.[55]

Back in November the corporation had written to the duke of Buckingham asking him to help them combat misrepresentations about their loyalty towards the king (not to mention a demand for arrears of tax), and warning him that if he did not do so they would be obliged to look for a new high steward.[56] There was no response (the tone of their letter suggests that they expected none), and the commons began to agitate for a successor. On 26 March, after a petition to the upper house, the corporation unanimously chose the ten year old duke of Richmond as high steward in Buckingham's place.[57] As Fairfax wrote to Reresby:

This guardian angell with the assistance of the prayers and intercessions of his blessed mother is to undertake for us and defend us from all quo warrantos, fee farmes etc whatsoever, and represent us as a loyall, lively and

acceptable citty to his majestie.[58]

Fairfax may have scoffed (the next few weeks offered him many opportunities for sarcastic point-scoring at the expense of the 'juncto' in York[59]), but Reresby seems to have approved this particular nomination.[60] After all, Richmond's mother, the duchess of Portsmouth (still Charles's favourite mistress), had managed to carve out a political career for herself.[61] The corporation wrote to Buckingham telling him in effect that he had been sacked (his reply said simply: 'I have received your generous, obleigeinge and politique letter').[62] At the same time a flurry of suitably flattering letters was exchanged between the mayor and corporation on the one hand and Dr Taylor (Portsmouth's chaplain), Richmond and Portsmouth on the other. A gold box was prepared to contain the duke's patent of office, and an official delegation led by Alderman Waller went up to London to present it to him.[63] Fairfax noted that

The duke of Yorke's health hath not been drankt att [Lord Mayor Thompson's] table since he was in the office, though the duke of Richmond our lord high stuard and his mothers are the constant healths.[64]

On 29 May Reresby was back in York where he was entertained by several citizens, some of whom (like Ramsden) would later become long-term political allies. Thompson's authority in the

city may have been well-entrenched, as his nephew could observe from London, but Reresby was steadily building up his own powerbase.[65] Moreover exactly a fortnight later the judges declared the London charter forfeit to the crown.[66] Fairfax exulted:

I hope now that the pretious lord mayor of Yorke will surrender that charter before the quo warranto be served upon him, for which I heare he will shortly have advice from his freind Taylor.[67]

But before anything could happen, news of the Rye House plot reached York.

Plymouth in Hull

In a brief survey of religious persecution in Yorkshire drawn up on 30 August 1682 Oliver Heywood noted that 'scarce any place in this county [remains] free except Hull.'[68] Like the city of York, Hull was a county corporate and thus itself controlled the recruitment of grand and trial juries. Like York again, the effect was to shelter religious and political dissidents from the rigours of the law. Yet a few months later the burgesses of Hull had to endure a fullscale attack on protestant dissent - this in a town where presbyterians were

estimated to comprise two-thirds of the population.[69]

On 10 November 1682, ten weeks after Heywood's survey, Hull acquired a new governor and lord lieutenant. In the earl of Plymouth the town found a man very different from his immediate predecessor, the absentee earl of Mulgrave.[70] As early as 20 December, during his first official visit to Hull, he ordered the corporation

to search their records how former lord lieutenants acted here, that the best methods might be taken to order the militia within this town and county; and then his lordship did intimate to this bench that two conventicles is comonly reputed to be held in this town, upon which this bench proceeded to send for Mr Astley and Mr Charles, supposed to be preachers to the said conventicles; and for Mr John Robinson, Mr Anthony Iveson, Mr Michael Beilby, Mr John Graves and Christopher Fawthrop, supposed among diverse others to be hearers of them.[71]

If Plymouth's enquiries about the militia came to nothing (in 1685 he wrote that 'Hull has no militia by order of the late king'[72]), the attack he initiated on protestant dissent was altogether different. A transcript survives of the trial of the presbyterian minister Samuel Charles on 2 February 1683.

Charles Where are the two witnesses? Let me see them face to face, according to the manner of England, that will swear I was the parson, vicar or curate, and did refuse to give my assent and consent to take the oath and to take the declaration according to the Act of Uniformity.

Alderman It is no matter.

Charles There must needs be proof that I am such a person as the [Five Mile] Act describes, for there are more preachers in Hull than Mr. Ashley and I; and you may as well, if you have no proof that I am the parson, vicar or curate, send for the man that goes next by in the streets and execute the Five Mile Act upon him.

Alderman Do you think we sit here like a company of fools? Will you take and subscribe the oath according to the act?

Charles Let me see it prov'd according to the act that I am concerned in it, and then I will tell you more of my mind.

Alderman You do preach. You do baptize. You do administer the sacrament.

Charles Did you see me?

Alderman No, but we did hear so.

Charles And will you deprive a man of his liberty by hear-say? You may then find your selves work enough as the world goes.[73]

At first sight this exchange suggests an unpleasant degree of magisterial arbitrariness. Nevertheless the defendant's insistence on two witnesses was a legal red herring,[74] and Charles was found guilty under the Five Mile Act and sent to gaol for six months. At the same sessions many of his hearers were also convicted and fined.[75] Meanwhile Alderman Johnson, Daniel Hoare's closest ally at the time of his expulsion, refused to join his brethren in convicting conventiclers and taking the evidence of informers. He was briefly discharged from office.[76]

On 5 February, just three days after Charles's trial, the burgesses of Hull publicly presented their high steward, the

duke of Monmouth, with his annual honorarium of a purse of gold.[77] Plymouth by then had probably left the town. Even so, the move was politically inept, since it emphasised the town's continued connections with the opposition. Returning to Hull in May the governor bullied the bench into sacking Monmouth as high steward and into selecting the marquis of Halifax (his own brother-in-law) as his successor.[78] Halifax must have refused because in July the corporation petitioned the king to appoint Plymouth himself to the vacant office. A warrant was issued on the 23rd.[79]

It is interesting to compare the different governing styles of Plymouth and Reresby during these months. (Although Plymouth was lord lieutenant and Reresby was not, in practice the former had no greater authority.[80]) The governor of York, as has been seen, was keen to build up his own powerbase inside the city's political institutions, believing that consent was the key to control. After Rye House he wrote, perhaps a little too smugly,

The thruth is I did endeavour to doe the duty of my place with as much softnesse as I honestly could, and found it was for the kings service not to refuse a fair correspondence with every man, however his principles stood, that would give faithfull assurances to be true and constant to the goverment; and by this method, though it displeased some, the citty of Yorke was much changed to the better in a short time.[81]

In contrast to Reresby's 'softnesse' Plymouth's first instinct was to play the bully. On 25 June he told Secretary Jenkins that on his recent arrival in Hull

I did finde the civill magistrates of this towne very necglegent of putting the lawes in execution against the phenatticks.[82]

A day or so later Rye House offered him a heaven-sent pretext for bludgeoning the town into submission. Houses were searched, conventiclers were arrested, convicted and fined. As he told Halifax, 'Too much mercy formerly brought this dainger upon us, and justice must prevent the like.'[83] Plymouth's efforts paid rapid (if temporary) dividends, and on 12 July the mayor and corporation sponsored a loyal address to the king. Its arrival must have delighted the government. It would have delighted them all the more if they had known that in 1682 the same bench had divided seven votes to four against sending an abhorrence.[84]

Rye House in Yorkshire

News of the Rye House plot reached York on 26 June.[85] Two days later Ralph Thoresby's uncle, Michael Idle, wrote to him from London:

Here is a great searching for plotters, and the
assossiation found subscribed by divers in citty and
contrie. Mr Dickeson believes their must be much in it in
regard they flie and are feered hid.[86]

The same day Thomas Ogle sent the first of three letters about
Rye House to his brother-in-law, Sir William Chaytor of Croft.
These letters offer a great deal more detail, and mention, for
instance, the royal proclamations ordering the apprehension of
named conspirators. 'Many messingers are sent to seaverall
countys,' he explained, 'and its expected many will be
secured.'[87] Meanwhile on 23 May, on the day of the first
proclamation, the vicar of Scarborough (happening to be in
London) wrote back home about it to his curate. His letter
arrived in the town on the 26th, and the following morning the
curate took it round to show Stephen Thompson.[88] Thompson, a
cousin of Lord Mayor Thompson of York (and the brother and
uncle of exclusionist MPs for Scarborough),[89] was at that
very moment entertaining two of the absconding conspirators in
his house, and by lunchtime had seen them safely on to a ship
bound for Rotterdam. (The two men claimed they were running
away from their creditors.) One of them was Richard Nelthorpe,
a London barrister with republican connections, who had an
estate at Seacroft near Leeds and was a distant relative.[90]

In due course news reached Secretary of State Jenkins from
Holland that two of the conspirators had fled overseas via

Scarborough.[91] (At almost the same time two others escaped from nearby Bridlington.[92]) At first, local investigations were co-ordinated by John Knowsley, commissary of the musters for Yorkshire,[93] and between 13 and 16 July seven men and women were examined (with notable unenthusiasm) by the town's two bailiff-justices. Thompson, for his part, claimed it had been another week before the royal proclamation arrived in Scarborough.[94] Technically this was probably correct, and Jeremy Bromley, a loyalist customs officer in the town, made much the same observation himself. In any case, Thompson could have pointed out that the vicar's letter to his curate did not mention individual conspirators by name. The authorities took a dim view of all this however, and Peter Posgate, the mariner in whose vessel the plotters had fled, was probably not the only person to be indicted for treason at the York assizes.[95] On 16 July Sir William Cayley (also involved in the enquiry) told lord Dartmouth he would make no remarks about the two bailiff-justices - and then proceeded to do so: 'In the main I find great cause to suspect them, and that they have a greater design to serve their friends than to pay their duty to his majesty.'[96] Meanwhile on the 14th Jenkins had ordered the loyalist Sir Hugh Cholmley to investigate the matter thoroughly.[97] It was hardly a coincidence that twelve months later, when a new governing charter for Scarborough was sealed, Commissary Knowsley was made mayor, Cayley an alderman, Cholmley foreman of the common council, and Bromley

another councillor.[98]

Before hard news about Nelthorpe's successful escape reached England in the second week of July the authorities in Yorkshire (and elsewhere) devoted much effort to following up rumours about his whereabouts. Nelthorpe was reportedly seen in Leeds on 1 July, and again at a coffee-house the following day - where it was said he tried to walk off with both copies of the London Gazette (presumably the issue which contained the proclamation ordering his arrest). In Leeds again Alderman Martin Headley, soon to devote his energies to the extirpation of protestant dissent in the town, thought he had identified the other escaping conspirator, also in Mr Halton's 'coffyhaus'. [99] But by then, of course, the conspirators had already fled overseas.

The Rye House plotters themselves seem to have taken little interest in Yorkshire politics. All the same, the government was determined to keep a tight grip on security in the provinces, and on 23 June, the day of the proclamation against Nelthorpe and his fellow conspirators, Secretary Jenkins wrote a circular letter to all the lords lieutenant advising them that a 'horrid design' had been discovered which was to have been supported by local insurrections.

I am commanded to give you notice of it that you may at

this time watch the motions of that party, and to that end you are desired to take special care that the officers of the militia be in a readiness if there be occasion, and that such persons as you shall justly suspect in this juncture may be disarmed as the law directs.[100]

The earl of Burlington, lord lieutenant of the West Riding, was in Yorkshire when this letter arrived. He called a meeting of his deputies for 3 July, and divisional meetings were scheduled throughout the riding between the 6th and the 17th (mostly on sessions days) to determine who was 'dangerous to the peace of the kinge and kingdome, to the end that they may [be] disarmed and proceeded against according to law'.

Burlington's militia officers also confirmed that they were ready to be called up at a moment's notice.[101] Meanwhile, although lord Fauconberg and the duke of Somerset, lieutenants respectively of the North and East Ridings, were absent from Yorkshire, both kept in touch with their deputies by letter. The deputy lieutenants of the Stokesley division, for instance, met on (or by) 2 July and appointed a general meeting in Northallerton for the 5th.[102] Shortly afterwards on the 11th the East Riding deputies met in Beverley.[103] A substantial body of correspondence still survives among the state papers for the West Riding and York, and the first weeks of July are full of references to six Scottish pedlars - not to mention a one-eyed man, also a Scotsman, who was erroneously thought to be the conspirator Rumbold. These men were all sent to London for questioning by the privy council.

The sources for the other ridings are less comprehensive, although it is interesting to trace the consequences of the deputies' meeting at Beverley on 11 July. In a letter dated the 23rd they told Lord Lieutenant Somerset that they had

made search of all suspected places, and the houses of such persons who are wilful dissenters from the Church of England and have been actually in arms against the king within this lieutenancy.[104]

As it happens they were not telling the truth. Jenkins had received an anonymous letter which informed him that 'out of civility' the deputies had decided not to search Sir John Hotham's house - 'where, as it has since been informed, were store of arms and at least 30 or 40 great saddles which on a fright he has discovered.' Hotham, a former exclusionist MP (he was removed from the East Riding commission of the peace in 1680), was reported to have been meeting secretly in Beverley with the fanatic Alderman Edward Grey and others.[105] In extenuation Hotham claimed that lord Bellasis had given him the arms when he was lord lieutenant of the riding. Dartmouth in turn as master of ordnance ordered Bellasis to explain himself.[106] It was only on 31 July, in accordance with further orders from Somerset, that Hotham's house was searched properly.[107] Meanwhile Jenkins had begun corresponding with a loyal alderman in Beverley in an attempt to find out exactly what was going in the town.[108]

It is in York that the impact of Rye House can be traced in most detail. On 28 June, just two days after news of the plot first reached Yorkshire, Governor Reresby persuaded Lord Mayor Thompson to grant him a warrant ordering the constables to assist his soldiers.[109] Sentries were posted at the gates, although Reresby complained he did not have enough men to do the job properly.[110] (Oliver Heywood, who happened to be in town, ascribed his escape through an unattended postern to the direct intervention of god.[111]) At the meeting of deputy lieutenants on 3 July four companies of the militia were placed under the governor's orders for eight days - seen as an 'ill president' by some.[112] The following day Lieutenant William Tomlinson of the York militia was ordered by three deputies to search five houses including those of Andrew Taylor and Ralph Ward, two of the men who had escaped punishment at the city's January 1682 quarter sessions. (In the 1685 charter Tomlinson would be made an alderman.) Following a tip-off to the loyalist deputy Sir Thomas Mauleverer, the houses of Sir John Brookes (a former MP) and Alderman Robert Waller were also searched.[113] It was later alleged that Mayor Thompson's own house was listed on one of the warrants.[114] Finally on 1 August orders were given to search eight more houses.[115] In all some twenty-one people in the city were disarmed.[116]

Related to Nelthorpe through his mother, and suspected by many of being a republican himself, Rye House placed Lord Mayor Thompson in an invidious position. In the circumstances he must have decided his best tactic was to become plus royaliste que le roi, and for the time being it suited everyone to take his unlikely conversion at face value. Thompson invited Reresby to dine with him on 6 July, for instance, even though six weeks earlier the governor had noted that so far the mayor had had 'noe commerce' with him.[117]

[Thompson] declared his great desire to keep a fair correspondencie with me, owning how much the citty had been obliged to me, but shewed the kings command for it from the secretary at the same time.[118]

Jenkins's letter still survives,[119] and replying to it a few days later Thompson wrote:

I shall readily comply with any thing Sir Jno Rrersby [sic] offers for the service of the king, the concerne of whose safety and preservation as of duty is soe deare to us both that I cannot imagine any misunderstanding can be between us unlesse to emulate each other who shall be forwards in expressing our dutyes and alleigiance to him.[120]

Indeed five months later, when Thompson was tried for speaking seditious words, Reresby told the king 'that he was very ready to give me his assistance in York at the time of the plott'. Theirs may have begun as an opportunistic alliance, but it would survive for another five years.[121]

The summer assizes opened on 23 July. In his charge Mr Baron Street insisted upon two points which in Governor Reresby's opinion were 'very fit to be known'. Conventicles were to be broken open where the king had a share of the fine, and protestant dissenters and not just popish recusants were to be brought to justice - both of which 'have been as little taken for law as practised in some parts of this county'. (The impact on dissenters in Leeds of Street's restatement of government policy is explored in the last section of this chapter.) Reresby continued: 'By what accident I know not, but we have two grand juries sworn not composed of the best men in the country.' [122] A fortnight later he was still more forthright, describing the under-sheriff responsible for the juries, one Simon Scot, as a 'favourer of phenaticks'. [123] By then Scot was in serious trouble. A letter had been found (or planted) in the minster yard, which implied that Scot had been paid £100 'for certain secret services therein surmised'. He and his fellow accused, the county clerk, were each bound over by Reresby for £800. [124] Their fate is unknown.

What most angered the governor of York about the grand juries in the summer of 1683, however, was their refusal to join with the gentlemen at the assizes in congratulating the king on his preservation 'from the hellish machinations and practices of fanatick, seditious and atheistical people'. [125] This was just one of sixteen addresses presented from Yorkshire after

Rye House.[126] Of the ten municipal corporations addresses were sponsored by all but Hedon, including for the first time contributions from the hitherto notoriously disaffected boroughs of York, Beverley and Scarborough (who regretted they 'were not so happy as to receive your majesties late proclamation'[127]). Addresses also originated in each of the ridings as well as from Trinity House and (somewhat bizarrely) the young men of Hull. (In these last two, as in the address from the town's corporation, the hand of the earl of Plymouth can no doubt be discerned.) In several cases the sources allow detailed reconstruction of the local political background, and it is worth looking a little closer at one of them.

In Beverley the corporation decided on 16 July to draw up an address to the king. The following day, after consulting with their recorder Sir Edward Barnard about its content - he was also recorder of Hull, in which capacity he had advised on the expulsion of Alderman Hoare in 1680 - the address was sealed and sent to the duke of Somerset who presented it on their behalf to the king. On 2 August Somerset's report was read out to the corporation.[128] Already however Secretary Jenkins had received the anonymous poison letter dated 20 July about Sir John Hotham and Alderman Grey. It included the following additional information:

This Grey . . . refused this week with another alderman,

Johnson his kinsman, to subscribe an address sent up by the mayor and other honest aldermen to his majesty, held a private conference that very day with Sir John [Hotham], and at his return told Alderman Dymock, an honest, loyal man how the mayor and the aldermen that had signed were rogues, villains and knaves for doing so, and that they had betrayed the town, with other most disloyal expressions.[129]

Alderman Grey, it is not surprising to learn, was one of six men displaced from the bench when the governing charter was renewed in 1685. Meanwhile in a letter to the marquis of Halifax on 26 September 1683 Sir John Reresby played down the impact of Rye House on Yorkshire:

We are here very quiet, only some are not satisfied with a demonstration as to that late plott nor the earl of Essex death, but those not many in these parts.[130]

Correct this assessment might have been, but during the next few months Rye House would offer anglicans and loyalists alike a wonderful pretext for paying off old scores.

The Suppression of Dissent in Leeds

One man who would have been pleased to hear the judge's attack on conventicles at the 1683 summer assizes was Alderman Martin Headley of Leeds - for it was Headley who spearheaded the

corporation's campaign against protestant dissent which began the same autumn.[131] Restoration Leeds hosted substantial numbers of nonconformists both in the town itself and in some of the more populous out-townships like Holbeck and Bramley, and in 1672 up to ten licences were issued for presbyterian meeting houses and three more for the congregationalists.[132] Moreover, as the papers of Oliver Heywood and Ralph Thoresby demonstrate so clearly, in Leeds nonconformity reached right to the top of local society. In the circumstances one would like to know more about the origins of Headley's 'inveterate malice' towards these 'damnable rich fanatics'.[133] As will be shown, it was not shared very widely by his fellow corporators, many who had dissenting relatives of their own. It is unfortunate therefore that Headley's papers 'containing his methods for the extirpation of fanaticism etc out of this populous parish' have disappeared. They would have made chilling reading, with their 'alphabetical lists of the names of the dissenters in the parish of Leedes' recording their convictions and fines. Examining them in 1691 Thoresby discovered his own name, 'inter puritanos, devoted to destruction'. His explanation was simple. 'That cruel persecutor', he confided to his diary, 'seems to be under divine infatuation.'[134]

The corporation's assault on protestant dissent in Leeds began with the quakers, whose meetings were broken up on 21 and 28

October and on 18 November, and then again at regular intervals until December 1685.[135] Headley himself often joined in. Four people were arrested on the first occasion and eleven on the second, although in both cases they were released from prison after a few days. However the fifty-two men and women arrested in November (they included some of the same names) were less fortunate and were sent to York Castle, where they remained until the borough quarter sessions on 25 January 1684. They were then fined and upon their refusal to pay had their goods seized.[136] Two days later Headley and his men broke up another meeting, after which thirty-one people were indicted for a third offence (which upon conviction by a jury made them liable to transportation under the 1662 Quaker Act[137]). Although thirteen people were discharged on 30 March (and in practice no-one seems to have been transported), more were indicted for a third offence on 31 March and still more on 22 April.[138] So it continued to the end of the reign and beyond.

Quakers were of course peculiarly exposed to persecution since they refused to meet in secret. By contrast the presbyterians of Leeds (as has been seen) took care to keep well out of sight. But Alderman Headley was not to be put off. On Friday 30 November 1683 Ralph Thoresby was ordered to appear before the aldermen-justices the following Monday accused of being present at a conventicle in Hunslet. (Thomas Sharp, the

presbyterian minister, was lucky to avoid capture.) Thoresby spent the rest of the day and the entire weekend consulting with his friends - among others Alderman Sykes and his cousin Alderman Hick, as well as lawyers and fellow nonconformists.[139] Thoresby was tried under the 1670 Conventicles Act, and naturally the prosecution was led by Headley.

The adverse party were enraged when I appeared with two counsel, Lawyers Witton and Atkinson, who pleaded it was no riot or conventicle, etc. So that they missed of their hoped-for prize - 20^l for the house, and as much again for the minister or informant.[140]

The prosecution case broke down and Thoresby was acquitted, and afterwards there was a well-attended celebratory dinner whose guests included both the defence lawyers and at least one alderman. Afterwards Thoresby wrote in his diary:

Though Alderman Headley was pleased to cast many reflections upon the damnable rich fanatics (as he was pleased to call them), yet all the aldermen besides carried very moderately and respectfully. Mr Recorder Whyte . . . persuaded me from conventicles, where nothing was preached but faction and rebellion. To which I only replied, that the first time I should hear it preached, I would thankfully embrace his counsel, but till then must beg his excuse. Received some jests etc from others of the justices . . . [141]

Thoresby was not put off by the experience, and the following Sunday he and his friends again went to Thomas Sharp's

conventicle.[142] All the same, like many others he regularly attended his parish church, even while appreciating 'the conveniency of Mr Sharp's excellent sermons in secret'.[143] Two important letters have been discovered which show the lengths Thoresby and his fellow presbyterians had to go to in order to hear them. Sharp wrote the first one on 24 March 1684, and it is worth quoting at length.

Received yours with the enclosed, and shall be (through divine assistance) ready to meet you nex lords day at the place and for the work appointd about half an hour past 10 or 11; which I think the most convenient time, because coming and going will be lesse observed, people being settled at church; for which cause I know not whether 'twill bee convenient to desire Mr Ch.[?] assistance, which will inevitably enforce a begining or ending more observable, and the length of time in continuing together give more advantage to evill eyes and designes; and you know in whose parish it is and how near a magistrate, good enough indeed unprovkt but _____ [sic]. I think 'tis not wisdom to bee over long, or over visible and pulique at this time of day. If things fall out on either your side or mine to impede, let timely notice bee given.[144]

A month later Sharp wrote another letter. This one read simply: 'I shall with gods help be ready at the place and hour appointed.'[145] In Leeds, as these letters clearly indicate, protestant dissent had gone underground, presumably hand in hand with an increase in superficial conformity. It had not of course disappeared. Nor for that matter did all the aldermen-justices prove to be equally enthusiastic persecutors - the same names occur and recur in the books of quaker sufferings, for instance.[146] Nor again did the pattern of

persecution in Yorkshire yet match the pattern of dissent - the important quaker community in Scarborough, for example, remaining relatively unscathed thanks to the apparent connivance of the authorities in the town. Even so, the political landscape of Yorkshire had changed enormously since the dissolution of the Oxford parliament. In another twelve months it would have changed enormously again.

CHAPTER 7: THE ASSAULT ON THE CHARTERS

1683-85

The official report into the escape from Scarborough of the two Rye House plotters, if there was one, has not survived. In any case it seems that Stephen Thompson and the town's other 'receivers of traitors' were never brought to trial, presumably because insufficient evidence of complicity could be found. In the meantime the two bailiffs and the rest of the corporation may have taken comfort from Lord Lieutenant Fauconberg's letter of 13 August 1683:

His majesty is willing rather to impute [their escape] to the disaffection of some particular persons than the corporation, whom I have represented to him as very loyal. And I hope you will upon all occasions appear so.[1]

If the king did say this it was meant only grudgingly, and a few months later a writ of quo warranto was issued against the Scarborough corporation which challenged its very existence. For some time the bailiffs, burgesses and commonalty dragged their collective feet, neither appearing in person at the king's bench nor surrendering their governing charter into the

royal hands. At last, early in June 1684, they were ordered to appear and plead within a week or judgment would go against them by default.[2] Commissary Knowsley, the man who organised the government's initial investigations after Rye House (and a protege of Scarborough's governor, Sir Thomas Slingsby),[3] offered to carry the charter up to London on the corporation's behalf, warning them that if they refused to do so he would appear in court against them.[4] Accordingly on 9 June an instrument of surrender was signed and sealed, and in due course it was presented to the king by two of the signatories. Governor Slingsby was in London and with the help of Knowsley instigated a major overhaul of the town's 'governing part', which replaced the two bailiffs and the three annually elected 'twelves' with a mayor, a bench of aldermen for life and a common council, at the same time packing both bodies with loyal gentry and army officers.[5] A warrant for a new charter was prepared on 12 July (it named Knowsley as mayor and Slingsby as foreman of the common council), and the charter itself was sealed with only minor changes on 2 August.[6] Knowsley himself seems to have carried it to Scarborough, and on the 18th he swore his new corporation into office.[7] It was ten weeks to the day since the old charter had been surrendered, and just six weeks later the first conventicle in the town would be broken up.[8] By the end of the year York castle housed dozens of Scarborough quakers.

The government's assault on the Scarborough charter had several unusual features - not least the extraordinary speed with which Commissary Knowsley's 'now loyal corporation'[9] was foisted on to the town (compare Chart 7/2), and the unexpected lack of 'fight' shown by those displaced. Indeed, it is difficult to believe that the instrument of surrender itself can have had any force in law. In the first place it had been sealed merely with the bailiffs' seal of office, since the signatories could not get hold of the common seal. Second, only ten out of forty-four corporators had actually signed it.[10] Perhaps then it is not surprising to find dark hints that the new regime, uniquely in Yorkshire, was not regarded as a legitimate political authority by some of the inhabitants.[11]

As it happens, Scarborough's was the second Yorkshire charter to be renewed in 1684.[12] However before assessing the impact of the quo warranto campaign generally, it is necessary first to highlight a number of technical misconceptions which have marred earlier accounts.

The Crown and the Municipal Charters

There were ten incorporated boroughs in restoration Yorkshire

and all ten lost their governing charters in 1684 or early 1685.[13] Of the fourteen parliamentary boroughs only eight were also chartered boroughs and the other six had never been incorporated at all.[14] Malton, for instance, a borough by prescription with its own mayor and burgesses, was judged as long ago as the reign of James I to have usurped to be a corporation without good title[15] - that is to say, there was no charter for the government to assault. The widespread assumption that every parliamentary borough necessarily had a governing charter has nevertheless led to the spilling of much pointless ink. Dr R.J. Sinner, for one, calculates that 57% of Yorkshire's parliamentary boroughs had their charters remodelled during these years. He then tries to correlate this percentage with the 36% of borough MPs who had voted for exclusion.[16] His conclusions are of course meaningless. Worse, Dr R.G. Pickavance argues that

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.[17]

Regrettably, at least so far as the credibility of Pickavance's argument is concerned, the 'only possible explanation' is not the correct explanation. Scrutiny of Jennifer Levin's appendix of parliamentary boroughs 'whose

charters were not remodelled' shows that this particular misconception is not confined to doctoral theses. The six Yorkshire towns in her list, to look no further, were none of them chartered boroughs.[18] Such examples could be multiplied.

Technical misconceptions have also bedevilled understanding of the campaign itself - above all, the campaign against the city of York, whose charter was not surrendered to the crown as many observers have incorrectly assumed.[19] That it was not is proved by the wording of James II's proclamation of 17 October 1688, and by the writ of restitution and the order in council which followed.[20] It may be useful therefore to look more closely at the legal background. Broadly speaking three formal responses could be made to a writ of quo warranto. Firstly, the corporation could appear at the king's bench and attempt, like the city of London, to fight their corner. As will be seen, this is what the upper house in York wanted to do. Second, they could default, in which case judgement would ultimately be entered against them and the charter declared forfeit (as was threatened in Scarborough and actually happened in York). Third (and much the most popular), they could pre-empt a writ of quo warranto by surrendering their charter to the king and at the same time petitioning for a renewal.[21] By the spring of 1685 nine of the ten municipal corporations of Yorkshire had sealed formal instruments

of surrender.

As it happens, legal difficulties might arise whichever course of action (or inaction) was followed. For example, a judgement against a corporation whether made in court or by default could later be reversed (as happened in 1688 in York).

Convenient though this might be, if during the interim the town was governed by royal commission (as happened in London and was planned for York), there would be a break in corporate continuity which could jeopardise the town's lands and revenues. On the other hand a charter whose surrender had been enrolled could never be resurrected (although as will be seen in chapter 11 only two of the Yorkshire surrenders were in fact enrolled). Here again, there was doubt whether a new corporation legally stood in the shoes of the old, although in 1685 it was decided in court that money owed to the old corporation of Scarborough was still owed to the new, even though incorporated under a different name.[22] It was uncertain too what was the status of corporate property upon surrender. For this reason four Yorkshire corporations attempted to safeguard their lands and revenues by surrendering the 'governing part' only.[23] Many of these points are looked at again later in the chapter.

In the event very few quo warrantos ever had to be issued, and only in Scarborough and York is there incontrovertible proof

of it. In neither case does the quo warranto itself survive,[24] although embedded in York's writ of restitution of 1688 is a document almost identical to the quo warranto for London.[25] As for specific breaches of the charters the sources are silent. They need only have come to light if an appearance had been made at the king's bench. Hints however do exist. Alderman Hall of Doncaster, Reresby's secret informant after the 1684 riot, promised to 'procure severall capitall crimes and misdemeanors and breach of charter' should it be required. Martin Headley of Leeds too, the alderman who spearheaded the persecution of dissenters in the town, made notes of 'supposed undue proceedings and unreasonable by-laws' intended for use with the quo warranto against that corporation.[26] But in neither case was it necessary to take matters further.

A few words should be said about sources. In an important study of the crown and the borough charters Professor John Miller deliberately restricts himself to state papers and printed borough records.[27] Henning's contributors also largely rely on printed documentation for Yorkshire. This sometimes leads them astray - the new parliamentary franchise for Richmond in 1684, to mention just one example, was not a corporation franchise.[28] In addition to printed sources, therefore, this chapter uses manuscript material from each of the municipal corporations, translations of all their

governing charters both before and after renewal, as well as numerous letters in the Reresby archive. Since the sources relating to the city of York are especially rich, it is to York that this chapter now turns.

The York Quo Warranto

On 1 March 1684 Lieutenant Francis Sterling in York wrote to Governor Reresby in Whitehall:

The news of the quo warranto being brought by Mr [Thomas] Fairfax was very acceptable to me, though I believe he himselfe was much more pleased to be the messenger of such tidings to the worshipful bench here. They had spread a report abroad that the high stuart [Richmond] and his mother [Portsmouth] had imploy'd their intrest to get those proceedings stop'd, and that they had prevail'd. And because the first news of it that came to town was writ by Captain Fairfax to make his testimony of no value, a story was made of him that he had bin convicted at Westminster Hall of such notorious lyes that they had made him stand with a paper on his breast to make him a publick spectacle.[29]

Perhaps contrary rumours were to be expected. After all, a quo warranto had been mooted as long ago as March 1680 and again during the Lent assizes in 1682,[30] and on neither occasion had anything come of it. On the other hand, the political map had changed completely on 12 June 1683 when judgement in quo

warranto was given against the city of London. After protracted negotiations judgement was entered on 4 October, and for the next five years the capital was governed by a commission whose officers served during the king's pleasure.[31] On 29 November Charles II asked Reresby ('leaneing upon my arm') if he knew of sufficient matter to bring a quo warranto against York.[32] He did not, and ten weeks later was easily upstaged by Sir Thomas Slingsby, Sir Thomas Mauleverer and other Yorkshire gentlemen, who sent Fairfax up to London[33] 'with some matter on which to ground a forfeiture of the charter of the citty of Yorke'. (Fairfax was a captain in colonel Slingsby's York and Ainsty militia regiment.) Characteristically Reresby managed to hijack the messenger and take the credit himself, and on 16 February 'had a long discours with [the king] of the temper and condition of the citty of Yorke'. A fortnight later Fairfax arrived home with the writ.

The rivalry between Reresby and Slingsby has been described before and need not be repeated here.[34] Nobody, however, has identified the central part played in York politics by lesser figures like Captain Fairfax. Still less has anyone analysed in detail the loyalist campaign to destroy the influence of Lord Mayor Thompson and his faction in the autumn of 1683. In the event it failed. But until it did, Thompson had to fight for his political life, and it was only the following August

that a nolle prosequi finally stayed proceedings against him.[35] His troubles began immediately after Rye House, when he refused to allow a mountebank to sell an antidote to poison called orvietan on a public stage in the city.[36] Although the matter was quickly resolved (Thompson backed down when it emerged that the mountebank had been recommended by the king), much more serious was an information given against him by a fellow alderman called Sir Henry Thompson of Middlethorpe.[37] (The two men were unrelated.[38]) This alleged that the mayor had made a seditious speech at the shrieval elections in September,

The purport whereof (as I heare) is that he bidd the comoners not be discouraged in making an election of any one that had their arms seized, for that they were perhaps as honest men as the whiffling officers that took them. And being asked by one of the aldermen what he meant by those whiffling officers, whether the lord lieutenants or their deputies or not, he said noe, the whiffling officers in this towne.[39]

The 'whiffling officers' certainly included Fairfax. After Rye House the captain was accused by Thompson and others of corruptly adding names to search warrants which had already been signed off by the deputy lieutenants.[40] (One alleged insertion was Thompson's own name.) Fairfax's denials are phrased with such care and obscured with so much bombast (there is an irrelevant reference to the mayor's relationship to 'the trator Nelthorpe', for instance), that it is hard not

to sympathise with Thompson when he wrote in January:

And pray, Sir John, however you thinke of mee, bee not too confident in such as Fairfax, and others who pretend to serve you.[41]

Meanwhile Thompson and his allies endeavoured to give as good as they got. The corporation sponsored a petition to Lord Lieutenant Burlington complaining about his militia officers although without mentioning names.[42] At about the same time Mr Aldburgh, the militia muster master, was ordered to be prosecuted at the next assizes for snapping Thompson's rusty sword 'and for sayeing publicuely Dam my lord mayor.'[43] But all this was to no avail. Towards the end of November a messenger arrived in York and Thompson was ordered to appear before the privy council on 5 December. In response the corporation sealed a certificate under the common seal which denied that any seditious words had been spoken by Thompson 'or any reflecting words upon the deputy lieuetenants', and detailed two aldermen to travel up to London with him 'all att the cittyes charge'.[44] However on 28 November, when Thompson was already on his way to London, further articles were published against him which Fairfax thought 'probably may be of as bad consequence to him as the words'.[45] They included the allegation that

he threatened several officers taking out new commissions

from Sir Thomas Slingsby, colonel of the foot regiment in the city and Ainsty, that if they bore arms or took a commission under him, he would ruin them.[46]

For the time being nothing could disguise the corporation's discomfiture - or Fairfax's elation. (For no very obvious reason the captain's account to Reresby is couched in cod-medieval English.[47]) But things started to go wrong for the loyalists the moment Thompson reached London. Governor Reresby 'knew ther was some private animosity in the complaint against him', and advised the king that 'he was very ready to give me his assistance in York at the time of the plott'.[48] Judging by Reresby's correspondence during the next few weeks he made some effort to get to the bottom of it. In particular he obtained copy search warrants to see if extra names had been added as Thompson continued to insist.[49] (The evidence, at least to the modern eye, is not conclusive.) Meanwhile the lord mayor's homecoming on 22 December was a triumph.

[He] was mett about 2 miles from town by about 500 horse and 5 coaches, but all or most of them of the factious party. At his entrance into the citty he was entertained with musick by the citty waits in their formall habitt, and all along the streets to his house with great and numerous acclamations of joy made by the citizens attending him to his own door, where were alsoe a great number of torches and severall inhabitants and neighbours attending to give his lordship a formall welcome home, the bells at St Johns (his lordships parish church) ringing all the time from his appearance at the citty gates until his safe arrivall at his own house.[50]

To the surprise of some, no guns were fired in celebration.[51] Still, the fury of Fairfax and his fellow loyalists in the city must have exceeded all bounds, and from that moment a writ of quo warranto became almost inevitable - for as Reresby later explained, 'The great prosecution against that place was more for private revenge than publique reasons.'[52] Two months later the city was ordered to appear at the king's bench on 14 April.[53] The date was put off again and again, as newsletters from London show,[54] until on 30 May they were ordered to appear within a week or else judgement would be entered against them. They did not. Although seizure of York's liberties and franchises was suspended for the time being, a royal commission was ready to govern the city just as soon as Lord Chief Justice Jeffreys arrived on circuit.

However things looked from London, a lot was going on behind the scenes in York. It quickly emerged that most of the upper house wanted to make an appearance before the king's bench, if only to gain time, whereas the commons looked rather more favourably at the possibility of surrendering the charter, even while expressing concern for continued ownership of the city's lands and properties.[55] Conferences between the two houses on 19 and 21 March broke up without agreement, and numerous excisions and additions in the draft house book illustrate this stalemate perfectly.[56] In the upper house a

minority of just four men voted against making an appearance at the king's bench, whereas of the forty-four commoners present, thirty voted against and only thirteen in favour. Moreover Joseph Scott, foreman of the commons, refused to allow the common seal out of his custody to be set to a power of attorney which would have authorised named individuals to appear for the city.[57] Interestingly, although the corporation house book says nothing about surrendering the charter, Fairfax was of the opinion that this was the option the commons favoured. A surrender could not however be made without the approval of both houses.[58]

Attempts by outsiders to break the impasse, notably by Governor Reresby and Archbishop Dolben (brother of the Barnbow judge), came to nothing.[59] Meanwhile a convincing explanation for the deadlock between the houses is hard to find. Is it, for example, evidence for the existence of popular toryism in the city such as Dr Tim Harris has discovered in London?[60] In the absence of a prosopographical survey of the seventy-two commoners (something well outside the remit of this present study), it is hard to say. All that can be offered here is a tentative suggestion. As has been seen, the merchant elite who dominated the upper house were strongly attracted by political radicalism. At the same time, as Reresby noted, there were a great many ordinary citizens

that either from fear or interest joine with the strongest, and severall ther have confessed that they darr not act according to their judgements (viz. for the government) for fear of being undone in their trade.[61]

These 'middling sort' of people, just as in London,[62] perhaps became amenable to government pressure just as soon as the upper house itself came under attack and the political brakes were released. Indeed back in 1681, in the absence of any discernible initiative from the bench, 1300 or 1400 citizens of York subscribed their own address to the king.[63]

On 25 April 1684 Reresby, Slingsby and others met in London to discuss membership of a post-quo warranto government for the city of York.[64] Together they agreed a list of officers and selected six country gentlemen to be associated with them as JPs.[65] Their efforts presumably resulted in the royal commission as constituted on 29 May (see Chart 7/1).[66] The new lord mayor was Sir Stephen Thompson, a freeman who had never held office in the city (and the loyalist brother of Edward[67]). Only five existing alderman were to join him on the bench, and of the seven new aldermen four would later be named in the 1685 charter. Six of the seven were not freemen and one of them, a militia officer, was ordered to search for arms after Rye House.[68] Moreover the two men chosen to be sheriffs of York would have put paid to any future ignoramus juries - Marmaduke Butler was the gaoler of York castle and

Leonard Robinson a militia ensign.[69] Meanwhile the commons would have disappeared (as in London), and so presumably the twenty-four, and for the future all city officers would have served during the king's pleasure. The resulting government of York, as well as being a constitutional novelty, would have been even more staunchly loyal than that nominated in the 1685 charter.

Judge Jeffreys' Northern Voyage

So confident were the Slingsby party (as Reresby called them) that they would take office just as soon as Lord Chief Justice Jeffreys arrived in York with the royal commission that in a moment of hubris several of them splashed out on aldermanic gowns. In the event, as the governor wryly noted, they never got to wear them.[70] However it was not only in York that the arrival of the chief justice was anticipated with joy by some and with dread by many others - for Jeffreys' 'northern voyage' (as Roger North later referred to it) was expressly intended to impose the royal will upon the provinces. To this end it 'was carried with more loftiness and authority than had been known at any assizes before'.[71]

On this occasion, unusually, the judges entered Yorkshire via

Hull, where an assize was held on 11 July and the two men were entertained at 'a greater expence than ever before'.[72] They also accepted a 'treat' in Beverley,[73] and there are hints of a formal visit to Pontefract.[74] But it was in York, where the assizes began on the 14th, that Jeffreys had his busiest time. As already seen, he settled the quarrel between the town of Doncaster and Reresby's company of grenadiers. He also resolved a bitter dispute between the corporation and the dean and chapter over seating arrangements in the minster.[75] More politically contentious was his severity towards nonconformists in the city. (Before riding their circuits the judges had been instructed 'to prosecute all dissenters besides quakers'.[76]) It is possible that a conventicle had been broken specially to provide suitable victims for a show trial. In any event, Jeffreys publicly harangued Andrew Taylor and Ralph Ward, two of the dissenters who had escaped condign punishment at the city's Epiphany 1682 sessions. They were fined £50 each, and committed to gaol.[77]

However, it was for the 'procuring of charters' that the summer 1684 assizes became notorious. Indeed, by the time Jeffreys left Yorkshire, most (if not all seven) so far unregulated corporations had promised to surrender their charters - a process which was substantially complete by the end of January (see Chart 7/2). In each case it seems the corporation was warned before the start of the assizes to

expect a writ of quo warranto. Suitably softened up, the corporators hastened to inform the chief justice on his arrival in Yorkshire that they would surrender their charters as soon as technically feasible. Interestingly, in no instance was a note of it made in the corporation records (in Hull the formal decision to surrender actually predated the assize[78]). Moreover, except in the case of York (whose charter was not surrendered and is considered separately), there is little to show how Jeffreys operated. Here again the corporation records are uniformly silent. It seems all parties pretended there was no element of compulsion and that surrenders were to be made freely. That this was not always the case was revealed by the recorder of Ripon in a letter to Secretary of State Godolphin:

We had a long debate on the surrender of the charter. Many difficulties were urged to have delayed it, but I thought that his majesty's great favour to us was to be received with a ready compliance and therefore pressed to an issue. The result was a surrender was agreed upon nemine contradicente. [79]

A report in the London Gazette dated 12 September informed anxious corporators that Jeffreys had given the king an account of the proposed surrender of several northern charters, adding that he would accept those surrenders and would look favourably upon them when it came to renewing them.[80] Four days later Jeffreys sent a circular letter to

Pontefract and other corporations in the northern circuit explaining in more detail what this would involve - above all, suggesting when best to come up to London to make a formal surrender, and advising them to

consider what privileges or advantages belonging to your towne, which were either omitted or not sufficiently granted to you by your old charters, may be supplied by this new one.[81]

If stage one of the assault on the municipal charters, a verbal promise to surrender, was achieved relatively easily, stage two, the surrender itself, could be put off for months (again, see Chart 7/2).[82] The Pontefract corporation, for instance, did not surrender until early in 1685 - although here, uniquely in Yorkshire, instead of electing a new mayor on 14 September in accordance with the charter, the outgoing incumbent was sworn back into office 'duringe the kinges majesties pleasure'.[83] Problems seem to have arisen not so much from the instruments of surrender themselves, which for legal reasons were largely standardised,[84] as from corporators' reluctance to part with their old charter coupled with a desire to incorporate additional benefits into its successor. In Hull, for instance, a committee of four aldermen was appointed on 11 September to consider suitable improvements. They reported back to the bench on the 25th with seven recommendations.[85] A formal petition was then prepared

which was referred to the attorney general the day following surrender.[86] In York, meanwhile, the minutes of the charter committee itself have turned up in the city's archives.[87] Before looking at them, it would be useful first to outline Jeffreys' impact on the corporation after his arrival in the city on 12 July. The story is relatively familiar.[88] At a meeting with the lord mayor and aldermen the chief justice advised them:

That the kinge expected nothings but the government of the city to be at his dispose, and if the mayor would call a cort and common councell and make a peticon to his majestie under the common seale to the effect proposed, he would take care to present it, and doubted not of a gracious answer in a week; and in the meane time all things should stand in statu quo. [89]

On the 14th a petition was duly signed and sealed.[90] Except that it solicited a renewal of the city's charter (against which a judgement had been entered but not so far implemented), it did not say very much. Still, its tone was suitably contrite and Jeffreys could report that the petition was accepted with pleasure by the king.[91] On 16 September the chief justice sent Lord Mayor Robert Waller one of his circular letters, to which he responded by return.[92] Then on the 22nd Jeffreys' letter was read out to the upper house and commons assembled together (it was the day of the shrieval elections), and a committee of sixteen was thereupon chosen 'to consider of the matters fitt to be incerted in a new

charter' (see Chart 7/3). It comprised four aldermen, four of the twenty-four (i.e. former sheriffs), and eight commoners. The quorum was seven, and the city counsel George Prickett was also to attend.[93]

The 'comittie for regulateinge matters touchinge the renewinge the cittyes charter', as it is called in the minute book, met on four occasions.[94] It can be seen from the chart that the committeemen (at least those from the upper house) included loyalists and one-time oppositionists in roughly equal numbers. In the event the most prominent of the latter were ejected when the new charter was eventually sealed in July 1685, while two of the twenty-four were promoted to the bench. However the minutes suggest that it was legal and practical matters, not personnel, which in practice concerned the committee - such things as the mechanics of corporate elections, the membership of quorums, and the dates of fairs. After the first meeting on 26 September, Captain Fairfax commented to Reresby:

They are in greate hopes to have all thinges granted to their owne contentment, and truly I doe not thinke it is fitt att this tyme to disanimate them or doe any thinge to the lessening of their experdacon, though I am assured all will end well.[95]

As it happens, the new charter did incorporate some of the desired technical improvements even while expelling a large

proportion of the upper house. However, it remains to be considered why Lord Chief Justice Jeffreys did not simply implement the royal commission which he brought to York with him. In the absence of direct evidence it is difficult to say. (Reresby was in Yorkshire at the time and therefore received no letters from the city.) Indeed it was reported from London that the chief justice's friends 'were much surprised at the newes of his dyneinge with the lord mayor of York and would scarce believe it'.[96] For his part Reresby put it down to Jeffreys' discovery that the 'temper' of York was not as bad as he had been told - this, and the city's ready submission to the royal will. Fairfax, on the other hand, 'supposed that he had some private instrucccons procured by the lord high steward' (by which he presumably meant the boy's mother, the duchess of Portsmouth).[97] Nevertheless early in November when the civic party at last turned up in London to petition for a renewal of their charter, Jeffreys kept them hanging around for days. It was only on the 14th that he presented them to the king,[98] and it would be more than eight months before negotiations for the new charter were concluded.

Negotiations and Negotiators

The first of the charters to be sealed post-Jeffreys was the

Leeds charter, and in this instance informal correspondence in both the Thoresby and Reresby archives throws interesting light on negotiations behind the scenes. (The former archive has never before been consulted by researchers in this field.[99]) An opportune death early in September 1684 had already enabled the chief justice to impose one of his proteges on to the corporation as town clerk (the office required royal approval). Castilian Morris, son of the royalist governor of Pontefract castle in 1649 and himself receiver of recusants' forfeitures for the West Riding, was sworn into office on 18 October, the day after the corporation decided formally to surrender the charter to the king.[100] Naturally Morris joined the civic delegation which arrived in London during the second week of November and which was led by Mayor Joshua Ibbetson and Alderman Godfrey Lawson. The surrender itself was presented to the king some time between 19 and 24 November, and on the latter date the town's petition was referred to the attorney general.[101] On 8 December a warrant for a new charter was signed by the king and on the 24th the charter was sealed. A procession and music greeted its arrival in Leeds on new year's day 1685. It was then read out in the 'guildhall' and the mayor sworn into office. The new corporation met for the first time on 6 February.[102]

Thus the parties' public actions. Behind the scenes, however, much manoeuvring had been going on, some of it underhand. It

has already been seen that Alderman Martin Headley, Ralph Thoresby's prosecutor in 1683 and much the most enthusiastic persecutor of protestant dissent in the town, had prepared grounds for a quo warranto against the corporation - and Headley too was in London. His relations with his brethren were already atrocious (they had fallen out almost five years earlier over the repayment of a debt).[103] Those relations must have soured still further when he produced a petition in his own favour

certifying what a loyall vigilant person he is to suppress conventikles, and that for this his loyalty and vigilance he is maligned by the present mayor and aldermen, who coresponds with phanaticks att London and is favourable to them in the country.

Rather unexpectedly, the supposed signatories to the petition included many leading nonconformists in the town among them Thoresby himself. 'Twas a forgery,' the antiquary wrote in the margin of the letter.[104] (He also knew that Headley was trying to have the presbyterian Mill Hill chapel designated a royal garrison.[105]) Meanwhile on 4 December

[Mayor Ibbetson], Alderman Lawson and Mr Headley had a hearing before the lord chief justice. He heard what both sides had to say, fully. But the [sic] could not obtaine to have Headley excluded, but my lord will have em all freinds and agree amongst themselves.

Turning to matters of personnel,

[Jeffreys] went over all the aldermen and the assistants one by one, and when it came to Coveley, 'Ney', says my lord chief justice, 'You shall not need to except against this person. I'll dash his name out for being in any office. I know him well enough for a _____ [sic].'[106]

William Calverley, like Headley an attorney, was one of only three men turned out of the corporation by the new charter, all of them assistants. His particular offence is unknown. (It may be relevant that he was another of the supposed signatories to Headley's petition.) On the other hand, Robert Nesse, one of his fellow expellees, was brother of the much-excommunicated congregationalist minister Christopher Nesse, which no doubt explains his own disfavour.

Interestingly the new corporation immediately appointed Nesse serjeant at mace, a post he retained even after the Glorious Revolution.[107] Of the men brought into office by the new charter, the three assistants have made little impression on the historical record.[108] The fourth newcomer, however, was the new mayor, Gervase Nevile of Beeston, a local gentleman who was added to the existing bench to make a fourteenth alderman. For many years Nevile had played an important part in Leeds politics. He it was, for instance, who had accompanied one of the aldermen to London in 1681 to present a loyal address to the king.[109] In fact, of all eight

post-Jeffreys corporations in the county Leeds had the only intruded mayor.

If the sources from Leeds reveal something of the human side of the charter negotiations, those from Hull are far more technical in nature. (Except for some discussion of personnel matters, notably for York, there is almost no source material relating to the charter negotiations outside Leeds and Hull.) Unfortunately, with over a hundred official letters surviving in the corporation archives for the thirteen months between the decision to surrender in June 1684 and the swearing-in of the new bench in July 1685 - and there are dozens more among the state papers and treasury books - it is not feasible to explore them all in depth. Instead, analysis is confined to the negotiations concerning responsibility for the upkeep of the eastern bank of the river Hull (known as garrisonside). There are two reasons for this. In the first place, commentators have assumed that a clause in the new charter, which granted the burgesses an annuity of £18 per annum towards the cost of repairs and maintenance, must have conferred a new (if minor) benefit upon the town.[110] It most certainly did not. Second, the Hull sources add substantially to the little that is known about the earlier career of the unsavoury Richard Graham, who on this occasion was (in effect) chief negotiator for the ordnance board. As assistant solicitor to the treasury under James II, Graham and his

associate Philip Burton would later be described by Bishop Burnet as 'fitter men to have served in a court of inquisition than in a legal government'.[111]

The sixth of seven improvements sought in the new charter for Hull was an exemption 'from the charges of the bankes and jeatyes on Drypoole or garrison side, the ground being the king's and enjoyed by him'.[112] Legal ownership of the banks below the royal citadel had become obscured through time and change of use, and essential repairs were not being carried out.[113] On 4 November 1684 Sir Christopher Musgrave, lieutenant-general of ordnance, after a visit to Hull in expectation of a petition from the outgoing corporation, reported on the matter to lord Dartmouth, the master-general. He concluded:

I hope your lordshipps will not only prevent such a grant, which will bring a very great charge to his majestie, but [will] oblige them in their new charter imediately to repair the breastworkes and jetties and to preserve them for the future, for unless that be done his majesties fortifications will most certainly be destroyed.[114]

On the 10th the attorney general was ordered by the treasury lords to report on a dispute between the corporation and lord Dartmouth.[115] From then on the master-general's secretary, Richard Graham, acted as intermediary with the corporation's representatives, Edward Haslam, the town clerk, and James

Kynvin, their London solicitor. The two men's letters to Hull show that Dartmouth and Graham immediately began to drag their heels, regularly breaking appointments and promising decisions by days which were not met.[116] Only on 13 December did the attorney general hear what the town clerk and Graham actually had to say, and five days later he drew up his report.[117]

This concluded that

the corporation is obliged to repair the ancient banks and jetties, as by an ancient grant they were obliged to do, by which grant they had the castle and so much ground belonging thereto as is worth 18^l per annum, which [land] his majesty is now in possession of for the use of the castle. And therefore [it is proposed] that his majesty be pleased to grant to the town 18^l per annum out of the customs of the port of Hull towards the reparation of the banks and jetties. And for the banks of the new cut made by his majesty, the king is to repair the same.[118]

This compromise fairly reflected the legal position, as Kynvin for one recognised,[119] and on 12 January 1685 the report was read to the treasury lords. Although Dartmouth did not turn up to the meeting he must have approved, because on the 21st a warrant for a new charter for Hull was signed by the king.[120] One of the clauses closely parallels the attorney general's report.[121]

A few days later Kynvin accidentally bumped into Graham, who told him that the Lord Chief Justice Jeffreys was expecting a present from the town. (He had already received one from the

city of York.) 'I must confesse I was surprized at the mocon, and had been much more had I not heard of it before.' [122] It would be the first of several such hints. On 17 February Kynvin returned to the subject:

My lord chief justice and Mr Graham doe daily growe greater and greater, and therefore I conceive it prudence to do something in that matter Mr Graham hinted to mee. [123]

At the beginning of March Dartmouth, by way of Graham, reopened the question of the banks and jetties, arguing that the new king needed to know all about the £18 annuity. 'I perceive the meaneing of it,' Kynvin pointedly told the Hull bench, before imparting the secret to an alderman returning home. Three days later he was more explicit: 'Prey lett me have your direccons for Mr Graham, for I see he does expect a gratuity.' [124] By the end of the month Dartmouth had raised still more objections 'and pretends Mr Attorney General has mistaken in his reporte in relacon to the busines of the fortificacons'. [125] Meanwhile the mayor had written to Kynvin, asking him to find out from Dartmouth what his objections actually were. He went on:

If any expressions fall from my lord relateing to Mr Graham, then we are content that you present Mr Graham with 20 gynnes. This wee hope will remooove all objections. [126]

Presumably the twenty guineas found an appreciative home. But still Dartmouth and Graham dragged their heels, even though the town's MPs had been brought in to help expedite matters. Only on 14 May did the various parties meet the attorney general who insisted that the draft charter exactly mirrored what Dartmouth had long ago agreed.[127] Even now the master-general could not be convinced,[128] and in mid-June yet another issue was raised. Was the garrison land really worth £18 a year? Reports were drawn up, certificates were signed,[129] and it was not until 10 June that the charter was at last sealed.

For the next three years the corporation of Hull were obliged by their charter to repair and maintain the banks and jetties on garrisonside. It cost them (they claimed) about £1000, and to fund it they sold off much of their property.[130] Seen in context therefore, and making due allowance for exaggeration, the king's annuity of £18 still looks derisory. For financial reasons if nothing else the restoration of the old charter in November 1688 must have come as welcome relief.

In October, meanwhile, Kynvin had written to the new Hull corporation:

I conceive it will be absolutely necessary that you make some sort of accknowledgement to Mr Graham, and the sooner the better its done.[131]

A 'small present' of twenty guineas duly followed - rather more than the first annuity of £18.[132] But at least Graham had the grace to admit that 'he had not as yett meritted soe large a present from the corporacon of Hull'.[133]

Several issues are raised by this story, which if the sources had survived could no doubt be paralleled (on a smaller scale) elsewhere. In the first place, a 'surrendered' corporation was negotiating from a position of weakness, and when it came to the crunch not only had to accept the officers foisted upon it by the king, it could also find itself seriously compromised financially. On the other hand, and with the probable exception of Scarborough, the negotiations themselves were genuine and did include the notion of consent. The attorney general, for instance, tried to gain universal approval for his solution to the garrisonside dispute - which although unpalatable to the negotiators from Hull, and for less respectable reasons Graham, could hardly be faulted in law. Eventually he succeeded. Again, one is struck by the number of official reports prepared by the different parties - reports from the ordnance board, from the attorney general, and from the surveyor-general of crown lands, among many others. This hardly reflects a dogged determination on central government's part always to impose an arbitrary solution. Too much, for that matter, should not be made of the sticky fingers of such as Graham. There is no reason to doubt that Kynvin was

genuinely shocked when he discovered the sort of man he was dealing with.

A final word should be added about negotiations regarding membership of the renewed corporations. (For a survey of changes to corporate officeholding in Yorkshire generally, see Chart 7/4.) As already seen, it was Lord Chief Justice Jeffreys who personally approved the men chosen to act in Leeds. In Hull however Governor Plymouth was ordered by the king to compile a list of magistrates 'such as I would be answerable for'.[134] Of the thirteen existing aldermen Plymouth decided that three were to be removed. (That there were going to be three newcomers, no more no less, seems to have been set in stone.) Two apparently consented to their expulsion (or at any rate their brethren were happy to abandon them to their fate). On the other hand the third, the openly pro-dissent Thomas Johnson (Alderman Hoare's amicus certus when he was expelled from the bench in 1680), put up a remarkably vigorous fight. Although omitted from the warrant on 21 January 1685, Plymouth eventually agreed to his retention on 4 April.[135]

Meanwhile a parliamentary election had been held in Hull on 16 March. Beforehand Plymouth made it perfectly clear - his threats were hardly veiled - that he expected the bench to secure the return of loyalist candidates.[136] Afterwards

he told them:

I understand that some of your bench was absent att the election and hope they will not think much if they are left out of the list, for it is their owne faults.[137]

Plymouth had held up progress of the charter until after the election for this very purpose,[138] and one of the defaulters, Robert Carlile, had the greatest difficulty explaining away his absence - never mind allegations that his wife had actively supported one of the opposition candidates, 'and tho her husband lost his gowne shee would doe it'.[139] Only on 6 June did Plymouth finalise his list of magistrates for Hull. It is identical to the list incorporated into the charter, and is endorsed as follows: 'The persons above named I conceive fit to serve his majesty in the places above mentioned.' Johnson was back in the list and was joined by the three newcomers. William Shires had conveniently died.[140]

The Assault in Context

Looking at the charters themselves, and ignoring such purely parish-pump matters as changes to officers' titles and the granting of new fairs and markets,[141] a number of technical features are common to each of them - such as the naming of

the first corporate officeholders, and an unambiguous assertion of the king's powers of removal. This consistency is hardly surprising. The charter campaign had been in progress for two years before it began in Yorkshire, and the clauses had become pretty well standardised. This meant that few technicalities had to be tailored specially to the individual corporation. Indeed, except for the Scarborough charter, which expressly reserved to the king the power of nominating outside JPs,[142] there is little of technical interest to distinguish between them - or for that matter between Yorkshire charters and charters of the same date from elsewhere in England. More interesting is the light the Yorkshire experience throws upon questions of motivation. Were the new charters, for instance, intended primarily to secure control over future parliamentary elections?[143] Who organised the charter campaigns locally? And did government policy change when James II ascended the throne, as Dr R.G. Pickavance for one has argued?

Of the eight parliamentary corporations in Yorkshire, only four had received new charters in time for the March 1685 elections (see Chart 7/5). The borough of Scarborough, whose franchise was held by the new corporation to rest with themselves, elected the royal governor and a local gentleman, both out of their own number. A rival candidate, one of the Thompson clan, who attempted to poll the freemen, found his supporters arrested for riot by Mayor Knowsley.[144] Here, if

nowhere else in Yorkshire, the charter undoubtedly broke the hold of the opposition. In Richmond on the other hand, whose parliamentary franchise was regulated by charter, an attempt to impose a corporation franchise was for some reason stillborn. But as it happens there was no contest, and a loyalist and an oppositionist were returned unopposed.[145] In Hedon meanwhile two loyalists were elected unanimously. This would have been expected anyway.[146] Beverley, the fourth newly chartered corporation, is generally described as having a corporation franchise. Perhaps this explains the unusually high intake of new corporators (see Chart 7/4) - although the swearing-in of thirty-seven burgesses on the eve of the election surely implies an expectation of freeman voting rights. In the event Sir John Hotham, the former exclusionist leader, was not re-elected, but since he had fallen foul of the old corporation his re-election must have seemed unlikely.[147]

Whatever these election results mean, it is difficult to see them as evidence of a full-blooded government campaign to secure the return of loyalist MPs to represent Yorkshire (even allowing for the fact that six of the fourteen parliamentary boroughs were not even incorporated). In fact it may be just as relevant that in Hull, and perhaps also in York, the government ordered elections to take place first, so as to allow for adjustments to the new corporation in accordance

with the voting record of the outgoing corporators.

If, at any rate so far as Yorkshire is concerned, the charter campaign was not designed simply to control membership of the house of commons, the question arises as to the relative significance of central government and local activists. It was seen at the beginning of this chapter that the attack on the charter of Scarborough, while having its origins in the escape of the two Rye House plotters, was in practice driven locally by Commissary Knowsley and his friends. (That is not to say they did not mimic what they saw going on elsewhere.) The contemporary assault on Richmond, about which almost no evidence seems to survive, was possibly also locally inspired. Meanwhile Reresby wrote of York's quo warranto, 'the thruth was the great prossecution against that place was more for private revenge then publique reasons'[148] - which probably plays down the government's serious dissatisfaction with the city. Only with the arrival of Lord Chief Justice Jeffreys however did the other seven corporations come under direct attack. There can be little doubt that Jeffreys inspired loyalists like Alderman Headley in Leeds to creep out of the woodwork - men who were prepared to denounce the existing municipal regime and also provide chapter and verse. All that such local initiatives needed was a favourable political climate, such as was demonstrated at the 1684 summer assizes.

'It is easy to overlook the fact that the borough campaign launched by Charles II in 1681 died with him in February 1685.' So asserts Dr Pickavance.[149] But at least so far as Yorkshire is concerned this statement is simply not true. By the start of James's reign all the municipal corporations in the county were in the process of being remodelled (or had already been remodelled). Indeed major revisions to York's proposed list of aldermen made after James's accession surely reflect the new king's personal antipathy towards Edward Thompson and the others who had snubbed him when he stayed in the city in 1679. Five of them were struck out. Moreover four of their successors had been included in the royal commission to govern the city in May 1684.[150] (They were joined a year later by a fifth.) If these four were among the aspiring aldermen who had bought gowns a year earlier, they would at last have had an opportunity to wear them.

Chart 7/1

MAYOR AND ALDERMEN COMMISSIONED TO GOVERN YORK
on 29 May 1684

1	Sir Stephen Thompson	ald 1686-88 (ejected): bro of Edward
2	<u>Sir Henry Thompson</u>	against appearance
3	<u>John Constable</u>	against appearance; militia major
4	<u>Francis Elcock</u>	displaced 1685 charter
5	<u>Thomas Carter</u>	
6	<u>John Wood</u>	
7	Christopher Breary	son of late alderman
8	Thomas Raines	alderman 1685 charter
9	Thomas MOSELEY	alderman 1685 charter; agt appearance
10	William Tomlinson	alderman 1685 charter; militia lieut
11	Henry Tyreman	alderman 1685 charter
12	Thomas Holmes	unidentified
13	Thomas Day	unidentified

Key underlined = already an alderman
CAPITALS = existing '24'

Note The sheriffs and other officeholders listed CSPD,
1684-85, p. 33

Principal sources

PRO, SP44/70, fol. 28
YCA, B38; E60b, fols 349-65, 377-90

Chart 7/2

THE ASSAULT ON THE CORPORATIONS
KEY DATES
(listed in charter order)

	<u>decision</u>	<u>instrument</u>	<u>petition</u>	<u>warrant</u>	<u>charter</u>
1 Richmond+			24.5.84	3.6.84	9.7.84
2 <u>Scarborough</u> +		9.6.84		12.7.84	2.8.84
3 Leeds#	17.10.84		24.11.84	8.12.84	24.12.84
4 Hedon			4.11.84	15.12.84	18.2.85
5 <u>Beverley</u>	24.7.84	11.8.84	24.8.84	21.1.85	11.3.85
6 Pontefract			20.2.85	6.3.85	23.3.85
7 <u>Doncaster</u> #		26.1.85	18.2.85	3.3.85	25.3.85
8 <u>Hull</u>	20.6.84		30.10.84	21.1.85	10.7.85
9 York	-	-	14.11.84	16.2.85	29.7.85
10 Ripon	2.9.84	14.10.84	*19.11.84	12.11.86	12.1.87

Key

underlined = 'governing part' alone surrendered

+ = pre-Jeffreys

= non-parliamentary borough

decision = formal decision by corporation to surrender (as opposed to a verbal promise)

instrument = as dated on instrument of surrender (presentation often much delayed)

petition = date the petition referred to attorney general (normally the day after the surrender presented)

* = Ripon petition dated from corporation records

warrant = date king signed warrant for new charter

charter = date new charter sealed

Principal sources

CSPD, 1684-85, 1685, 1686-87

PRO, SP44/335

Baker, Scarborough, pp. 204-5

Court Books, p. 99

ERAS, BC/II/5/1, fol. 56

Tomlinson, Doncaster, p. 168n

NYCRO, DC/RIC II 1/1/3, fol. 143

For translations of the governing charters, see Chart 3/4

THE YORK CHARTER COMMITTEE
(22 September 1684)

	<u>in</u> <u>1684</u>	<u>1685</u> <u>charter</u>	
1 Sir Henry Thompson	ald.	ald.	agt appearance; comm.
2 William Ramsden	ald.	ejected	pro-Thompson; to Hull
3 Francis Elcock	ald.	ejected	comm; to Hull
4 Edward Thompson	ald.	ejected	led faction; to Hull
5 Francis Elwick	'24'	'24'	RH
6 John Foster	'24'	'24'	
7 Thomas Moseley	'24'	ald.	agt appearance; comm.
8 Roger Shackleton	'24'	ald.	RH: agt appearance
9 Joseph Scott	foreman	foreman	pro-surrender
10 Charles Hall	c.c.	c.c.	
11 Matthew Bigg/Briggs	c.c.	c.c.	
12 Robert Hillary	c.c.	ejected	RH
13 Michael Fothergill	c.c.	c.c.	
14 John Coultas	c.c.	c.c.	
15 John Buckle	c.c.	ejected	
16 ? Thompson	c.c.	c.c.	
George Prickett	counsel	dep. rec.	

Key

agt appearance = voted against appearance in quo warranto
(21 Mar. 1684)
comm. = named as alderman on royal commission
(29 May 1684)
pro-Thompson = autumn 1683
to Hull = imprisoned in Hull during Monmouth rebellion
faction leader = autumn 1683
RH = named on search warrant at time of Rye House
pro-surrender = voted to surrender charter (21 Mar. 1684)

Principal sources for officeholding (other sources in text)

YCA, B38; BL; E60b
CSPD, 1685, no. 88

Chart 7/4

THE ASSAULT ON THE CORPORATIONS
NEW PERSONNEL
(listed in charter order)

	<u>charter</u>	<u>new corporators</u>
1 RICHMOND+	9.7.84	no change to mayor and aldermen *common councilmen - no details no change to recorder
2 SCARBOROUGH+ (restructured)	2.8.84	new mayor *at least 6/12 aldermen *at least 6/31 common councillors new recorder
3 LEEDS#	24.12.84	new mayor (= 14th alderman) no changes to aldermen 3/24 assistants no change to recorder
4 HEDON	18.2.85	no change to mayor *apparently 1/9 aldermen no change to recorder
5 BEVERLEY	11.3.85	no change to mayor 6/12 aldermen *up to 7/13 cap burgs new recorder
6 PONTEFRACT	23.3.85	no change to mayor 2/12 aldermen no change to recorder
7 DONCASTER#	25.3.85	no change to mayor or aldermen *capital burgesses - no details no change to recorder
8 HULL	10.7.85	no change to mayor 3/12 aldermen new recorder
9 YORK	29.7.85	no change to mayor 5/12 aldermen *up to 14/72 commoners new recorder
10 RIPON	12.1.87	no changes

Chart 7/4 continued

Key

- + = pre-Jeffreys
- # = non-parliamentary corporation
- * = defective data precludes accurate figures (the others are definitive)

Notes

- 1 The York warrant of 16 Feb. 1685 is very different to the charter as sealed. In fact only in Leeds, Hedon, Beverley, Pontefract and Ripon is the charter identical to the warrant.
- 2 Only in Scarborough (and possibly in Doncaster) was there a change of town clerk.

Principal sources

NYCRO, DC/RMB 2/1/1
NYCRO, DC/SCB II/1/3

Court Books

ERAS, DDIV/33/1
ERAS, BC/II/5/1; BC/II/7/5

Booke of Entries

DA, AB2 1/3
HCRO, BRB5, 6
YCA, B38
NYCRO, DC/RIC II 1/1/3; 8/2
For translations of the new governing charters, see Chart 3/4

Chart 7/5

THE 1685 PARLIAMENTARY ELECTIONS
(listed in charter order)

	<u>charter</u>	<u>proclamation</u>	<u>election</u>	
1 <u>Richmond</u>	9.7.84		25.3.85	no contest
2 <u>Scarborough</u>	2.8.84	18.8.84	21.3.85	contest
3 Leeds#	24.12.84	1.1.85+	-	
4 <u>Hedon</u>	18.2.85	11.3.85+	11.3.85	no contest
5 <u>Beverley</u>	11.3.85	by 26.3.85	26.3.85	contest
6 Pontefract	23.3.85	9.4.85	26.3.85	no contest
7 Doncaster#	25.3.85	by 27.4.85+	-	
8 Hull	10.7.85	20.7.85	16.3.85	contest
9 York	29.7.85	8.8.85+	16.3.85	contest
10 Ripon	12.1.87	21.1.87	20.3.85	no contest

Key

underlined = new charter proclaimed prior to election (in Hedon it was the same day)
= non-parliamentary borough
+ = date reported in London Gazette

Principal sources

Gazette, nos 1999, 2017, 2029, 2060
Henning, I, 472-89
NYCRO, DC/SCB MIC 2052/226
WYAS Wakefield, WMT/PON/1/1, fol. 136
HCRO, BRB6, fol. 135
NYCRO, DC/RIC II 1/1/3, fol. 161

CHAPTER 8: THE LOYALIST ASCENDANCY

1684-86

Following the decision made by the West Riding bench early in 1682 to enforce the laws against protestant dissent, Oliver Heywood, the presbyterian minister at Northowram, had a number of narrow brushes with the authorities. In April 1683 he paid a small bribe to ensure that he was not presented at the next quarter sessions, and in January 1684 was tipped off about an imminent raid.[1] His luck ran out however on Sunday 17 August when he was caught redhanded by the Halifax bailiffs and their informers.[2] He was bound over to the Wakefield sessions two months later, and although he rashly carried on preaching his meetings were not again broken up (in which eventuality he and his sureties would have risked forfeiting their bonds).

At the Wakefield sessions on 10 October Heywood was treated with unexpected courtesy. He was not charged under the 1665 Five Mile Act ('which I am dayly, hourly transgressing'), and so was not imprisoned for six months like Mark Trickett of Tanshelf or Samuel Charles of Hull. Neither was he charged under the 1670 Conventicles Act, which (upon conviction)

allowed for statutory payments to the informers, 'which might have animated and quickened them to new attempts'. Instead he was charged with the common law offence of riot to which he pleaded not guilty. Heywood's trial was postponed until the next sessions and he was again bound over. On 16 January 1685 he was found guilty of 'a riot, rout and unlawfull assembly', fined £50, and then sent to gaol for non-payment.[3] He spent most of the rest of the year incarcerated in York Castle. On 19 December he was released on bail by High Sheriff Christopher Tanckred, who may not have realised (as lawyer Thomas Rokeby advised his client) that imprisonment for non-payment of a fine was notailable - unless, furious at the prorogation of parliament on 20 November, Tanckred decided to turn a blind eye. ('Have I displeased my neighbours to please the court, and doe they serve me thus?' he stormed.) Again, three months later, it seems Tanckred did not realise that Heywood's particular offence was not included in James II's general pardon of 15 March 1686.[4] To his credit the minister recognised his good fortune:

And so we are quit as to the business, blessed be god, and all my intelligent friends doe look upon it as a good end.

Heywood's eleven-month confinement in York Castle was hardly rigorous. He had a chamber to himself, the company of his wife, endless visitors, and plenty of opportunity to write and

preach. In an adjacent chamber he found Thomas Whittaker, congregationalist minister of Leeds, and on 1 February 1685 almost forty people came to the castle to hear the two men preach. (One was the gaoler's wife.) 'I have all the out-ward conveniences that I can desire,' he admitted, 'as if I were in a friends house.' All the same, his joy when he arrived back home in Northowram was genuine enough.

Oliver Heywood's autobiographical writings offer a rare glimpse into what it was like to be at the receiving end of persecutory government policies. (Thoresby, a lay nonconformist with powerful connections, was better able to keep out of trouble.) Unfortunately Heywood's gentlemanly treatment at the hands of the authorities was untypical. The quakers in particular had fearful tales to tell - the fifty Leeds friends, for instance, whose meeting was broken up on 18 November 1683 (by Alderman Headley among others), and who were sent to the Moot Hall,

where they were kept men and women together in one room without fire, in extream cold weather, four days and nights; and then were sent prisoners to York Castle without being suffered to shift their clothes.[5]

The persecution of protestant dissent in Yorkshire remained patchy for another year (which would have been of small

comfort to the friends incarcerated in the Leeds Moot Hall). It was only in the autumn of 1684, for example, that the near immunity of Scarborough's quakers came to a brutal end.

Scarborough's now loyal Corporation

To the seventeenth century eye the mayoral mace was a potent symbol of authority. In August 1684, however, as the only municipal corporation in Yorkshire whose chief magistrate had never before been a mayor, Scarborough of course lacked one. It was a deficiency which Commissary Knowsley was quick to remedy - a mace was acquired at a cost of £47[6] - and at the inaugural meeting of the corporation on 18 August two serjeants at mace were duly sworn into office.[7] Some such symbol of authority was badly needed in the town. Not only were most of the principal corporators non-resident gentlemen and army officers who would play little or no part in the town's affairs (as will be seen), here alone in Yorkshire was a change in municipal leadership not hidden behind a smokescreen of institutional continuity. As a general rule it is probably much easier to impose a new political leadership upon an unwilling populace if the political structure itself remains unchanged. Most people will instinctively acknowledge the legitimacy of an ancient institution regardless of who is

running it, and in York and Beverley, for instance, the machinery of government survived more or less intact even if the political leadership did not. In Scarborough however the institutional structure as well as the list of corporators was reconstituted from scratch. The result was a sharp break with the past and a corporation which, mace or no mace, lacked inherent authority.

As it happens, the four years when Scarborough's affairs were overseen by a mayor and aldermen have never been properly studied.[8] In part this can be blamed on the poor state of the sources. All that survives are a few routine entries in the corporation's 'Book of Elections and Orders', a bundle or two of quarter sessions and civil court papers, and a scattering of letters and other items (among them draft minutes of meetings). Even so, enough has been unearthed to allow a glimpse into the town's affairs, especially during Knowsley's mayoralty.

First, though, it is worth considering the 1684 charter as a technical device for ensuring the town's continuing loyalty to the crown, and at the choice of personnel selected to govern it.[9] (In the present context nothing need be said of standard clauses such as the royal power to remove officeholders.) In common with other Yorkshire corporations only the 'governing part' was surrendered to the king,

although uniquely it was this alone which was reconstituted by the new charter.[10] The most striking technical change was the abandonment of the ancient system of annual elections for all officeholders, and the appointment of thirteen aldermen for life and thirty-one annually elected common councillors - later referred to as 'the easy method' of elections.[11] Almost as important was the royal power to appoint outsiders as JPs within the town - a provision which was unique in Yorkshire. All the same, there is a certain sloppiness about the 1684 charter. It is not clear, for instance, how common councillors could be elected 'in such place and manner as . . . for the space of ten years now last past have been used to be chosen and appointed' when the electoral mechanisms themselves had been abandoned.[12]

Turning to the choice of personnel, the experience of Scarborough was quite unlike that anywhere else in Yorkshire (see Chart 8/1). Not only were eight local gentlemen named aldermen, seven of them newcomers to corporate office,[13] five at least had been involved with the enquiries into the escape of the Rye House plotters from Scarborough and Bridlington, three in their capacity as deputy lieutenants. Meanwhile only five aldermen were inhabitants of the town, four having served several times as junior and senior bailiff.[14] The common council was also led by local gentlemen, seven in total, and here the presence of army

officers is interesting - not least because annual elections would have allowed them to be replaced when their units moved away. (It is hard to decide if this was an astute political calculation or pure chance.) Of the common councillors again, four at least were involved in the enquiries after Rye House. Indeed, looking at the new corporation as a whole, no more than twenty-nine out of forty-four corporators can have served before (unfortunately complete lists of the old corporation do not seem to survive), and of those twenty-nine six were no longer in office two years later. Elsewhere in Yorkshire a number of former opponents of the regime clung to office (one thinks of Alderman Johnson in Hull[15]). However there is every indication that political opponents in Scarborough were all removed. In particular, there was not a single representative of the Thompson clan which had dominated civic life since the restoration.

Draft minutes including an attendance register survive for corporation meetings in August and early September 1684 and for the quarter sessions in October.[16] It is striking that with the exception of Mayor Knowsley not one of the fifteen local gentlemen or army officers is recorded as being present (see Chart 8/1). The 'working' aldermanate consisted solely of the four ex-bailiffs, and out of thirty-one common councillors just fifteen attended meetings, all of them no doubt residents. For practical purposes the councillors were led by

the customs collector for the port (another Rye House investigator). Again, apart from Knowsley none of the fifteen gentry JPs attended the Michaelmas quarter sessions. Meanwhile most of the 'working' corporation were former corporators, and many had relatives who had served the old corporation. Alderman Fysh and Alderman Foord were brothers-in-law, for instance, and Cornelius Fysh was the former's son. The first had fought for the king, the second came from a family of successful merchants, and both were the sons of bailiffs. John Cockerill (probably the son of the junior bailiff in 1674) and William Tindall were related by marriage. The latter was probably apprenticed to the former's father, a shipbuilder, and later married a Cockerill.[17] The illusion of gentry domination in Scarborough did not, in other words, affect ordinary day to day routine. Even at the mayoral election in September 1686 only twenty-eight out of the forty-two corporators listed took part, although on this occasion they did include seven local gentlemen.[18]) Such a poor record of attendance is unique among Yorkshire corporations, for unlike county justices corporators could generally be relied upon to attend meetings (see, for instance, attendance registers in Hull, Leeds, Ripon and York). The 1684 charter even provided for non-attendance by gentry JPs, to whose number were to be added 'two of the senior aldermen inhabiting and residing within the town and borough aforesaid.'[19] Presumably it was in this capacity that Craven and Sedman attended the

Michaelmas sessions.[20] Meanwhile it is possible that some of the gentry JPs took recognisances and so forth, although direct evidence is slight.[21]

In truth, of course, the 'antient and now loyal' corporation of Scarborough[22] was a one-man show, and Mayor Knowsley, supported by his patron Governor Slingsby, dominated all aspects of the town's life. When Major Charles Morgan had problems with army quarters in September 1686, 'I asked the governors advice and the commissary, who is mayor of Scarbrough'[23] - although oddly enough Knowsley's term of office had ended almost twelve months earlier. (Perhaps he was acting as permanent deputy mayor, although no such post was designated in the charter. A document from December 1687 seems to imply that he was still mayor.[24]) Meanwhile when the town lands were let, it was Knowsley who acquired much the largest proportion. Knowsley it was too who compiled the 'lyst of the names of the trayne band for this towne and libertyes'.[25] Knowsley it was again who ordered the arrest of several men for riot when one of the Thompsons inadvisedly attempted to poll the freemen during the 1685 parliamentary elections.[26] Needless to say, this all got in the way of Knowsley's official duties as commissary of the musters for Yorkshire.[27]

It is hard to imagine that the acts of such a corporation

would be regarded by its political opponents as inherently legitimate, and there is some evidence to show this was indeed the case. In November 1684, for instance, less than three months after the new corporation took office, Nicholas Saunders (a former junior bailiff) deposed that he feared for his life because of Alderman Porter. Then at the borough quarter sessions two months later informations were given by Alderman Craven and one of the new serjeants at mace, which claimed that William Fowler (another ex-bailiff) had been heard to say 'if he turn'd papist like the rest, that was the way to be quiett' - upon which John Robinson (yet another former bailiff) clapped him on the shoulder 'and said it was a word spoake in season'. During the next few weeks Alderman Anlaby was insulted by a drunk, George Dodsworth a common councillor accused a juror of bias, and Francis Sollitt (manufacturer of 'Sollitt oil' and possibly to be identified with a bailiff of that name in 1670) denied the mayor's power to distrain on his blubber - perhaps a response to a corporation order of 25 August 1684 which imposed a levy of 12d a barrel.[28]

It was Scarborough's quakers, however, who were the real victims of the new political dispensation. Unfortunately there is some difficulty reconciling the various sources. The conventicles broken on 28 September and on 5 and 12 October which were dealt with at the Michaelmas sessions are not

mentioned in the quaker sources.[29] On the other hand, the assaults on the town's quaker community listed in the Record of Sufferings, sometimes almost on a daily basis, do not appear among the surviving corporation documentation.[30] Certainly, though, the authorities' rage for persecution hotted up dramatically after Knowsley's corporation took office in August 1684. Rather than just an occasional seizure of quaker goods,[31] persecution was now systematic and sustained. After breaking up a conventicle at Peter Hodgson's dwelling house on 14 December, for example, an unknown number of quakers were sent to York Castle to await the next quarter sessions when they were to be charged under the 1662 Quaker Act. Hodgson himself, a prosperous merchant, had already been caught at least twice attending a conventicle.[32]

It is worth ending this section by highlighting the contrast between Scarborough and the other nine chartered corporations - for it was in the town of Scarborough that people in Yorkshire experienced the loyalist ascendancy in its most undiluted form. Nowhere else, in the first place, was the formal structure of the governing body reconstituted from scratch. More important perhaps, nowhere else was the outgoing corporation tricked out of office and then boxed out of the negotiations for its successor. Nowhere else, again, were even the most moderate political opponents displaced from the corporation. But most significant of all, nowhere else in

Yorkshire was one man so obviously in charge.

Monmouth's Summer

On 3 July 1685, and showing a fine disregard for the niceties of English orthography, Frances Reresby wrote from York:

Most of the gentell men hear about is gone to prison except Mr Wesby, whoe continues in a very languishen condesion and in gret fear of being takin. I hear the holder men of Yorke and 30 mor is gone prisonars to Hole.[33]

The gentlemen in question included Edward Thompson and three other aldermen of York (the new charter did not arrive until 8 August), who were seized on 29 June, sent to Hull on 1 July 'all manner of bayle being denyed us', and were held there until the 25th. In a letter to Reresby on 15 July two of the aldermen complained of their 'strict confinement here in the castle', adding that they had been joined the night before by seven more of their neighbours.[34]

The duke of Monmouth had landed in the south-west on 11 June, news which reached the king on the 13th and was transmitted to parliament the same day. Exactly one week later letters were sent out to the lords lieutenant directing them to order the

arrest of all disaffected and suspicious persons,
'particularly all nonconformist ministers and such persons as
served against our royal father and late royal brother'.
Prisoners from the West Riding (like the York aldermen) were
to be confined in Hull along with their compatriots from the
East, and those from the North were to go to Scarborough.[35]
In the East Riding a second letter on 26 June ordered the
arrest of twelve named individuals, including Colonel Matthew
Alured (brother of the regicide), a clutch of exclusionist
MPs, and four members of the Thompson family. (In 1688 four of
these prisoners would be made pro-repeal JPs.)[36] After
Monmouth's defeat at Sedgemoor on 6 July the king's principal
concern was to stop the rebels escaping overseas.[37]
Nevertheless it was not until the 16th that orders were given
for certain categories of prisoner to be set free.[38] At a
meeting of the deputy lieutenants of the East Riding on the
22nd, for instance, it was decided to release them all except
one of the Thompsons, 'against whom we have received several
informations'.[39]

It is in Hull that the authorities' response to the crisis can
be seen most clearly. On 16 June, just five days after
Monmouth landed, Captain Lionel Copley (who was Governor
Plymouth's lieutenant at the garrison) told the corporation
that he had received an order from the privy council to secure
the port and the town gates. They also received a letter from

Secretary of State Sunderland placing restrictions on movements overseas.[40] Only on 11 July however, almost a fortnight later than in York, did the Hull bench propose that thirty-eight men should be 'sent for and confyned to there howses'.[41] (According to the corporation's records this was the first formal meeting since 16 June.) In their reply to a letter from Secretary Middleton they explained why.

We conceive it may bee for his majesties service and the due discharge of our dutys to confyne such persons that have either been in actuall arms against the regall goverment of this kingdom or are notoriously disaffected to the goverment in church and state untill further order.[42]

The list was revised and shortened to twenty the next day and two further names added on the 14th (one of them the displaced Alderman Daniel Hoare).[43] Four of the suspects were described 'as beeng in actuall armes', including John Robinson, named as an alderman in the September 1688 charter. Robinson, like many of the others, was a protestant dissenter. (On the initial list was the quaker John Yates, also to become an alderman.) But it is John Baker's experience at the hands of the authorities which is the most interesting. As was seen in chapter 2, Baker (the Protestant Tinker) had been used by the ordnance office to make 'diligent enquiry' into the fate of misappropriated building materials intended to repair the old castle. Subsequently he burnt his political fingers, although he later became the most enthusiastic of James's

nonconformist supporters in Hull.[44] On Tuesday 14 July
Captain Copley appeared again before the bench,

and complained that Mr John Baker, who was confined to his house on Sunday last, did not observe his confinement; and further that he had opened a letter sent by the post to the said Mr Baker on Saturday night before, in which was writt treasonable words.[45]

Baker was accordingly committed to prison. (In 1689 Copley's penchant for tampering with the mails would lead to complaints against him in the Commons.[46]) A week or so later however the remodelled corporation was rash enough to release Baker on bail. Copley was livid, and wrote to Mayor Feild as follows:

I am sorry the very first nay the only act you have done since you received your charter proves to the kings disright, espetioley when you might have excepted against the bale in Bakers case. I desir you will favor me with a coppey of [his] comittment this night.[47]

Baker's uneasy relationship with the military authorities in Hull would continue for many years. Meanwhile on 28 July Sunderland had written a letter to the mayor rescinding his orders restricting travel overseas.[48] Monmouth's summer was effectively over.

Although there is no hard evidence of a plan for a popular uprising in Yorkshire in the duke's favour, there are signs of support for his royal pretensions. On 14 July a yeoman was

presented at the North Riding sessions for allegedly saying, 'I will fight for the duke of Monmouth so long as any blood remains in me.'[49] A day earlier one Howden was denounced for seditious words: 'They say in our towne that the duke of Monmouth is taken, and they say they'l hang him, but I say by the lawes of armes they cannot hang him.' Warming to his theme he went on, 'If thy father had left the an estate and thy unckle should seek to wrong the of it, thou would fight for it wouldst thou not?'[50]

A word should be added about the new independent military units which were raised in Yorkshire (and in most cases almost immediately disbanded) to meet the short-lived threat from Monmouth. Some local source material exists for Reresby's and Wentworth's troops and for Slingsby's garrison company at Scarborough.[51] The captains were commissioned on 25, 20 and 24 June respectively,[52] and Wentworth for one was ordered to raise a troop of sixty horse.[53] It seems there were problems with recruitment. Reresby's troop had mustered twenty-three men by 1 July, for instance, but with growing difficulty.[54] Then, after Monmouth's defeat, rumours began to circulate about troop reductions,[55] and on 25 July Secretary at War Blathwayt wrote to Reresby and Wentworth ordering their respective troops to be disbanded.[56] On the other hand, the new regiments were mostly kept in being - and as is well known it was the expansion of the army which ignited the first

sparks of loyalist opposition when parliament met again in November. By then though, as will be seen in a later section, the earl of Huntingdon's partly catholic-officered foot regiment had already spent several uneasy weeks in Hull.

Papists and Dissenters

Oliver Heywood, at the time a prisoner in York Castle, was present at the Lent assizes in 1685 'where I saw the papists discharged upon entering recognizances.' His diary entry for 11 March continues, not a little ruefully, 'In [the] afternoon attempts were made for me, truly in vain.' [57] Among the twenty-two catholics released were four suspected priests, one of them Father Pracid (see Chart 4/3), and ten people who had languished there on a praemunire since the Richmond quarter sessions in February 1679 (see Chart 4/2). Six papists were also released from Ousebridge, the prison for the city of York, and both batches included people denounced by Bolron and Mowbray. Twelve days earlier, on 27 February, the new king had ordered the judges on circuit to discharge all persons imprisoned for refusing the oaths of allegiance and supremacy or for failing to attend church, provided they gave recognisances for their good behaviour and produced certificates signed by two or more JPs or deputy lieutenants

testifying to their loyalty during the civil war[58] - an ingenious mechanism for distinguishing between Roman Catholics and protestant dissenters ostensibly on purely political grounds. (Catholics naturally were much more likely to be able to prove their loyalty.) On 10 March therefore, the day after the assizes opened, lists were drawn up of catholic prisoners in York Castle and Ousebridge, signed by two deputies and two aldermen-justices respectively. One by one the twenty-eight prisoners' sufferings for the crown were briefly recounted, any hint of priesthood or treason being tactfully ignored.[59] It was the following day that Heywood watched them being released. Meanwhile, as has been seen, persecution of protestant dissent continued unabated.

This new, much more relaxed policy towards catholic recusancy pre-dated the accession of James II by several months.[60] Following his 'northern voyage' in July 1684, Lord Chief Justice Jeffreys astounded Lord Keeper Guilford in the privy council by producing lists of persons imprisoned for recusancy in the northern circuit, and appealing to the king to discharge them by royal pardon. Guilford, who as keeper would have had to seal the pardon, pointed out that many of those imprisoned for recusancy were not catholics at all and that it would be dangerous to release so many of the king's enemies at once. Far better in his view to pardon named individuals.[61] In the event it was Guilford's advice which was followed, and

on 15 January 1685 thirty-two Yorkshire men and women were pardoned by name.[62] Meanwhile at the North Riding quarter sessions a fortnight after Jeffreys' arrival in York:

Ordered that if any person presented at these sessions for excusancy [sic] shall within a month before the next general sessions or at any time betwixt now and then pay 3s. due upon the said presentment, or bring a certificate under the hands of the parish officers of the respective places where they live that they have paid the same to the use of the poor there, and pay all due fees to the clerk of the peace, that then no further process shall be issued out against them.[63]

Clearly the North Riding justices had sniffed out a changing political wind.

On 28 March 1685 lord Thomas Howard (brother to the duke of Norfolk) wrote about the prospects for a general pardon to his fellow Roman Catholic John Middleton of Stockeld Park.[64] Howard's letter was over-optimistic: loyalty certificates were required until the beginning of 1687, and in the meantime the law was enforced against all recusants who did not possess one.[65] (A draft certificate still survives for Sir Philip Constable of Everingham.[66]) The letter does however give some indication of the care required when preparing certificates.

The whole certificat, of which you have a copy by you,

consists of 78 persons, nine of which never paid their 30 shillings which were Sir Miles Stapleton . . . the two Mr Ralph Hansby's . . . [etc]. [67]

It was worth the effort financially too. In July, for instance, Constable was repaid fines totalling £60 (less fees). [68]

The increasingly gentle treatment accorded Roman Catholics who transgressed the penal legislation contrasted starkly with the continued persecution of protestant dissent - described by Dr John Spurr as not only a drive against dissent but for conformity. [69] Six York quakers were brought to trial at the summer 1685 assizes, for example, and were charged with riot. [70] At first the grand jury 'said they could not find the bill for a ryott, but a conventicle or unlawfull assembly.' But Judge Walcott bullied them against their better instincts,

And as friends stood before the judge, he was very peevish and angry, calling them bad names, saying or speaking to this purpose: That under pretence of meeting to worshipping and serve god was all these plotts and rebellions hatched.

The prisoners were thereupon remanded to the next assizes, and Walcott

bidd the gaoler take them away and keepe them close and let them have no liberty; for if he did, he would lay such a

fine upon him as hee should nott gett from under soe long
as he lived.

Walcott did not long survive his return to London - as quaker sources recount with unmitigated glee - and so did not have to accommodate himself to the change of policy heralded by the king's general pardon of 10 March 1686.[71] It was thanks to a generous interpretation of this proclamation, as has been seen, that Oliver Heywood was at last able to escape the consequences of his conviction for riot. Meanwhile two days later a warrant authorised named papists to travel freely and dispensed them from all legal penalties.[72] They included lord Thomas Howard and Sir Philip Constable.

Huntingdon's Regiment in Hull

The opening of James II's second session of parliament on 9 November 1685 and MPs' immediate fixation on the enlarged army and the illegal employment of catholic officers is relatively familiar.[73] On the 16th Sir Willoughby Hickman intervened in the debate:

The rebellion is suppressed and the army is urged to be small, but it is so thick of officers that by filling up the troops, which is easily at any time done, increases their number to a third part more.[74]

Hickman had his own reasons for concern. As MP for Hull and cousin of Governor Plymouth he was closely involved in the corporation's bitter dispute with the earl of Huntingdon's new foot regiment. On 31 October, for instance, they asked him to discuss the matter with the governor when he arrived in London.[75] Remarkably, runs of correspondence survive from all parties to this dispute - the corporation and its agents in London, Governor Plymouth and Lieutenant-Governor Copley, third parties like the MPs, not to mention letters from the army officers to their colonel. In all there are some fifty separate items.[76] Incidentally, seven (or more) of the officers were papists, making up at least a fifth of the entire officer corps in the town[77] - a fact which curiously enough is not mentioned in the surviving documentation.[78]

Two years earlier, a few days before news reached Hull of Rye House, Governor Plymouth had been ordered to give an account of abuses and irregularities in musters at the garrison.[79] His letter to Secretary Jenkins of 25 June 1683 reveals that there were six companies stationed in the town (there are enclosures which list individual names of four of them). If the muster rolls had been complete (which they were not) this would have meant there were roughly 300 soldiers in Hull.[80] With 195 beds in public houses, and sleeping two to a bed, it should not have been difficult to accommodate all of them.[81] (It appears there were longer-term plans to house the soldiers

in purpose-built accommodation in the new citadel.[82])
However the arrival of nine companies of soldiers (later increased to eleven) was unprecedented. (They took the place of five companies of the Holland regiment, and presumably were in addition to the two garrison companies.) Suddenly, with around 600 men looking for billets,[83] quartering was central to relations between the corporation and the military establishment in the town.

There are several accounts of the arrival of Huntingdon's regiment in Hull on 21 September 1685. The most authoritative might well be Major Charles Morgan's, who as commander-in-chief of the regiment wrote to Huntingdon on the 26th. It seems the men were first drawn up in the market place,

where wee expected according to custom that the houskeepers would have com and taken the men to lodge at 8d. per week. Butt no body coming in 6 hours, the lieutenant governor (who is of opinion it was a combination among the majestrates) sent to the mayor to demand billets to quarter them on the publick houses.[84]

Morgan cheerfully admitted that free quarters in public houses would save the regiment £1000 a year, 'which will do the men a great deale of good'. Meanwhile Hull's housekeepers seem to have reconsidered their lack of welcome, and began to encourage the soldiers to move in with them. The question now

arose as to who would pay their 8d. per week subsistence. Morgan argued that his men in effect were on free quarters, and that if anyone paid it should be the innholders who had formerly housed them - or else they would simply return to the public houses. Some innholders were allegedly paying 4s.0d. or even 6s.8d. a week according to how many soldiers had initially been quartered on them, and were giving up their licences in consequence.[85] A flurry of letters followed, many of them finding their way to Governor Plymouth as arbitrator. The corporation's solicitor in London James Kynvin wrote on 10 October,

I have lately enquired amongst the soldiers here in towne and they say that in any publique house they are to have their lodging free, they paying for what meate or drinke they have.[86]

Four days later Plymouth insisted tetchily that in a town which had had a garrison for more than forty years 'there must be a knowne rule for the quartering of them which cannot be varied on either side.'[87] Then, after further appeals from the corporation, the governor seems to have reconsidered his position. He spoke to Huntingdon who promised to write to Major Morgan telling him to order his men into private houses and pay the customary 8d. a week.[88] It was at this point that the officers in Hull over-reached themselves, when they delivered four 'proposalls' to the mayor and aldermen

ostensibly in the name of Huntingdon. If adopted, the corporation would have had to take all responsibility for quartering the soldiers. The fourth proposal, for instance, reads:

that the major and aldermen doe advance to each captaine the sume of forty pounds the first day of every month subsistance money, and take bills of the respective captaines or officers appointed by them upon the paymaster of the army.[89]

The corporation sent copies of the proposals to Plymouth and Huntingdon.[90] In the meantime, on 26 October the mayor had ordered the constables to find out from the innholders

what moneys they have paid for quartering soldiers in my lord Huntingdons regiment since its comeing hither, and alsoe to sett downe the soldiers names and the officers to whome they belong.[91]

This was a miscalculation on the corporation's part. It was not long before Major Morgan and his fellow officers,

with many high threatnings, demand the notes of us and tell us wee are mustering their men, and if wee doe not comply with their humor they will write up to his majestie.[92]

Nevertheless it was the officers who had to reckon with Plymouth's fury, not least because their 'proposalls' bore scant resemblance to Secretary at War Blathwayt's official

instructions for quartering soldiers. With his letter of 14 November to the corporation he enclosed another letter to Copley. 'I send it to you by reason hee may not pretend it miscarryes.'[93] Kynvin commented in his own letter of the same date:

I perceive his lordshipp is fully satisfied that Captaine Copley has done ill offices between the corporacon and the officers, and would be glad to be informed of the particulars of such as can be made out and that are of any moment.[94]

Morgan meanwhile was keen to vindicate himself in the eyes of his colonel. (Copley had departed for London.) In a letter to Huntingdon on 20 November he painted a dramatic picture of the soldiers' ill-treatment at the hands of the townspeople of Hull:

The soldiers have not had any kind of accomodacon all the time they have been in these houses. They have been used at such rate as never soldiers were: theire armes throwne out of dores; them selves sum times forced to lye on the guard when nott upon duty, sumtimes upon benches, tables, stooles, or floores; nott suffered to com nigh a kitching fire or any other; refused to dress theire meat when they bought it themselves, or lett them have any in the house for theire money. This and such like entertainment is all the poore creatures had, and to complaine to the mayor was to no purpose.[95]

In the event it was the officers who had the last laugh. The previous day the mayor had foolishly signed a warrant certifying that the soldiers had discharged all their debts up

to 18 November on a promise by Major Morgan that this would indeed be done.[96] Morgan included the signed warrant with his letter to Huntingdon, and the corporation's rug was pulled out from under their feet. What is more, Plymouth advised them to hand over the constables' lists and offer 'some complement that you may bee upon faire termes againe'.[97] Although arguments over payment for quartering Huntingdon's regiment continued until the following April when the soldiers marched out of town, the corporation had been worsted.[98] Captain Owen Macarty, an Irish catholic who arrived in Hull in mid-December, went to see the mayor in March 1686 'to talke with him about theire pretended right of payment for quartridge money dureing the time of our regements being quartered in ale-houses'. In a letter to Huntingdon he quoted the mayor as saying that if the colonel and Plymouth signed a letter confirming 'that the king will not yeeld to it', he would in turn satisfy his fellow aldermen and the matter would be allowed to drop.[99] It is likely that this is what happened.

What then is to be made of this story? In particular, how far was the dispute between the officers and the corporation a product of changing politics nationally - the enlarged army, say, or the employment of catholic officers - and to what extent was it simply local? Certainly if Huntingdon's regiment and the other new formations had been disbanded after

Sedgemoor, problems with billets in Hull would not have arisen.[100] Again, the fact that seven officers at least (including the quartermaster) were papists must have been generally known, even if the records are silent about it. Most important of all, the experience of Hull shows that by the end of 1685 loyalism was no more unconditional locally than it was in parliament.

Chart 8/1

THE 'NOW LOYAL' CORPORATION OF SCARBOROUGH
1684
(listed in charter order)

<u>Mayor and aldermen</u>				<u>background</u>	<u>Sept 1686</u>
1	* <u>John Knowsley esq</u> , mayor	JP Inv		commissary	x
2	*Sir John Legard bart	JP Inv		DL	x
3	*Sir William Cayley bart	JP Inv		DL/JP	x
4	*Sir Richard Osbaldeston	JP Inv			x
5	*Arthur Cayley esq	JP			x
6	*William Osbaldeston esq	JP Inv		DL/JP	x
7	John Wyvill esq	JP		ex-bailiff	x
8	*Matthew Anlaby esq	JP			x
9	<u>Tristram Fysh gent</u>	JP		ex-bailiff	x
10	<u>Timothy Foord gent</u>	JP		ex-bailiff	x
11	<u>John Craven gent</u>			ex-bailiff	x
12	<u>Thomas Sedman gent</u>			ex-bailiff	x
13	Ralph Porter gent				x
 <u>Common council</u>					
14	*Sir Hugh Cholmley bart	JP Inv		DL/JP	x
15	*Sir Thomas Slingsby bart	JP Inv		governor/DL	x
16	*Henry Slingsby esq	JP		army officer	x
17	*Ralph Egerton esq	JP			x
18	*Henry Crosland esq	JP		army officer	x
19	*Edward Hutchinson esq	JP Inv		army officer/JP	x
20	*Thomas Condon esq	JP		army officer	
21	* <u>Jeremiah Bromley gent</u>		Inv	customs collector	x
22	Thomas Fairside gent				
23	<u>Cornelius Fysh gent</u>			waiter/searcher	x
24	Gregory Fysh gent				x
25	<u>Joseph Jenkinson gent</u>				
26	Simon Dodsworth gent				
27	<u>Adam Fairside gent</u>				x
28	Thomas Readhead				x
29	William Dodsworth				x
30	Alexander Vaughan				
31	<u>John Cockerill jun</u>				x
32	Paul Batty				x
33	<u>Ralph Witty jun</u>				
34	<u>Richard Allatson</u>				x
35	<u>Leonard Harrison</u>				x
36	<u>Robert Dickinson</u>				x

Chart 8/1 continued

37	George Dodsworth	x
38	<u>Richard Fydd</u>	x
39	William Cooper	x
40	<u>William Tindall</u>	x
41	<u>Peter Maxwell</u>	x
42	<u>Robert Maxwell</u>	x
43	<u>William Husband</u>	x
44	<u>William Matthew</u>	
	Mr Zeph. Williamson	x
	Thomas Porter	x
	Thomas Woolfe	x
	Mr Benjamin Wade	x
	William Jarratt gent	x
	Mr Thomas Shipton	x

Key

underlined = attended meetings of corporation in Aug./Sept. 1684

* = newcomers (a minimum figure: a complete list of the old corporators has not been found)

JP = appointed JPs for life by charter

Inv = directly involved in the Rye House investigations

x = listed as corporator in Sept. 1686

Note For the fate of Knowsley's corporation in 1688, see Chart 9/3.

Principal sources

Copy Translations, pp. 143-52

NYCRO, DC/SCB MIC 2052/222, 226, 231-2, 289

CHAPTER 9: THE POLITICS OF TOLERATION

1685-88

Saturday 6 February 1686 marked the first anniversary of the accession of King James II. To celebrate the occasion the burgesses of Richmond listened to a sermon on 'the duty of honouring the king and the obligations we have thereto', which was given by Christopher Wyvill D.D., [1] youngest son of the late Sir Christopher Wyvill of Constable Burton. [2] A month later Wyvill returned to the theme when he preached in front of the assize judges in York minster. [3] This time he propounded five 'rules' - the king should be allowed to enjoy his just prerogatives; private individuals should not meddle with the royal government; they should not entertain ill suspicions of the king's intentions; they should not listen to talk of rebellion; and they should remain faithful to the Church of England. Superficially a conventional nonresisting sermon, it does however reveal signs of clerical unease with the royal policies. The third rule, for instance, includes a halfhearted rebuttal of current rumour about James's intentions -

as if [the king] had a mind to tyrannize over us, or (contrary to the protestations he hath given us) would destroy our church and set up a religion contrary to that which is by law established.

The fifth, meanwhile, offers a novel reason for remaining firm to the Church of England,

the deserting of which church . . . may be very prejudicial to his majesties interest, [because] we cannot turn to the Church of Rome without denying a part of the king's governing power, that is his supremacy in all causes and over all persons within his own dominions.

Wyvill's reputation as a nonresisting clergyman, such as it ever was, came to an abrupt end on 9 August 1688, when after much prevarication he told the commissioners for the Three Questions that 'to support the king's declaration was against his conscience.' [4]

No such scruples were entertained by Nathaniel Johnston M.D., the Pontefract physician and antiquary, who with Captain Thomas Fairfax was Reresby's best-informed political correspondent. Early in 1686 Johnston published a huge folio volume dedicated to the king called The Excellency of Monarchical Government, especially of the English Monarchy. In the introduction he told the reader:

I write abstractly of the sovereign and the constitution without regard to the religion of the prince, as being well

satisfied that whatever qualifications the subjects may wish for in their prince, yet religion qua religion should neither influence the succession nor their obedience.

Johnston argued that all 'our liberties, priviledges and immunities have proceeded from the grants, benevolences and gracious condescensions of our kings', and that the king was accountable for his actions only to god. It followed from this, for example, that he could dispense with the execution of particular laws (Johnston instanced non-observance of the Triennial Act).[5] Yet for all the book's veneer of scholarly detachment, it was written in response to a precise historical moment (presumably using older researches 'warmed up' for the occasion).[6] Hence Johnston's annoyance with Sir Roger L'Estrange, who held up publication for nearly three weeks when he sat on part of the draft ('it being, I believe, beyond his mark').[7] Hence also his need to warn the reader in the introduction that 'the whole original was writ and the most part printed before the last session of parliament, November the 9th'.[8] Not that the tone of the book is particularly detached. Of democracy he writes:

In the standing pools of popular government, from the putrilage and mud, spawn swarms of tadpols. The rankness of such soyl brings store of tares and goss, docks and nettle. Here the henbane, night-shade and aconite grow too luxuriantly, so the medicinal and fragrant plants rarely find room or cultivation.[9]

Dr Johnston's Excellency of Monarchical Government seems to have gone down well with James, and twelve months later he was granted £400 per annum 'to search into all records wherever kept for such matters as [the king] shall have occasion for'. [10] Johnston's first royally commissioned publication was The Assurance of Abby and other Church-Lands in England to the Possessors. This was followed a year later by an official account of the Magdalen College affair. [11] In the meantime, in a letter to Reresby which conveyed the perhaps unpleasant news that a catholic had been created lord lieutenant of the North Riding, Johnston made a classic statement of unconditional loyalism:

. . . but I use not to ask for reasons. It is enough for me to know matters of fact and acquiesce in what a sovereign doth. [12]

Behind the scenes Nathaniel Johnston was becoming increasingly influential in Yorkshire politics, and it is in this connection that his name will be encountered regularly from now on. Even at this early stage it is unlikely to be pure coincidence that a younger brother Samuel, also a physician, was nominated to join the Beverley corporation in 1685, [13] or that a second brother, a benedictine monk, preached before King James the day before the opening of the second session of parliament. [14]

The differing response of Wyvill and Johnston to the events of James II's reign usefully illustrates the breakdown of the loyalist consensus in Yorkshire. In practice it turned out to be permanent - in 1689 Wyvill happily adapted himself to the new dispensation, whereas Johnston lived out his life in jacobite obscurity - and it began in the summer of 1686 when James made his first efforts to intrude his fellow Roman Catholics into local office.

Catholics in Office

The prorogation of parliament on 20 November 1685 had an immediate effect on officeholding, when army officers who had voted on the 14th for the removal of catholic officers found themselves cashiered by the king.[15] Richard Bertie, for instance, a captain in the earl of Peterborough's horse, was removed on 16 December and replaced by Sir Michael Wentworth of Woolley Hall - an arbitrary act which Bertie no doubt regarded as a direct attack on his fundamental property rights. (He may have been luckier than most in that the executors of his estate eventually recovered £482 14s. 0d. 'for the accouterments of the said Sir Michael Wentworths troop of horse'.)[16] Wentworth, like most of the newly appointed officers, was not himself a Roman Catholic. However

barely a year later, in February 1687, Wentworth's own commission was called in along with many others.[17] By then, though, the catholicisation of the leading political institutions in England had begun to extend far beyond the army officer corps.

A sequence of letters from Dr Nathaniel Johnston in London to Sir John Reresby in Yorkshire illustrates the early stages of this process from a position close to the throne.[18] In the first letter dated 29 June 1686 - Reresby had been in the capital until shortly before - Johnston reported a rumour that Sir John himself and the earl of Plymouth were to be supplanted by catholics as governors of York and Hull respectively. On this occasion, as Johnston suspected, the news was incorrect. All the same, his letters were remarkably well informed, and as the next few months progressed Reresby learnt (amongst much else) about Godden v. Hales, the appointment of papists to the privy council, the creation of the ecclesiastical commission, and the trial of Bishop Compton.[19] However not until 21 December did Johnston begin to forward news which directly affected political life in Yorkshire.

It is expected there will be greate alterations in persons hitherto imployed, his majesty knowing best of any whom he will trust and will not be served by halves.[20]

Back in October a privy council committee had been set up to review commissions of the peace.[21] After a meeting on 17 December lists of changes were recorded in the register,[22] and a fortnight later Sir Henry Goodricke was able to obtain an accurate list of proposed displacements and nominations to the West Riding bench.[23] It was observed, by Reresby and without doubt others, that all ten newcomers were papists.[24] Indeed of the thirty new JPs listed for the county only one was not. All eight of the resident catholic justices nominated for the East Riding, for instance, had been considered for the Papists Removal and Disarming Bill of 1680.[25] Meanwhile twenty-three justices were to be purged from office, all but four belonging to the West Riding bench. As it happens, the new catholic JPs were unable to take office in time for the Easter 1687 quarter sessions since no clause had been added to the commission dispensing them from the political oaths and declarations. (In due course this difficulty would be resolved, and it was to some extent overtaken by events.) On 15 April Reresby told Halifax:

Some of thos lately added to the commission came to be sworn, but noe dedimus being comed at that time (though it is since to swear five) they did not act.[26]

It seems a dedimus had been sent for before the Lent assizes which started on 5 March, when several of the new justices

were sworn grand jurors - as Reresby remarked, 'a sight not seen in England for many years before'.[27] Roman Catholic JPs attended the West Riding sessions for the first time on 28 July 1687.[28] Meanwhile in the North Riding two papist justices at least had been sworn into office on or by 3 May, when they took an information against a blacksmith called Hutchinson. He had reportedly observed (amongst many other things) 'that neither he, the said George Meynel, nor any of those popish dogs, the new justices of peace, had any power to hurt him.'[29] He was deluding himself. By the end of the summer catholic officeholding in Yorkshire would be a commonplace.

Dr Lionel Glassey and others have pointed out that the primary purpose of the council regulation was to add Roman Catholic gentlemen to the commissions of the peace.[30] There is an analysis of the newcomers in the next chapter. Nevertheless something needs to be said about the men removed. Sir Henry Goodricke remarked of the changes to the West Riding bench:

The scrutiny passt in the kings presence in full councell;
and has faln severely on us, I thinck, for want of a privy
councellour of our riding in that assembly who was well
acquainted with the excluded gentlemen.[31]

Goodricke may have protested too much. Of the nineteen men expelled only four or five - some justices shared the same

names - had actually attended quarter sessions since James's accession. This is far poorer than the average for the bench overall, and advantage may have been taken of the regulation to clear out dead wood, some of it perhaps literal.[32] On the other hand, those expelled included Sir Ralph Knight who had attended a service taken by Oliver Heywood in 1678, and William Drake who was charged in 1685 with spreading false and dangerous news.[33] If nothing else it is clear that early attempts to open up political institutions in Yorkshire to Roman Catholics did not include parallel moves towards nonconformists and former exclusionists. Papists were to be reintegrated into the political nation without compromising the attack on protestant dissent.

The Declaration of Indulgence

Already however there were signs of a change of government policy towards nonconformity. Piecemeal concessions towards particular individuals and congregations, above all quakers, had begun twelve months earlier.[34] At last, on 18 March 1687 James abandoned his efforts to conciliate the anglican establishment and proposed instead to establish 'a generall liberty of conscience to all persons of what persuasion

soever'.[35] A fortnight later a Declaration of Indulgence was issued.[36] The presbyterian minister Oliver Heywood enthused:

It becomes us thankfully to accept this immunity, to improve oppertunitys of service, and give god the glory of all; and hope and pray that the churches god will produce good out of it for propagating the gospel and conversion of sinners. Amen.[37]

The addressing campaign which followed is usually regarded as a failure. Gilbert Burnet set the tone:

Upon this a new set of addresses went round the dissenters; and they, who had so long reproached the Church of England as too courtly in their submissions and flatteries, seemed now to vie with them in those abject strains. . . . Few concurred in those addresses, and the persons that brought them up were mean and inconsiderable. Yet the court was lifted up with this.[38]

Thomas Cartwright, until October 1686 dean of Ripon and now bishop of Chester - his diocese included the archdeaconry of Richmond - was central to the organisation of the campaign in Yorkshire. Cartwright was based in London, and was one of Dr Johnston's cronies (the latter's name frequently appears in Cartwright's diary).[39] By the spring of 1687 he was also notoriously pro-James. On 20 April he drafted an address from the bishops to the king, and warming to his task sent copies to the deans of York and Ripon.[40] In due course an address arrived from the Ripon clergy.[41] However, when the dean of York read Cartwright's letter to the chapter on 10 May, Thomas

Comber, the precentor (soon to be associated with Danby's conspirators), noted in his diary:

I, knowing the design was to encourage [the king] to go on in oppressing the church by flattery and vile compliance, opposed it so that none of the chapter, the dean excepted, would sign it.[42]

A second letter to the dean of York on 31 May again failed to extract an address.[43] Meanwhile Denis Granville, dean of Durham (and like Cartwright a future jacobite), had written to Comber offering him a place in his coach up to London. It must have been a lively journey. Writing about it to the recorder of Richmond, Granville remarked:

I was sorely attacked at York and all along the road by the voters for non-addresses to the king, but (I thank god) held my own very stoutly, and convinced most that at least in my own case, coming from my lawful superior, it ought to be don. . . . Methinks the opposers of addresses seem a little crest-fallen.[44]

Cartwright was not the only person actively sponsoring loyal addresses from Yorkshire. The earl of Plymouth, as high steward of Hull managed to browbeat the corporation into converting a singularly lukewarm draft into an enthusiastic endorsement of the royal policies.[45] The high sheriff of Yorkshire, now the pro-dissent lawyer Thomas Rokeby,[46] was less successful in his efforts. A standard letter, sent out at the beginning of July and received by Sir John Reresby, Sir

Michael Wentworth, Francis Nevile and no doubt many others, solicited an address from the anglican gentlemen attending the assizes which began on the 11th.[47] It seems Reresby and Nevile were not alone in contriving suitable excuses.

The appearance of gentlemen at the assizes being little and thos not inclined to comply with the high sherif, he attempted to gett an address to the same effect from the grand jurys; but they, being composed of some papists and some protestants who had different matter to thanke the king for, could not agree of frameing an addresse, and one that was offered to them by the high sheriff was stolne away and never seen after.[48]

A highly effusive draft, 'whiche should have beene presented at the assizes at York but the grand juryes would not allow of itt', survives among the Constable of Everingham papers.[49] Again, no addresses were received from the commissions of the peace or the militia officers, and only four came from corporate boroughs (compared with nine in 1683 and all ten in 1685). Three of those were by no means unconditional. In the meantime, with only eleven Yorkshire addresses presented in total,[50] the campaign was far less successful numerically than in 1683 and 1685 (with sixteen and twenty-three respectively). All the same, there was an interesting change of emphasis, with for the first time addresses from groups of dissenters. Burnet thought it was upon the dissenters' addresses that James relied most heavily. It is a claim which can be tested - for not only does a copy of the Leeds address

exist which lists all the subscribers' names, but correspondence has been unearthed which throws considerable light upon the political background.

The Leeds Dissenters' Address

Four groups of Yorkshire dissenters, in Leeds, York, Sheffield and Hull, presented addresses to the king which thanked him for his Declaration of Indulgence. Most elaborate by far was the address subscribed by the presbyterians of Hull:

May the present age sacrifice hecatombs of thanksgivings to your sacred person, and prosperity revive the memory of the blessing with the most reverential and profound acknowledgments. . . . May the caelestial powers that have influenced you to the production of such a pregnant blessing to the nation make it everlasting, by prolonging the king's life and his years as many generations.[51]

In Leeds 'and places adjacent' Thomas Sharp, presbyterian minister at Mill Hill chapel, was perhaps the chief inspiration behind the address.[52] His signature is the first of six from local nonconformist ministers (three presbyterians and three congregationalists), and he made a fruitless attempt to gather two more (see Chart 9/1). Oliver Heywood, presbyterian minister at Northowram, seems to have absented himself when Sharp called round at his house, and Heywood's

friend, Joseph Dawson of Morley, cavilled at signing a document which described the declaration as 'most gracious'.

Sharp was not impressed:

Some men see so far into milstones as to leave their eyes there, as if the words 'most gracious' gave the licence and not the declaration.[53]

The address was brought up to London by Thomas Wilson, the eldest son of Richard Wilson (another signatory and a merchant in Leeds), who had arrived in the capital by 25 June.[54] It was presented two days later by Robert Ross, who was himself introduced to the king by Dr Nathaniel Johnston. Ross's letter to Elkanah Hickson, one of the subscribers, has a curious tone:

Dear Blue [it begins],
Factum est, as you may perceive by this - for as I told you in my last, I went in a 30 shilling carross and a guinney dinner there besides other charges. I carried Dr Johnson and his son with me scot free, and went so early that we caught my lord Sunderland (who is president of the council and secretary of state) before he went to the king, who approved of it verie highly (as also all that see it). And he ordered his secretary to attend us to our head landlord, which he did, where we were verie kindly received; and told us he expected no less from so rich a clothing people whom he would always protect, for in their riches consisted his greatness [etc]. . . . I shall say no more, but leave this to be copied out by Namur. . . .
[PS] Namur gives his most humble service to you.[55]

Very different was a predictably pompous letter to Hickson from Dr Johnston. 'The day was solemn,' he told him, 'the

nobility and gentry present were numerous, and the kings expressions were as gracious as any friend could utter' - platitudes which led him off into a long and very tedious homily which stressed James's unimpeachable motives. Johnston was 'only sorry that the magistrates and others that love the doctrine of the Church of England joynd not with you'.[56]

Of the thirty-four subscribers (see Chart 9/1) twenty-five have been positively identified.[57] It emerges that they are listed in rough order of social precedence. After the six nonconformist ministers come the signatures of ten or so men with pretensions to gentility. Most of them were merchants, several were related,[58] and many came from aldermanic families. Thoresby's friend Samuel Ibbetson, for instance, was grandson (through his mother) of the chief magistrate in 1655. Two of his paternal uncles were aldermen, and as head of the family it is highly likely that he too would have served the corporation had he not been disqualified by law. Indeed, before the 1673 Test Act two of the signatories, Ralph Spencer and William Milner, had been assistants to the corporation. The next half dozen or so subscribers are a mixed bag. They include John Pickering of Tingley House, who was father-in-law to two of the minister signatories, a former captain of dragoons in the parliamentary army, and a JP between 1656 and 1660.[59] It is only the last dozen or so subscribers, lowliest of all, who have mostly eluded identification.

Who then is missing from the list (besides the two ministers mentioned earlier)? The answer is almost no-one of prominence in mainstream dissenting circles.[60] (It is interesting that there were no quaker signatories, although there was a large quaker community in Leeds.) Socially, in fact, there was nothing to distinguish between the principal signatories to the dissenters' address and the corporation itself. (During Thoresby's trial in 1683 Alderman Headley had 'cast many reflections upon the damnable rich fanatics, as he was pleased to call them'.[61]) In Leeds, if nowhere else, Bishop Burnet's assertion that 'Few concurred in those [dissenters'] addresses, and the persons that brought them up were mean and inconsiderable' is quite simply untrue. The marquess of Halifax too, if he had seen the Leeds address and knew who the signatories were, would have had grounds for concern. (In A Letter to a Dissenter, written that same summer, he devoted two pages to explaining why dissenters should not subscribe.[62]) Meanwhile, if the Leeds corporation had been regulated in 1688 (as for some reason it never was), the list of subscribers to the dissenters' address would have offered an ideal pool of names to draw upon when creating its successor.

Unfortunately nothing is known about the political and social background to the other three dissenters' addresses from Yorkshire. Even so, the evidence from Leeds suggests genuine

support for the royal policies. If the 1687 addressing campaign was in some respects a failure, as Burnet and others have argued, it was not for all that a uniform failure.

The Impact of Toleration

In a long, despondent letter to Ralph Thoresby in Leeds, written just two days before the town's dissenters presented their address to the king (and less than three months after the 1687 Declaration of Indulgence), the congregationalist minister Richard Stretton[63] assessed the likely impact of statutory as opposed to merely prerogative toleration on protestantism in England.

Most of our people are protestants upon no better principles than many of them are papists: viz. education and interest etc. . . . Education, carnal policy and interest make many seem firm protestants that else see or know little difference between religions, nor are one jot better in their practice. Most conclude a freehold is better than a life-estate; and as it is not gentel, so it would not be worth the while to change their religion upon such uncertainties. Could they but secure the succession and get off all penal laws that it should not be high treason (as our law makes it) to quit their own and embrace the romish communion, they would go over by shoals of all ranks and professions that now seem much averse to it.[64]

Stretton was strongly opposed to addressing, as he made clear earlier in the letter - one of very few influential dissenters

who was.[65] (During Stretton's funeral sermon a quarter of a century later mourners were reminded that he 'was instrumental to prevent several addresses.'[66]) Views such as his about a prospective mass conversion to catholicism following repeal of the tests and penal laws ('a freehold') have found little favour with historians, who have overlooked his argument that catholic proselytising under merely prerogative toleration ('a life-estate') was almost bound to fail.[67] James II later made the same point:

I make no doubt if once liberty of conscience be well fixed, many conversions will ensue, which is a truth too many of the protestants are persuaded of.[68]

Speculation about the break-up of the anglican church under statutory toleration is well beyond the remit of this study. Even so, it is worth pointing out that historians may be asking the wrong questions. In particular, rather than estimating the numerical strength of catholic recusancy and protestant dissent, perhaps instead they should be counting numbers of staunch anglicans.[69] As Stretton noted, many ordinary people were anglicans simply out of inertia or through lack of any burning religious conviction. The Church of England's inherent stability may therefore be taken too much for granted. As for the impact of James II's prerogative toleration on Yorkshire in 1687 and early 1688, it is sensible to consider the experience of the catholics and the dissenters

separately. So far as the catholics are concerned the most striking point is their increased visibility. In a letter to the marquess of Halifax, dating from around May 1687, Reresby noted that in York

Mass and preaching are publique in some five severall rooms taken for that purpass, but it is computed the whole number of that persuasion wil not reach sixty of the whole citty, in which number ther are but three known converts.[70]

Already by mid-April there were rumours that the King's Manor, Reresby's official residence as governor of York, was to be transformed into a papist seminary. It quickly emerged that the rumours were correct.[71] Reresby wrote to lord Bellasis, first commissioner to the treasury, seeking compensation for repairs he had made to the property since taking it over. Bellasis replied that the treasury commissioners would put the matter to the king,[72] but it seems to have been to no avail. In November Captain Henry Lawson, second son of Sir John Lawson of Brough, was granted a thirty-one year lease on the property at a rent of thirty shillings a year - a transparent device which enabled his uncle Francis Lawson, a benedictine monk and one of James's chaplains, to establish a catholic chapel and a school in the premises.[73] The following month Father Lawson arrived in York to demand possession. Reresby was in no position to refuse.[74] As a correspondent speculated to Sir Daniel Fleming in Westmorland,

Whether the mansion house without the large appurtenances of a mitred abbot will satisfy them, you that are a far seeing and skilfull man can best tell.[75]

By 1 February it was observed that 'Father Lawson is pulling downe and altering the councell chamber to make a chappell of it.' It was probably consecrated by Bishop James Smith the following August.[76]

Other catholic institutions were established in Yorkshire. One day idle curiosity took Ralph Thoresby into the chapel in Pontefract which was also the jesuit mission headquarters for the region:

Father Norris . . . kneeled down to invoke the Virgin Mary - or to judge more charitably the divine assistance - and all the people in a moment were upon their knees, I standing like a foolish may-pole in the midst of them. Whereupon I hasted to the door, but one of the priests was got thither before me and held the door in his hands. I told him, with anger enough, that I would not fall down or be imposed upon as to my gesture. He said I should not, and by this time all were on their feet again, so I stayed a little to hear him preach . . . and to give him his due, he made a good moral discourse against keeping bad company, which was seasonable to me who was never in the like before or since.[77]

Henry Hamerton of Monksroyd, founder of the Pontefract chapel and of a jesuit school there which soon boasted sixty scholars, was uncle (or perhaps brother) to the Philip Hamerton who was briefly intruded into the town's corporation in 1688.[78] The former was complimented on his work by Bishop

Leyburn when he confirmed 230 catholics in the Pontefract chapel on 27 July 1687[79] - a confirmation tour which was perhaps the most important manifestation of newly resurgent catholicism in Yorkshire.[80] Even so, there is little evidence of conversions to catholicism locally, perhaps for the reasons advanced by Stretton. So far as can be judged from the record of names Leyburn was simply confirming existing catholics.

The popular response to the increased visibility of catholics and catholicism was by no means always good natured. On Shrove Tuesday 1688 a riot erupted in York when the apprentice boys began to throw stones at a catholic chapel in the minster yard, and two files of musketeers were used to break them up.[81] In a long letter to Governor Reresby the catholic lieutenant-colonel, James Purcell, maintained that the attack was premeditated and that the friar feared both for his property and his life. Reresby was sceptical and noted, 'I truly believe the uproar was merely accidentall.'[82] Besides, the deputy recorder had written to tell him that Purcell 'had dealt very severely and illegally with the cittizens', some fifteen of whom had been carried to the mainguard, tied neck and heels, and made to ride the wooden horse. Moreover George Ord, an ensign in Cornwall's foot, was reported to have struck one of the citizens, a barber called Lewis Wood, in front of Lord Mayor Raines.[83] As it happens Raines may have connived

in the punishment of the fifteen citizens, and Thomas Fairfax found

greate murmuringe against our lord mayor for deliveringe over our ryoters on Shrove Tuesday last to the millitary power to be punished by marshall law, being free cittizens.[84]

Be that as it may, barely a week later the Lent assizes opened and

the cittizens that were punisht by the main-guarde appeared; but the souldiers appearing not against them, the judge ordered that they should indite the two officers that punisht them; which they did and the bill was found.[85]

The officers indicted were Captain Cornwall ('that is called Damme Jack') and Ensign Ord. Meanwhile Reresby was ordered to find out who had struck the citizen, 'soe little was the king pleased with this insolent proceeding'. In due course he forwarded reports from both the city magistrates and Purcell to Secretary at War Blathwayt, and Ensign Ord was ordered to be confined and suspended until the king's further pleasure was known.[86] Except that the York military over-reacted when they intervned on behalf of a catholic friar, it cannot be said that the incident was particularly unusual. In Yorkshire anti-popery simmered away in the background, occasionally finding an outlet in violence.

The impact of prerogative toleration on protestant dissent was memorably described by Thoresby:

King James II's Declaration of Indulgence gave us ease in this case, and though we dreaded a snake in the grass, we accepted it with due thankfulness.[87]

The presbyterian minister Oliver Heywood - who, it is to be remembered, deliberately avoided signing the Leeds dissenters' address - wrote of the year 1687:

This may be called annus mirabilis, the wonderful year . . . All persons expected a greater restraint then formerly, and there was great cause to expect a sudden desolation or violent persecution from the popish party, that had long awaited and now at last obtained a prince of their own religion. But behold the contrary! There comes forth the kings declaration for liberty of conscience . . . Oh what a change! Surely some-body hath laid hard siege at the throne of grace. And I can truely say without vanity, in this hath my dear lord answered my importunate prayers.[88]

Back in May 1687 Reresby had written:

The generality in thes parts seem very firm and very quiet of the Church of England, and the only dissenters that seem pleased with their toleration are the quakers and independents, the number of either not very considerable.[89]

This was not at all the view of Heywood, who claimed that 'godly dissenters have gained ground and grown more numerous than ever. . . . No body is gainer by this liberty but

presbiterians, blessed be god!'[90] It is hard to know what to make of such opposed impressionistic accounts. All the same, there can be no doubt that in a practical sense life had been made much easier for protestant dissenters of all hues. Not only could they now worship freely and without the risk of fines or worse, government efforts to reverse the effects of persecution began to be felt in Yorkshire. In December 1687 the mayor of Leeds received a letter from Secretary Sunderland ordering the return of 'goods belonging to John Wales and other quakers of Leeds which were seized and taken of them upon the account of their religious worship'. An order of restitution was duly made by the corporation on the 31st, and on 6 January they wrote back to Sunderland to confirm that the bulk of the goods had been returned.[91] Meanwhile a treasury commission of enquiry 'touching the moneys levied or received from any recusants or dissenters whatsoever and not accounted for to the late or present king'[92] was established on 5 December 1687 and twice renewed thereafter. Regrettably, evidence of the commission's work in Yorkshire is slight.[93]

So far as the leading dissenters in Yorkshire were concerned the political landscape changed in 1688 when central government began to try to entice some of them into public office (as will be seen in the next section). Until then all that had been on offer was religious toleration - and as James Welwood later observed, 'The dissenters were not so fond of

persecution and ill usage as to refuse a liberty that was frankly offered to them.'[94] Active collaboration with the government, however, was something altogether different. While many protestant dissenters were more than willing to grasp the political opportunity presented to them, many others, like Thoresby, 'dreaded a snake in the grass'.

Remodelling Local Officeholding

For nearly two years after June 1686 Sir John Reresby hardly left his native county and for much of that time stayed at home in Thrybergh.[95] As a result, important runs of correspondence survive both from Dr Johnston in London and Captain Fairfax and others in York, which together cast much light on central government policy-making and on the response locally. On 2 July 1687 James II dissolved parliament, having failed to persuade sufficient numbers of MPs to promise to vote for the repeal of the tests and penal laws.[96] Already however Johnston had hinted that

As to the business of the test, many begin to see (and some have don so much longer then others) that it had much better have beene yielded graciously at first then have suffered the consequences of standing so stiffly upon it.[97]

Again in June he wrote:

A greate statesman told me that if [the king] had the penal lawes and test taken of, fewer catholiques would be imployed than else.[98]

This is almost certainly correct, and a similar point was made a few months later, when it was suggested that it might be better to waive an election and 'admit' the bishop of Oxford as president of Magdalen College rather than 'have all the places of the college refilled by the king's sole authority with popish novices and priests'.[99] Meanwhile in late October and early November 1687 the Three Questions were issued to the lords lieutenant.[100] (An analysis of the answers, together with a survey of the new JPs and some consideration of James's prospects for packing parliament, is to be found in the next chapter.) Governor Reresby was quick to write to Johnston to ask him what the Three Questions were to be used for. On 12 November the latter told him:

In generall I understand the instructions are to sound mens judgments as to the repeal, and to obtain promises of those who are free to do it to use their interest in choice of parliament men; and those in any offices that are against it must be very deserving otherwayes, if they [are to] continue their station.[101]

On 14 December the catholic lord Langdale (governor of Hull in succession to the late earl of Plymouth[102]) met the East

Riding deputies and justices in Beverley town hall as agent of the new lieutenant.[103] As can be seen from Chart 9/2, the answers they gave directly influenced membership of the commission of the peace which was sealed in time for the easter 1688 quarter sessions.[104] All those who said they would vote 'according to the reason of the debate in the House' or whose replies were in any way guarded were removed from office. (As it happens, no-one in the riding gave an unequivocal no.) Only those few men whose approval of the royal policy was unreserved were retained in office, and they included only one protestant - Captain Lionel Copley, lieutenant-governor of Hull. Two non-respondents were also kept on, one of them another army officer. A similar chart could be prepared for the North Riding, where the Three Questions were tendered on 4 January.[105]

In mid-November 1687 a privy council committee was set up to regulate officeholding in the corporations, and a month later Johnston told Reresby that it was sitting every day.[106] On 3 January he reported further:

One of those who constantly attends the lord comissioners for regulating corporations . . . told me yesterday that he durst adventure very much that there would be two partes of three of the members chosen into the House of Comons who would vote for the repeale both of test and penal lawes. Yet it is not likely that a parliament will be till towards next winter.[107]

Shortly afterwards, however, Johnston discovered that William Penn thought a little differently:

I had some chance discours with Mr Pen this morning and finde him very earnest that the king would call a parliament in April. He apprehends the dissenters may coole. He is for making as many stepes towards the repeal of the penal laws as can be, and take so much as will be yeilded.[108]

Meanwhile Thomas Yarburgh, Reresby's barrister uncle, missed the opening of the Lent assizes in York on 8 March 1688,

soe that I heard not the charge, and onely this remarkable out of it: that the king had comanded him to declare hee shortly intended a parliament, and (after some arguing for liberty of conscience) that hee desired to have such chosen as would take of test and penall laws. The appearance of the catholicke party was generall, of the other gentlemen very small.[109]

As reported, the charge echoes the instructions given to the judges before they rode their circuits.[110] Reresby was annoyed to learn that the 'catholicke party' (with a couple of token protestants) had sent an address to the king which purported to be the considered opinion of the county as a whole.[111] It was the first of a trickle of addresses from Yorkshire during the spring and summer of 1688, most of them sponsored by regulated institutions.[112]

The first major purges of English corporations were ordered on

27 November 1687, among them the removal of the mayor, the recorder, and eight of the twelve aldermen of Scarborough.[113] On 19 December, Thomas Fairfax wrote to Reresby:

The corporacon of Scarbrough is allready regulated and all the gentlemen turnd out. Knowsley is succeeded by Mr Thomas Ayslaby in the muster masders place, and also in the mayoralty of that towne.[114]

Aslaby was Secretary Williamson's one-time correspondent in Bridlington, the ordnance storekeeper at the fort, and a former customs officer. By now he was almost certainly a catholic. Interestingly, three of the four 'working' aldermen, Tristram Fysh, John Craven and Thomas Sedman, do appear to have stayed on in office (see Chart 9/3). Neither were they removed in either of two subsequent purges.[115] (The last two names appear on the only document surviving among the corporation records which undoubtedly belongs to the intruded regime.[116]) Unfortunately in the absence of records for these months it is impossible to say exactly when the catholic-led intruders entered office (or for that matter who they were). Although the old regime had not been removed by 28 February 1688, an almost embarrassingly sycophantic address drawn up on 28 April suggests direct input from their successors.[117]

Chart 9/4 summarises the orders in council removing officeholders from the ten municipal corporations of Yorkshire as they appear in the privy council register. They do however present problems of interpretation. In the first place (and pace Henning among many others), a regulation ordered did not necessarily mean a regulation carried out. The third and fourth regulations in Pontefract, for instance, and the sole regulation for Ripon were never implemented.[118] Second, copies of the mandates ordering the election of named men as successors to displaced officeholders do not appear to have been kept centrally. Only in Beverley and Doncaster do transcripts of the actual mandates survive.[119] In Pontefract the corporation's Booke of Entries preserves the names of the king's nominees, and in York other contemporary evidence can be used to provide the *names of the principal intruders*.{120} In Scarborough on the other hand only Mayor Aslaby's name is definitely known, and no records whatsoever exist for Richmond. A third problem is encountered when trying to reconcile the regulators' recommendations (where they exist) with the particular nominees intruded by royal mandate.[121] It is unclear, for example, precisely who was earmarked to fill vacancies created by the regulation in Ripon. Most intractable of all, the commoners and 'twenty-four' ejected from the York corporation in October were in fact the very men described by the regulators as 'not against the king's interest'.[122]

As is well known, the royal mandates themselves were of doubtful legal force, and in this connection it is interesting to compare the response of the Beverley and Pontefract corporations. The mandate for Beverley, after repeating the names of men removed (perfectly legally) by order in council, continues:

Wee have thought fit hereby to will and require you forthwith to elect and admitt our trusty and well-beloved Sudgden [and three others] to bee aldermen, Edward Coulson [and three others] to bee burgesses or comon councill men, and Thomas Alured to bee recorder of our said burrough in the roome of the persons above menconed, without administering to them any oath or oaths but the usual oath for the execution of their respective places.[123]

Needless to say, the mandate skated over the precise legal authority under which it acted. James II in effect was trying it on. All the same, if the corporation obeyed his instructions and did elect the men named, those elections would presumably be legally watertight (if arguably obtained by force majeure).

In Pontefract, probably in March, the surviving members of the corporation obediently elected five royal nominees to join them on the bench as if of their own free choice.[124] The nominees included a Roman Catholic gentleman and three dissenters. (For some reason the catholic was substituted with another just two months later.) On 14 May a royally approved

recorder was also elected. This time, scored out in the Booke of Entries, are the words: 'according to the order and by the [illegible] of Robert Brent and Edward Roberts'. Brent it was, a shady catholic lawyer, who directed the regulating campaign nationally.[125]

But if the Pontefract corporation dutifully did what it was told, Beverley most certainly did not. Nine men - the recorder, four aldermen and four capital burgesses - were nominated to the corporation on 21 May, but only the recorder and one of the aldermen took office.[126] Two of the other aldermen nominees were local catholic gentlemen and their claims seem to have been ignored.[127] A third simply refused to serve. As for the four prospective capital burgesses, none had been presented to the freemen at the last election as required by the charter and so could not fill the vacancies for legal reasons. A letter was ordered to be sent to the king soliciting his advice. It is not known what, if any, reply they received. Meanwhile elections went ahead to fill the remaining vacancies created by the order in council of 20 May. Later there was some doubt about the validity of the new elections, and in September counsel's opinion was obtained from the pro-dissent lawyer Thomas Rokeby, who at the time was sheriff of Yorkshire.[128]

In York too legalistic obtuseness was turned to local

advantage following a botched regulation of the city's corporation early in October 1688.[129] All the same, the experience of the Hull corporation warns the observer not to assume that the campaign of regulation was predestined to fail, simply because it was never in practice completed - for in Hull, home of the stiffest corporate resistance of all, the bench's position was undermined completely when a writ of quo warranto secured the surrender of the town's charter. (A detailed account of the town's relations with central government during these months has been published in Historical Research.[130]) Indeed, by mid-October 1688 the Hull corporation was led by a collaborating protestant dissenter supported by a largely dissenting bench; Scarborough and Doncaster had Roman Catholic mayors; catholic mayors had also been identified for York, Pontefract and Ripon; and a bench of dissenters was apparently lined up for Leeds. Corporate resistance in Beverley was unlikely therefore to be protracted. In the event, thanks to the threat of hostile invasion, regulation of Yorkshire's ten municipal corporations was suspended and then reversed. But given time, there is little doubt that it could have been completed. How effective the regulated institutions would have been politically and administratively is a question considered in the next chapter.

The Propaganda War in Yorkshire

This section attempts to gauge the political impact of printed government and anti-government propaganda on one region of England during the last eighteen months or so of James II's reign. Although not concerned with its actual content, it is worth pointing out that a number of Yorkshiremen (or people domiciled in Yorkshire) are credited with writing some of it - on the government side Dr Nathaniel Johnston and (from a very different perspective) William Popple,[131] and on the opposition side Thomas Comber precentor at York minster.[132] More important however in the present context were government efforts to promote pro-repeal pamphlets locally and to suppress opposition material. Naturally Dr Johnston threw himself into this work, and in a letter to Sir John Reresby early in April 1687 told him:

There is a litle booke this weeke published whose title is How the Members of the Church of England ought to Behave themselves under a Roman Catholick King, with refference to the Test and Penall Lawes, which it is probable you will have shortly in the country; and I finde that it will be seconded by another as soone as the objections against it are understood.[133]

The reply to the 'litle booke' was in fact Johnston's own The Assurance of Abby Lands. [134] On 5 November he remarked to Reresby, 'I know you see all the considerable pamphlets on that subject.' [135] So too did the quakers. At the Yorkshire

Quarterly Meeting in June 1688 it was ordered

That a hundred of those papers directed to the bishops and clergy of England and Wales be sent for by Thomas Hammond to London, and the same disposed of to each Monthly Meeting.[136]

Three months later it was agreed that 'fifty of the books cald Three Letters be paid for by the Quarterly Meeting.'[137] This tract, whose full title reads Three Letters tending to Demonstrate how the Security of this Nation against all Future Persecution for Religion lys in the Abolishment of the Present Penal Laws and the Establishment of a New Law for Universal Liberty of Conscience, was written by William Popple, a merchant in Hull who was selected as government candidate for the borough in James's packed parliament.[138] Interestingly the Quarterly Meeting also bought a hundred copies of the same author's A Letter to Mr Penn as well as fifty copies of an opposition tract called The Quakers Caveat and Testimonyes against Popery,[139] which was 'intended for the temporizing popish-quakers . . . and not for the conscientious dissenting-protestant-quakers'.[140] In quaker circles, and not just among the anglican gentry, both pro- and anti-government propaganda was widely read and discussed.

Meanwhile the authorities were making strenuous efforts to suppress the circulation of opposition pamphlets such as those

delivered to Richard Lambert, a prominent York bookseller.[141]

Last sumer asizes [1687] there was a bundle of scandalous papers came directed to me from home god knowes, for I could never to this day learne; and about a month after that another such like parcell directed for mee, but neither name nor place from whence they were sent.[142]

Lambert would soon be in trouble again, when Secretary of State Sunderland was tipped off that he had received several copies of Reflections on Monsieur Fagel's Letter. On 28 February Reresby was ordered to find out where they came from. (Lambert's premises 'at the Crown within the Minster Gates' were within the St Peter's liberty where the governor was a justice.) Reresby was unable to deal with it in person and forwarded Sunderland's letter to one of the assize judges, who called round to take an examination.[143]

When it came downe my man told me it was directed for mee, but noe writeing else att all. From whence they came, if I were to die for it, I cannot tell. My man did open the parcell, and not being soe wise as to looke what it was, did dispose of four or five of them before I knew any thing of them.[144]

Details were duly forwarded to the king, and on 15 March examinations were also ordered of Francis Hildyard ('at the Signe of the Bible in Stonegate') and Thomas Clarke in Hull.[145]

The government's machinery for preventing the circulation of seditious material in Yorkshire can again be seen in operation in November 1688. A parcel of pamphlets entitled A Memorial from the English Protestants for their Highnesses the Prince and Princess of Orange and sent from Holland was intercepted on its arrival in England.[146] It was received by John Feild, a Hull merchant (and one of the recently ejected aldermen[147]), and it came 'from an unknown hand, as he pretends'. The story is confused and involves several prominent Leeds dissenters - among them Ralph Spencer, one of the two assistants turned out of the corporation for refusing the tests in 1673, and the first lay signatory of the 1687 dissenters' address. On 9 November details of the case were sent to Secretary of State Preston for his consideration. But by then it was too late. The Prince of Orange already landed in England.

Finally there is one example from Yorkshire of anti-government literature reaching its destination and directly influencing its intended readership. On 29 May 1688 a group of clergymen assembled in York to discuss whether or not they should read out the king's Declaration of Indulgence on 3 and 10 June as required by order in council. The meeting was chaired by the precentor, Thomas Comber.

After a short time, by a singular providence not foreseen by

me, [there] came in privately a speciall messinger from London with 500 papers directed to me which contained reasons against reading the declaration; one of which we did read and it satisfyed all the company so well that we all resolved to refuse reading, and sent out the papers all the diocesse over; and so ordered it that few read it here.[148]

The paper in question was almost certainly the anonymous Letter from a Clergy-man in the City to his Friend in the Country dated 22 May, copies of which were intended to reach the clergy in every English parish before 3 June.[149]

Chart 9/1

SUBSCRIBERS TO LEEDS DISSENTERS' ADDRESS
presented 27 June 1687
(as numbered on the document)

1	Thomas Sharp	presbyterian minister, Mill Hill
2	Thomas Whitaker	congregational minister, Leeds
3	Thomas Elston	congregational minister, Topcliffe
4	Peter Naylor	presbyterian minister, Alverthorpe
5	Richard Whitehurst	congregational minister, Kirkburton
6	John Lister	presbyterian minister, Elland
7	<u>Ralph Spencer*</u>	P merchant (ex-assistant)
8	<u>Samuel Ibbetson</u>	P merchant (aldermanic family)
9	<u>Thomas Fenton*</u>	P (aldermanic family)
10	<u>Richard Wilson*</u>	P merchant
11	<u>Ralph Thoresby</u>	P merchant (aldermanic family)
12	<u>William Milner</u>	P merchant (ex-assistant, aldermanic)
13	- erased -	
14	Elkanah Hickson*	P
15	Timothy Smith*	P
16	<u>Thomas Wilson*</u>	P
17	<u>Joseph Milner</u>	P merchant (aldermanic family)
18	Robert Armitage	clerk
19	John Pickering	P commonwealth captain and JP
20	Mark Freeman	P
21	Robert Ledgard	P salter
22	William Ingram#	
23	Ambrose Ambler	
24	Joseph Jackson	P
25	Christopher Ryder#	
26	Nicholas Dunwell	tradesman
27	Henry Ellis#	
28	Timothy Wimmersley#	
29	Joseph Conder	P merchant
30	Robert Greave#	
31	John Overend#	
32	Samuel Jenkinson#	
33	William Bolland#	
34	Joshua Dixon	P
35	Joseph Pease#	

Chart 9/1 continued

Key

underlined = with published coats of arms (some spurious)
= unidentified
* = signatory to 1685 address (only 9 and 16 signed
in 1683)
P = pedigree discovered (or reconstructed)

Principal sources

Thoresby, 'Extracts', pp. 442-3
Calamy Revised
Heywood
Hunter, Heywood
Thoresby, Ducatus Leodiensis
Atkinson, Thoresby
Familia Minorum Gentium
Depositions

Chart 9/2

EAST RIDING DLs AND JPs 1687
THE THREE QUESTIONS

		<u>3 Questions</u>	<u>survivors</u>
1	Sir Jonathan Atkins	DL debate	
2	Sir Thomas Rudston	DL debate	
3	Sir Ralph Warton	DL debate	
4	Sir Matthew Pierson	DL debate	
5	Sir William Cobb	DL guarded	
6	Sir John Legard	DL debate	
7	Sir Richard Osbaldeston	DL debate	
8	George Dawnay	DL debate	
9	Michael Warton	DL no answer	
10	Toby Jenkins	DL no answer	DL/JP
11	James Moyser	DL debate	
12	William Osbaldeston	DL debate	
13	Thomas Hesketh	DL debate	
14	John Estoft	DL debate	
15	William Bethell	DL debate	
16	Toby Hodgson	DL 'mad'	
17	James Hebblethwaite	DL debate	
18	<u>Robert viscount Dunbar</u>		DL/JP
19	<u>Henry Constable</u>	yes	DL/JP
20	<u>Sir Philip Constable bart</u>	yes	DL/JP
21	<u>George Metham</u>	yes	DL/JP
22	<u>Philip Langdale</u>	yes	DL/JP
23	<u>Robert Dolman</u>	yes	JP
24	Alexander Montgomery	debate	
25	John Stapleton	debate	
26	<u>John Constable</u>	yes	JP
27	Thomas Crompton	debate	
28	Matthew Appleyard	debate	
29	Thomas Heseltine	debate	
30	Lionel Copley*	yes	JP
31	Robert Buck	guarded	
32	Francis Collingwood*	away	JP
33	Robert Prickett	debate	

Key

underlined = Roman Catholic

* = army officer

debate = 'according to the reason of the debate in the House' (treated by the regulators as 'No')

Chart 9/2 continued

Notes

1 The list of JPs in Duckett is incomplete. Presumably the others had not been sworn into office and were not tendered the questions.

2 Unlike the JPs, the list of DLs had not apparently been revised since James II's accession. (E.g. Warton, No 9, had already been removed from the bench.)

Principal sources

Duckett, pp. 437-46

Duckett, Penal Laws, II, 256-8

Chart 9/3

REMOVALS FROM THE CORPORATION OF SCARBOROUGH
1687 and 1688

Nov 87 Mar 88 Apr 88

Mayor and aldermen (Sept 1686)

4	Sir Richard Osbaldeston, mayor	R	
2	Sir John Legard bart	R	
3	Sir William Cayley bart	R	
6	William Osbaldeston esq	R	
7	#John Wyvill esq	R	
8	Matthew Anlaby esq	R	
1	John Knowsley esq	R	
9	Tristram Fysh gent		
10	#Timothy Foord gent	R	
11	<u>John Craven gent</u>		
12	<u>Thomas Sedman gent</u>		
13	#Ralph Porter gent	R	
15	Sir Thomas Slingsby bart	died Feb 1688	

Common council (Sept 1686)

14	Sir Hugh Cholmley bart	R	
16	Henry Slingsby esq		
17	Ralph Egerton esq	R	
18	Henry Crosland esq		
19	Edward Hutchinson esq	R	
5	Arthur Cayley esq	R	
21	Jeremiah Bromley gent	dead by 12.2.87	
23	Cornelius Fysh gent	R	
24	Gregory Fysh gent	R	
27	#Adam Fairside gent		R
28	#Thomas Readhead	R	
29	William Dodsworth		R
31	#John Cockerill jun	R	
32	#Paul Batty	R	
34	#Richard Allatson	R	
35	Leonard Harrison		R
36	#Robert Dickinson		R
37	George Dodsworth		
38	#Richard Fydd		R
39	#William Cooper		R
40	#William Tindall	R	
41	Peter Maxwell		R

Chart 9/3 continued

	<u>Mar 88</u>	<u>Apr 88</u>
42 Robert Maxwell		R
43 #William Husband		R
<u>Mr Zeph. Williamson</u>		
#Thomas Porter	R	
#Thomas Woolfe	R	
#Mr Benjamin Wade	R	
<u>William Jarratt gent</u>		
<u>Mr Thomas Shipton</u>		

Key

number = position on 1684 charter (see Chart 8/1)
underlined = listed as a 'working' corporator in Sept. 1688
R = removed from office
= elected to restored corporation 16 Nov. 1688 (see chapter 11)

Notes

- 1 Removal dates are those in the privy council register.
- 2 Names of intruders not recorded.
- 3 Nov. 1687 The recorder, Rowland Norton, was also removed.
- 4 Mar. 1688 Alderman James Wilson, presumably one of the substitutes (and customs collector in Bridlington), was also removed. So was William Foord, a common councillor.
- 5 Apr. 1688 Of the corporators listed in Sept. 1686 who were not displaced in 1687-88, no. 9 died c1696 and nos 16 and 18 were army officers. These three presumably remained in office under Mayor Aslaby (in addition to those underlined). The only person unaccounted for is no. 37. Perhaps he had died.

Principal sources

PRO, PC2/72, fols 543, 640, 652
NYCRO, DC/SCB MIC 1320/1844-5; MIC 2052/222, 234-9.

Chart 9/4

REGULATIONS OF CORPORATE OFFICEHOLDING
from the Privy Council Register

27.11.87	Scarborough 1	* <u>mayor</u> <u>8/12 aldermen</u> <u>recorder</u>
c.Mar 88	Richmond	3/12 aldermen 4/24 common councilmen
c.Mar 88	Scarborough 2	<u>1/12 aldermen</u> <u>15/31 common councilmen</u>
c.Mar 88	Pontefract 1	* <u>5/12 aldermen</u> * <u>recorder</u>
c.Apr 88	Scarborough 3	<u>9/31 common councilmen</u>
c.May 88	Pontefract 2	* <u>1/12 aldermen</u>
20.5.88	Beverley	* <u>4/12 aldermen</u> * <u>4/13 capital burgesses</u>
22.7.88	Hull	the entire corporation
12.8.88	Doncaster	* <u>mayor</u> * <u>4/12 aldermen</u>
9.9.88	York 1	* <u>lord mayor</u> * <u>5/12 aldermen</u> <u>8 'twenty-four'</u> <u>10/72 commoners</u>
9.9.88	York 2	5/12 aldermen 5 'twenty-four' 9/72 commoners deputy recorder
9.9.88	Pontefract 3	mayor 3/12 aldermen town clerk
9.9.88	Pontefract 4	3/12 aldermen recorder
9.9.88	Ripon	mayor 2/12 aldermen (= the JPs)

Chart 9/4 continued

Key

underlined = removed from office (drawn from local sources)

* = names of government-appointed successors known from corporation records etc

Notes

1 No evidence of a government regulation in Leeds or Hedon.

2 No evidence from Richmond, although it is safe to assume the officers were removed.

3 The Hull regulation was presumably intended to supplement the surrender and thereby ensure the old corporation was dissolved once and for all. There is no evidence locally to show what happened to it.

4 Pairs of orders issued the same day (such as for Pontefract) were probably intended to be implemented in stages, so as to minimise the risk of falling foul of any quorum rules which would have made the governing charter unworkable.

Principal sources

PRO, PC2/72, fols 543-735

NYCRO, DC/SCB MIC 1320/1844

WYAS Wakefield, WMT/PON/1/1, fols 146-8

ERAS, BC/II/5/1, fol. 19; BC/II/7/5, fol. 183; BC/III/28

DA, AB2 1/3, fols 371-2

YCA, B38, fols 254v-5; Acc. 104: Ant./3

Gazette, no. 2348

Memoirs, pp. 512-14 (and notes)

CHAPTER 10: THE INTRUDERS IN OFFICE

1688

The end of the catholic-led corporation in Scarborough was as ignominious as it was sudden. Indeed, by 5 October 1688 Walter Partridge, town clerk since 1684 and one of very few survivors from Knowsley's regime,[1] had worked himself up into a blind panic.

Wee are in a greate consternacon here and dayly expectacon of the Dutch amongst us, particulerly wee of the corporacon; by reason wee have, as I may boldly say for my owne part, been active and ready to answer his majestys late royall will and pleasure if occasion had required - by which wee have more then ordinary notice taken of us by all, especially those in our parts that ever were and (I much fear) will always be his majestys enemys. Many of us have sent what wee can conveniently remove out of towne, and designe shortly to goe our selves out of that apparent danger wee shalbe in if the Dutch doe land. . . . I for my owne part designe very speedily for London . . . though I have both wife and children to whome I will leave that small fortune I have to live on. I have lost both clyents and friends by continuing in the corporacon and doeing what in conscience I ought, as I am of the Church of England.[2]

The Dutch invasion was announced by royal proclamation on 28 September, and with the arrival of the news in Scarborough it appears the corporators simply packed their bags and left.[3]

Within two weeks Lord Lieutenant Newcastle had been presented with a petition from the inhabitants naming the men they wished to replace them. Elections (in accordance with the ancient charters) took place on 16 November.[4]

Even before rumours reached Scarborough about a Dutch landing in Yorkshire, relations between the catholic-led corporation and the townspeople were atrocious. In June the anglican minister refused to read the Declaration of Indulgence during divine service and (at any rate according to later accounts) was caned on the spot by Mayor Thomas Aslaby.[5] True or not, Aslaby was soon afterwards subjected to the 'strange usage' of being tossed publicly in a blanket on the orders of Captain William Wolsley whose company was stationed there.[6] The mayor rushed to Windsor to make formal complaint to the king,[7] and on 8 September a messenger was despatched to bring Wolsley before the council board. The same day Wolsley's company was ordered out of Scarborough.[8] Within a fortnight the captain had arrived 'with a collection of articles against the said mayor and the attestations of many gentlemen of note', and the two men appeared before the privy council on the 28th. For Aslaby it was an inauspicious moment. It was at this same council board that the Dutch invasion was proclaimed, and Wolsley was able to plead the king's general pardon.[9]

Had it not been for Mayor Aslaby's degrading treatment at the hands of Captain Wolsley, and the fact that the incident caught the imagination of newsletter writers, it would hardly be known that a catholic-led regime had ever been imposed upon the town of Scarborough. In fact, only one document has been found among the corporation records which belongs incontrovertibly to Aslaby's term of office.[10] One is reminded of the entry in the earl of Clarendon's diary:

I went to the duchess of Ormond, who seemed to be much troubled that her lord had thus deserted. She was burning her lord's papers.[11]

Partridge too, before he abandoned his post as town clerk, presumably destroyed any potentially compromising paperwork. (In 1736 one of his successors proved to the House of Commons that several freeman books for this period had been lost.[12]) In Hull too scarcely anything survives from the intruded regime, although here again there is indirect evidence that it did take office.[13] Only in Doncaster, despite half-hearted attempts to obliterate particular details, does sufficient paperwork survive to allow the observer to catch a glimpse of an intruded corporation at work. Records also exist for the catholic-dominated commission of the peace for the North Riding. Meanwhile, an absence of documentary material is not to be regarded as prima facie evidence of administrative breakdown locally. Even in Scarborough, without doubt the most

inherently unstable regime in the county, the town clerk fled only on news of imminent invasion. It is a point worth keeping in mind when assessing the impact of James's intruders on the political landscape of Yorkshire.

Identifying the Intruders

In a letter to the duke of Newcastle dated 14 November 1688 Sir John Resesby wrote:

But in the afternoon we was all surprized by the clerke of the peace comming to supersede Sir Henry Goodrick, Mr Tankard, Sir John Kaye, Sir Michael Wentworth, Sir Thomas Yarburgh, and above twenty more principall gentlemen of this rideing (the most eminent for quality and estates) from being justices of the peace; bringing at the same time another commission wherin severall new ones are put in, and amongst others John Eyre of Sheffield Parke, Mr Ratcliffe, etc. The first can neither write nor read, the second is a bailiff to the duchesse dowagere of Norfolk's rents, and neither of them have one foot off freehold land in England.[14]

The celebrated passage referring to John Eyre and Mr Ratcliffe is often cited in discussions about James II's 1688 commissions of the peace, usually uncritically.[15] Among the few commentators who do distance themselves slightly, Professor J.H. Plumb adds the qualification 'by reputation at

least', and Dr Lionel Glassey argues that 'it was not really typical'.[16] No-one, however, has attempted to identify the two men. Still less has anyone considered that Reresby might have deliberately misrepresented them - particularly when it turns out that the supposedly illiterate Eyre could write perfectly acceptable letters (from 'Sheffeld Mannor'),[17] and is referred to as 'John Eyre gentleman' in the West Riding quarter sessions order book.[18] His colleague, Francis Ratcliffe (or Radcliffe), also of Sheffield Manor, had claims to armorial gentility (to which he may not have been entitled). He married Anne Trappes of Nidd Hall, and so was related to important gentry families like the Armytages of Kirklees and the Wartons of Beverley.[19] Ratcliffe (unlike Eyre) was a Roman Catholic, and he was one of over a hundred recusants indicted at the Doncaster quarter sessions in January 1679.[20] In December the following year he was named in the Papists Removal and Disarming Bill.[21]

Ratcliffe was steward for the duke of Norfolk's Yorkshire estate based at Sheffield Park[22] and Eyre also worked in some capacity for the family.[23] Accordingly neither man would have been numbered among the 'principall gentlemen of this rideing (the most eminent for quality and estates)'. On the other hand plenty of serving JPs had equally modest backgrounds, and Reresby's remark about Eyre's illiteracy need be taken no more seriously than an angry child's playground

taunt. Many years earlier Eyre had been instrumental in spreading the story that Reresby had castrated a black servant boy who died from his wounds.[24] It would hardly be surprising if the hot-tempered baronet bore him a lasting grudge. Equally Ratcliffe's lack of favour with Reresby may well have derived from the governor's dislike of the dowager duchess of Norfolk.[25]

Unfortunately the West Riding commission of the peace dated 22 September no longer exists and it is not possible to identify the men hidden behind Reresby's curt 'etc'. [26] Nevertheless the governor made similar, if more generalised, comments about the East and North Ridings,

wher the prime of the gentry in both had been put out of commission of justice of peace and deputy lieutenants . . . and ordinary persons both as to quality and estates, most of them dissenters, had been putt in their room.[27]

Chart 10/1 attempts to test this claim and is based on biographies of all the East Riding justices and deputies who served between 1680 and the 'abdication' of James II.[28] (Only a handful remain stubbornly unidentifiable.) The first point is that all nominees were, as was usual, heads of families or else their immediate heirs. There were three baronet justices before the Three Questions and three afterwards.[29] In twenty-three or 66% of cases the JPs'

pedigrees were recorded by Dugdale in 1665 or 1666, meaning they had a hereditary claim to the title esquire or gentleman. This compares with 71% in 1680 and 64% at the beginning of 1688. Statistically these variations are of no significance. Of the nineteen protestants, thirteen had either already been a JP or high sheriff or else had an immediate blood ancestor who was. Three of the remaining six were army officers. For obvious reasons the sixteen catholics (with the exception of the two Langdale converts) had no equivalent family history of public service in spite of their relatively high social standing. Politically the exclusionists and dissenters, although there were only a few of them, made up a particularly interesting group. (Reresby was stretching a point when he claimed the newcomers were mostly dissenters.) They included Sir John Hotham's estranged son, the radical Sir James Bradshaw (later government candidate for Hull in James's packed parliament[30]), and two members of the Thompson family of Scarborough (both former MPs). It is also worth emphasising the re-emergence of families who had served the bench during the commonwealth and the protectorate, such as the Micklethwaites and the Overtons - not overlooking the Sotheby and Daniel families whose service began even earlier.[31] In conclusion, therefore, it is inappropriate to apply to the East Riding (or indeed the other Yorkshire ridings) Dr Norma Landau's verdict for Kent:

Clearly, James's nominees for county leadership were marginal members, if members at all, of the community of those who ought to rule Kent.[32]

Politically however, if not socially, the new East Riding bench did represent a radical break with the immediate past. As the chart shows, only one JP served continuously from 1680 into the summer of 1688. In this respect Reresby's outrage makes perfect sense - although to put it into a longer perspective, just eight out of fifty-five Cromwellian JPs remained in office after the restoration, and of the thirty newcomers only one had served pre-war. Still, by regulating the East Riding in two stages - it is hard to decide if this was a deliberate policy - James's first newcomers would have had an opportunity to familiarise themselves with their public duties before the removal of the rest of the old bench.[33]

Turning to the corporations, it is difficult to discern a consistent pattern of regulation, not least because the sources are defective and the campaign was abandoned incomplete. In particular, there is no official indication who was to be intruded into the Hedon, Leeds and Richmond corporations. Most is known about the proposed mayors, six of whose names are recorded. Doncaster and Scarborough were briefly led by local Roman Catholic gentlemen, and catholics were also earmarked for Pontefract, Ripon and York. (An abortive attempt in May to intrude two catholic aldermen on to

the Beverley bench may have been made with an eye to a later promotion.) In Hull meanwhile the pro-dissent Daniel Hoare had been restored to office as mayor. At a lower level protestant dissenters, where there were any, seem often to have been chosen to fill aldermanic vacancies.[34] Since the shape of the intruded corporation for Hull has already been sketched out for an article in Historical Research,[35] the next paragraph provides a similar (but much briefer) analysis of the regulators' proposals for Pontefract (see Chart 10/2).

The prospective mayor of Pontefract, a local catholic gentleman called Robert Stanfield of New Hall,[36] had already been intruded on to the bench without apparent difficulty on 24 May 1688. Naturally his response to the Three Questions was positive - unlike those of the only two survivors of the old bench (whose continuation in office is a little difficult to understand).[37] Meanwhile it is interesting to note that there were to be no representatives on the bench of the old conforming opposition or 'contrary' party which had been led by William Oates (he had died in 1685). Instead all (or nearly all) the new aldermen were to be protestant dissenters. Three had already been intruded in March, one of them Robert Warde, their leader and the nephew of Sir Patience Ward. Of the seven proposed newcomers, one was the quaker grocer Thomas English, who had presented his co-religionists with a plot of land for a meeting house;[38] another, Timothy Lyle, was the son of

Richard Lyle, a wealthy grocer and mercer (he had inherited £2000 as the principal heir to Thomas Sayle);[39] and six of the seven had served or would later serve as auditors or rating assessors.[40] In short, the newcomers belonged to the highest levels of Pontefract society and had been barred from formal office, most of them, merely on account of their religion.

Collective biography of the East Riding commission of the peace and the Pontefract corporation (as also the other two ridings and Hull) suggests that the regulated magistracies of Yorkshire were not for the most part packed with the social upstarts and political naifs of traditional historiography. Nevertheless it remains uncertain whether or not they could have secured the election of pro-repeal MPs as anticipated in an announcement of 11 December 1687.[41] It is uncertain too how successfully they could have governed on a day-to-day basis - still less how long they could have survived in office, even given a much more favourable political climate. In the remainder of this chapter each of these points is considered in turn.

The Campaign to Pack Parliament

As was seen in the last chapter, the Three Questions were tendered to magistrates and deputy lieutenants in the East and North Ridings (and presumably their constituent municipal corporations) starting in December 1687. There was then a gap until July when two catholic commissioners began a tour of the West Riding magistracies. The surviving answers are summarised in Chart 10/3.

The results are difficult to interpret. Indeed earlier analyses of the Yorkshire returns have in some cases proved impossible to replicate.[42] Two comments must however be made. In the first place, the regulators were only interested in unequivocal yeses. Carefully guarded answers no less than firm refusals almost always led to ejection from office (see, for example, Chart 9/2). Only genuine absentees were sometimes given the benefit of the doubt. In the West Riding, for instance, absentees included Sir John Reresby as well as the catholic Ralph Hansby (soon to be made mayor of Doncaster). Both men were continued in office.[43] The second point is much more important. The replies to the Three Questions are frequently treated by historians as a poll of gentry opinion and the conclusion is drawn that James II's campaign to pack parliament was doomed to fail. This overlooks several points - the fact that nearly 200,000 men were entitled to vote in

parliamentary elections, most of them quite modest socially, as opposed to the few thousand magistrates and other public officeholders who were canvassed by the lords lieutenant; the fact that in certain areas and among certain groups there was substantial support for the royal policies; and the fact that even in the largest constituencies most elections were stitched up beforehand without a poll. It followed that if the government could control the nomination of parliamentary candidates by regulating the magistracies which often chose them, and if the candidates could then be returned without a contest, James would have been within sight of a packed parliament regardless of hostile gentry opinion.[44]

The likely result of elections in Yorkshire to James's second parliament, assuming (that is) no external threat from a Dutch army, is tabulated in Chart 10/4.[45] The first column lists all the candidates whose names are recorded, and is largely based on the election agents' report of September 1688. Only in Hull and York is there evidence of rival candidacies, and in both towns central government deliberately promoted pro-repeal candidates in order to challenge anti-repeal candidates already selected by the corporation. (Professor J.R. Jones has made the significant point that 'there was little sign of active counter-preparations' against government nominees.[46]) In Hull the corporation's efforts were foiled by the intrusion of a new bench by charter, which was well

equipped to promote the election of pro-repeal candidates - one of them the former exclusionist Sir James Bradshaw, and the other the propagandist merchant (and friend of Penn) William Popple. Indeed, even in the event of a contested election in Hull the evidence strongly suggests that the freemen could have been relied upon to elect 'right' MPs.[47] In York meanwhile the corporation's candidates were the deputy recorder George Prickett and one of the aldermen Sir Stephen Thompson. In his Memoirs Reresby recounts the legal jiggery-pokery he considered using as a means of wrecking their candidacy. As it happens though, thanks to errors on the regulators' part which resulted in the suspension of corporate government in York and with it any effective official support for the anti-government candidates, Reresby and Sir Metcalfe Robinson would probably have been elected without a poll.[48]

The remaining columns of Chart 10/4 show which of the thirty prospective MPs for Yorkshire are likely to have voted for and against the repeal of the tests and penal laws. All those who gave negative answers to the first or the second of the Three Questions (or who merely equivocated) are treated as anti. (As it happens they were all removed from local office.) Those who gave positive answers or were in public office in September are treated as pro. Others whose definite opposition or support can be discerned from earlier political behaviour are classified as anti or pro accordingly.[49] Meanwhile except

where qualified by a question mark the election agents' own remarks about candidates' political reliability have been ignored (in some cases they were demonstrably over confident), as are any assumptions based on future behaviour. Naturally the verdict must be treated with caution. Nevertheless of the thirty MPs for Yorkshire, fifteen could probably have been relied upon to vote in favour of repeal as opposed to ten against. Of the remaining five, as many as four might also have voted in favour. This represents a narrow government majority.[50] If these results had been repeated nationally, James II would have had his packed parliament.

It would be sensible to look a little more closely at the level of support James might have counted on if polls had gone ahead - not least in view of James Johnstone's report that in Yorkshire 'not any dissenter of quality' wished to eliminate the tests.[51] As it happens, only one dissenter seems to have been added to a Yorkshire commission of the peace in time for the Three Questions,[52] although as an ejected congregational minister turned barrister (who was briefly added to the Ripon liberty bench in December 1679) Thomas Benlowes' reply is of especial interest:

I think when an opportunity is offered by his most gracious majesty of easing his loyall dissenting subjects from the rigour of the penall lawes under which they have long groaned, I ought not in conscience decline contributing my utmost endeavour thereto, soe farr forth as I may without

destroying the religion of the nation as by law established.

I will doe my endeavor that such be chosen to serve in parliament as be of loyall principles and the same opinion.

And in as much as I have alwayes loved moderation and admired the great condiscention of our most excellent prince in his most gracious tolleration, I will not only live peaceably under it, as becomes a loyall subject and a good christian, but endeavour to support it.[53]

It is noteworthy that Benlowes did not specifically endorse repeal of the tests. Neither did the four dissenting addresses which were examined in chapter 9, although all again demonstrated genuine support for repeal of the penal legislation. As it happens, an address from the company of goldsmiths in Hull, written by John Baker the Protestant Tinker and subscribed by an unknown number of his fellow freeman electors, was altogether more unreserved. They promised

to elect such members as will repeal the test and penal laws against dissenters [sic], and likewise pass your most gracious declaration for liberty of conscience into a law as firm as Magna Carta.[54]

Meanwhile the Yorkshire Quarterly Meeting's minute book shows that quakers were to be encouraged to vote, although if they did so they were expected to vote unanimously. On 26 or 27 September 1688 - elections had been proclaimed on the 21st[55] - it was

agreed by this meeting that friends may give their votes for members of the parliament which seems to be parralell to the last Yearly Meetings address to the king. . . . And if any doe not find themselves free to give votes who are capable, such are left to their liberty. And those who are willing to concurr with the rest of friends to give their votes, that such be carefull to keep themselves free from being engaged before hand; but that friends both in the county and corporations be unanimous in their votes, which doth become our holy proffession.[56]

Prominent Yorkshire quakers like Thomas English of Pontefract and John Yates of Hull had recently been appointed to local office, and it is to be assumed the coded message meant that friends should vote for pro-repeal candidates. In the event it hardly mattered. Within a week news reached Yorkshire that the writs had been recalled.

A Catholic Mayor in Doncaster

Magdalen College and the Crown, a book of papers written to commemorate the tercentenary of the expulsion of the president and fellows, contains what appears to be the only extended study of a catholic-led institution during the reign of James II.[57] It is based on an unrivalled body of source material, and nothing like it could be written about any political institution in Yorkshire, least of all about Aslaby's regime in Scarborough. All the same, routine records for Doncaster

still survive for the autumn of 1688 - records which, although not especially informative even at the best of times, do allow a rare glimpse into a catholic-led corporation at work.

The new mayor of Doncaster was Ralph Hansby esquire of Tickhill Castle, a wealthy Roman Catholic landowner (who was introduced in chapter 4 to illustrate the routine persecution of Yorkshire recusants at the time of the popish plot).

Hansby's personal enthusiasm for the royal policies seems undoubted, and he was one of the first tranche of catholics in the West Riding to be added to the commission of the peace.

His dedimus had arrived (with four others) by 15 April 1687, and he attended his first quarter sessions on 2 August.[58]

Nine months later, at the special sessions in Rotherham, Hansby took the opportunity to inform Reresby

that the king was now convinced that he had been il advised in putting the question soe far concerning mens inclinations to take away the test and the penall lawes; that he did intend to putt some justices out and to admitt others, but not by that method, but by informing himselfe from such as he knew were true to his service how they stood affected as to liberty of concience.[59]

Whether or not James ever said any such thing, Hansby himself believed that regulation should proceed by way of personal recommendation - his own in the case of the Doncaster corporation.[60] Since there were no resident protestant dissenters in the town Hansby was obliged to rely on catholics

and anglican collaborators (see Chart 10/5). One of them, John Revell, has not been positively identified (the surname was common in the neighbourhood and some Revells were papists).[61] Another, William Laughton of Eastfield, was a neighbour of Hansby's in Tickhill. Ironically Laughton had been one of the men ordered to apprehend him in 1679.[62] The third, Daniel Hall, was Reresby's covert informant at the time of the Doncaster riot in 1684. Hall seems to have preferred to resign from the corporation in April 1685 rather than serve alongside men whose inclusion in the new governing charter he had opposed so vigorously.[63] (In 1688 his leading enemies were probably expelled from the bench.[64] Revenge for Hall must have felt very sweet.) The fourth intruder, John Arthur, was in some sense a protege of the town's recorder Sir John Boynton.[65] An attorney at law, Boynton had made him his deputy recorder, a post which was generally held concurrently with the town clerkship - although a legal dispute between Arthur and the corporation's nominee as clerk had been bubbling away since 1685.[66] Like Hall, Arthur was no doubt pleased to find his argument with the corporation resolved so satisfactorily.

The order in council which removed Mayor Richard Fayram and four of his brother aldermen was issued at Windsor on 12 August 1688. The following day Hansby and his fellows were named by the king to take their place.[67] There then followed

a long unexplained delay. The last document signed by Fayram as mayor is dated 13 September, exactly a month later, although routine financial accounts were presented on the 17th.[68] Meanwhile the Three Questions had been tendered to two of the four aldermen-justices, and two 'elects' (both of them destined to be removed from office) chosen ready for the annual mayoral elections on 27 September.[69] It is unlikely therefore to be a coincidence that it was on the 27th that Hansby took office as mayor.[70] (Although dispensed from taking the religious oaths, he punctiliously subscribed the declaration against the covenant.[71]) The same day Arthur, his fellow intruder, was sworn into office as an alderman. There is no evidence that they were ever joined by the other three intruders. Finally on the 25 October Alderman Arthur was sworn a JP for the borough and soke of Doncaster in front of Mayor Hansby, Recorder Boynton and Alderman Armytage, perhaps in order to facilitate the Michaelmas quarter sessions. As it happens, the intruded regime's period in office was extended for technical reasons until the end of November (as will be seen in the next chapter). Even so, a month earlier its imminent demise must have been common knowledge.[72]

On 18 October, only a day or so before the royal proclamation restoring the old municipal corporations reached Yorkshire,[73] a record was made in Doncaster's 'courtiers' as follows:

Memorandum that itt was then ordered att a publicke meetinge that notice bee given to all the tennants of the corporation that they pay theire rents and arreares on or before the eleaventh day of November next to the chamberlaines [etc] . . . or in default thereof the chamberlaines for the time beinge are hereby ordered and impowered to distrayne for the same.[74]

The following day 'Mr Dixsons Disbursment Booke' was opened for the first time for more than six weeks and regular entries made in it thereafter.[75] Interestingly there is no evidence that corporation tenants were more than usually reluctant to pay up, or that Hansby's control over the town's financial affairs was regarded by them as in any sense illegitimate.[76] On the other hand, Hansby's term of office is (presumably deliberately) overlooked in the accounts for the St Thomas Hospital.[77]

Doncaster was not a parliamentary borough, so Hansby's work in the town cannot be judged in the light of the campaign to pack parliament. All the same it is regrettable that corporate record-keeping in Doncaster should have been so slapdash. Uniquely in Yorkshire, for instance, the clerk never bothered to keep any record of attendance - which would have shown who else co-operated with the catholic leadership besides recorder Boynton and Alderman Armytage of the old corporators, and Alderman Arthur of the new. (To their number can only be added John Maddox, a capital burgess who was clerk at the meeting on 18 October, and presumably Robert Dixon the chamberlain.) A

more tantalising question, whether Mayor Hansby's intruded regime and others like it would have had the stamina to survive given a less turbulent political birth, is considered in the next section.

The Prospects

In a recent article in the English Historical Review Dr Mark Knight uses his researches into the remodelling of the London livery companies in 1688 to extrapolate some wider conclusions.

The argument made here, that the remodelling process of the 1680s was intrinsically damaging to the corporations, . . . might be applied to the rest of the country. Since the remodelling of the boroughs caused widespread disruption and uncertainty, we need to place far more emphasis on a domestic revolution than has recently been the case. While not seeking to explain away the importance of foreign intervention, an English perspective seen from the point of view of the corporations suggests that the normal running of local government had been catastrophically undermined by James's policies in a way that would explain the inertia prevalent in most places at the time of the Revolution.[78]

Knights's assertions beg a number of important questions. The next chapter, for instance, considers whether or not the Yorkshire evidence supports his thesis of imminent domestic revolution. Here, meanwhile, his argument that the normal

running of the municipal corporations (and presumably also the ridings commissions of the peace) had been 'catastrophically undermined by James's policies'[79] is weighed up against the possibility that without the threat of invasion the intruded regimes might have settled comfortably into the fabric of local political life. If Louis XIV's army had targeted the United Provinces rather than Philippsburg in September 1688, James would not have been forced to make concessions[80] - in which event Hansby's corporation of Doncaster, say, was hardly so unstable as to have collapsed of its own accord.

In this connection historians have overlooked the fact that regulation on this scale was by no means unprecedented. Changes to local officeholding immediately after the restoration, for example, were every bit as drastic as those planned in 1687 and 1688 (see Chart 10/6).[81] The earlier changes are recognised by modern observers as having worked whereas the later ones were 'intrinsically damaging'. In part this is a matter of perspective. At the restoration it was the defeated who were ejected and for the most part stayed ejected, whereas during James's reign it was the future victors who were briefly ejected. When the latter returned to office in the wake of the Dutch invasion, the exiled king's supporters were seen in a pejorative sense as collaborators which Charles's supporters of course never were. If, on the other hand, William's regime had collapsed after six or twelve

months, as Sir John Reresby for one thought possible,[82] would historians not now be arguing that it was the short-lived revolution settlement which was 'intrinsically damaging'?

Given sufficient time, therefore, were the men intruded into office in 1688 likely to have succeeded as local governors? Or were the intruded regimes inherently unstable? It would be sensible first to dispose of the canard that James's urban collaborators were 'chosen for one purpose only, to help pack Parliament'.[83] That this was not the case has just been shown using the non-parliamentary corporation of Doncaster as illustration. In the commissions of the peace too, as can be seen in the sessions records of the North Riding,[84] a catholic-dominated magistracy was well able to perform the multifarious duties assigned to it, thanks in part to continuity at the executive level. All three clerks of the peace remained in office throughout James's reign,[85] and in 1688 most town clerkships were also left undisturbed.[86] (Presumably much the same could be said about lower levels of administration.) Even Walter Partridge, anglican town clerk of Scarborough, seemed perfectly content to serve a catholic-led corporation.

In five of the ten municipal corporations of Yorkshire the government chose local gentlemen to take over as mayor.[87]

There was ample precedent for doing so, especially at a time of political change. All three charters for Leeds named a gentleman as the principal magistrate, as did the 1684 charter for Scarborough. Presumably it was thought a gentleman would possess the kind of authority needed to get a grip on a recalcitrant corporation. (After their year of office they frequently bowed out.) Except that James's five gentlemen mayors were Roman Catholics - in several cases they would also have been returning officers for elections to the packed parliament[88] - there was little to distinguish them from their predecessors. In Hull, meanwhile, Daniel Hoare's prospects as leader of a corporation mostly comprising dissenters, placemen and opportunists must have seemed quite rosy.[89] It was at a lower level however that the regulators' plans may have come unstuck. The appointment of numerous absentee gentlemen in Scarborough in 1684 had meant that all routine work devolved on the four resident aldermen. In 1688 gentlemen were appointed as ordinary aldermen in Beverley, Doncaster, Ripon and York - a move which, if it was to work, required the wholehearted co-operation of some (at least) of the surviving resident corporators. (For numbers of survivors, see Chart 10/6.) Whether in practice they would have co-operated is of course unknown, although only in Scarborough are there hints that they might not.

It is unreasonable to expect James II and his advisers to have

predicted William's invasion a year in advance and to have tailored their domestic policies accordingly.[90] In any case, even if 'the remodelling of the boroughs caused widespread disruption and uncertainty', as Knights argues, it did not lead to administrative breakdown - not in Yorkshire anyway. Indeed, so far as can be seen, quarter sessions were held routinely until Michaelmas 1688, even in catholic-led Doncaster.[91] In the North Riding too a routine letter from the attorney general was transcribed into the sessions book and signed off by three justices of the peace (one of them a Roman Catholic), when the city of York was already in rebel hands.[92] Given a more settled political environment, therefore, it is likely that James's regulated local institutions would have worked tolerably well in the short term. Local government in Yorkshire, when it did break down, did so only in direct response to the Dutch threat[93] - as the story of Walter Partridge has illustrated so vividly.

Chart 10/1

THE EAST RIDING BENCH
easter 1688

	<u>previous office</u>						<u>codes</u>
	<u>1680</u>	<u>1686</u>	<u>1688</u>				
1 <u>Robert viscount Dunbar</u>			x	DL/JP	#		
2 <u>Marmaduke lord Langdale</u>			x	DL/JP		J	
3 <u>Marmaduke Langdale</u>				DL/JP		J	
4 <u>Henry Constable</u>			x	DL/JP	#		
5 SIR WATKINSON PAYLER bart	x			DL/JP	#	J	
6 <u>Sir Philip Constable bart</u>			x	DL/JP	#		
7 <u>George Metham</u>			x	DL/JP	#		
8 <u>Philip Langdale</u>			x	DL/JP			
9 Toby Jenkins	x	x	x	DL/JP	#	J mp	
10 <u>Thomas Crathorne</u>				DL/JP	#		
11 Thomas Condon*				DL/JP			
12 SIR JAMES BRADSHAW				DL/JP		mp	
13 Lionel Copley*		x	x	JP			
14 <u>Robert Dolman</u>			x	JP	#		
15 SIR HENRY ST QUINTIN bart				JP	#	J	
16 JOHN HOTHAM				JP	#	J MP	
17 WILLIAM BOYNTON	x			JP	#	J MP	
18 WILLIAM ST QUINTIN				JP	#	J MP	
19 Robert Monckton				JP		J MP	
20 Ingleby Daniel				JP		J	
21 HENRY THOMPSON				JP	#	MP	
22 WILLIAM THOMPSON				JP	#	MP	
23 Hugh Bethell				JP	#	J	
24 Francis Collingwood*		x	x	JP			
25 <u>George Palmes</u>				JP	#		
26 <u>Thomas Dalton</u>				JP	#		
27 <u>Marmaduke Constable</u>				JP	#		
28 John Lister				JP	#	J	
29 Joseph Micklethwaite				JP	#	J	
30 <u>John Brigham</u>				JP	#		
31 John Overton				JP		J	
32 <u>Michael Portington</u>				JP			
33 Thomas Sotheby				JP	#	J	
34 William Roursby (unidentified)				JP			
35 <u>John Constable</u>			x	JP			
36 <u>John Thorpe</u>				JP	#		
37 John Taylor (unidentified)				JP			

Chart 10/1 continued

Key

underlined = Roman Catholics
CAPITALS = dissenters and/or exclusionists
* = army officer
= pedigree given in Dugdale
J = he or an immediate blood ancestor had been a JP
or high sheriff
MP = past or future MP
mp = past or future parliamentary candidate

Note Some of the above may have been included on the previous commission of the peace but remained unsworn. (E.g. No. 10 is listed on PRO, PC2/71, fol. 366, but was not tendered the Three Questions.)

Principal primary sources

Duckett, Penal Laws, II, 256-8
Duckett, pp. 437-46
HLRO, Main Papers, MS 275, ddd
PRO, PC2/71, fol. 366
CSPD, 1687-89, no. 932
Dugdale

Chart 10/2

AN INTRUDED CORPORATION IN PONTEFRACT
THE REGULATORS' PROPOSALS
20 August 1688

	<u>religion</u>	<u>intruded</u>	<u>office</u>			
1 Robert Stanfield, mayor	*catholic	24.5.88				
2 <u>Samuel Taylor</u>	anglican			n/a		
3 <u>William Stables</u>	anglican			n/a	C	
4 Robert Warde	*dissenter	Mar 88	A	B	C	D
5 William Lapidge	*dissenter	Mar 88		B		
6 John Wildman	*dissenter	Mar 88	A	B	C	
7 Timothy Lyle	dissenter		A	B		
8 John Mell	dissenter			B		
9 William Lee	dissenter		A	B		
10 William Key	?		A	B		
11 Thomas English	quaker		A			
12 Robert Staveley	dissenter		A	B		
13 Robert Moore	dissenter					C

Key

underlined = survivors from old bench

* = had been formally excommunicated (Booke of Entries, p. 175)

A = served corporation as auditor, rating assessor etc before 1688 regulations

B = served corporation as auditor, rating assessor etc after 1688 regulations

C = belonging to a corporate family

D = elected alderman 6 Sept. 1692 (but refused)

Notes

1 Earlier intruders (i.e. the catholic Philip Hamerton and the anglican Peter Mason) had been (or were to be) removed.

2 It is not clear why Nos 2 and 3 were not also removed, since both gave negative answers to the Three Questions.

Chart 10/2 continued

Principal sources

Duckett, pp. 462-3
WYAS Wakefield, WMT/PON/1/1
Booke of Entries
PRO, PC2/72, fols 640, 668, 734
Faithorn, M.Phil. thesis, p. 313n

Chart 10/3

THE THREE QUESTIONS IN YORKSHIRE

	<u>consents</u>	<u>refuses</u>	<u>guarded</u>	<u>debate</u>	<u>absent</u>	<u>total</u>
East Riding	7		2	19	5	33
North Riding	13	1	2	10	4	30
West Riding	8			22	11	41
St Peter, York	2	1	2	2	6	13
Ripon Liberty	1	3		1	2	7
Beverley ER	no answers					
Doncaster WR			2		2	4
Hedon ER	no answers					
Hull ER	no answers*					
Leeds WR				13	1	14
Pontefract WR	4			8	1	13
Richmond NR	no answers					
Ripon WR			3			3
Scarborough NR	no answers					
York WR	2			11		13

Key

- consents = unequivocal yes
refuses = unequivocal no
guarded = a careful answer revealing little (usually treated by regulators as no)
debate = according to the debate in the Commons (usually treated by regulators as no)
absent = no answer recorded (including some catholics, so not necessarily to be taken as no); also these lists are incomplete
* = a 'guarded' collective reply for Hull can be found at HCRO, BRL 2759a, fol. 38

Principal source

Duckett

Chart 10/4

PROSPECTIVE PARLIAMENTARY CANDIDATES
IN SEPTEMBER 1688

	<u>3Qs</u>	<u>office</u>	<u>pro/anti</u>
YORKSHIRE			
*Charles, lord Clifford			anti
*Sir John Kaye bt	no		anti
BEVERLEY			
Sir Ralph Warton	no		anti
Sir Michael Warton			anti
HEDON			
Henry Guy		treasury	pro
Charles Duncombe		excise	pro
HULL			
Sir James Bradshaw		DL, JP	pro
William Popple or			pro
Sir John Boynton	yes	DL, JP	
*John Ramsden	no		
*Sir Willoughby Hickman	no		
PONTEFRACT			
John, viscount Downe	no		anti
Sir Thomas Yarburgh	no		anti
RICHMOND			
John Darcy	no		anti
Thomas Cradock			?pro
RIPON			
Sir Jonathan Jenings	no		anti
Sir William Dawson	yes	DL, JP	pro
SCARBOROUGH			
Thomas Condon		army, DL, JP	pro
*Ferdinando Hastings		army	pro
YORK			
Sir John Reresby bt		army, DL, JP	pro
Sir Metcalfe Robinson bt	yes	DL, JP	pro
*George Prickett	no		
*Sir Stephen Thompson	no		

Chart 10/4 continued

ALDBOROUGH

Sir Michael Wentworth	no		anti
Sir John Reresby bt or		army	
Sir Roger Beckwith		DL, JP	pro

BOROUGHBRIDGE

Sir Richard Mauleverer bt		army, DL, JP	pro
Sir Henry Goodricke bt	no		anti

KNARESBOROUGH

Sir Henry Slingsby bt		army, DL, JP	pro
William Stockdale			?pro

MALTON

Sir Watkinson Payler bt		DL, JP	pro
William Palmes			?pro

NORTHALLERTON

William Robinson			?pro
Sir Gilbert Gerard bt or		JP	pro
nominee of Lascelles			

THIRSK

Sir Richard Graham bt	yes	DL, JP	pro
Thomas Frankland			?anti

KEY

* = source other than regulators' report
pro/anti = likely to be in favour or opposed to repeal of the tests and penal laws in a Commons vote

Notes

1 The particular franchise was of significance only if the election was contested.

2 All those in Yorkshire whose answers to the Three Questions were in the least equivocal had been removed from office.

Principal sources

Duckett, pp. 470-2
Henning
Memoirs, pp. 508-15 (and notes)
CSPD, 1687-89, no. 1499
Short, 'Corporation of Hull'
Childs, James II, appendix A

THE DONCASTER CORPORATION IN 1688
(in order of seniority)

	<u>pre-reg</u>	<u>intruded</u>	<u>charter</u>	<u>restored</u>
1 John Armytage	ald/JP	*ald/JP	ald/JP	d by 13.1.89
2 George Raisine	ald/JP	ald/JP	ald/JP	ald/JP
3 John Ellerker	ald/JP		ald/JP	ald/M
4 William Walker	ald		ald	ald/JP
5 William Bassett	ald	ald	ald	ald/JP
6 William Patterson	ald	ald	ald	ald
7 William Pell	ald	ald	ald	ald
8 Ralph Hassell	ald		ald	ald
9 Peter Hudson	ald	ald	ald	ald
10 John Bliethe	ald		ald/M	ald
11 John Burton	ald	ald	ald	ald
12 Nicholas Curtis	ald	ald	ald	ald
13 Richard Fayram	ald/M			ald
Ralph Hansby esq		*ald/M		
John Revell esq		ald		
John Arthur	?dep rec	*ald/JP		
William Laughton		ald		
Daniel Hall		ald	ald	ald
Sir John Boynton	rec	*rec	rec	d by 2.1.89
Samuel Mellish esq				rec

Key

- pre-reg = corporators up to 27 Sept. 1688
 intruded = corporators 27 Sept. 1688 to 3 Dec. 1688 (at latest)
 charter = corporators named in charter of restitution
 restored = corporators in late Jan. 1688 (after consequential changes)
 * = recorded as attending meetings of the intruded corporation

Notes

- 1 The chartered justices were the mayor and recorder for the time being, together with three aldermen.
 2 The town clerk (appointed by the corporation) and the deputy recorder (appointed by the recorder) were generally the

Chart 10/5 continued

same person. Since 1685 there had been a long-running dispute as to who held the posts.

3 No capital burgesses were intruded by the regulators.

Principal sources

DA, AB2 1/3, fols 370-5; AB4/2
Miller, Doncaster, app. pp. 42-5
CSPD, 1687-89, no. 1831

Chart 10/6

THE WORK OF THE CORPORATION ACT COMMISSIONERS
COMPARED WITH JAMES II'S REGULATIONS
(mayors and aldermen only)

	<u>survived</u> <u>29.5.60-25.3.63</u>	<u>survived</u> <u>14.11.87-9.9.88</u>
1 Beverley	4/13	8/13
2 Doncaster	8/13	8/13
3 Hedon	3/10	no regulation
4 Hull	up to 8/13	2/13
5 Leeds	3/13	*no regulation
6 Pontefract	4/13	2/13
7 Richmond	up to 11/13	up to 10/13
8 Ripon	5/13	10/13
9 Scarborough	no evidence	3/13
10 York	5/13	2/13

Key

- 29.5.60 = date of Charles II's return
25.3.63 = date Corporation Act commissioners' powers lapsed
14.11.87 = date regulating committee set up
9.9.88 = date of last regulations
* = a regulation was planned for Leeds but no details survive

Notes

- 1 The figures for 1687-88 presuppose that the regulations had gone through as planned (which in the event many did not).
2 Deaths and ordinary resignations are incorporated into these figures.

Sources

- For the 1660s, see Chart 3/9
For 1687-88, see Chart 9/4

CHAPTER 11: CRISIS AND SETTLEMENT

1688-90

There are three contemporary accounts of the proclamation of King William and Queen Mary in Leeds. Two are very brief. Ralph Thoresby, the dissenting antiquary, noted (perhaps a little smugly) that the response was 'such a general satisfaction and joy as seldom has been known'.[1] Castilian Morris, the town clerk, and one of the civic dignitaries who took part in the procession, confined himself to a list of who was present and who was not - an account which ends with a significant later addition. 'Peccavi,' it reads, 'miserere me domine. Amen. Amen.' (Morris's private diary reveals that by 1690 he was a secret jacobite.)[2] Nevertheless it is the third account, a letter written by Alderman Thomas Dixon in Leeds to Alderman Michael Idle in London, which is much the longest and most interesting. It is referred to here for the first time.[3]

William and Mary were proclaimed king and queen on Wednesday 13 February 1689. By Saturday the proclamation had reached

York and it was read out there the following morning.[4] On Tuesday Mayor Thomas Kitchingman and two or three other aldermen met in a Leeds coffeehouse and resolved to follow suit. However when they sent for the rest of their brethren, they discovered that some of them were reluctant to join in without a specific order from the high sheriff. One was Dixon, writer of the letter. In response Kitchingman told them he would not do it that day, whereupon Alderman Skelton sent his horse home. Then at about two o'clock in the afternoon a message arrived from the sheriff ordering the mayor to proclaim the king and queen immediately.

I wisht Mr Nesse [the serjeant at mace] desire him to send us up the proclamation and to tell him the day was farr spent and the market partly over, and either to put it of till next markit day, or let us know where to meete. But noe answeere came. And presently his worship with five aldermen and Mr Nevile [etc], and a good appearance of Mr Sharpe and Mr Whittakers hearers mounted and armed, came riding up back of the shambles to the cross. I had sent for a horse for Mr Skelton, but before he came they had read the proclamation at crosse and then it was too late. Soe neither he, nor I, nor Mr Hick, Mr Foxcroft [erased], Mr Potter, Mr Pawson, nor you was there. And very fewe of the comon councell was there, for the mayor haveinge sent worde he woud not proclame him that day, many was gonn home. I heard his worship was very mirry afterwards, and was gotten to 'Lilly bolero, lillebolero'.

Dixon's letter reveals something of the unease felt in Leeds at the change of monarchs and at the new political divisions which were beginning to open up. Thoresby of course was one of Sharp's hearers (Whittaker was the congregationalist

minister), and Lilliburlero the song which it was said had whistled a king out of three kingdoms.[5] A month later Mayor Kitchingman could be found taking a deposition against a Leeds attorney who had allegedly drunk confusion to King William.[6] Dixon meanwhile, in the letter already quoted, had a very different perspective on the new dispensation.

The Dutch has a proverbe: Defend me and spend me. And in all forraine nations where changes has bene, they pay submission where they have protettion. And by the statute of Henry 7 safety and security is given to those that act under a king de facto.

Even at this early stage the last sentence suggests that when it came to the crunch, despite mental reservations, Dixon would cling to office - as indeed he did. So too did Castilian Morris, although he leased out his town clerkship to a deputy for a while and kept his head down.[7] In fact, of the aldermen who did not participate in the proclamation procession only Pawson vanished from the corporation. Perhaps he refused to swear the new oaths, although without records for the period up to August 1689 it is impossible to say.

Unfortunately a shortage of local source material is a key feature of the months following James II's 'abdication'. Routine administrative papers do survive in reasonable abundance (except in Leeds and, as ever, the East Riding and Richmond) - although even then, as will be seen, they do not

always make clear how or when the ancient magistracies resumed office. On the other hand, runs of political correspondence like those in the Reresby archive or at Hull are wholly lacking.[8] To fill this particular gap there are only isolated documents like the letter from Alderman Dixon just quoted. Even so, all is not gloom, and more than enough material survives to allow a picture to be drawn of political life in Yorkshire at the time of the Glorious Revolution, even if it does mean that historical narrative has largely to be abandoned.

A Great and Sudden Invasion

The effectiveness (or otherwise) of the official response in the localities to the threat of hostile invasion has never been properly assessed by historians. In the case of Yorkshire, reasonably enough, they have preferred to concentrate on the much more glamorous deeds of the plotters. It is the function of this section to try to redress the balance.

A copy of James II's proclamation of 28 September 1688 arrived in York on Monday 1 October. It warned of 'a great and suddaine invasion from Holland', called off parliamentary

elections announced only a week earlier, and ordered lieutenants and deputy lieutenants 'to use their best and utmost endeavours to resist, repell and supresse our enemyes'.[9] The news was hardly a bolt from the blue, and rumours had been circulating for some days.[10] Even so, to the freeholders of Yorkshire who had assembled in the city to elect MPs[11] the proclamation confirmed the hopes of some and the fears of many more. (As has been seen, it inspired the immediate dissolution of the catholic-led corporation of Scarborough.) Sheriff Thomas Rokeby, possibly prompted by Sir John Reresby, called a meeting to consider how to respond to the news, for as everyone knew the Yorkshire lieutenancies and militia had been allowed to run down.[12] The West Riding, for example, had an absentee Roman Catholic lieutenant, and just three deputies - only one of them a protestant.[13] The Yorkshire gentry meanwhile (in the words of their petition of 2 October) were

in no fitt posture either to doe your majesties service or defend their country to their great greife, by reason of their being noe lord leiutenant for the West Riding, [etc] neither any deputy leutenants in the West Riding under whome they can usefully and safely act to the ends menconed in your majesties proclamacon (or the officers late comissions) for fear of incurring the penaltys and forfeitures of the law; but yet are ready to serve when impowred thereto.[14]

The petition quickly collected seventy signatories, and Sir Henry Goodricke (soon to be one of Danby's right-hand men) was

detailed to present it to the king.[15] However prettily it was packaged, its nitpicking tone represented a direct challenge to a catholicising policy which officially had not yet gone into reverse - for the order of 26 September authorising lieutenants to restore deputies recently removed from office failed to cover the contingency that protestants might refuse to serve under a catholic lieutenant.[16] In the event it did not matter. Before Goodricke could arrive in London, the king had made the protestant duke of Newcastle lord lieutenant of all three ridings.[17]

News of his appointment reached York on 6 October, followed on the 9th by the duke himself. He straightaway set about ordering the militia,[18] and two days later asked Secretary of State Sunderland whether or not catholics should be nominated as deputy lieutenants.

They are most reddey to serve his majeste with great affection and loyallty, . . . but it is my duty to acquainte your lordship the gentlemen that did petition his majeste are most violent against them.[19]

The gentlemen petitioners had their way, and by the 14th the duke had prepared an exclusively protestant list of deputies for each riding. Their names were approved by the king four days later,[20] and others seem to have been added

piecemeal.[21] It was now possible to officer the various militia regiments, although in practice the process was never completed. The East Riding regiment was certainly settled.[22] However in the West only two of the four regiments were officered,[23] as was one (at least) of the three North Riding regiments.[24] At the same time the eight independent troops of horse (three each from the North and West ridings and two from the East) were united into a single regiment under the duke as colonel.[25] The process of officering can be glimpsed in the York and Ainsty regiment whose lieutenant-colonel was Sir John Reresby. The governor officered it himself and it took him two days. Although eight of the officers had served in 1680,[26] one of them Captain Thomas Fairfax, he 'denied some that would have served in of the principal citizens.' Presumably he felt unsure of their loyalty, and time proved him to have been right - with the exception of his own lieutenant the militia officers all joined the rebels on 22 November.[27]

The plan as agreed by 13 October was to postpone raising the militia until such time as immediate danger threatened.[28] However a week later Newcastle was prevailed upon to call out the new horse regiment. It assembled near York and marched into the city on the 26th. They were dismissed after four days.[29] On the 30th the York militia foot were also embodied and spent 1 and 2 November performing military exercises.

Again they were dismissed after just a few days.[30] Meanwhile on 7 November there was news that the invaders had disembarked far away in the south-west.[31] In the lord lieutenant's eyes this changed everything - but not so Reresby's, or apparently those of the other deputies in York. There was a meeting on the 8th and another on the 13th when it was agreed amongst other things that the militia foot regiments should be called out in turns 'whilst the danger continued', and that two troops of horse should remain in York 'to suppress any sudden rising if it should happen'.[32] To the authorities in London everything apparently looked fine.[33]

Preparations against a Dutch landing in Yorkshire,[34] or for that matter a local uprising, were not of course restricted to the militia.[35] (Local efforts to suppress anti-government propaganda have been described in chapter 9.) Even before Newcastle's appointment as lord lieutenant the authorities had begun to step up security. Sunderland wrote to the catholic viscount Fairfax, still lieutenant of the North Riding, and ordered the seizure of horses.[36] On 2 October, the day of the Yorkshire petition, Sheriff Rokeby ordered the West Riding justices to see to the repair of beacons which 'in most places are either quite pulled downe or rendered uselesse'. The same day the chief constables of the North Riding, presumably in response to a similar letter, were ordered to repair their beacons and cause watch to be kept.[37] Meanwhile government

orders poured into Yorkshire - orders, for example, to round up horses kept near the coast, especially any belonging to Sir Hugh Cholmley,[38] and to secure named men like lord Lumley (with Danby one of the immortal seven of whig hagiography).[39]

With hindsight all this governmental effort looks half-hearted, and the question arises as to its probable effectiveness, especially in the light of Danby's seizure of York on 22 November. Efforts to locate lord Lumley, for instance, seem to have been sabotaged.[40] However the point is surely this: if (say) the Dutch armada had been shipwrecked, government attempts to contain the threat from home-grown conspirators are likely to have succeeded. (Danby for his part would not have attempted to seize York.) It was only when William landed that the political landscape changed and government agents in the localities found themselves out-manoeuvred. In short, a few dedicated plotters apart, there is very little evidence of Knights's imminent domestic revolution, at any rate in Yorkshire.[41]

Rewriting History

Historians have devoted little attention to the abortive

parliamentary elections of December 1688.[42] As it happens the wider political ramifications hardly matter so far as Yorkshire is concerned since King James had left London by the time the writs arrived.[43] Nevertheless several elections did take place. As early as 17 December MPs were returned for York and Northallerton, and in due course others were chosen for Beverley, Hedon and Scarborough, as well for the county.[44] Meanwhile the earl of Danby, capitalising on his authority as rebel leader, was happy to throw his weight around. In York Sir John Reresby was persuaded to stand down in favour of Danby's son,[45] and Mayor Hastings Sayle of Pontefract was treated to a bullying letter:

I hope you will make such distinction in the elections of parliament men to serve for your borough that you will not chuse any who have onely lookt on whilest others have ventured their all to preserve you; or if you doe I am sure you will not have deserved your preservation. . . . Your honourable resolutions in that affair (if I can understand them) will much encourage me to pay you my more particular services.[46]

Much the most interesting letter associated with the abortive parliamentary elections was received by Sir John Hotham, who had returned from exile with the Prince of Orange.[47] Signed by eight prominent burgesses of Hull (see Chart 11/1), it started off by congratulating him for

being instrumentall with his highnesse the Prince of Orange in his soe just and honourable an expedition . . . by which

wee are in prospect of a speedy delivery out of Egiptian bondage we have a long time groned under.

Then, after the signatories had excused themselves for failing to attend the prince in person, who 'next under almighty God wee will ever owne to be the onely protector of our lives, religion, liberty and property', they begged Hotham to represent their town in parliament.[48] But it is the cheek of the letter which startles the modern observer - for the signatories were many of the men directly responsible for implementing Hull's own 'Egiptian bondage'. Sir James Bradshaw was one of the candidates chosen by the government to represent the town in James's packed parliament, Daniel Hoare was the intruded mayor, and Anthony Iveson and John Blanchard were two of the intruded aldermen. John Baker the Protestant Tinker was another signatory. Of the eight subscribers five at least were dissenters and five had been confined at the time of Monmouth's rising. Indeed, if one needed a list of the chief political and religious dissidents in Hull who had attached themselves to King James, the Hotham letter could scarcely be bettered.

This attempt by eight Hull men to rewrite their own histories and to present themselves as victims of the old dispensation is merely the most striking example of a common reaction to William's arrival in England[49] - which in this instance

relied heavily on Hotham's presumed ignorance about conditions in Hull. The dissenting protestants in Leeds ('Mr Sharpe and Mr Whittakers hearers') quickly attached themselves to the new regime, as has been seen. At a loftier level it is a shock to read Thomas Rokeby's diary for 17 May 1689. (The pro-dissent Rokeby had been high sheriff of Yorkshire until November 1688, and was presumably counted on to further the royal policies.)

I look upon the cause wherein King William and Queen Mary and the parliament of England are now ingaged to be the cause of God and Christ against satan and antichrist; and I look upon the wonderfull series of providences by which this matter hath been hitherto carried on to be the eminent voice and finger of God; and which I hope and believe God will carry on to a compleat measure.[50]

Perhaps it was pure coincidence that nine days earlier Rokeby had been made a judge. It seems unlikely that he would have acknowledged any connection, and in some respects his political goals remained perfectly consistent.[51] In any event, protestant dissenters and former exclusionists like Rokeby, Hoare and Bradshaw had little choice but to try to accommodate themselves to the new dispensation. They had been abandoned as political allies by James the moment he embarked upon his October concessions to the anglicans and had no reason to bear him lasting gratitude. Neither were they natural loyalists like Dr Nathaniel Johnston. It may have been sheer opportunism on their part, but they had been opportunists once before when they had hitched their fortunes

to James's. As Dr Mark Goldie has observed,

Once William arrived [the whigs and dissenters] recovered their composure with remarkable rapidity, and if a few of the over-committed . . . were condemned to Jacobite infamy, most hurriedly covered their tracks and before long became solid MPs or officeholders under William III.[52]

Chart 11/1 shows that two of the eight signatories to the Hotham letter managed to cover their tracks and become solid officeholders. On the other hand, the two independents would presumably have refused to swear the political oaths, and the protestant tinker was, as Goldie nicely phrases it, 'over-committed'. So for that matter was Bradshaw, whose brief allegiance to James II gave him a notoriety he found impossible to shake off. In a letter to the warden and company of carpenters in Hull dated 24 February 1690 proposing his candidature in the forthcoming parliamentary elections,[53] Bradshaw denied that he had ever supported repeal of the tests and penal laws. So barefaced a lie did him no good at all - and although he stood again at future elections, he never became MP for Hull.[54] As for Hoare and Blanchard, the remaining two signatories, both died in 1689. If the former had survived, it is likely that he too would have found himself over-committed.

Yorkshire Men and English Politics

External events in Yorkshire during the autumn and winter are reasonably familiar - the restoration of the municipal charters (considered separately in the next section), the seizure of York and Hull by Danby's rebels, the Irish Fear, and the elections to the convention.[55] However there has been no proper assessment of relations between central government and the convention parliament on the one hand and local political institutions in Yorkshire on the other.

With the flight of the king in December 1688 the legal status of James II's county justices of the peace was thrown into doubt, for with the demise of the crown new commissions were required - assuming, that is, the crown had demised.[56] (The fiction of James's 'abdication' was in part devised to resolve problems like this.) In this connection it is interesting to discover that in some corporations meetings (including quarter sessions) were dated by reference to the regnal year of James II, even (in the case of Ripon) as late as 2 February 1689, whereas in Scarborough the borough sessions beginning on 15 January were simply dated anno domini.[57] The flurry of incompatible commissions of the peace which characterised the last months of Jeffreys' chancellorship created further complications, especially after a proclamation on 27 September asking lieutenants to recommend which old JPs should be

restored. In the North Riding, for instance, a commission dating from late November and presumably intended to supersede the catholic-dominated bench was never implemented.[58] Since it was not until the following spring and summer that commissions of the peace were at last sealed in the names of William and Mary,[59] it is hardly surprising that no Epiphany quarter sessions were held in the North or West Ridings or in the liberty of Ripon (the only commissions for which records survive).[60] Meanwhile attempts made centrally to resolve these problems by way of proclamation were themselves of questionable legal authority - from the peers on 12 December, the Prince of Orange on the 31st, and the new king and queen on 14 February.[61] The first proclamation ordered

all justices of the peace, deputy lieutenants, and constables, who are protestants, to proceed to execute their respective offices untill further notice.[62]

Later proclamations offered a little clarification, in particular spelling out that JPs must be 'protestant justices who were in their offices the first of December last'.[63] But it is not easy to trace their impact on the ridings.

Presumably protestant justices were reassured that their everyday activities could continue as normal. Certainly Roman Catholics ceased to act (the last known instance comes a day or so after the seizure of York on 22 November). It is likely too that the Easter sessions for the North Riding held by John

Gibson and Constable Bradshaw on 9 April and 14 May 1689 were intended simply as holding operations.[64] The two men were among the token protestants on James's catholic-dominated peace commission of 1688 (in which they had played an active part),[65] and they were capacitated to act by virtue of the new monarchs' February proclamation. Only on 13 May did the clerk of the peace for the North Riding set off for Yorkshire with the new commission,[66] although when the new justices met their very first act was to confirm an order made by Gibson and Bradshaw the week before. It is interesting that neither man sat on the bench again for several years.[67]

Meanwhile James's dissenting protestant collaborators in the localities were under attack in the convention parliament. Late in April the Commons voted to implement section 4 of the 1673 Test Act, by which £500 was forfeit upon conviction by all officeholders who had failed to take the oaths and sacrament required by law.[68] On 2 May a broadsheet was printed in defence of the protestants who had flouted the law. (No-one cared to defend James's catholic officeholders.) Its title reads:

Reasons humbly proposed to the honourable House of Commons why those protestant justices of peace who are not fully qualified, and yet have acted since the judges gave it for law upon Sir Edward Hale's case that the king might enjoyn them to act notwithstanding this law, why they should be exempted from the late vote of all in offices unqualified to pay 500 £.[69]

A little improbably the pamphleteer estimated that 600,000 small officers (such as petty constables) would be caught up by the £500 penalty. Be that as it may, he offered three reasons why the law should not be implemented against them - they had accepted office only to avoid King James's wrath, 'so that their bare office is a punishment and none are to be punished twice for one fault'; they had been pardoned by proclamation during the dying days of old regime; and they had thereupon ceased to act until ordered to do so again by proclamations from the House of Lords, the Prince of Orange, and the new king and queen. The forfeitures measure was read for the first time on 15 May and was then put to one side. It died with the prorogation in October, but was revived the following month. As late as May 1690 a forfeitures bill was still under discussion,[70] and if it had ever reached the statute book its effects might have been profound - except that in Yorkshire (at least) many protestant officeholders, even those intruded by King James and individually dispensed from the oaths, chose to qualify themselves according to law. In Doncaster, for instance, the protestant intruder John Arthur took all the statutory oaths (the catholic Mayor Hansby of course did not).[71] In Pontefract the intruded recorder qualified himself according to law even if the intruded aldermen (including three dissenting protestants) did not.[72] In Leeds, again, a corporation which was never regulated, three assistants elected in May and June 1688 were the only

civic officeholders not to meet their legal obligations. Although on 31 August 1689 their elections were declared void, they were immediately re-elected and took the new oaths.[73]

The markedly different treatment accorded to dissenters and Roman Catholics by the new regime extended far beyond a concern (in some circles) for James's nonconformist collaborators. Section 16 of the 1689 Toleration Act permitted the licensing of nonconformist meeting places and this is reflected in the local records.[74] In Leeds, for instance, at the borough sessions held on 17 July Thomas Sharp successfully applied to license the presbyterian chapel at Mill Hill, as did Ralph Thoresby his own house. On the 18th the West Riding justices, also in Leeds, licensed houses belonging to Richard Whitehurst, congregationalist minister at Lydgate near Kirkburton, and Captain John Pickering in Tingley. All four men had signed the Leeds dissenters' address in 1687.[75] Even if the Corporation and Test Acts did once again bar them from public office, dissenting protestants were able to live and worship in comparative freedom.[76]

The picture for Yorkshire's papists looked very much bleaker. There were anti-catholic riots in York immediately after Danby's coup. (Reresby noted that the mob included 'the militia troops and some of the gentlemen that were volontiers'.)[77] Shortly afterwards the great jesuit mission

centre in Pontefract was hurriedly closed down.[78] Meanwhile individual Roman Catholics were forced to submit to grave personal indignities,[79] and several found it expedient to leave the country.[80] Moreover, even when law and order had been restored, papists in some magistracies found themselves subject to many of the petty restrictions enjoined by the law. At the North Riding sessions held in Thirsk on 28 May, for example, high constables were ordered to collect returns of the names of papists and reputed papists within their divisions in order that they might be disarmed. Beginning at the Richmond sessions held on 30 July, the order book is filled with the names of Catholics whose horses and arms had been seized, or who had been allowed to keep a single gun for purposes of self-defence.[81] The campaign against popery in the North Riding reached a climax on 24 February 1691, when 1755 persons (and sometimes their families) were presented at the Thirsk sessions.[82] In the archbishop's liberty of Ripon long lists of papists and reputed papists were presented on 27 July 1689 and on 25 April 1691.[83] In Hull again papists were summoned on 9 July 1689 and (as part of a mixed group) on 4 May 1691.[84]

With the benefit of hindsight, the inherent stability of the immediate post-revolutionary settlement is perhaps too easily taken for granted. In this connection Sir John Reresby's death on 12 May 1689 is convenient, since it gave him no opportunity

to revise his generally gloomy account of the first months of the new regime. On 28 February, for instance, he reported a conversation with the earl of Danby (now lord president of the council), who 'spoke very doubtfully of the continuance of the present state of affairs'. Reresby's however was very much a view from the centre.[85] Less familiar are three letters from Richard Thompson a barrister in London to his brother Henry in Yorkshire. (The two were the sons of Sir Henry Thompson, former exclusionist MP for York, and nephews to Alderman Edward Thompson, one of the city's new MPs.) Although undated, all three belong between the end of February and the beginning of April.[86] Together, and despite an at times over-hearty tone,[87] they express an enthusiasm for the new regime which is absent from other Yorkshire-related material. It is regrettable therefore that they do not touch on political conditions in the county.[88] One of the few items that does is a letter dated 23 March which was sent to Sir Michael Wentworth of Woolley.

I was yesterday at Pomfret fair . . . The northern parts are very quiett, and hope shall continue soe if the Scotch will be quiett. Here was a Scotch regiment of dragoones lay at Wakefield this last week in order for Scotland. The common souldiers was most of them for King James, but the officers kept good tongues in their heads whatever they thought.[89]

Much more dramatic was news in a letter dated 28 June from Alderman Thomas Johnson of Hull (Daniel Hoare's 'amicus

certus' at the time of his expulsion from the bench in 1680) to George Dickinson his stepson-in-law (now collector of customs in Plymouth, but in 1688 selected as an alderman). The postscript reads:

Presume your wife writt you of G. Mawson being tyd neck and heells by Captain Copley 2 1/2 hours; 1/2 houre longer would have been dead. It's before the parlement.[90]

George Mawson was postmaster at Hull, and in the words of John Baker (the Protestant Tinker) was tied up on the lieutenant-governor's orders 'till blood came from out of his mouth, nose and ears'.[91] On 21 June the matter was referred to the Commons committee of privileges - for not only had Copley treated Mawson with the greatest brutality in order to extract letters from him, one of the letters he opened was addressed to the complainant, the MP for York Alderman Edward Thompson.[92] On the 26th John Wildman the postmaster-general (and one-time leveller) wrote to the earl of Danby with an information against Copley.[93] In the event no formal action was taken, perhaps because the lieutenant-governor was in some sense a client of Danby's.[94] Still, it is ironic to find Thompson himself forwarding intercepted mail to Danby only six weeks later.[95]

The Problem of the Charters

On five occasions between the restoration and the Glorious Revolution central government interfered systematically with corporate officeholding. Each time a different mechanism was used - Corporation Act commissioners in 1662, privy council letters in 1680, quo warrantos against the charters in 1684, government regulators in 1687 and 1688, and a royal proclamation restoring the ancient charters the following October.[96] Unlike earlier interventions, however, the 17 October proclamation was not monitored centrally, and municipal corporations were left to get on with it. The result was a surprising variety of response and an uncertainty which in some cases lasted for years. In fact, so haphazard was the process in Yorkshire that there is no such thing as a 'typical' restoration.

As it happens it has not even been possible to prepare a chart summarising changes to corporate personnel across the county. Seven corporations had their pre-1684 charters restored,[97] and in three of them there is no evidence either who was returned to office or the actual date of restoration.[98] In Leeds, for instance, it is easy enough to work out which corporators should have been restored, but quite another matter working out why some of them were not and why others were obliged to undergo re-election. Of the other four

corporations whose charters were restored by proclamation, the existing membership continued unchanged in Ripon, and in Hull all but one alderman from the pre-regulated bench was back in office following borough elections on 7 November.[99] In Pontefract too the restored corporation on 17 January 1689 was with one exception identical to its pre-regulated predecessor, although questions later arose about the validity of elections (as will be seen). Only in Scarborough, where the ancient form of government by two bailiffs and three twelves was reinstated (together with annual elections of all officers), were there major changes of personnel (see Chart 9/3). Not only were the intruders ignored completely - so far as can be ascertained not one of Aslabys corporators remained in office[100] - the country gentlemen nominated in Commissary Knowsleys 1684 charter were ignored too. In fact only sixteen of the forty-three corporators serving in September 1686 were re-elected on 16 November 1688. Most had probably also served before 1684. (A seventeenth, Thomas Sedman, who had probably co-operated with the catholic Mayor Aslaby, resumed office a year or so later.)

A greater technical interest attaches to the three corporations whose pre-1684 charters were not restored by the October proclamation - Beverley and Doncaster because their surrenders had been enrolled, and York because a judgement had been recorded at the kings bench against the

corporation.[101] The proclamation explained that upon application surrenders would be cancelled and judgements vacated, whereupon new charters or other instruments would be used to restore the status quo ante. York was quickest off the mark, perhaps because a botched regulation earlier in the month had left the city without a lord mayor or any obvious way of electing one.[102] Simon Harcourt, the future lord chancellor, represented the city, and on 30 October a writ of restitution was issued out of the king's bench. Three days later an order in council removed all municipal officeholders in York who claimed office solely by virtue of the 1685 charter. The latter was read out at a corporation meeting on 10 November and during the next few weeks vacancies were filled by election.[103] Interestingly, none of the five aldermen added to the bench by the 1685 charter was re-elected, and only seven out of the thirteen coincided with the pre-October bench.[104] Incidentally, the record of a shrieval election made on 10 November had to be scrubbed out because of initial confusion over the operative date to be used for the restoration.[105]

In Doncaster Ralph Hansby's catholic-led corporation was kept alive artificially thanks to the enrolment of an instrument of surrender.[106] Indeed John Arthur, an intruded alderman and the former deputy recorder, was sworn a justice of the peace on 25 October 1688, several days after news of the

proclamation must have arrived in the town.[107] A warrant for a new charter was prepared on the 30th, and the charter itself was sealed on 10 November.[108] By then it had emerged that the enrolment was of no legal force, the charter having been surrendered to Charles II (by name) but enrolled by his brother.[109] All the same the 1688 charter went ahead and the corporation of 1685 was restored (including three capital burgesses known to be dead). They were back in office by 3 December (see Chart 10/5).[110] Alderman Hall, Reresby's informant at the time of the 1684 riot, was restored to the bench (he had already been intruded with Hansby), and was to remain a thorn in his brethren's side until his death in April 1693.[111] Meanwhile Sir John Boynton, the pro-James recorder, obligingly died, and Arthur, once again town clerk as well as deputy recorder, seems to have found it expedient to resign. A new clerk was elected on 16 January.[112]

The response in Beverley to the king's offer to restore their ancient charters was altogether more lukewarm. Initially the burgesses went through the motions, and in a letter addressed to the town clerk from London on the day of King James's first flight a certain S. Gwillyn wrote:

Sir, the stupendious and surprizing news of the last night's revolucon has putt a stop to the proceedings of renewing the corporacons. . . . I had proceeded no further then only to draw up the long charter of Beverley in the same terms with that of Charles II. But it cannot go on

now, any more than the parliament elections.[113]

On receiving this news it appears the corporation simply gave up, and in April the following year

the charter of King James the Second ordered to be . . . carried to York in order to get it allowed by the present high sheriffe of this country.[114]

In the event the charter of 1685 continued to be the town's governing instrument until the nineteenth century, and there are several reasons why the burgesses might have wished to retain it - not least the commercial advantages which it offered, such as a new cattle fair every February.[115] It may also be significant that the town had spent £438 13s. 4d. on the new charter, much of it borrowed money.[116] But perhaps most relevant was the effect restoration would have had on personnel. Eight of the thirteen serving aldermen would have been displaced, and although some might have been elected to fill vacancies (as happened in Hull), the return of anglicans and loyalists displaced earlier in the year by James II would have changed the political complexion of the ruling group entirely - surely the most important reason for leaving well alone.

If the reaction of the ten Yorkshire corporations to James II's October proclamation was remarkably varied, their

response the following summer to the introduction of new oaths of allegiance and supremacy was scarcely less so. In some boroughs, as before, the source material is incomplete. In others there were no non-routine changes in officeholding, which implies the oaths were sworn without overt hostility.[117] (The records show there were sometimes difficulties getting men to take up office, which might, or again might not, reflect political opposition to the new regime.) In Leeds meanwhile four corporation assistants failed to take the new oaths by the due date and their places were declared void. Although they were re-elected on 31 August 1689 and immediately swore the oaths, the unexplained disappearance from the corporation of Alderman Henry Pawson might well reflect a positive refusal to follow suit.[118]

It is the Hull sources which provide the best evidence of dissatisfaction in governing circles with the new political dispensation, even if it is a little difficult to interpret. On 29 August 1689 Aldermen Hayes and Skinner were displaced for refusing the new oaths, and five days later two successors were elected to take their place.[119] Hayes was one of three aldermen first brought into the corporation in the 1685 charter, and Skinner had been elected as recently as November. Unfortunately very little is known about either of them, although in May 1691 Skinner headed a list of papists and other disaffected persons in the town.[120] Their successors

included Anthony Iveson, one of the 1688 intruders and a signatory of the letter to Hotham inviting him to become their MP. (A second signatory, Richard Ellis, was another aldermanic candidate.) Meanwhile on 18 October 1689 Michael Bielby, a prominent congregationalist who had been 'in actual arms' against the king during the civil war, refused the new oaths following his election as sheriff. Bielby had been confined to his home at the time of Monmouth's rising.[121] Even if, as has been suggested, Hayes and Skinner were jacobites,[122] it is hard to imagine that Bielby made a third.

In a recent examination of politics in Great Yarmouth during the reign of William III Dr Perry Gauci has emphasised two points. First of all, several municipal corporations remained uneasy about the practical implications of the October proclamation for many years. Second, external interference in corporate personnel did not, as is sometimes implied, come to a sudden end in 1688.[123] In what follows both are examined using material from Yorkshire.

The confusion which followed James II's proclamation is best illustrated using the Booke of Entries of the Pontefract corporation - although it is easier to show what happened than to understand exactly why. Alderman Hastings Sayle was elected mayor on 14 September 1688 by virtue of the 1685 charter.[124] He took the oaths and made the subscription on the 29th. There

are then no entries until 14 December, some two months after the proclamation, when the 'antient' aldermen (that is to say, those holding office before 1685) re-elected Sayle to the bench and then immediately re-elected him mayor - a procedure which seems a little casual. (The mayor was parliamentary returning officer, and the election was probably made in readiness for the abortive December elections.) On 17 January four displaced aldermen who had served by virtue of the 1685 charter were themselves re-elected to office, and were joined by Peter Mason one of James's 1688 intruders. In the event only Mason took the oaths, and a much depleted bench carried on until the September 1689 mayoral election. The four former aldermen were then elected to office once again, this time with two newcomers to fill vacancies. The mayor chosen was Alderman John Johnston, Dr Johnston's brother, although for some unexplained reason Johnston 'lefte his office of mayoralty' before 18 February. (This was exactly one week before the parliamentary elections, and as the brother of two jacobites[125] Johnston may have refused to act as returning officer.) Finally, on 12 September 1691 the four surviving 'antient' aldermen met together, 'there having beene some undue proceedings in elections', and chose one of their own number as mayor. They then set about electing eight of their brethren into office yet again, in some instances for the fourth time. It is not clear what provoked this drastic remedy, but it seems at last to have done the trick.[126] They

did leave it rather late: by the spring of 1698 all the 'antient' aldermen were dead.

Central interest in the corporations and in municipal officeholding did not come to an abrupt end in 1688, although the principal attack now came from parliament rather than directly from government. Naturally news percolated into Yorkshire, and in a letter addressed to Mayor Massey of Leeds (written the day the convention parliament was dissolved) Sir John Kaye wrote a mysterious postscript on behalf of himself and his fellow county MP lord Fairfax:

I cann assure [you] my honest lord is very much your servants; and if both of us had not been soe (which was noe more than our duty), what had become of your corporation and others you may hereafter heare more of.[127]

Although none of the proposed legislation ever reached the statute books - presumably the reason historians have never studied it except in a strictly parliamentary context - the impact of the Corporations Restorations Bill on officeholding would have been every bit as dramatic as in 1662, 1684-5 and 1688, whatever precise form it had taken. As early as March or April 1689 Richard Thompson had warned his brother in Yorkshire about parliamentary attacks on government officials generally:

We have nothing to fear but too much eagernes. I find by Harry Trenchard (who is himself warm) that they are apt to overdo. They are for removing in an instant al the old instruments to that purpose. Jack How told em in the House that if in the cobbler's shop the same lasts, the same tools, were found, it was the old cobbler's shop stil. Thus violent are they, they would not leave so much as one last in the shop.[128]

First there was an abortive bill to repeal the Corporation Act. After a first reading on 7 March 1689 and a second three weeks later, no further action was taken.[129] More worrying for existing corporators was a bill drawn up in response to a petition from the city of London on 24 June. The first Corporations Restorations Bill disappeared with the October prorogation, but another was ordered before the end of the month. It had its second reading on 19 December, and on 2 January the notorious Sacheverell clause was spliced in[130] - the beginning of what Dr Douglas Lacey calls 'the climactic battle of the Convention Parliament'.[131] On the 10th the Sacheverell clause was struck out again, and the next day the bill was read in the House of Lords. It died shortly afterwards when parliament was prorogued on the 27th. In its passage between Commons, Lords and committee the restorations bill took many forms - sometimes, as on 2 January 1690, deliberately eliminating selected groups of anglicans, and sometimes, as in its immediate predecessor, deliberately eliminating nonconformists. The decision has therefore been taken to select two very different versions of the bill and to

consider here the impact of each on the corporations of Yorkshire.

In its 'tory' form a version of the bill is conveniently available in the House of Lords papers for 11 January 1690.[132] So far as officeholding was concerned its result, broadly speaking, would have been to invalidate all corporate elections occurring after a quo warranto or surrender (including, implicitly, elections made late in 1688 and 1689 in accordance with the October proclamation), and its effect would have been to entrench in power the men who had surrendered the charters in 1684 and 1685. In many corporations (as happened several times in Pontefract) vacancies would no doubt have been filled by the men displaced by the new act - something nevertheless which could not be guaranteed. In Beverley for instance, whose corporation still governed the town by virtue of James II's 1685 charter, eight aldermen would be ejected. (It may therefore be significant that Sir Michael Warton, one of Beverley's MPs, was listed as a supporter of the Sacheverell clause.[133])

The Sacheverell clause encapsulates the 'whig' form of the bill at its most vindictive. It came in two versions. Initially it sought to disqualify from municipal office for seven years every officer responsible for giving up a charter 'without the consent of the greater number of the respective

body corporate'.[134] In Scarborough, where this had certainly been the case, the effect would have been to remove both serving bailiffs and at least three other corporators.[135] Beverley on the other hand, whose surrender was signed by the mayor, all the aldermen, and ten of the thirteen capital burgesses, would have remained immune.[136] The second version of the clause, the one briefly inserted into the bill, disabled everyone involved in making a surrender[137] - the exact opposite of the 'tory' bill. This would have caught Beverley too, whose only surviving aldermen would have been four recent appointees. Scarborough however would have been no worse affected. It is worth adding that the Sacheverell clause was inserted into a 'tory' version of the bill. If the bill had become law as it stood, the practical consequence would have been to sweep nearly every Yorkshire corporator out of office. Most would then have been disqualified from re-election for seven years. Indeed one wonders whether the bill's sponsors had thought through the practical consequences of their proposed legislation.[138]

A Dear Bargain?

An influential jacobite pamphlet which appeared early in William III's reign was the anonymous The Dear Bargain. [139]

Its particular bias is evident from its striking subtitle - 'A true representation of the state of the English nation under the Dutch' - and it seems to have been written round about the time of the 1690 general elections. Its author was Dr Nathaniel Johnston, the Pontefract physician and propagandist for King James, who was now living in semi-hiding in London.[140] Although many of its arguments are familiar from his earlier writings,[141] King William, he now adds, has 'no other title but conquest and possession'. His was

a government raised by parricide and usurpation, entered into by violation of his own declaration, supported by the overthrow of all our laws sacred and civil, and the perjury of the nation.[142]

Predictably Johnston concludes by begging all true Englishmen to recall King James.

Johnston was not alone in viewing the Glorious Revolution as a 'dear bargain'. Castilian Morris, whose private diary has turned up in the record office at Wakefield, also longed for the return of the king. A typical entry (like most of the others it is addressed directly to god) reads:

O Lord be mercyfull unto us though we have sinned and rebelled against thee. And for the time we that our king [sic] and his people have sufferred adversitie and calamities, doe thou O Lord in thy mercye send us peace and prosperity and restore him againe to us, and us to him, and all of us to thee.[143]

Unlike Johnston, however, Morris kept his jacobitism secret and clung on to the town clerkship of Leeds. (If his private diary had not been identified it would always have remained a secret.) Although hard evidence is of course slight, many other officeholders in Yorkshire and elsewhere must have sworn the new oaths of allegiance and supremacy with mental reservations. For every Alderman Hayes or Alderman Skinner of Hull who became a nonjuror there must have been many Aldermen Dixons of Leeds whose offices mattered more to them than their consciences.

For obvious reasons Roman Catholics immediately lost all their political influence. Many emigrated - some temporarily, like Sir Philip Constable,[144] others for good. It has been estimated that 70,000 jacobites, many of them no doubt papists, were driven into French exile during William III's reign - that is to say, at least as many as the total number of Huguenots arriving from France the previous decade.[145] It is difficult to account in any other way for the complete disappearance of the Aslaby family, for instance. The former mayor of Scarborough may have died shortly before the Dutch invasion,[146] but his three sons (two of whom married catholic Langdales) seem also to have vanished without trace. Other catholics simply went to ground, among them Ralph Hansby, one-time mayor of Doncaster.[147] Still others spent periods of time in gaol. In August 1690, for example, John

Middleton of Stockeld Park (a West Riding JP, deputy, and commissioner for the Three Questions) could be found in Hull Castle,[148] and Sir Philip Constable (an East Riding JP and deputy) in York.[149]

For a third group of men besides anglican jacobites and papists the new dispensation was also a 'dear bargain'. Extreme dissenting protestants like John Yates in Hull and Thomas English in Pontefract, quakers who were both earmarked by James's regulators as aldermen, straightaway lost all prospect of public office. So too did independents like John Robinson, another prospective alderman of Hull. Moreover for nonconformists generally, and not just Roman Catholics, the 1689 Toleration Act was distinctly less advantageous than James's prerogative toleration.

Chart 11/1

SIGNATORIES TO THE HOTHAM LETTER
15 December 1688

	<u>background</u>	<u>office</u>	<u>1688</u>	<u>future</u>
<u>Sir James Bradshaw</u>	exclusionist		proposed MP	parl cand
<u>Daniel Hoare</u>	dissenter/ exclusionist	mayor	mayor	d. Jan 89
<u>Anthony Iveson</u>	dissenter/ exclusionist	sheriff	alderman	mayor
Richard Ellis		sheriff		mayor
Richard Blanchard		sheriff	alderman	d. Dec 89
<u>John Baker</u>	dissenter/ exclusionist	chamb'n	govt agent?	
<u>Samuel Stockdaile</u>	*dissenter			
John Watson	*dissenter			

Key

underlined = confined at time of Monmouth's rebellion
background = religious/political background
* = independent
office = highest civic office held before 1688
1688 = involvement with James II
future = highest civic office held after 1688

Principal sources

BJL Hull, DDHO/13/2b (the Hotham letter)
HCRO, BRB6, fol. 133; BRL 1502
'An Old Church Roll', ed. B. Dale, YCM, III (1893), 186-93
CSPD, 1685, no. 1044
Ward, Ph.D. thesis, pp. 240-2
Short, 'Corporation of Hull', tables 1 and 2 (and sources)

CHAPTER 12: CONCLUSION

Discontinuity might appear to be the most characteristic feature of Yorkshire politics between the popish plot and the dissolution of the convention parliament - the impact of sudden reversals of central government policy on officeholding, for instance, or the constitutional implications of the campaign to pack parliament. At another level however continuities are much more apparent. Local political institutions in 1690 were structurally much as they had been in 1678 and run by much the same kinds of people (in some cases by the very same people). Underlying governmental concerns were not so different either - the maintenance of security and local order, for example, or the implementation of specific policy objectives. An explanation for these contradictory impressions is hinted at in an address from Hull dated 12 January 1689, which welcomed the Prince of Orange's

happy arrivall into this nation, whereby wee are miraculously delivered from those eminent dangers which threatned us with perverteing our religion and introducing tyranny and arbitrary government.[1]

Perhaps, in other words, the chief difference between 1678 and 1690 was what had happened in between. Although this is not the place to consider James II's religious objectives, still less to speculate about his absolutist tendencies,[2] the evidence from Yorkshire suggests that men with little to lose hoped to reap substantial rewards from a regime which (in its last months especially) could be seen as new and adventurous - men like Ralph Hansby, a catholic, the intruded mayor of Doncaster; John Baker, a dissenter, the Protestant Tinker; or Sir James Bradshaw, a former exclusionist, the would-be MP for Hull. These men, and others like them, all had political ambitions but for different reasons could not break into the old dispensation. Given time, however, they might have formed the nucleus of a new governing elite in Yorkshire under the patronage of King James.[3] Indeed, it is conceivable that the three factors which Professor J.H. Plumb long ago identified as prerequisites for political stability - single-party government, the legislature firmly under executive control, and a sense of common identity among those in power[4] - might have arisen just as quickly under James's strong monarchy as it did in post-revolution England. As the Hull addressers noted with relief, the Dutch invasion put paid to all that.

An unexpectedly positive appraisal of James II's prospects is merely the most important of several revisionist conclusions to have emerged from a regional study of the period. One or

two pertinacious historical errors have also been disposed of, not least the unexamined assumption that parliamentary boroughs necessarily had governing charters. Again, of a more than purely local interest are some of the political events disinterred while researching the thesis. The Barnbow plot and its wider consequences; the Corporation Act enquiries in 1680; the negotiations in 1684 and 1685 for new charters to govern Leeds, Hull and York; the work of the 'now loyal' corporation of Scarborough under Commissary Knowsley; the sojourn of Huntingdon's regiment in Hull; the political background to the Leeds dissenters' address; the brief catholic-led corporation of Doncaster in 1688; and the military preparations undertaken in anticipation of a Dutch invasion of Yorkshire - all these events, and many more, had a national as well as a merely local resonance. Yet not one of them has ever been properly looked at before, and most are referred to here for the first time.

Of equal interest are some of the individuals who played a central role in those events. They were lesser men for the most part, and they have helped to redress a long-established (and somewhat deferential) historiographical fixation on the prime gentry - that is to say, men like Captain Fairfax and Alderman Thompson of York, Dr Johnston and Castilian Morris of Pontefract, and Commissary Knowsley and Thomas Aslaby of Scarborough. A few of them have been mentioned in passing by

earlier commentators (although nothing is seen of Johnston's pompous self-importance, say, in the Dictionary of National Biography). The others reappear here for the first time in three hundred years. Yet many of them were political movers and shakers of the first rank, and all were in direct contact (from time to time) with central government and its agents, either as officeholders or political freelancers.

This observation points to what is probably the most novel feature of the thesis - for despite being firmly rooted in the local source material, it is not local history in the faintly pejorative, parish-pump sense which frequently attaches to the expression. Instead, the thesis homes in on the complex relations between central government and the local administration in Yorkshire, and uses them (amongst many other things) to assess the 'fit' (or otherwise) between local and national politics. The result is the first fullscale study of English politics between the popish plot and the convention parliament to be written from a regional perspective - and as such, it is hoped, an important addition to the historiography of late seventeenth century England.

FOOTNOTES, CHAPTER 1

1 For this whole section, Hull City Record Office, Corporation Letters, BRL 1051/2, 1054, 1056, 1058 to 1061; Bench Book, BRB6, fols 120-1; Calendar of State Papers Domestic, 1685, no. 102. (All dates are Old Style with the year beginning 1 Jan. In quotations punctuation and capitalisation have been modernised and abbreviations extended.)

2 London Gazette, no. 2013.

3 HCRO, BRL 1058.

4 HCRO, BRL 1060.

5 Not the only Hull address which Plymouth doctored. See M.J. Short, 'The Corporation of Hull and the Government of James II, 1687-88', Historical Research, LXXI (1998), 177-8.

6 Gazette, nos 2010 to 2027, passim.

7 Perry Gauci makes a similar remark, Politics and Society in Great Yarmouth, 1660-1722 (Oxford, 1996), p. 2. Points made in this and the next paragraph are expanded (and referenced) in later chapters.

8 For reasons of space I have not included detailed footnote references to general histories.

9 A.M. Coleby, Central Government and the Localities: Hampshire 1649-89 (Cambridge, 1987).

10 Except for men at the apex of the local administration, Coleby does not 'place' people or track them through time.

11 For Mason's official life, see (in addition to corporation records) Calendar of Treasury Books. Pedigree in Familia Minorum Gentium, ed. J.W. Clay, Harleian Society, XXXVII-XL (1894-96), pp. 201-2; Pedigrees of the County Families of Yorkshire, ed. J. Foster (2 vols. London, 1874).

12 Historical Manuscripts Commission, Dartmouth MSS, I, 128.

13 CTB, 1685-89, p. 341.

14 E.g. two recent theses: C.M. Keen, 'Yorkshire Politics, 1658-88', Ph.D. thesis (Sheffield, 1991); S.E.E. Pitts, 'The Slingsbys of Scriven, c1600-88', Ph.D. thesis (Leeds, 1994).

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15 Peter Roebuck warns, 'The sources only rarely permit the clear delineation of personality traits; and character cannot be analysed by picking up an action or an opinion here and there and tying them into a bundle,' Yorkshire Baronets, 1640-1760 (Oxford, 1980), p. 251.

16 Obviously the vast bulk of biographical information could not be incorporated into the thesis. Yorkshiremen whose stage was national rather than local have been deliberately neglected, e.g. Danby, Halifax and Sir Patience Ward.

17 For a much more positive view of sampling, see G.E. Aylmer, The State's Servants (London, 1973), pp. 168-75). Aylmer's concerns are very different from mine.

18 L.K.J. Glassey, Politics and the Appointment of Justices of the Peace, 1675-1720 (Oxford, 1979); J.C.F. Childs, The Army of Charles II (London, 1976); J.C.F. Childs, The Army, James II and the Glorious Revolution (Manchester, 1980); J.C.F. Childs, The British Army of William III (Manchester, 1987).

19 I have endeavoured to examine everything with a bearing on politics and public office 1678 to 1690, but not records of civil courts, financial accounts, freeman registers etc. (except as a guide to what happened late in 1688).

20 There is disappointingly little on the Thompson, Barnard, Boynton, Gee, Palmes, St Quintin and Warton families.

21 Silent abridgements are a major problem. So is an unfamiliarity with secretary hand, which renders some texts wholly unintelligible. Particularly unhelpful are the transcriptions in J.B. Baker, The History of Scarborough from the Earliest Date (London, 1882).

22 House of Commons, 1660-90, ed. B.D. Henning (3 vols. London, 1983), I, 468-91.

23 Of the biographies of the 30 Yorkshire MPs returned in 1685, only five use MS material located in Yorkshire.

24 For Pontefract, West Yorkshire Archives Service Wakefield, 3 unsorted boxes; Richmond, NYCRO, Coucher Book, DC/RMB 2/1/1; Scarborough, parts of NYCRO, DC/SCB MIC 1127, 1320, 1348, 2052.

25 Brotherton Library, University of Leeds, Wentworth of Woolley MSS, especially WH 3, 5, 7, 20, 57, 59, 66, 68, 70. There are almost certainly strays elsewhere (WH 143 looks

FOOTNOTES, CHAPTER 1

useful but could not be located). WH 20 is calendared in HMC Various Collections, II (some items incorrectly dated).

26 HCRO, BRL 2759a; Short, 'Corporation of Hull'.

27 York City Archives, draft House Book, BL (rear), unfoliated.

28 WYAS Yorkshire Archaeological Society, MS 3 and 4.

29 WYAS Leeds, Reresby Correspondence, MX/R 55 and 56.

30 Brynmor Jones Library, University of Hull, DX/4.

31 WYAS YAS, MS 537 (an unsorted bundle).

32 WYAS Leeds, unlisted papers among Gascoigne of Barnbow MSS, GC/F8/1.

33 WYAS Wakefield, Acc. C996. Morris married on 9 Sept. 1679 (R. Thoresby, Ducatus Leodiensis (London, 1715), p. 74), as described fol. 80.

34 Of the lists of officeholders used to compile the various charts little need be said. With unimportant exceptions they are taken directly from official sources, although the use of deputies (e.g. for recorders and town clerks) has meant some problems of identification. (Complete lists of senior corporators have been compiled for Beverley, Doncaster, Hull, Leeds, Pontefract, Ripon and York. The sources for Hedon, Richmond and Scarborough are defective.)

FOOTNOTES, CHAPTER 2

1 The army in York was caught up in a riot in 1688 (see chapter 11).

2 Except as indicated, the source for this paragraph is Doncaster Archives, Corporation Records, AB2 1/1 (Courtiers I), fols 294v-296.

3 Memoirs of Sir John Reresby, ed. A. Browning, 2nd ed. (London, 1991), p. 339.

4 WYAS Leeds, MX/R 28/20.

FOOTNOTES, CHAPTER 2

- 5 Memoirs, p. 339; DA, AB2 1/1, fol. 296. .
- 6 PRO, SP44/56, fol. 113.
- 7 WYAS Leeds, MX/R 27/10.
- 8 Memoirs, p. 341.
- 9 WYAS Leeds, MX/R 28/20, 28/28. Corporation meetings were held in secret.
- 10 For all the following, see Memoirs, pp. 240, 342; DA, AB2 1/1, fol. 296.
- 11 See chapter 7.
- 12 In a different context, see J.R. Western, Monarchy and Revolution (London, 1972), pp. 66-9.
- 13 Bundles of oaths and declarations in DA, AB4/1, 2; YCA, G59, K13.
- 14 For the impact of the penal legislation, see e.g. J. Miller, Popery and Politics, chapter 3; D.R. Lacey, Dissent and Parliamentary Politics in England, 1661-89 (New Jersey, 1969), chapter 4.
- 15 The main legislation comprised 13 Car. II st 2, c.1 (Corporation Act) and 25 Car. II, c. 2 (First Test Act), see Statutes of the Realm, V, 321-3, 782-5. The acts overlapped (as did other acts), and it is more helpful to outline the various requirements than to summarise each act in turn.
- 16 Not 1687-88, when the penal legislation was dispensed and then suspended. New oaths of allegiance and supremacy were introduced in 1689.
- 17 In general there were no other penalties, although refusers could be caught by the penal laws.
- 18 The 1688 charter for Hull granted complex dispensing clauses for all seven, Charters and Letters Patent granted to Kingston upon Hull, ed. J.R. Boyle (Hull, 1905), pp. 251-4.
- 19 But see C. Hildyard, Antiquities of York City, ed. J. Torre (York, 1719), p. 123 (Francis Calvert elected sheriff of York in 1671, 'a papist who took the oath'). Also Sir Thomas Strickland and Sir Solomon Swale, Henning, III, 504-6, 514-17. All however were pre-popish plot.

FOOTNOTES, CHAPTER 2

20 Thoresby, Diary, I, 319; D.H. Atkinson, Ralph Thoresby the Topographer (2 vols. Leeds, 1885), I, 341, 343.

21 See E.G. Henderson, Foundations of English Administrative Law (Cambridge, Mass., 1963). In the 1660s displaced aldermen in Richmond and Ripon were restored by mandamus (J.H. Sactet, 'The Restoration Government and Municipal Corporations', English Historical Review, XLV (1930), 255; The Ripon Millenary Record (Ripon, 1892), pp. 67, 70).

22 See chapter 5.

23 WYAS Leeds, MX/R 28/20; see also 27/16.

24 Memoirs, p. 339.

25 Other central bodies operating in the provinces, like the treasury, customs and the ordnance board, did not routinely supervise the activities of local political institutions. See H. Tomlinson, 'Financial and Administrative Developments in England, 1660-88', in The Restored Monarchy, ed. J.R. Jones (London, 1979), pp. 105-17, and the bibliography, pp. 200-1.

26 D. Ogg, England in the Reigns of James II and William III pbk ed. (Oxford, 1969), p. 333.

27 E.g. HCRO, BRL 2759a, fols 7, 9.

28 E.g. HCRO, BRL 2759a, fol. 32v; BRM 386.

29 See E.R. Turner, The Privy Council of England, 1603-1784 (2 vols. Baltimore, 1927-28), II, 154-67, for the routine administration of petitions.

30 CSPD, 1685, no. 223.

31 WYAS YAS, Slingsby of Scriven MSS, legal papers, DD 56/A7/18, 19.

32 PRO, PC2/69 fols 25, 100.

33 HCRO, BRM 382a.

34 PRO, SP44/55 fol. 43; CSPD, 1683-84, pp. 182-3; A Collection of the Sufferings of the People called Quakers, ed. J. Besse (2 vols. London, 1753), II, 160-2.

35 PRO, SP31/4, fol. 135.

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- 36 CSPD, 1689-90, p. 98; HMC Ninth Report (Manvers MSS), p. 378.
- 37 HCRO, BRM 386.
- 38 CSPD, 1684-85, p. 189; Short, 'Corporation of Hull', p. 183.
- 39 PRO, PC2/69, fol. 57.
- 40 HCRO, BRL 1041/2.
- 41 Broadly speaking proclamations and declarations were of universal effect, the former (often) enforcing existing laws and the latter in effect making (or suspending) them. Orders and warrants were usually (not always) addressed to named individuals, and required them to perform specified tasks. See Turner, Privy Council, II, 166-72.
- 42 HCRO, BRM 363.
- 43 A Bibliography of Royal Proclamations, ed. R. Steele (Oxford, 1910), nos 3656 to 3688.
- 44 G. Davies, 'Council and Cabinet, 1679-88', EHR, XXXVII (1922), 54.
- 45 Glassey, pp. 70-7.
- 46 Tomlinson, in Restored Monarchy, pp. 110-12.
- 47 For background and references (many of them from CSPD, 1683 ii), see chapter 6.
- 48 See J.S. Cockburn, A History of the English Assizes, 1558-1714 (Cambridge, 1972), especially chapters 8 and 9; and A. Fletcher, Reform in the Provinces (Yale, 1986).
- 49 Huntingdon Library, California, Hastings Correspondence, HA 10466; Memoirs, pp. 445-50.
- 50 'Letters on the Administration of James II's Army', ed. G. Davies, Journal of the Society of Army Historical Research, XXIX (1951), p. 74; Memoirs, pp. 582-3.
- 51 Cockburn, Assizes, pp. 245-61.
- 52 Memoirs, p. 524.

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53 See A. Marshall, Intelligence and Espionage in the Reign of Charles II (Cambridge, 1994), p. 81; P. Fraser, The Intelligence of the Secretaries of State (Cambridge, 1956), p. 21.

54 See, e.g., HCRO, BRL 895 to 927, 24 of which are endorsed with dates of receipt.

55 CSPD, 1673-75, p. 436. Even major towns like Leeds did not have postmasters, Court Books of Leeds Corporation, ed. J.G. Clark, Thoresby Society, XXXIV (1936), pp. 59-62.

56 CSPD, 1685, no. 10; Memoirs, pp. 350-1; YCA, Copy Letters, E85, fols 68-9.

57 Quoting the address in Gazette, no. 1861.

58 Most (or all) were picked up on 7 July. See chapter 4.

59 For the 'loyall party', see Reresby's account of York in 1682, printed Memoirs, pp. 579-81.

60 Memoirs, pp. 282, 358, 435, 531, 579-81.

61 Subordinate appointments, e.g. recruitment of footsoldiers, usually made by (or on recommendation) of commission-holders themselves. For interesting collections of commissions (mostly army and militia), see WYAS YAS, Slingsby MSS, DD 56/L2, L3; Broth. Lib., Wentworth MSS, WH 70.

62 Memoirs, p. 264. Reresby used the term loosely.

63 CSPD, 1680-81, p. 396; HCRO, BRM 365.

64 E.g. a new peace commission simply replaced its predecessor and automatically excluded anyone no longer listed. (Local exceptions included the customership of Hull port.)

65 See however G. Holmes, Augustan England: Professions, State and Society, 1680-1730 (London, 1982); C.W. Brooks, Pettyfoggers and Vipers of the Commonwealth (Cambridge, 1986). Minor administrative posts, often held by deputation, were commonly held in plurality.

66 T.G. Barnes, The Clerk of the Peace in Caroline Somerset (Leicester, 1961), pp. 23-4, 27.

67 G.E. Aylmer, The King's Servants, 2nd ed. (London, 1974), p. 109, draws a distinction between 'judicial' officers at the

FOOTNOTES, CHAPTER 2

top who were easily removable (because answerable for what they did) and 'ministerial' officers who held for life. A similar distinction existed in provincial political institutions.

68 See Chart 10/1. For Mace, see Clerks of the Counties, 1360-1960, ed. E. Stephens (Newport, 1961).

69 Lists of militia officers in House of Lords Record Office, Main Papers, MS 287, c2; A.M. Evans, 'Yorkshire and the Revolution of 1688', Yorkshire Archaeological Journal, XXIX (1929), 284; and G.A. Raikes, The First Regiment of Militia (London, 1876), p. 60. For Hewitt, WYAS Leeds, MX/R 12/8; J.R. Western, The English Militia in the Eighteenth Century (London, 1965), p. 60.

70 Beverley Borough Records, ed. J. Dunnett, Yorkshire Archaeological Society Record Series, LXXXIV (1933), p. xvi and passim.

71 A Dialogue betwixt Whig and Tory, cited in A. Marshall, Intelligence, p. 302.

72 WYAS Leeds, MX/R 20/19.

73 For the radicals in the provinces, see especially R.L. Greaves, Secrets of the Kingdom: British Radicals from the Popish Plot to the Revolution of 1688-89 (Stanford, 1992).

74 An important exception is Marshall, Intelligence, especially chapter 3. However Marshall and Fraser, Intelligence both deal mainly with central issues.

75 See brief biography in Henning, II, 182.

76 Besse, II, 148.

77 BJL Hull, Lloyd-Greame MSS, DDLG 5/32, 20 Dec. 1684.

78 On Roxby's informing activities, see Broth. Lib., Yorkshire Friends' Archive, V.1.1(2), fols 69-75.

79 For examples of mutual backscratching, CSPD, 1680-81, p. 670 (which properly dates from late April 1683); 1683 ii, p. 172.

80 Letters addressed from London to Sir Joseph Williamson, ed. W.D. Christie, Camden Society (1874), II, 163.

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81 CSPD, 1672, pp. 461-2, 480; 1678, pp. 599-600; 1675-76, p. 234 (cited); 1677-78, p. 74 (cited).

82 Except as indicated, paragraph drawn from Narrative of Lawrence Mowbray (London, 1680); A Complete Collection of State-Trials and Proceedings for High Treason, ed. F. Hargrave (London, 1776), III, 1-32, 79-90, 317-28.

83 Depositions from the Castle of York, ed. J. Raine, Surtees Society, XL (1861), p. 244n.

84 Section 5 of 1661 Act for the Preservation of the King, SR, V, 304-6.

85 ST, III, 21 (with the text rearranged). Compare col. 326. See also the entertaining exchange on this subject at Stapleton's trial, col. 324.

86 Mowbray, p. 24.

87 For the following, see especially B JL Hull, DX/4/7, 'An Extract of Letters', Jan. to May 1681; also the documents in J.J. Sheahan, History of the Town and Port of Kingston upon Hull (Beverley, 1866), pp. 388-45 (his dates should be treated with caution).

88 See Short, 'Corporation of Hull', p. 189 (and references cited). It may simply have been that as a pewterer Baker was expected to know about lead.

89 B JL Hull, DX/4/7, fol. 1.

90 B JL Hull, DX/4/8, 4 Apr. 1681.

91 HCRO, BRM 363 (cited); BRL 1004; CSPD, 1680-81, p. 266.

92 'Memorandum' printed Penal Laws and the Test Act, ed. G. Duckett (2 vols. London, 1882-83), II, x-xiii, and dated Apr. 1688 in The Stuart Constitution, ed. J.P. Kenyon, 2nd ed. (Cambridge, 1989), p. 466. It is interesting to compare it with instructions drawn up for the use of English spies in the Netherlands. There is the same concern with gathering intelligence, reporting back to HQ in writing, and establishing local contacts and correspondents (Marshall, Intelligence, pp. 135-40).

93 Government propagandists based in Yorkshire included Dr Nathaniel Johnston, and (at different periods) Thomas Comber and William Popple.

FOOTNOTES, CHAPTER 2

94 On the dearth of trustworthy news, see J. Sutherland, The Restoration Newspaper and its Development (Cambridge, 1986).

FOOTNOTES, CHAPTER 3

1 E. Chamberlayne, Second Part of the Present State of England, 7th ed. (London, 1677), pp. 136-7.

2 T. Hobbes, Leviathan, ed. R. Tuck (Cambridge, 1991), p. 230.

3 J.R. Jones, The Revolution of 1688 in England (London, 1972), pp. x, 11, 17.

4 An up-to-date list of works in M. Knights, Politics and Opinion in Crisis, 1678-81 (Cambridge, 1994), p. 14n.

5 On the routine functions of the peace commissions, see e.g. Fletcher, Reform. On the politics, Glassey.

6 17th century corporations bore no resemblance to the devolved local administrations of today. See S. and B. Webb, English Local Government (7 vols. London, 1906-27), II and III.

7 The politics of late 17th century Pontefract is untouched by historians.

8 Gazette, no. 1627.

9 John Morris seized the castle on 3 June 1648, surrendered on 24 Mar. 1649, and was executed the following Aug. A brief account of Castilian's early life in WYAS YAS, Ralph Thoresby MSS, MS 17, fols 34-5.

10 T.W. Tew and R. Holmes, A Short Account of the History of Pontefract (Pontefract, c1881), pp. 26-7; H. Farrar, The Book of Pontefract (Buckingham, 1986), p. 104.

11 Records before 1657 are fragmentary. See The Booke of Entries of the Pontefract Corporation, ed. R. Holmes (Pontefract, 1882). MSS in WYAS Wakefield are mostly unsorted.

12 Henning, I, 482.

13 CSPD, 1671-72, pp. 434, 436. Ward sheltered the ejected vicar of All Saints, Pontefract, Calamy Revised, ed. A.G.

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Matthews (Oxford, 1934), p. 194.

14 The Compton Census of 1676: A Critical Edition, ed. A. Whiteman (London, 1986), pp. 590-604.

15 G. Fox, The History of Pontefract (Pontefract, 1827), p. 352; Tew and Holmes, A Short Account, p. 29; Oliver Heywood's Autobiography, Diaries, Anecdote and Event Books, ed. J. Horsfall Turner (4 vols. Brighouse, 1881), II, 222; Besse, II, 165; CTB, 1685-89, p. 481; CSPD, 1686-87, no. 1412.

16 Booke of Entries, pp. 79, 106; WYAS Wakefield, Pontefract Booke of Entries, WMT/PON/1/1, fols 126, 133. Oates called a 'great leader' by the loyalist Sir John Kaye, WYAS Leeds, MX/R 18/23.

17 The term is N. Johnston's, WYAS Leeds, MX/R 4/41.

18 Officially styled 'comburgesses' except 1685-88. Charters translated in Fox, Pontefract, pp. 21-53.

19 Few peers of the realm could have claimed a more impressive descent. (Robert's own great-grandfather was bailiff in the 14th century, Dugdale, p. 20.)

20 WYAS Leeds, MX/R 18/23.

21 Fox, Pontefract, p. 22 (1484 charter).

22 One trivial exception is the election of poor persons to St Nicholas Hospital, Fox, Pontefract, pp. 37-8.

23 Fox, Pontefract, p. 28 (cited); Booke of Entries, pp. 193-4.

24 In Pontefract, unusually, membership of the corporation restricted to owners of ancient burgages. There was no provision for co-option, Webbs, II, 294, 298.

25 For this and the next citation, see Fox, Pontefract, pp. 40-1, which reproduces the order of 15 Nov. 1627.

26 Reference is made to the 'real burgesses' in an undated document (Fox, Pontefract, p. 39n); and to 'all burgesses who have any voice for the electing of any major for the said burrough' (Booke of Entries, p. 205). It is not clear what is meant.

27 Detailed instruction in the 1607 charter, Fox, Pontefract,

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pp. 32-4.

28 WYAS Wakefield, WMT/PON/1/1, fol. 129.

29 WYAS Wakefield, WMT/PON/1/1, to 1687, when Lyle perhaps died. His son Timothy was identified as a prospective alderman in 1688 (see Chart 10/2).

30 See Chart 3/3. The seventh, Nicholas Stable, died in 1676.

31 Broth. Lib., Wentworth MSS, WH 70 (endorsed '73'). Dates internally to second half of 1689. Similar conclusions can be drawn from hearth tax lists. See Purdy, Hearth Tax, p. 202.

32 WYAS Wakefield, Private Diary of Castilian Morris, Acc. C996, fols 156, 164; WYAS Leeds, MX/R 24/2, 23/37.

33 WYAS Leeds, MX/R 15/48, 18/23, 4/41. Warde, Lapidge and Wildman, three intruded aldermen in 1688 (see Chart 10/2), were all excommunicated (Booke of Entries, p. 175). On the use of excommunication as a political weapon, see J. Miller, Charles II (London, 1991), p. 349; Lacey, Dissent, pp. 153, 331.

34 WYAS Leeds, MX/R 18/23, 28 Oct. 1681, J. Kaye to J. Reresby.

35 E.g. the same bill could not be introduced twice in one session (something Charles took full advantage of during the exclusion crisis). MPs fully appreciated the political capital to be made by sponsoring rival parliamentary franchises.

36 There are occasional individual studies like Gauci, Great Yarmouth, but no fullscale comparative works.

37 The rest of this section is based on a close reading of the governing charters for all ten corporations.

38 Richmond 1668 charter, C. Clarkson, The History of Richmond (Richmond, 1814), pp. 367-8.

39 This paragraph and the next two are necessarily very much simplified.

40 In the published translation it runs to two tightly packed pages, Fox, Pontefract, pp. 32-4.

41 R.G. Pickavance does take notice of the various municipal constitutions, but unfairly calls them a 'chaotic farrago',

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'English Boroughs and the King's Government, 1681-85', D.Phil. thesis (Oxford, 1976), p. 19. In reality contemporaries seem to have been perfectly at ease with them.

42 PRO, SP44/66, fols 88-90. Ascribed by Pickavance, D.Phil. thesis, p. 135, to Sir Francis North and to second half of May.

43 Clarkson, Richmond, p. 387.

44 PRO, SP44/66, fol. 88.

45 The ancient constitutional arrangements in Scarborough were quite different. See Present State of the Constitution, Byelaws and Regulations of Scarborough (Scarborough, 1828), pp. 1-15.

46 Some of these terms (and the concepts underlying them) are of course anachronistic.

47 From YCA, E60b, fols 349-65, MS translation of 1664 charter.

48 In Yorkshire there is no municipal equivalent to Grey's Debates. The nearest are Fairfax's commentaries in letters to Reresby, WYAS Leeds, MX/R, passim.

49 In rear of YCA, Draft House Book, BL (unfoliated).

50 DA, AB2 1/3, fol. 215.

51 In most cases it is clear from the charter that legislative acts by the 'common council' had to be carried by a majority of those present. In Leeds there had also to be a quorum.

52 E.g. HCRO, BRB5, fols 746, 770. See chapter 5.

53 For Scarborough, NYCRO, DC/SCB MIC 2052/222 (record of the election of Sir William Cayley as mayor in Sept. 1686); also Present State, p. 15. For Richmond, NYCRO, DC/RMB 2/1/1 (unfoliated), order of 13 Jan. 1669. Compare the privy council, where the youngest spoke first in a debate, D. Ogg, England in the Reign of Charles II (2 vols. Oxford, 1934), I, 190.

54 In York voting was done one by one, although the order is not apparent (e.g. YCA, B38, fol. 206).

55 Exceptions include the Pontefract mayoralty and Hull's

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officers generally. In the following paragraphs individual references are not given. (Where the sources conflict, Chart 3/7 offers the most likely arrangement.)

56 It is some comfort that James's regulators misunderstood the make-up of York's 'twenty-four' (in fact the ex-sheriffs). See 'King James II's Proposed Repeal of the Penal Laws and Test Act', ed. G. Duckett, YAJ, V (1879), 450-1.

57 Present State, p. 7. Other Scarborough elections were just as complicated.

58 See Webbs, I, 292-302; II, 414-19 (for Leeds).

59 The 1668 Richmond charter granted the mayoral franchise to all inhabitants, a provision which seems to have been ignored. See Clarkson, Richmond, p. 122.

60 See especially, Richmond Burgages, ed. L.P. Wenham, NYCRO Publications, XVI (1978); R.T. Fieldhouse, 'Parliamentary Representation in the Borough of Richmond', YAJ, XLIV (1972), 207-09; Clarkson, Richmond, p. 122 and passim; NYCRO, DC/RMB, uncatalogued typescript translation of 1684 charter.

61 For Hedon, see Henning, I, 474.

62 ERAS, Corporation of Hedon, DDIV/33/1, passim.

63 Alured was made recorder of Beverley in 1688; Bethell became an ER JP.

64 Appointed by the Corporation Act commissioners; listed as an alderman until Sept. 1678 (ERAS, DDIV/33/1); died 1679.

65 Except where otherwise noted the next two paragraphs are based on lists of aldermen serving in the summer of 1678. (Records from Richmond too fragmentary to use.)

66 YCA, E60b, fols 349-65.

67 Court Books, pp. 89, 90, 92.

68 HCRO, BRB6, fol. 109, 30 Sept. 1684.

69 Some were illiterate, e.g. R. Barne signed his name as mayor of Hedon with a mark in 1681, ERAS, DDHE/5/1. So did Alderman J. Dawson of Ripon in his reply to the Three Questions, Duckett, p. 456. There are marks too in the Scarborough records.

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70 Religious differences between corporations, sometimes very striking, are considered in later chapters.

71 Gauci, Great Yarmouth, p. 80 points out that merchant was as much a mark of social status as a description of economic activity.

72 HMC Various Collections, II, 172.

73 34 houses in Hull had 10 or more hearths, and just two in Pontefract. Purdy, Hearth Tax, pp. 168-9, 165-6, 192-3, 202. I am indebted to my father Dr W.S. Short for valuable assistance with the statistical analysis of the hearth tax data.

74 B.L.K. Henderson, 'The Commonwealth Charters', TRHS, ser. 3, VI (1912); Sacret, 'Restoration Government'; J. Miller, 'The Crown and the Borough Charters in the Reign of Charles II', EHR, C (1985).

75 Yorkshire commission in Booke of Entries, p. 77. In six corporations the commissioners' names are known.

76 A. De la Pryme, A History of Kingston upon Hull (2 vols. Hull, 1986), II, 98 (written 1698-1701).

77 Sources for Leeds include E. Parsons, The Civil, Ecclesiastical, Literary etc History of Leeds (2 vols. Leeds., 1834), pp. 124-5; D. Hirst, 'The Fracturing of the Cromwellian Alliance: Leeds and Adam Baynes', EHR, CVIII (1993); J.W. Kirby, 'Restoration Leeds and the Aldermen of the Corporation, 1661-1700', NH, XXII (1986).

78 NYCRO, DC/RIC II 8/1/1.

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1 B. Coward, The Stuart Age (London, 1980), p. 281.

2 J. Welwood, Memoirs of the Most Material Transactions for the Last Hundred Years, new ed. (London, 1710), pp. 110-11. A whig physician who came over with William, see DNB.

3 The main sources for Thwing's trial and execution are ST, III, 79-90; R. Bolron, Narrative of Robert Bolron of Shippen Hall, Gentleman (London, 1680); Mowbray; and John Warner's The History of English Persecution of Catholics, ed. T.A. Birrell,

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Catholic Record Society, XXLVII and XLVIII (1953-55), II, 427-8. Unless otherwise stated, references to national events are drawn from J.P. Kenyon, The Popish Plot, new ed. (Harmondsworth, 1984).

4 As opposed, say, to convictions for priesthood. (Bedloe's and Dugdale's plots never came to trial.)

5 ST, VIII, 459-60.

6 ST, III, 87.

7 CSPD, 1679-80, p. 594, 7 Aug.

8 N. Luttrell, A Brief Historical Relation of State Affairs from September 1678 to April 1714 (6 vols. Oxford, 1857), I, 173.

9 J. Scott, 'England's Troubles: Exhuming the Popish Plot' in The Politics of Religion in Restoration England, ed. T. Harris et al. (Oxford, 1990), p. 111 and passim.

10 WYAS Leeds, MX/R 12/96. Also WYAS Wakefield, Acc. C996, fol. 57. For a glimpse of the panic nationally, see Kenyon, Popish Plot, pp. 115-16, 272-5.

11 CSPD, 1678, pp. 562-4.

12 WYAS Leeds, MX/R 12/117, 12/91; CSPD, 1678, p. 521; HCRO, BRL 916; ERAS, BC/II/7/5, fol. 105.

13 Bolron, pp. 29-30 (written only a year later and presumably expected to stir up authentic memories).

14 CSPD, 1678, p. 534; HCRO, BRL 904.

15 CSPD, 1678, pp. 562-4; ST, III, 320; Memoirs, p.159. Each mentions a foreign invasion via Hull or Bridlington.

16 Kenyon, Popish Plot, pp. 110-11.

17 WYAS Leeds, MX/R 12/155.

18 CSPD, 1678, p. 462.

19 Reresby arrived in London for the opening of parliament on 21 Oct., Memoirs, p. 152.

20 WYAS Leeds, MX/R 12/102.

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21 HCRO, BRB5, fol. 594. Gilby was also lieutenant-governor of the garrison.

22 HCRO, BRL 908.

23 HCRO, BRL 917.

24 HCRO, BRL 902 to 911 (905 cited). Gilby was still trying to convince the corporation on 10 Dec. See also CSPD, 1678, pp. 519-20; Childs, Charles II, p. 98.

25 See CSPD, 1678, pp. 497, 508, 511, 594; HMC House of Lords, I, 53-4. Also J. Miller, 'Catholic Officers in the Later Stuart Army', EHR, LXXXVIII (1973), 44; Childs, Charles II, p. 28.

26 E.g. mentioned in WYAS Leeds, MX/R 12/155. Monmouth's orders as lord lieutenant of the ER, CSPD, 1678, p. 451.

27 A cornet in Sir Robert Hildyard's militia troop, HLRO, Main Papers, MS 287, d2, d3 (c19 Nov. 1680).

28 CSPD, 1678, p. 479. His wife was a Tempest and aunt of one of the Barnbow plotters (and related by marriage to many others). Aslaby became catholic mayor of Scarborough in 1688 (see chapter 10).

29 E.g. WYAS Leeds, MX/R 12/102, 12/91; CSPD, 1678, pp. 562-4.

30 Steele, no. 3659; HCRO, BRB5, fol. 596 (where they are described as papists); Heywood, II, 250.

31 Kenyon, Popish Plot, p. 116.

32 WYAS Leeds, MX/R 12/14, 12/4, 12/151, 12/119, 12/71.

33 ERAS, BC/II/7/5, fol. 105; CSPD, 1678, p. 521; WYAS Leeds, MX/R 12/71.

34 See especially WYAS Leeds, MX/R 12/117, 12/102, 12/113, 12/91, 12/31.

35 Heywood, II, 251.

36 Depositions, pp. 203n, 229-30; WYAS Leeds, MX/R 12/91; Steele, no. 3663.

37 HCRO, BRL 902, 903, 907 (redated to 21 Nov.), 905, 908, from which all the following is drawn.

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38 Debates of the House of Commons, ed. A. Grey (10 vols. London, 1763), VI, 265, 267; Journals of the House of Commons, X, 544.

39 Perhaps the Anthony Andus (sic) whose prosecution for recusancy was superseded on 3 Mar. 1686 (CTB, 1685-89, p. 626); and the Anthony Audas (sic) who was confirmed the following year (Bishop Leyburn's Confirmation Register of 1687, ed. J.A. Hilton et al., North West Catholic History Society (1997), p. 257).

40 For Aveling's many books and articles, see the bibliography.

41 For numbers of catholics, see Miller, Popery and Politics, pp. 9-12; and for Yorkshire, J.C.H. Aveling, 'Some Aspects of Yorkshire Catholic Recusant History, 1558-1791', Studies in Church History, IV (1967), 111. Printed primary sources include Compton Census, pp. 590-604; and a long list of names in HMC Ninth Report (North Riding MSS), I, 334-44. MS recusancy rolls etc. have not been consulted.

42 J.T. Cliffe, The Yorkshire Gentry from the Reformation to the Civil War (London, 1969), especially pp. 5, 186, 189; J.C.H. Aveling, 'The Catholic Recusants of the West Riding of Yorkshire, 1558-1790', Proceedings of the Leeds Philosophical and Literary Society, X (1962-63), p. 191.

43 On the gradations of gentility, see Aylmer, King's Servants, pp. 259-67; State's Servants, pp. 394-5; Cliffe, Yorkshire Gentry, chapter 1.

44 See the numerous queries in Dugdale.

45 The following statistics have been compiled using Roebuck, Yorkshire Baronets, Appendix 1, and Complete Baronetage, ed. G.E. Cokayne (5 vols. Exeter, 1900-06), and are adjusted for promotions into the peerage, and movements in and out of Yorkshire. Catholics have been identified using Aveling.

46 HLRO, Main Papers, MS 321, fols c40, c41, c44, c57. Since first names and places are not always given some of the identifications in Chart 4/1 are a little insecure. (For the bill, HMC House of Lords, I, 222-5; Miller, Popery and Politics, pp. 163-4.)

47 Not younger members of the family, who were after all just as likely to be papists.

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48 Steward to lord Brudenell of Howley Hall, Heywood, II, 293.

49 J.C.H. Aveling, Northern Catholics: The Catholic Recusants of the North Riding of Yorkshire, 1558-1790, (London, 1966), p. 326; Foster, Pedigrees, I.

50 His father, mother and grandfather were all presented as recusants, T.B. Trappes-Lomax, 'The Palmes of Naburn', YAJ, XL (1959-62); The English Catholic Nonjurors of 1715, ed. E.E. Estcourt and J.O. Payne (London, 1885), 303. Discrepancies arise between Charts 4/1 and 9/2 because unsworn JPs were not tendered the Three Questions.

51 Foster, Pedigrees, I; Miller, 'Catholic Officers', p. 49n.

52 Except as otherwise noted, this paragraph is drawn from WYAS Wakefield, QS 4/13 (Indictment Book N), fols 21v-24v; and QS 1/18/3 (session roll).

53 For the Hansby family, see J. Hunter, South Yorkshire: The History and Topography of the Deanery of Doncaster (2 vols. London, 1828-31), I, 234-5.

54 WYAS Wakefield, QS 4/13, passim.

55 J.A. Williams, 'English Catholicism under Charles II: The Legal Position', Recusant History, VII (1963-64), p. 125. A 20th century parallel might be the authorities' unwillingness (or inability) to enforce the laws against the possession of soft drugs except spasmodically and apparently at random.

56 For the wider potential offered by the penal laws, see Williams, 'English Catholicism'; Miller, Popery and Politics, chapter 3.

57 Gazette, no. 1357 (a second proclamation in no. 1366). For commentary, see Miller, Popery and Politics, pp. 165-7; Kenyon, Popish Plot, pp. 121, 258-9. Technically the crown had exceeded its authority. Only officeholders were required to take the oath of supremacy, as Yarburgh (a barrister) realised, WYAS Leeds, MX/R 14/5, 14/93.

58 Miller, Popery and Politics, pp. 54-5.

59 Gazette, no. 1357. See commentary in Kenyon, Popish Plot, pp. 121, 242-3.

60 WYAS Wakefield, QS 4/13, fol. 24.

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- 61 WYAS Leeds, MX/R 12/187.
- 62 NYCRO, Fauconberg MSS, ZDV MIC 1285/9525, 9526 (a copybook partly calendared in HMC Various Collections, II).
- 63 NYCRO, ZDV MIC 1285/9529.
- 64 NYCRO, ZDV MIC 1285/9530.
- 65 North Riding Quarter Sessions Records, ed. J.C. Atkinson (9 vols. North Riding Record Society, 1884-92), VII, 19.
- 66 BJL Hull, Constable of Everingham MSS, DDEV/68/248, fol. 80; letter, late Mar. 1679, J. Ryther to R. Townley, transcribed in D. Quinlan, The Father Postgate Story (Whitby, 1967), pp. 20-1; Depositions, p. 269n; CSPD, 1683-84, pp. 181-2. His servant was still in York castle in Mar. 1685, Depositions, p. 271.
- 67 WYAS Leeds, MX/R 14/83.
- 68 ST, III, 15. As well as those named in Chart 4/2, see WYAS Leeds, MX/R 14/83.
- 69 Quinlan, Father Postgate, pp. 20-1; Aveling, Northern Catholics, p. 329 (extracts from the Ryther letter). Five men mentioned on Chart 4/2, i.e. nos 16, 15, 20, 6, and 10. For Constable and Longley see Chart 4/1.
- 70 Kenyon, Popish Plot, p. 262.
- 71 WYAS Leeds, MX/R 14/87.
- 72 Atkinson, VII, 21.
- 73 Aveling, Northern Catholics, pp. 320-2 (copy untraced).
- 74 ST, III, 15.
- 75 15 Sept. [N.S.]. Reference in Kenyon, Popish Plot, p. 265.
- 76 Atkinson, VII, 36-8, 41-5.
- 77 The source material is very slight. E.g. there is no record of the arrest or confinement of one Pickering who was acquitted in 1680, Memoirs, pp. 197-9; WYAS Leeds, Reresby's French Diary, MX 242, fol. 1. Frequent aliases do not help.
- 78 Aveling, Northern Catholics, pp. 331-2.

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79 Except as noted, this paragraph and the next are drawn from Quinlan, Father Postgate. For his arrest, see Depositions, pp. 230-2.

80 Reeves received the £20 reward, Moneys Received and Paid for the Secret Services of Charles II and James II, ed. J.Y. Akerman, Camden Society, LII (1851), 3.

81 Depositions, pp. 232-7, 272.

82 Kenyon, Popish Plot, pp. 242-5.

83 Depositions, pp. 231, 234.

84 'Very full evidence', WYAS Leeds, MX/R 14/83.

85 Brief contemporary accounts by Yarburgh, WYAS Leeds, MX/R 14/83 and 14/5; and Ryther, in Quinlan, Father Postgate, pp. 20-1.

86 Kenyon, Popish Plot, p.190.

87 For some names, see HLRO, Main Papers, MS 325, 8 Dec. 1680.

88 Bolron's movements mostly reconstructed from Bolron and ST, III. The comment (by the clerk to the privy council) is in HMC Ormonde, N.S. IV, 530. There is a reliable account of Bolron's conversion in F.S. Colman, History of Barwick-in-Elmet (Leeds, 1908), pp. 182-6.

89 Bolron, pp. 19-20 (transcripts of his informations to the privy council on several dates). This much, at least, of his story quickly became public knowledge, see Salvetti's despatch of 11 July (Il Popish Plot, ed. A.M. Crino (Roma, 1954), p. 79).

90 PRO, PC2/68, fols 164-5. Perhaps significantly the king was not present.

91 Depositions, pp. 240-1; CSPD, 1679-80, p. 195. Some of Gascoigne's MSS survive in WYAS Leeds, GC/F8, but nothing used as evidence in the trials was apparently returned.

92 ST, III, 23-4. Compare Oates's playing to the gallery following his own discoveries, Kenyon, Popish Plot, p. 93.

93 HMC Ormonde, N.S. IV, 530 (as decoded by the editor).

94 Crino, Il Popish Plot, p. 79.

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95 Section 5 of the 1661 Act for the Preservation of the King, SR, V, 304-6.

96 PRO, PC2/68, fol. 165.

97 ST, III, 19, 26-7, 82; 'The Journals of Edmund Warcup, 1676-84', EHR, XL (1925), 224, 225. Warcup took informations from the two Mrs Bolrons on 20 Oct. They appeared before the council on the 31st.

98 Referred to in ST, III, 321-2.

99 Mowbray, p. 16.

100 This conversation is cited in chapter 2. See ST, III, 86 for a convincing account of Mowbray's view of Gascoigne's innocence in about July.

101 Mowbray, pp. 16-17.

102 HMC Lindsey (Supplementary), p. 33; Mowbray, pp. 18-21.

103 11 Oct., Burlington to Ormonde, HMC Ormonde, N.S. V, 221.

104 See e.g. R. Hutton, Charles II (Oxford, 1989), pp. 382-3. Monmouth had recently been exiled and the duke of York would shortly return to England on his way to Scotland.

105 HMC Ormonde, N.S. IV, 541.

106 PRO, PC2/68, fols 233-5.

107 'Warcup's Journals', p. 244.

108 Depositions, pp. 242-5; Mowbray, pp.22-4.

109 Cited by Kenyon, Popish Plot, p. 87.

110 G. Treby, A Collection of Letters and other Writings (London, 1681), preface.

111 Bolron, p. 26. Mowbray, perhaps less sophisticated, did not adopt this approach.

112 Interestingly, Bolron distanced his own plot from Oates's plot, p. 9.

113 See R. Ashcraft, Revolutionary Politics and Locke's Two Treatises of Government (Princeton, 1986), pp. 383-9. There is

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a good example of a decoded letter in Greaves, Secrets, pp. 347-9.

114 For all that follows, see ST, III, 1-32.

115 See Kenyon, Popish Plot, from which these statistics are drawn.

116 Kenyon, Popish Plot, pp. 131-43.

117 ST, III, 3

118 CSPD, 1679-80, pp. 391-2.

119 ST, III, 14.

120 Unlisted papers in WYAS Leeds, GC/F8/1 (many relating to financial affairs and lawsuits). Aveling quotes from them (in a very different context), 'West Riding', pp. 254, 255.

121 WYAS Leeds, GC/F8/1. One of several draft (or copy) letters in a miniscule hand on a letter originally addressed to Mr Phisick at Barnbow.

122 Kenyon is quite incorrect to say that 17 members of the protestant gentry appeared on Gascoigne's behalf, 'including influential leaders of local society like Sir Thomas and Lady Yarborough and William Lowther', Popish Plot, pp. 225-7. Only four even had the handle 'Mr'.

123 CSPD, 1679-80, pp. 391-2.

124 WYAS Leeds, GC/F8/1, 4.

125 ST, III, 27.

126 Luttrell, I, 35.

127 CSPD, 1679-80, p. 397.

128 Gazette, no. 1491.

129 Bolron, pp. 33-4; Gazette, no. 1475. The outcome is unknown.

130 Gazette, no. 1488; CTB, 1685-89, pp. 1343, 1414.

131 CTB, 1685-89, p. 1377; Depositions, pp. 246-7 (see also pp. 215-16).

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132 Pressicks/Thwing and Stapleton trials ST, III, 79-90, 317-28. Brief eye-witness reports of the Tempest/Ingleby trials: WYAS Leeds, MX 242, fols 1-2; Memoirs, pp. 197-9; of the last three: WYAS Leeds, MX/R 18/20, 18/80, 18/39, 18/65.

133 ST, III, 88.

134 This was An Abstract of the Accusation of Robert Baldron and Lawrence Mowbray against Thomas Gascoigne (published 6 June 1680, but untraced). The comment is Luttrell's in Narcissus Luttrell's Popish Plot Catalogues, ed. F.C. Francis (Oxford, 1956).

135 ST, III, 85.

136 ST, III, 380-1.

137 See Kenyon, Popish Plot, p. 279.

138 ST, III, 15, 27.

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1 Citing archbishop Dolben 20 Dec. 1684, HMC Downshire, I, 34-5. See F.C. Turner, James II (London, 1948), p. 172; G.C.F. Forster, 'York in the 17th Century', in Victoria County History of York, ed. P.M. Tillott (London, 1961), p. 193.

2 For background, see Hutton, Charles II, pp. 381-2; Miller, Charles II, pp. 327-8; J. Miller, James II, 2nd ed. (London, 1989), pp. 99-101.

3 Gazette, Oct. to Nov; Turner, James II, pp. 171-3. They had a military escort, CSPD, 1679-80, p. 271.

4 YCA, B38, fol. 162 (the entire speech). Emperor Constantius died in York, and his son Constantine (whose mother was said to be a British princess) was proclaimed there.

5 Gazette, no. 1459; HMC Ormonde, N.S. V, 234-5; Memoirs, p. 191.

6 YCA, B38, fol. 162.

7 PRO, PC2/68, fols 233-5; Depositions, pp. 242-5; Mowbray, pp. 22-4.

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8 Memoirs, p. 191.

9 Memoirs, p. 303.

10 Knights, pp. 235-6; J.R. Jones, The First Whigs (Oxford, 1961), p. 119.

11 HMC Ormonde, N.S. V, 288.

12 J. Levin, The Charter Controversy in the City of London (London, 1969), chapter 2.

13 WYAS Wakefield, QT 1/2/1, the earliest surviving record book (beginning in May 1685). Sessions rolls are in poor condition and are not available for consultation. For the organisation of liberties generally, see Webbs, I, 310-18, 320.

14 For what follows, see NYCRO, ZDV MIC 1285/9536-9. For the political background, Glassey, pp. 45-6. For Cartwright, DNB.

15 NYCRO, ZDV MIC 1285/9537-8.

16 'Naked Truth' prepared by J. Jenings c1701. Several copies survive. I have consulted WYAS Leeds, Vyner MS 5740. (For the dispute see P.J. Nash, 'Doncaster, Ripon and Scarborough, c1640-1759', Ph.D. thesis (Leeds, 1983), pp. 398-407.)

17 WYAS Leeds, Vyner MS 5740, fol. 2. Except where noted the next paragraph is drawn from this document.

18 WYAS Leeds, Vyner MS 5740, fol. 13. Sir Jonathan was pardoned by the king. See also Depositions, pp. 210-13.

19 DA, AB2 1/3, fols 331, 344-5, 347, 363, 371, 373, 393, 399.

20 See Gauci's comments in Great Yarmouth, pp. 146-8, 256.

21 Of the few who do mention it, Jones writes: 'there was no way in which an unwilling corporation could be compelled to obey', First Whigs, p.121. Knights does not assess its effectiveness, p. 261.

22 Copy correspondence in Hull, Leeds and Ripon; some relevant documentation in Beverley and Doncaster; and letters for York in the Slingsby and Reresby archives. There is brief mention in D.A. Scott, 'Politics, Dissent and Quakerism in York, 1640-1700', D.Phil. thesis (York, 1990), pp. 306-7. The most important local study is C. Lee, 'Fanatic Magistrates:

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Religion and Political Conflict in Three Kent Boroughs, 1680-84', HJ, XXXV (1991).

23 On the Chits, see Hutton, Charles II, pp. 384-5; on petitioning, Knights, pp. 227-42.

24 Knights, pp. 258-68.

25 Miller, Charles II, p. 319; Jones, First Whigs, p. 120.

26 Court Books, pp. 75-6. The Hull letter is almost identical, HCRO, BRB5, fols 663-4.

27 WYAS YAS, Slingsby MSS, DD 149/125 (attached). A similar letter in NYCRO, ZDV MIC 1285/9540.

28 Gazette, no. 1517; Knights, p. 261n.

29 Court Books, pp. 74-91 (as are all references in this and the next paragraph except as noted).

30 John Thoresby, Bryan Dixon, William Milner and Ralph Spencer, Court Books, pp. 24, 26-7, 43-4, 46.

31 The following account is drawn from WYAS Leeds, MX/R 15/63, 15/27; WYAS YAS, DD 56/M5 (unnumbered, dated 25 May), DD 149/125, 126.

32 YCA, G59 (a subscription roll starting 1677). No signs in the archive of an earlier roll.

33 WYAS Leeds, MX/R 15/27.

34 ERAS, BC/II/7/5, fols 113-113v.

35 John Acklam, ERAS, BC/II/7/5, fol. 137v, 20 Sept. 1683. Capital burgesses in Beverley were elected (or re-elected) annually.

36 See Scott, D.Phil. thesis, Table 28 and pp. 307-8. There were of course all sorts of other reasons why men might have avoided office.

37 M. Knights, 'London's Monster Petition of 1680', HJ, XXXVI (1993), p. 52.

38 Francis Calvert, a papist (and named as a Barnbow plotter), took the oaths in 1671 to become sheriff of York. Hildyard, York, p. 123; Bolron, pp. 31-2.

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39 Quoting an address from 1681, Gazette, no. 1649. Not until 1692 were attempts made to set up a meeting house, C.W. Hatfield, Historical Notices of Doncaster (3 vols. Doncaster, 1866), II, 41-2; Hunter, South Yorkshire, I, 48.

40 Lacey disfigures an otherwise useful appendix on the evidences of dissent by claiming that someone turned out by the Corporation Act commissioners 'should be considered a Dissenter', Dissent, Appendix 1, especially pp. 370-1.

41 PRO, PC2/69, fol. 25.

42 Ed. G.M. Ditchfield, et al. (London, 1965), especially pp. 99-108.

43 Memoirs, pp. 579-81; for Pontefract see chapter 3. The returns for the Three Questions were a kind of management list.

44 HCRO, BRB5, fols 663-70 for all references in this paragraph.

45 HCRO, BRB5, fol. 672.

46 Quoting Pryme, Hull, II, 103, written c1700. Pryme usually paraphrases the original document and can probably be relied on here.

47 See HCRO, BRL 977, 23 Nov. 1680, E. Barnard (the recorder) to corporation.

48 CSPD, 1679-80, p. 530; PRO, PC2/69, fol. 25.

49 K.H.D. Haley, The First Earl of Shaftesbury (Oxford, 1968), p. 582.

50 HCRO, BRB5, fols 675-6, 678.

51 HCRO, BRM 390. (Barnard himself has not been positively identified.)

52 For this and the rest of the paragraph, see HCRO, BRB5, fols 683-4, 686, 691-2; PRO, PC2/69, fols 57, 81, 100.

53 HCRO, BRL 977 (the recorder's words). On wider attempts at conciliation in the lead-up to the sitting of parliament, see Knights, pp. 274-5.

54 HCRO, BRB5, fol. 692.

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55 HCRO, BRL 977. The long anticipated opening of parliament on 21 Oct. no doubt heightened the atmosphere still more.

56 PRO, PC2/69, fol. 197. There are hints as to its contents in HCRO, BRL 977.

57 Moved in a debate on 24 Dec., Lacey, Dissent, pp. 145, 328; Knights, p. 289.

58 HCRO, BRB5, fols 707-8.

59 T. Gent, History of Hull (London, 1735), p. 43.

60 HCRO, BRB5, fol. 712.

61 Boyle, Charters, pp. 169-70.

62 HCRO, BRB5, fol. 713.

63 HCRO, BRL 982.

64 HCRO, BRL 985.

65 HCRO, BRL 986, 987, 988, 990.

66 CSPD, 1680-81, p. 125; also p. 112.

67 CSPD, 1680-81, p. 127.

68 CSPD, 1680-81, p. 130; HCRO, BRL 991.

69 HCRO, BRL 994.

70 Not a native of Hull, he was town clerk (with a brief intermission in 1688) until his death in 1695. His successor was Duncalfe.

71 HCRO, BRL 992.

72 HCRO, BRM 390. Sir Edward was regularly presented for absence from church, R.M. Faithorn, 'Nonconformity in Late Seventeenth Century Yorkshire', M.Phil. thesis (Leeds, 1982), p. 412. He was discharged as recorder by 1685 charter.

73 HCRO, BRL 995. Barnard was also recorder of Beverley.

74 Short, 'Corporation of Hull', pp. 187-8.

75 Elected alderman in 1671. Mayoral candidate 1672, 1673 and

FOOTNOTES, CHAPTER 5

1674 (when he was returned).

76 HCRO, BRM 390, p. 5.

77 Short, 'Corporation of Hull', pp. 190-1. The only aldermen taken on from the outgoing bench were Richardson and Johnson, Hoare's last surviving supporters from 1680.

78 He was refunded over £70 for expenses incurred while removing Hoare, HCRO, BRB5, fol. 717.

79 H. Tomlinson, 'The Ordnance Office and the King's Forts', Architectural History, XVI (1973), 19; HMC Dartmouth, I, 81.

80 HCRO, BRL 995.

81 For background to this paragraph, see especially Haley, Shaftesbury, pp. 574-81.

82 Knights, p. 267n; Luttrell, I, 48.

83 The presenters' names are listed in Knights, p. 72n.

84 Henning, II, 390-2; CJ, IX, 644. There were 48 members.

85 CJ, IX, 644.

86 Miller, Charles II, p. 322; H. Horwitz, 'Protestant Reconciliation in the Exclusion Crisis', Journal of Ecclesiastical History, XV (1964), 204.

87 Sir Richard Graham (the future viscount Preston) refused to sign it, HMC Sixth Report, p. 321 (diary extracts).

88 WYAS Leeds, MX 242, fol. 2; CSPD, 1679-80, p. 607.

89 CSPD, 1683-84, pp. 39-40.

90 Grey's Debates, VII, 393.

91 WYAS Leeds, MX 242, fol. 9.

92 Knights, pp. 277-8. The foreman of the Exeter grand jury refused to be arrested. The committee found itself powerless.

93 WYAS Leeds, MX/R 16/4.

94 CJ, IX, 676. He was discharged.

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95 CSPD, 1679-80, p. 596.

96 Henning, III, 530.

97 WYAS Leeds, MX 242, fols 1-2; Memoirs, p. 198; Grey's Debates, VIII, 207-8.

98 WYAS Leeds, MX/R 39/26.

99 For the bill HMC House of Lords, I, 222-5; the Yorkshire lists, HLRO, Main Papers, MS 321, c40, c41, c42, c57. Brief commentary in Miller, Popery and Politics, pp. 163-4. (The ER list was used extensively in chapter 4.)

100 HMC House of Lords, I, 199. The Yorkshire lists are HLRO, Main Papers, MS 287, c1, c2, d, d2, d3 (none for NR).

101 HLRO, Main Papers, MS 274; HMC House of Lords, I, 172. For all that follows, see Glassey, pp. 47-52.

102 Several (not altogether reliable) surveys have also been made of changes in Yorkshire. See especially M.E.W. Maddison, 'Justices of Peace and the Administration of Local Government in the East and West Ridings, 1680-1750', Ph.D. thesis (Leeds, 1986), pp. 73-5.

103 In 1684 Marwood would help in the crown attack on the York corporation, Memoirs, p. 336.

104 For the MPs see Henning.

105 Glassey, pp. 49-62.

106 Vox Patriae, (London, 1681), pp. 4-5.

107 HCRO, BRL 996, 997.

108 Vox Patriae, p. 7.

109 Statistics derived from Henning. For Pontefract there is little to add to Henning, I, 482 (and sources cited).

110 Several versions exist: WYAS Leeds, MX/R 15/12 ('Souryes speech'); Vox Patriae, p. 14; Parliamentary Representation of the County of York, ed. A. Gooder (2 vols. Wakefield, 1938), II, 173-4.

111 Vox Patriae, p. 14; HMC Ormonde, N.S. V, 599. An important analysis of the MPs' instructions in Knights, pp. 291-303.

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- 112 Parliamentary Representation, p. 174.
- 113 CSPD, 1680-81, p. 257.
- 114 Memoirs, p. 219; WYAS Leeds, MX 242, fol. 34.
- 115 'A Whig-Tory analysis is best used to describe the outcome of the crisis . . . rather than to explain the cause of, or the course of, the unrest', Knights, pp. 109-12, 356-9 (citing p. 356).
- 116 WYAS Leeds, MX/R 18/117. However I have not trawled through all the correspondence systematically.
- 117 The last reference I have found is WYAS Leeds, MX/R 21/39, 30 Sept. 1682.
- 118 WYAS Leeds, MX/R 18/65.
- 119 Heywood, II, 285.
- 120 I am not persuaded by D.A. Scott's positive identification of whig and tory aldermen at different dates in York, D.Phil. thesis, pp. 322, 349 etc.
- 121 WYAS Leeds, MX 242, fol. 2; Memoirs, p. 581.
- 122 HCRO, BRL 1001.
- 123 Printed in English Historical Documents, ed. A. Browning (London, 1966), pp. 185-8. There is an important analysis of its genesis and impact in Knights, pp. 316-47.
- 124 WYAS Leeds, MX/R 1/103; HCRO, BRL 1003.
- 125 NYCRO, DC/RIC II 1/1/3, fol. 115.
- 126 HCRO, BRL 1003.
- 127 WYAS Leeds, MX/R 19/27.
- 128 CSPD, 1680-81, p. 257; WYAS Leeds, MX/R 19/15.
- 129 CSPD, 1680-81, pp. 257, 267.
- 130 WYAS Leeds, MX/R 18/12; MX 242, fol. 41; Broth. Lib., WH 20, 30 Apr., J. Reresby to J. Wentworth; Memoirs, pp. 224-5.
- 131 WYAS Leeds, MX/R 19/15. For the campaign, Knights, pp.

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329-45.

132 Broth. Lib. WH 20, 30 Apr., J. Reresby to J. Wentworth. See Knights, pp. 329-31.

133 Jenkins wrote letters to the mayor, Cartwright and Dawson, NYCRO, DC/RIC II 1/1/3, fol. 116; CSPD, 1680-81, pp. 289, 290.

134 NYCRO, ZDV MIC 1285/9541.

135 NYCRO, ZDV MIC 1285/9542; HMC Astley, p. 45. The 'modle' bears no relation to Gazette, no. 1634.

136 Important background material also survives for Ripon, NYCRO, DC/RIC II 1/1/3, fols 115-17; Leeds, Court Books, pp. 84-9; and Hull, HCRO, BRB5, fols 746, 750.

137 WYAS Leeds, MX/R 17/46, 17/45, 17/44, 18/9, from which this story derives.

138 Knights, pp. 293n, 294n.

139 One who objected was archdeacon Lake (later one of the Seven Bishops), Knights, p. 334n.

140 Gazette, no. 1645; True Protestant Mercury, 22 June 1681 (cited Sutherland, Restoration Newspaper, p. 172).

141 WYAS Leeds, MX/R 18/117.

142 HCRO, BRB5, fol. 746.

143 Gazette, no. 1655; WYAS Leeds, MX/R 18/51.

144 Gazette, no. 1655.

145 WYAS Leeds, MX/R 19/10, J. Blythman to J. Reresby.

146 WYAS Leeds, MX/R 18/23.

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1 Heywood, II, 293. For this paragraph see also WYAS Leeds, MX/R 17/31; Memoirs, pp. 271-2 (and footnotes). The quarrel is not mentioned in the sessions records.

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2 Memoirs, p. 271. On Jessop, an FRS, see D. Hey, The Fiery Blades of Hallamshire (Leicester, 1991), pp. 211-12.

3 Heywood, II, 293.

4 Memoirs, p. 272n.

5 Most were dissenters. See WYAS Leeds, MX 242, fols 47-50 for what follows.

6 'By the industry of Mr Gysop', Memoirs, p. 276.

7 Besse, II, 144-65 (official years starting on lady day).

8 See however Faithorn, M.Phil. thesis; and J.T. Cliffe, The Puritan Gentry Besieged, 1650-1700 (London, 1993).

9 For this paragraph generally, see J. Spurr, The Restoration Church of England, 1646-89 (Yale, 1991), chapter 2. For the legal position, Lacey, Dissent, chapter 2.

10 Especially Broth. Lib., Yorkshire Friends' Archive, and the quaker material in B JL Hull.

11 E.g. 'An Old Church Roll', ed. B. Dale, Yorkshire County Magazine, III (1893), 186-93.

12 Shaftesbury was arrested 2 July, and College tried and convicted 17 Aug., Haley, Shaftesbury, pp. 651-83.

13 WYAS Leeds, MX/R 18/12; MX 242, fol. 41. (Pickavance covers some of this ground but has not consulted the sessions records, D.Phil. thesis, pp. 326-33.) For what happened, see Broth. Lib., WH 20, 30 Apr. 1681, J. Reresby to J. Wentworth; Memoirs, pp. 224-5.

14 WYAS Leeds, MX/R 18/61.

15 Memoirs, p. 240; Atkinson, Thoresby, I, 139-40.

16 WYAS Leeds, MX/R 18/96, 18/85.

17 WYAS Wakefield, QS 10/8 (Order Book K), fol. 41v.

18 WYAS Leeds, MX/R 28/21. See also MX/R 18/80, 18/39, 18/65. The circuit judges had attended the king for instructions, Cockburn, Assizes, p. 252.

19 WYAS Wakefield, QS 10/8, fol. 44; Heywood, II, 287.

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20 Calamy Revised, p. 493.

21 WYAS Wakefield, QS 10/8, fol. 45; QS 1/21/7 (includes a draft). Further detail in WYAS Leeds, MX/R 28/21, 30/12.

22 Atkinson, Thoresby, I, 21, 155.

23 Heywood, II, 287-8 (and for the rest of the story).

24 Peables, formerly clerk of the peace, was one of a batch of JPs added to stiffen loyalist representation on the bench (WYAS Leeds, MX/R 1/63, 18/85, 18/96, 18/80). Regarded as 'haughty' even by Blythman.

25 Heywood, II, 287-8.

26 WYAS Wakefield, QS 1/21/4.

27 WYAS Leeds, MX/R 22/20.

28 For the following see Besse, II, 144-51. Many sessions records are missing (e.g. ER, Hull, and Leeds), but Besse's account proves this absence of source material is not misleading.

29 See also WYAS Wakefield, QS 10/8, fol. 70v, although sessions records do not distinguish between different sects (lists of dissenters in QS 1/21/4 include Stephen Tempest of Broughton, a prominent papist).

30 Besse, II, 146-7, quoting a petition from imprisoned quakers to the assize judges, 6 Mar. Guilford's letter to Jones (riding the northern circuit), is cited in The Lives of the Norths, ed. A. Jessopp (3 vols. London, 1890), I, 313.

31 Besse, II, 149-51. WR quakers imprisoned by virtue of legislation 'not made against us' petitioned the sessions on 12 July. Petition printed YCM, IV (1894), 186.

32 Atkinson, Thoresby, I, 151, 183-4. Meetings on 27 Jan. and 10 Feb.

33 WYAS Leeds, MX/R 20/14.

34 Miller, Charles II, pp. 368-72.

35 WYAS Leeds, MX/R 18/124, 18 Jan. 1682, which forms the basis for the story and provides all the quotations. (For the law, see 22 Car. II, c.1, in SR, V, 648-51.)

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36 Cited Depositions, p. 263n. Heywood preached at Taylor's in Aug. 1673, J. Hunter, The Rise of the Old Dissent Exemplified in the Life of Oliver Heywood (London, 1842), p. 259.

37 Presumably a militia captain, although not listed Nov. 1680, HLRO, Main Papers, MS 287.

38 Although violently hostile, it does provide legal chapter and verse. Sessions records for York are missing.

39 Domestic chaplain to York's exclusionist MP Sir John Hewley. See VCH York, p. 404.

40 See e.g. Miller, Charles II, p. 348.

41 10 Apr. 1682. See M.K. Geiter, 'Sir John Reresby and the Glorious Revolution', NH, XXV (1989), pp. 176-7; M.K. Geiter, 'The Political Career of Sir John Reresby, 1673-89', M.Phil. thesis (Leeds, 1988), pp. 125-8; Scott, D.Phil. thesis, p. 317.

42 See WYAS Leeds, MX/R 20/14, 20/10, 20/22, 28/6, 30/18, 30/15, 30/14, 21/16, 8 Apr. to 17 June 1682.

43 Memoirs, pp. 268-9.

44 A local attorney and MP for York in 1690 (and displaced from the bench 1685-88). For the memorial, see Memoirs, p. 580.

45 WYAS Leeds, MX/R 20/14, 20/22.

46 WYAS Leeds, MX/R 21/39, 21/1. Jurisdictionally the minster yard fell within St Peter's liberty not the city.

47 Heywood, III, 214; Besse, II, 149.

48 See e.g. Miller, Charles II, pp. 368-72.

49 WYAS Leeds, MX/R 21/39, 20/14, 21/1. Mayoral elections in York on 15 Jan. Sworn on 3 Feb.

50 Except as noted, all this paragraph is drawn from Memoirs, pp. 281-4.

51 Buckingham was out of favour at court (removed from peace commissions nationwide early in 1680, HMC House of Lords, I, 172-93). His involvement with radical politics had no doubt earlier recommended him to the corporation.

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52 WYAS Leeds, MX/R 22/29. Fairfax reminded Reresby to get a letter from the king, and recommended alderman Elcock as fit to be mayor.

53 WYAS Leeds, MX 242 (rear), unfoliated, 22 Dec. 1682, one of six draft letters to Halifax, 1682-83. Source hitherto unused.

54 Memoirs, p. 287.

55 Letters of Richard Thompson to Henry Thompson of Escrick, co. York, ed. J.J. Cartwright, Camden Society, N.S. XXXI (1883), p. 4. Dated internally.

56 YCA, Corporation Letterbook, E85, fols 43-4.

57 YCA, B38, fols 137-137v. Richmond was born on 29 July 1672.

58 WYAS Leeds, MX/R 21/26.

59 Term 'juncto' used in WYAS Leeds, MX/R 23/2, 4 Apr.

60 Memoirs, pp. 301-2.

61 On Portsmouth's political role, see Miller, Charles II, pp. 351-4, and Hutton, Charles II, pp. 416-17. A former exclusionist, she was reconciled with James by late 1681.

62 YCA, E85, fols 45-6. Reply cited in WYAS Leeds, MX/R 17/36.

63 YCA, E85, fols 48 (with Taylor's reply cited in full in WYAS Leeds, MX/R 24/7), 50, 52, and 125. Malevolent commentary from Fairfax includes WYAS Leeds, MX/R 23/2, 24/7, 17/36. (At some stage Taylor was made factor for the corporation at court.)

64 WYAS Leeds, MX/R 17/36.

65 'Only my lord maior . . . I had noe commerce with', Memoirs, p. 303.

66 Judgement given 12 June 1683, Levin, Charter Controversy, p. 47; Miller, Charles II, p. 371.

67 WYAS Leeds, MX/R 23/20. See also MX/R 23/12.

68 Heywood, III, 214.

69 CSPD, 1670, p. 309; Short, 'Corporation of Hull', pp.187-8.

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- 70 CSPD, 1682, p. 535. Plymouth had already dealt with factious corporations in Worcestershire, e.g. CSPD, 1683 i, pp. 183-4.
- 71 HCRO, BRB6, fol. 40. Robinson and Iveson were made aldermen in 1688, Short, 'Corporation of Hull', tables 1 and 2.
- 72 CSPD, 1685, no. 1451.
- 73 Calamy Revised, pp. 110-11. Charles wrote up this account the following day.
- 74 There was no requirement for witnesses under the Five Mile Act. See 17 Car. II, c. 2 (SR, V, 575).
- 75 Faithorn, M.Phil. thesis, pp. 351, 356-7.
- 76 HCRO, BRB6, fols 114-15. See also Faithorn, M.Phil. thesis, p. 411.
- 77 CSPD, 1683 i, p. 49.
- 78 Letter of 4 (or 7) July cited in Pickavance, D.Phil. thesis, p. 292.
- 79 CSPD, 1683 ii, p. 189.
- 80 Memoirs, p. 261.
- 81 Memoirs, p. 313.
- 82 PRO, SP29/425, no. 67.
- 83 Pickavance, D.Phil. thesis, p. 292.
- 84 Gazette, no. 1851; BRB5, fol. 770. Only the one newcomer.
- 85 Memoirs, p. 304. On the plot generally, see Hutton, Charles II, pp. 420-4; D.J. Milne, 'The Results of the Rye House Plot and their Influence upon the Revolution of 1688', TRHS, ser. 5, I (1951); G.W. Keeton, Lord Chancellor Jeffreys and the Stuart Cause (London, 1965), chapter 10.
- 86 WYAS YAS, MS 14 (unfoliated).
- 87 NYCRO, Chaytor MSS, ZQH 9/5/13 (cited), 15, 16. 'A supposed favourer of papists' in Nov. 1680, HLRO, Main Papers, MS 275, fff i. Chaytor did not fall in with James II's plans in 1688, NYCRO, ZQH 9/5/46.

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88 CSPD, 1683-84, p. 72, which describes the letter and its reception. (Since several months had elapsed, it is possible dates had become muddled.)

89 See Familia Minorum Gentium, pp. 531-7; also Henning, III, 551-2, 554-5.

90 For Nelthorpe (who was executed after Monmouth's rebellion), see Biographical Dictionary of British Radicals in the 17th Century, ed. R.L. Greaves and R. Zaller (Brighton, 1983), pp. 259-60. There is no satisfactory published pedigree.

91 For this paragraph, see CSPD, 1683 i, pp. 120-7, 134-6, 143, 191, 198, 200, 222.

92 Sir John Cochrane and his son. Similar investigations ensued (also in CSPD, 1683 i).

93 On Knowsley as commissary, HLRO, Main Papers, MS 11, 2 Nov. 1678. No satisfactory published pedigree (Yorkshire Pedigrees, ed. J.W. Walker, Harleian Society, XCIV and XCV (1942-43), II, 261-2 is demonstrably incorrect.) Numerous mentions in WYAS Leeds, MX/R, and NYCRO, DC/SCB.

94 Original examinations survive for seven of those who facilitated Nelthorpe's escape, WYAS YAS, MS 537 (a stray bundle of unsorted assize papers).

95 Posgate's information is printed in Depositions, pp. 257-8. A certificate ex parte Petri Posgate is preserved in WYAS YAS, MS 537.

96 CSPD, 1683 ii, p. 135.

97 On Cholmley, see Henning, II, 62-3.

98 See Chart 8/1 for an analysis of the membership of the nominated corporation of 1684.

99 Memoirs, p. 306n; CSPD, 1683 ii, p. 87. On Headley, see the next section.

100 CSPD, 1683 i, pp. 339-40; also 1683 ii, pp. 93-4.

101 WYAS Leeds, MX/R 24/25 (cited); Memoirs, pp. 305-6; CSPD, 1683 ii, p. 29.

102 NYCRO, ZDV MIC 1285/9544, 9547, 9549.

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- 103 CSPD, 1683 ii, pp. 172, 173.
- 104 HMC Third Report (Northumberland MSS), p. 96.
- 105 CSPD, 1683 ii, p. 173.
- 106 HMC Dartmouth, I, 86.
- 107 HMC Third Report, p. 96.
- 108 CSPD, 1683 ii, pp. 199, 219.
- 109 Memoirs, p. 305.
- 110 Memoirs, p. 305n.
- 111 Heywood, IV, 92.
- 112 Memoirs, pp. 306-7.
- 113 WYAS Leeds, MX/R 43/27 (search warrant); Memoirs, p. 308n.
- 114 Copies of two warrants survive. It seems there were three.
- 115 WYAS Leeds, MX/R 25/25 (search warrant).
- 116 WYAS Leeds, MX/R 24/18. Some orders were never executed.
- 117 Memoirs, p. 303.
- 118 Memoirs, pp. 307, 312.
- 119 CSPD, 1683 ii, p. 68.
- 120 YCA, E85, fol. 129.
- 121 Memoirs, p. 321.
- 122 CSPD, 1683 ii, pp. 2003-4.
- 123 Memoirs, p. 313n.
- 124 WYAS Leeds, MX/R 23/54 (cited); 56 (unlisted), 20 Aug., Burlington to J. Reresby; CSPD, 1683 ii, p. 319.
- 125 Reresby was one of the authors. CSPD, 1683 ii, p. 204; Memoirs, pp. 311-12; Gazette, no. 1858 (cited); WYAS Leeds, MX/R 17/28, 23/37. See also C.M. Keen, 'Yorkshire Politics, 1658-88', Ph.D. thesis (Sheffield, 1991), pp. 295-7, for this

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and some of the other Rye House addresses from Yorkshire.

126 Gazette, nos 1844 to 1874.

127 Scarborough address, Gazette, no. 1861.

128 Gazette, no. 1851; ERAS, BC/II/7/5, fols 136-136v; HMC Third Report, p. 96.

129 CSPD, 1683 ii, p. 173.

130 WYAS Leeds, MX 242 (rear), unfoliated.

131 Headley (1622-87), an attorney, was frequently in dispute with the other aldermen (Court Books, pp. 79-80, 99, 116-17, 132-3, 139). Later had some responsibility for the Leeds quo warranto. For a useful introduction to restoration Leeds, see Kirby, 'Restoration Leeds', especially pp. 145-50.

132 Vastly exceeding the number of licences issued anywhere else in Yorkshire, Original Records of Early Nonconformity, ed. G. Lyon Turner (4 vols. London, 1911-14), II, 649-51, 659. There is no evidence of licences for quaker congregations in Leeds.

133 Thoresby's diary, cited in Atkinson, Thoresby, I, 230, 214. The original volume for 1683-91 has not been located.

134 WYAS YAS, Thoresby's Diary, MS 22, fol. 4 (more extensive than the published version); Ducatus Leodiensis, 1st ed., p. 527.

135 Broth. Lib., YFA, V.1.1(2), fol. 76; compare Besse, II, 154 (YFA is more reliable and less muddled chronologically). For valuable background, J.E. Mortimer, 'Thoresby's "poor deluded Quakers": The Sufferings of Leeds Friends in the 17th Century', TS, ser. 2, I (1990).

136 Broth. Lib., YFA, V.1.1(2), fol. 76.

137 Section 1 of the Quaker Act, 14 Car. II, c. 1 (SR, V, 350-1).

138 Broth. Lib., YFA, V.1.1(2), fol. 81; Besse, II, 154-8 (including a transcript of the indictment).

139 Cited Atkinson, Thoresby, I, 211-15; WYAS YAS, Thoresby's Review, MS 26, fols 72-3 (which differs from the published version).

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140 WYAS YAS, MS 26, fol, 73.

141 Cited Atkinson, Thoresby, I, 214-15.

142 Atkinson, Thoresby, I, 216. In Jan. he had another fright, and yet another before the summer assizes. Neither came to anything, Atkinson, Thoresby, I, 216-17, 230.

143 WYAS YAS, MS 26, fols 73-4.

144 WYAS YAS, MS 6 (unfoliated), T. Sharp to J. Milner. Milner was a Rotterdam merchant and son of a former corporation assistant who refused the Test Act in 1673.

145 WYAS YAS, MS 6, T. Sharp to E. Hickson.

146 In the twelve months 1683-84, Headley, mayor Rooke, Dixon and Bawmer. The sessions records for Leeds have disappeared.

FOOTNOTES, CHAPTER 7

1 NYCRO, ZDV MIC 1285/9563.

2 CSPD, 1684-85, p. 45.

3 See especially CSPD, 1683 ii, pp. 126, 135, 200. In June 1685 became an ensign in Slingsby's garrison company, CSPD, 1685, no. 1024. On Slingsby, see Henning, II, 440-41. Also S.E.E. Pitts, 'The Slingsbys of Scriven, c1600-85', NH, XXXIII (1997), pp. 102-7; S.E.E. Pitts, 'The Slingsbys of Scriven, c1600-88', Ph.D. thesis (Leeds, 1994) (neither deals with Scarborough).

4 For this and much of what follows see Baker, Scarborough, pp. 203-5, and Nash, Ph.D. thesis, p. 432. Both transcribe source material but without always revealing its provenance.

5 For an analysis of the nominated corporation, see chapter 8 and Chart 8/1.

6 PRO, SP44/335, fols 163-5; Copy Translations of the Charters (n.p., n.d.), pp. 143-52.

7 WYAS Leeds, MX/R 28/12; NYCRO, DC/SCB MIC 2052/226.

8 NYCRO, DC/SCB MIC 1348/2209 (quarter sessions).

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- 9 Quoting the Scarborough address, Gazette, no. 2014.
- 10 Baker, Scarborough, p. 204 (source unreferenced). A quorum for corporation elections was 20, Nash, Ph.D. thesis, p. 247. It was ostensibly to punish such illegitimate surrenders that the Sacheverell clause was proposed in Jan. 1690 (see chapter 11).
- 11 A legitimacy rendered still more suspect when a catholic mayor and his cronies replaced Knowsley's corporation in 1688. See chapters 8 and 10.
- 12 No local sources refer to the Richmond charter sealed on 9 July 1684. But see PRO, SP44/335, fols 143-5; CSPD, 1684-85, p. 31.
- 13 For general political background, see Jones, Revolution, pp. 43-7; Miller, 'Crown and Charters', pp. 70-84; also Pickavance, D.Phil. thesis; R.J. Sinner, 'Charles II and Local Government: the Quo Warranto Proceedings, 1681-85', Ph.D. thesis (Rutgers, 1976). For an analysis of more strictly legal aspects, Levin, Charter Controversy. The quo warranto procedure is described in Pickavance, D.Phil. thesis, pp. 171-85.
- 14 Aldborough, Boroughbridge, Knaresborough, Malton, Northallerton and Thirsk.
- 15 Henning, I, 479-80, II, 520; Levin, Charter Controversy, pp. 39-40, 61.
- 16 Sinner, Ph.D. thesis, pp. 340, 349.
- 17 Pickavance, D.Phil. thesis, p. 58. See also pp. 84, 87, where he refers expressly to the possible reincorporation of Aldborough and Northallerton.
- 18 Levin, Charter Controversy, pp. 86-7, 113.
- 19 E.g. Henning, I, 490; Scott, D.Phil. thesis, pp. 338-41.
- 20 Gazette, no. 2391; translation of writ and order in Drake, Eboracum, pp. 210-11.
- 21 York toyed with a fourth response: petitioning for a renewal of the charter without previously surrendering, WYAS Leeds, MX/R 26/22. It did not go down well.
- 22 Levin, Charter Controversy, p. 106.

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23 For Scarborough, Baker, Scarborough, pp. 204-5; PRO SP44/335, fol. 163. Beverley, ERAS, BC/II/5/1, fol. 56; PRO, SP44/335, fol. 446. Hull, PRO, SP44/335, fol. 448. Doncaster, J. Tomlinson, Doncaster from the Roman Occupation to the Present Time (Doncaster, 1887, repr. 1984), p. 168n. For the 'Bristol' form of surrender, see Pickavance, D.Phil. thesis, pp. 174-5.

24 The Hull quo warranto for 1688 still survives, HCRO, BRL 1508.

25 Writ in Drake, Eboracum, pp. 210-11; The City of London's Plea to the Quo Warranto (London, 1682).

26 WYAS Leeds, MX/R 27/16; Ducatus Leodiensis, p. 527.

27 Miller, 'Crown and Charter', p. 54.

28 Franchise restricted to burgesses who paid scot and lot. Compare Henning, I, 483-4; and NYCRO, DC/RMB, uncatalogued translation of 1684 charter.

29 WYAS Leeds, MX/R 25/24.

30 HMC Ormonde, N.S. V, 288; WYAS Leeds, MX/R 20/14.

31 Levin, Charter Controversy, pp. 47-57; Miller, Charles II, pp. 368-72.

32 For this paragraph (including all citations) see Memoirs, pp. 320-31.

33 The messenger was almost certainly Fairfax, WYAS Leeds, MX/R 25/20, 24/30.

34 E.g. Geiter, 'Reresby', pp. 176-7; Geiter, M.Phil. thesis, pp. 125-8; Scott, D.Phil. thesis, p. 317; C.M. Keen, 'Yorkshire Politics, 1658-88', Ph.D. thesis (Sheffield, 1991).

35 CSPD, 1684-85, pp. 116-17.

36 For the mountebank, see YCA, E85, fols 54-7; CSPD, 1683-84, pp. 103, 252; Memoirs, p. 321; WYAS Leeds, MX/R 25/14.

37 YCA, B38, fol. 201v; BL (draft House Book), unfoliated, 23 Nov.

38 Familia Minorum Gentium, pp. 531-7 (especially p. 534n); The Life of Marmaduke Rawdon of Yorke, ed. R. Davies, Camden

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Society, LXXXV (1863), pp. 147n-148n.

39 WYAS Leeds, MX/R 25/6, 25/8.

40 WYAS Leeds, MX/R 25/31, 25/4, 25/14, 24/18, 25/27.

41 WYAS Leeds, MX/R 24/18.

42 YCA, E85, fol. 61.

43 WYAS Leeds, MX/R 24/16, 25/3.

44 WYAS Leeds, MX/R 24/13, 25/6; YCA, B38, fols 201v-202 (cited).

45 CSPD, 1683-84, pp. 118-19; WYAS Leeds, MX/R 25/3 (cited).

46 CSPD, 1683-84, p. 118.

47 WYAS Leeds, MX/R 25/3.

48 Memoirs, p. 321. Sterling and others 'seemed to be possessed' at the news of Reresby's unexpected friendship with Thompson, WYAS Leeds, MX/R 25/7.

49 WYAS Leeds, MX/R 25/4, 25/33, 25/14.

50 WYAS Leeds, MX/R 24/21.

51 WYAS Leeds, MX/R 24/31.

52 Memoirs, p. 343.

53 WYAS Leeds, MX/R 26/18.

54 Newsletters upon which rest of paragraph is based: HMC Portland, III, 379; CSPD, 1683-84, p. 391; 1684-85, pp. 38-9, 96; HMC Ormonde, N.S. VII, 244. For Fairfax's irritation at the continued delay, WYAS Leeds, MX/R 8/9a.

55 CSPD, 1683-84, pp. 338-9; WYAS Leeds, MX/R 25/16.

56 YCA, B38, fols 205v-6; compare BL, same dates.

57 WYAS Leeds, MX/R 25/26, 26/24. On 18 April the king's bench ruled that no appearance could be made to the quo warranto unless under the common seal, HMC Portland, III, 379.

58 WYAS Leeds, MX/R 25/16.

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59 See especially CSPD, 1683-84, p. 338; WYAS Leeds, MX/R 26/18, 26/22.

60 T. Harris, 'Was the Tory Reaction Popular?', London Journal, XIII (1988).

61 Memoirs, pp. 579-81.

62 Harris, 'Tory Reaction', p. 107.

63 Gazette, no. 1655.

64 Memoirs, p. 336.

65 See P.D. Halliday, 'A Clashing of Jurisdictions: Commissions of Association in Restoration Corporations', HJ, XLI (1998).

66 PRO, SP44/70, fol. 28; other appointments, fol. 25. This document has never been analysed (and the compiler of CSPD, 1684-85, p. 33 apparently cannot count).

67 Pedigree Familia Minorum Gentium, p. 533; kinship confirmed Life of Rawdon, p. 76n. Alderman 1686; expelled Oct. 1688.

68 WYAS Leeds, MX/R 43/27 (a search warrant addressed to lieutenant Tomlinson).

69 For Butler as gaoler, Memoirs, pp. 280, 283; Besse, II, 163. For Robinson, HLRO, Main Papers, MS 287, c2; Evans, 'Yorkshire and 1688', p. 284.

70 CSPD, 1684-85, p. 96; Memoirs, pp. 342-3.

71 Lives of the Norths, I, 307-9. See also Keeton, Jeffreys, pp. 239-42; Pickavance, D.Phil. thesis, pp. 368-71.

72 HCRO, BRB6, fols 100, 103 (cited).

73 ERAS, BC/II/7/5, fol. 146v; Poulson, Beverlac, p. 385.

74 Pickavance, D.Phil. thesis, p. 369 refers to a form letter from Jeffreys to Pontefract. The letter to Carlisle is printed HMC Ninth Report, p. 200.

75 The Autobiographies and Letters of Thomas Comber, ed. C.E. Whiting (2 vols.), Surtees Society, CLVI and CLVII (1946-47), I, 14-15; YCA, B38, fol. 215.

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76 Cited by Faithorn, M.Phil. thesis, p. 146.

77 Depositions, pp. 262-3; Faithorn, M.Phil. thesis, pp. 358-9; Scott, D.Phil. thesis, pp. 198-200.

78 HCRO, BRB6, fol. 98.

79 Cited Henning, I, 485, referring to corporation meeting on 2 Sept, NYCRO, DC/RIC II 1/1/3, fol. 142.

80 Gazette, no. 1965. Jeffreys expected in Windsor on 26 Aug., WYAS Leeds, MX/R 30/26.

81 Pickavance, D.Phil. thesis, p. 369.

82 Stage 3, negotiations for the new charter, could take even longer. See Chart 7/2, especially Ripon.

83 WYAS Wakefield, WMT/PON/1/1, fols 134-6; WYAS Leeds, MX/R 27/25.

84 For details, see Pickavance, D.Phil. thesis, pp. 174-5. Three of the four surviving instruments are almost identical: Beverley, Beverley Borough Records, p. 89; Doncaster, Tomlinson, Doncaster, p. 168n; and Scarborough, Baker, Scarborough, pp. 204-5. Ripon surrender different, NYCRO, DC/RIC II 1/1/3, fols 142-3.

85 HCRO, BRB6, fols 104-8. In 1682 a committee of eight men was established in Norwich, J.T. Evans, 'The Decline of Oligarchy in 17th Century Norwich', JBS, XIV (1974), p. 290.

86 CSPD, 1684-85, p. 189.

87 YCA, draft House Book, BL (rear), unfoliated. This document has never been referred to before.

88 Greatest detail in Scott, D.Phil. thesis, pp. 328-41 (who has however misunderstood the legal position).

89 YCA, B38, fol. 215 (part of an ex post facto account of the quo warranto).

90 YCA, B38, fol. 208v; BL (front), 14 July (the petition).

91 YCA, B38, fol. 215.

92 YCA, E85, fols 62-7.

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93 YCA, B38, fol. 210v; BL (rear); WYAS Leeds, MX/R 28/30.

94 This paragraph relies wholly on YCA, BL (rear).

95 WYAS Leeds, MX/R 28/30.

96 WYAS Leeds, MX/R 30/26.

97 Memoirs, pp. 342-3; WYAS Leeds, MX/R 30/26.

98 WYAS Leeds, MX/R 27/41, 28/17, 29/7, 28/16.

99 WYAS YAS, Letters to Ralph Thoresby, MS 6 (unfoliated).

100 WYAS YAS, MS 17, fol. 33 (which mentions Morris's conference with Jeffreys); CSPD, 1684-85, p. 159; CTB, 1681-85, pp. 1084, 1205-7; Court Books, p. 99.

101 WYAS Leeds, MX/R 29/7, 28/16; Court Books, p. 99; CSPD, 1684-85, p. 218.

102 PRO, SP44/335, fols 362-3; Gazette, no. 1999; J. Wardell, Municipal History of the Borough of Leeds (London, 1846), pp. 52-3; Court Books, pp. 99-101.

103 Court Books, pp. 67, 69, 74, 79, 80, 99. The debt was unpaid at his death.

104 WYAS YAS, MS 6 (unfoliated), 27 Nov., J. Dickonson to R. Thoresby. The forgery wound up in Thoresby's museum, Ducatus Leodiensis, p. 527.

105 WYAS YAS, MS 6, 30 Oct., M. Idle to R. Thoresby.

106 WYAS YAS, MS 6, 6 Dec., J. Dickonson, to R. Thoresby.

107 Ducatus Leodiensis, p. 673; Calamy Revised, pp. 361-2; Court Books, pp. 100, 150.

108 Bartholomew Towers, Robert Potter and Mark Broadley. Towers never attended.

109 Pedigree in Dugdale, p. 170; Court Books, pp. 88-9.

110 E.g. G.C.F. Forster, 'Hull in the 16th and 17th Centuries', in VCH, East Riding: The City of Kingston upon Hull, ed. K.J. Allison (Oxford, 1969), p. 119.

111 Henning, II, 427-8 (from which the citation is taken).

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112 HCRO, BRB6, fols 106-8.

113 HCRO, BRS/10, a 12 page report prepared in 1693 reproducing numerous relevant documents. See also BRL 1013, 16 June 1682, a report by recorder Barnard.

114 HCRO, BRS/10, fols 8-9.

115 CTB, 1681-85, pp. 1380, 1389.

116 HCRO, BRL 1501, 1016, 1018, 1020.

117 HCRO, BRL 1021.

118 CTB, 1681-85, p. 1493 (citing report of 18 Dec.).

119 HCRO, BRL 1023. The corporation made some attempt to improve their position, but without real success, BRL 1024, 1027, 1028.

120 HCRO, BRL 1033.

121 PRO, SP44/335, fols 448-51.

122 HCRO, BRL 1042.

123 HCRO, BRL 1052.

124 HCRO, BRL 1045, 1063, 1066 (cited).

125 HCRO, BRL 1065, 1066, 1069 (cited), 1070, 1072, 1073.

126 HCRO, BRL 1022 (undated draft, but mid-April).

127 HCRO, BRL 1074, 1075, 1077.

128 HCRO, BRL 1079, 1080, 1019 (undated but c29 May), 1076.

129 CTB, 1685-89, p. 228; HCRO, BRL 1081, 1083, 1085, 1086, 1087, 1089.

130 Boyle, Charters, pp. 216-18; HCRO, BRS/10, fols 4-6, 15 May 1693, report by Hull corporation.

131 HCRO, BRL 1106.

132 Which did not arrive until 1687, CTB, 1685-89, p. 1271.

133 HCRO, Letterbook, BRL 2795a, fols 6, 9v-10. The Beverley

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corporation sent Graham two barrels of ale, ERAS, BC/II/7/5, fol. 158v.

134 HCRO, BRB6, fol. 114.

135 The most important references are: HCRO, BRB6, fols 114-15; BRL 1029, 1070/2; PRO, SP44/335, fols 448-51 (the warrant). The story in J. Tickell, The History of the Town and County of Hull (Hull, 1798), pp. 567-8 is perhaps to be taken with a pinch of salt.

136 HCRO, BRL 1059, 1065, 1067. Loyalist candidates were elected, one of them Plymouth's own cousin, Henning, I, 477.

137 HCRO, BRL 1068.

138 HCRO, BRL 1065.

139 HCRO, BRL 1068/2, 1071, 1072 (cited), 1073, 1074, 1074/2.

140 CSPD, 1685, no. 793.

141 In Beverley the governors were retitled aldermen, as were the comburgesses of Pontefract; Beverley was also granted a new cattle fair.

142 See chapter 8.

143 This view was almost universal until Pickavance in 1976. See survey of literature, Pickavance, D.Phil. thesis, pp. 47-55.

144 Henning, I, 486-7; CJ, IX, 719, XXII, 693-4.

145 Henning, I, 483-4; and compare PRO, SP44/335, fol. 144 with the translation of the charter in NYCRO, DC/RMB.

146 Henning, I, 474-5.

147 Compare Henning, I, 472 with G.C.F. Forster, 'Beverley in the 17th Century', in VCH: Beverley, ed. K.J. Allison, (Oxford, 1989), pp. 98-9. On the corporation's quarrel with Hotham, ERAS, BC/II/7/5/, fols 142-143v, 151, 152-152v.

148 Memoirs, p. 343.

149 Pickavance, D.Phil. thesis, p. 55.

150 Compare CSPD, 1685, no. 88 (warrant) and YCA, E60b (translation of charter). See also Chart 7/1.

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1 Heywood, IV, 88, 103.

2 For what follows, see Heywood, IV, 110-19 (all citations); 'Oliver Heywood's Diaries', ed. J. Horsfall Turner, YCM, I (1891), 123, 164-9, 224-7, 260-1.

3 WYAS Wakefield, QS 10/8 (Order Book K), fol. 154v. Technically Heywood had to stay in gaol until he paid the fine.

4 Steele, no. 3828.

5 Besse, II, 154 (cited); Broth. Lib, YFA, V.1.1(2), fol. 76.

6 NYCRO, DC/SCB MIC 2052/1952, auditors' accounts. A new mace for Leeds in 1694 cost £60 11s. 0d. (Court Books, p. 159).

7 NYCRO, DC/SCB MIC 2052/226. Their function was previously performed by sub-bailiffs, Present State, p. 21 (in which capacity both serjeants served after the Glorious Revolution).

8 There are brief accounts in Nash, Ph.D. thesis, pp. 432-4; Henning, I, 486-7.

9 Copy Translations, pp. 143-52.

10 The 1685 Hull charter reproduced nearly everything in its predecessor, Boyle, Charters, pp. 152-218.

11 In a petition for a change of governing structure, CSPD, 1697, pp. 109-10.

12 Copy Translations, p. 150. Elections certainly took place. Perhaps it was argued that the aldermen legally stood in the shoes of the First Twelve and so could themselves elect common councillors (Present State, pp. 13-14).

13 The eighth was John Wyvill of Osgodby. Occasionally other local gentlemen had served as senior bailiff.

14 Foord and Craven signed the surrender, Baker, Scarborough, p. 204.

15 The peace commissions retained a few political opponents, e.g. Jessop in the WR.

16 NYCRO, DC/SCB MIC 2052/226, 232-2, 289; 1348/2209-10.

17 J. Binns, A Place of Great Importance: Scarborough in the

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Civil Wars, 1640-60 (Preston, 1996), p. 244; The History of Scarborough, ed. A. Rowntree (London, 1931); p. 420.

18 NYCRO, DC/SCB MIC 2052/222.

19 Copy Translations, p. 146.

20 NYCRO, DC/SCB MIC 1348/2209-10; II/1/3, fol. xxv.

21 NYCRO, DC/SCB MIC 1320/1836 mentions R. Osbaldeston in his capacity as a Scarborough JP (the only case I have noted).

22 Gazette, no. 2014 (an address).

23 Hunt. Lib., Hastings MSS, HA 9381, 4 Sept. 1686 (wrong year in calendar).

24 WYAS Leeds, MX/R 50/55.

25 NYCRO, DC/SCB II/1/3, fol. 104; MIC 1320/1825.

26 CJ, IX, 719, XXII, 693-4. See J.R. Jones, 'Restoration Election Petitions', Durham University Journal, LIII (1961), p. 56.

27 WYAS Leeds, MX/R 28/12, 28/10, 29/19.

28 NYCRO, DC/SCB MIC 1348/2212, 2222 (cited), 2230, 2231, 2235.

29 NYCRO, DC/SCB MIC 1348/2209-10. For Scarborough's quakers see Rowntree, Scarborough, pp. 319-28; Baker, Scarborough, pp. 490-7 (although his transcriptions are worthless).

30 Broth. Lib., YFA, V.1.1(2), fols 88-93.

31 E.g. Broth. Lib., YFA, V.1.1(2), fols 69-70; Besse, II, 156. Faithorn, M.Phil. thesis, p. 392 highlights the bailiffs' leniency.

32 NYCRO, DC/SCB MIC 1348/2220, 2209. On Hodgson (who built the town's meeting house in 1676), see Rowntree, Scarborough, pp. 321, 322-3, 326.

33 WYAS Leeds, MX/R 30/20. Reresby's wife and eldest daughter were both christened Frances.

34 YCA, B38, fol. 215; WYAS Leeds, MX/R 36/21, 38/23.

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- 35 CSPD, 1685, no. 957. The ER letter to lord lieutenant Somerset is in HMC Third Report, p. 97.
- 36 CSPD, 1685, no. 1044. See Chart 10/1.
- 37 CSPD, 1685, no. 1169.
- 38 HMC Third Report, p. 99.
- 39 HMC Third Report, p. 100. Still in gaol 25 Nov., CSPD, 1685, no. 1946.
- 40 HCRO, BRB6, fol. 132.
- 41 HCRO, BRL 1502, draft minutes of a meeting on 11 July (with initial list).
- 42 HCRO, BRL 1502/2. Middleton's letter, BRB6, fol. 132.
- 43 HCRO, BRB6, fols 132-3.
- 44 Short, 'Corporation of Hull', p. 189.
- 45 BRB6, fol. 133.
- 46 See chapter 11.
- 47 HCRO, BRL 1115, undated, but shortly after 20 July 1685 (not as calendared).
- 48 CSPD, 1685, no. 1337.
- 49 Atkinson, VII, 77.
- 50 Depositions, p. 276 (and see other references to Monmouth in the index).
- 51 Other local troops included Sir Thomas Mauleverer's and Hon. Thomas Fairfax's, Memoirs, p. 377. For the growth of the army under James II, see especially Childs, James II, chapter 1.
- 52 Memoirs, p. 381n; Broth. Lib. WH 70, endorsed 410; WYAS YAS, DD56/L3.
- 53 Broth. Lib. WH 70, endorsed 404.
- 54 Memoirs, p. 382; WYAS Leeds, MX/R 30/20, 38/10, 38/9.

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- 55 Memoirs, pp. 386-7; WYAS Leeds, MX/R 38/7, 38/16.
- 56 WYAS Leeds, MX/R 38/25; Broth. Lib. WH 70, endorsed 405.
- 57 'Heywood's Diaries', p. 167.
- 58 CSPD, 1685, nos 243, 244 (citing precedents from Charles II). For commentary, see Miller, Popery and Politics, pp. 203-5.
- 59 Depositions, pp. 269-72 (the footnote is worthless).
- 60 In this respect the Yorkshire evidence reinforces Miller, Popery and Politics, pp. 194-5, 203-5.
- 61 Lives of the Norths, I, 309-12.
- 62 With many others from elsewhere, CSPD, 1684-85, p. 287.
- 63 Atkinson, VII, 70.
- 64 WYAS YAS, Middleton MSS, MD 59/13/MISC/139. In 1688 Howard became lord lieutenant of WR; Middleton a JP and deputy (and commissioner for the 3 Questions).
- 65 Miller, Popery and Politics, pp. 204-5.
- 66 BJL Hull, Constable MSS, DDEV/68/248, fol. 82.
- 67 WYAS YAS, MD 59/13/MISC/139.
- 68 BJL Hull, DDEV/68/248, fol. viii; Miller, Popery and Politics, p. 204.
- 69 J. Spurr, Restoration Church, pp. 81-2; Miller, Popery and Politics, pp. 205-6; Lacey, Dissent, chapter 8.
- 70 Broth. Lib., YFA, V.1.1(2), fol. 101 (all citations); Besse, II, 165.
- 71 Steele, no. 3828.
- 72 CSPD, 1686-87, no. 268. See chapter 9.
- 73 CJ, IX, 755-61; Grey's Debates, VIII, 353-71; C.J. Fox, A History of the Early Part of the Reign of James II (London, 1808), app. pp. cxxxix-cxlvii. For commentary, see Childs, James II, pp. 11-14; Miller 'Catholic Officers'.

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74 Grey's Debates, VIII, 365 (reattributed to Sir William Honeywood by Henning, II, 546). The speech immediately followed a complaint about free quarters. On Hickman, see Henning, II, 546.

75 HCRO, BRL 2759a, fols 5-5v. See also fols 7-8v, 9.

76 Principally HCRO, BRL 2759a (which includes transcripts of documents between third parties); and Hunt. Lib., Hastings MSS, boxes 46 and 47.

77 Nine companies to start. Papist officers identified using CSPD, 1685, no. 1936, 1686-87, no. 101.

78 Contrast the rumours about papists in Monmouth's regiment when units were posted to Hull in Nov. 1678 (chapter 4).

79 CSPD, 1683 i, pp. 260, 319.

80 PRO, SP29/425, no. 67.

81 Childs, James II, p. 86. On quartering generally, see Childs, Charles II, pp. 85-9; James II, pp. 85-91.

82 Hunt. Lib., HA 8156.

83 Hunt. Lib., HA 9383. At 8d per man per week Morgan estimated that subsistence would come to £1000 per year. This represents roughly 600 men.

84 Hunt. Lib., HA 9383. Copley's version was very similar, HCRO, BRL 2759a, fol. 2.

85 HCRO, BRL 2759a, fols 1, 2v-3.

86 HCRO, BRL 1106.

87 HCRO, BRL 2759a, fols 1v-2.

88 HCRO, BRL 2759a, fols 5, 5v.

89 HCRO, BRL 2759a, fol. 4.

90 HCRO, BRL 2759a, fol. 6.

91 HCRO, BRL 2759a, fols 4-4v, 7-8v.

92 HCRO, BRL 2759a, fols 8v-9.

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- 93 HCRO, BRL 2759a, fols 10, 10v-11 (compare Steele, no. 3815).
- 94 HCRO, BRL 2759a, fols 9v-10.
- 95 Hunt. Lib., HA 9385.
- 96 HCRO, BRL 2759a, fols 11, 12-12v.
- 97 HCRO, BRL 2759a, fols 12v-13.
- 98 HCRO, BRL 2759a, fol. 14v.
- 99 Hunt. Lib., HA 8423.
- 100 See Childs, James II, pp. 85-91; and for Portsmouth, A. Coleby, 'Military-Civilian Relations in the Solent, 1651-89', HJ, XXIX (1986), 955.

FOOTNOTES, CHAPTER 9

- 1 C. Wyvill, The Duty of Honouring the King (York, 1686). The same day dean Cartwright preached a sermon in Ripon minster, A. Wood, Athenae Oxoniensis (London, 1820), IV, 252-6. On Wyvill, see Ripon Millenary, p. 77.
- 2 Author in 1679 of a tract intended to ease the scruples of catholics reluctant to take the oaths of allegiance and supremacy (see chapter 4).
- 3 C. Wyvill, An Assize-Sermon preached in the Cathedral-Church of St Peter in York (London, 1686), from which the following is drawn.
- 4 Duckett, p. 455.
- 5 N. Johnston, The Excellency of Monarchical Government (London, 1686). Both citations come from the unpaginated introduction. See also p. 138. Its place in historical thought is considered in J.G.A. Pocock, The Ancient Constitution and the Feudal Law, new ed. (Cambridge, 1987), p. 214.
- 6 Possibly the book referred to in WYAS Leeds, MX/R 24/2.
- 7 HMC Sixth Report, p. 463.

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8 See also WYAS Leeds, MX/R 43/43, 4 Oct. 1686. Johnston wanted Reresby's help in disposing of 300 books still on his hands.

9 Johnston, Excellency, p. 42.

10 CTB, 1685-89, p. 1262; WYAS Leeds, MX/R 48/35 (cited), 49/4.

11 N. Johnston, The King's Visitatorial Powers Asserted (London, 1688).

12 WYAS Leeds, MX/R 51/19.

13 Samuel resigned three months later, ERAS, BC/II/7/5, fol. 152; BC/II/5/1, fol. 22.

14 Henry Joseph, HMC Sixth Report (Frank MSS), p. 463. See also G. Scott, 'A Benedictine Conspirator: Henry Joseph Johnston', RH, XX (1990-91). A third brother John had been a Pontefract alderman since 1668.

15 Described in Memoirs, pp. 401-3. See also Childs, James II, pp. 46-7.

16 Broth. Lib., WH 70, endorsed 225.

17 WYAS Leeds, MX/R 41/12; Memoirs, p. 445.

18 One letter begins with studied casualness: 'I was at the kings levy last Sunday and Monday,' WYAS Leeds, MX/R 44/30.

19 WYAS Leeds, MX/R 44/32, 43/9, 44/1, 44/30, 43/51, 43/43.

20 WYAS Leeds, MX/R 46/23. Two days earlier James had told Rochester that no-one should be at the head of his affairs who did not share his opinions, Miller, James II, p. 163.

21 For all that follows, see Glassey, pp. 70-7.

22 For Yorkshire, PRO, PC2/71, fols 366-7.

23 WYAS Leeds, MX/R 47/5.

24 Memoirs, pp. 440-1.

25 Seven in ER, HLRO, Main Papers, MS 321, c41; Metham in WR, MS 321, c57. See Charts 4/1 and 10/1.

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- 26 Printed Memoirs, p. 451n.
- 27 Memoirs, pp. 449-50.
- 28 In Leeds. See WYAS Wakefield, QS 10/9 etc. Equivalent records for NR and ER are missing.
- 29 Depositions, p. 284.
- 30 Glassey, pp.72-4.
- 31 WYAS Leeds, MX/R 47/5.
- 32 Conclusions drawn from a comparison of PRO, PC2/71, fol. 366 with WYAS Wakefield, QS 10/8, 10/9. Perhaps William Johnson can be identified with a namesake described in 1680 as 'mort' (HLRO, Main Papers, MS 275, eee).
- 33 Faithorn, M.Phil. thesis, p. 215; Depositions, pp. 296n-297n (Drake was so infirm that no prosecution followed).
- 34 For wider background, see Lacey, Dissent, chapter 9; Miller James II, pp. 164-5; Jones, Revolution, chapter 5.
- 35 Printed Heywood, IV, 124-5. See also Miller, James II, pp. 165-6.
- 36 Printed The Law and Working of the Constitution, ed. W.C. Costin and J.S. Watson, 2nd ed. (2 vols. London, 1961), I, 343-5.
- 37 Heywood, IV, 125.
- 38 Gilbert Burnet, Reign of King James II (Oxford, 1852), pp. 210-11. Miller, James II, pp. 172-3, argues that James 'was one of the few who was influenced by his own propaganda'.
- 39 The Diary of Dr Thomas Cartwright, ed. J. Hunter, Camden Society, XXII (1843), passim.
- 40 Cartwright's Diary, pp. 47-50. His diary is crammed with references to addressing.
- 41 Gazette, no. 2257.
- 42 Comber, I, 18; Memoirs, p. 581.
- 43 Cartwright's Diary, p. 58.

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44 The Remains of Denis Granville DD, ed. G. Ornsby, Surtees Society, XXXVII (1861), p. 226; Comber, I, 18. Comber's personal friendship with Granville seems to have been unaffected.

45 Short, 'Corporation of Hull', pp. 177-8.

46 It was Rokeby who had defended the York conventiclers in 1682, and Heywood in 1684.

47 WYAS Leeds, MX/R 47/41; Broth. Lib., WH 20 (ascribed to wrong year in HMC Various Collections, II, 400).

48 Memoirs, pp. 461-2 (including p. 462n).

49 BJL Hull, DDEV/68/248, fol. 84.

50 Gazette, nos 2250-2297.

51 Gazette, no. 2287.

52 A version of the Leeds address listing the subscribers' names is printed in 'Extracts from a MS Book written or possessed by Ralph Thoresby', TS, XXVIII (1928), 442-3. I have not located the original MS.

53 WYAS YAS, MS14 (unfoliated), 7 June, T. Sharp to R. Thoresby.

54 WYAS YAS, MS11 (unfoliated), 25 June, R. Stretton to R. Thoresby.

55 WYAS YAS, MS4/142. Possibly Robert Ross of Chapel Allerton, Dugdale, p. 250.

56 WYAS YAS, MS3/77.

57 See sources listed with Chart 9/1. Some had been prosecuted for nonconformity, e.g. no. 18, Depositions, p. 263n, and of course Thoresby. Others named in informal sources, e.g. in 1672 nos 7, 10, 12, 14, 15 and 20 were sent copies of Heywood's Some Mercies of David, Heywood, III, 51-2.

58 E.g. nos 8 and 9 were brothers-in-law; 10 and 16, and 12 and 17 were father and son.

59 See 'Justice's Note-book of Captain John Pickering, 1656-60', ed. G.D. Lumb, TS, XI (1904), XV (1909).

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- 60 Bryan Dixon, Thoresby's friend, is the only prominent non-signatory.
- 61 Atkinson, Thoresby, I, 214.
- 62 Halifax Complete Works, ed. J.P. Kenyon (Harmondsworth, 1969), pp. 109-11.
- 63 Based in Leeds until 1677 when he removed to London, and a regular correspondent of Thoresby. See Calamy Revised, pp. 466-7.
- 64 WYAS YAS, MS 11 (unfoliated), 25 June, R. Stretton to R. Thoresby.
- 65 Lacey, Dissent, pp. 180-1.
- 66 'The Life and Funeral Sermon of the Rev. Richard Stretton', ed. G.D. Lumb, TS, XI (1904), 328.
- 67 See e.g. Jones, Revolution, chapter 4.
- 68 From his 'Advice to his Son', cited Western, Monarchy and Revolution, p. 191. See also Coleman's remarks to the Commons in 1678, cited Kenyon, Popish Plot, p. 100; Burnet, James II, p. 273.
- 69 This point is also made (in a different context) by T. Harris, Politics under the Later Stuarts, (London, 1993), p. 11.
- 70 Printed Memoirs, pp. 581-2. For commentary, see J.C.H. Aveling, Catholic Recusancy in the City of York, Catholic Records Society, II (1970), pp. 103-5.
- 71 WYAS Leeds, MX/R 50/6, 48/17, 48/25, 48/29.
- 72 Memoirs, pp. 457 (and note), 463.
- 73 Memoirs, pp. 457n, 477-8; Dugdale, p. 90; Aveling, York, p. 104.
- 74 WYAS Leeds, MX/R 50/54, 50/70; Memoirs, p. 480n.
- 75 HMC Le Fleming, p. 208.
- 76 WYAS Leeds, MX/R 50/64 (cited); also 51/60. For details of its consecration and contents, see Aveling, York, p. 105.

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77 WYAS YAS, MS26, fols 82-3.

78 A Biographical Dictionary of the English Catholics, ed. J. Gillow (5 vols. London, 1885-1902), II, 106-8.

79 Gillow, Catholics, II, 107; Leyburn, pp. 271-4. One of those confirmed was Philip Hamerton.

80 It began just a fortnight after the York summer assizes. More than 3000 Yorkshire catholics were confirmed, Leyburn, passim.

81 Contemporary accounts of the riot include Memoirs, pp. 487-8; Comber, I, 19 (re-dated to 1688); G.H. Jones, Convergent Forces (Iowa, 1990), document cited p. 81; and numerous letters in WYAS Leeds, MX/R.

82 WYAS Leeds, MX/R 55 (unlisted), 4 Mar., J. Purcell to J. Reresby; Memoirs, p. 488 (cited).

83 Memoirs, p. 487-8 (cited), 490; WYAS Leeds, MX/R, passim.

84 WYAS Leeds, MX/R 54/1.

85 WYAS Leeds, MX/R 55 (unlisted), 12 Mar., E. Baldock to J. Reresby. The assizes opened 8 Mar.

86 Memoirs, pp. 489 (cited), 490 (and note).

87 WYAS YAS, MS 26, fol. 86.

88 Heywood, III, 227-9.

89 Printed Memoirs, pp. 581-3.

90 Heywood, III, 228.

91 Documents reproduced in Court Books, pp. 129-31.

92 Citing the treasury warrant of 5 Dec. 1687 (altered from 12 Oct.), CTB, 1685-89, p. 1695. For wider background, see M. Goldie, 'James II and the Dissenters' Revenge', HR, LXVI (1993).

93 The only Yorkshire references I have found are a blank pre-printed form in the Hull corporation records (HCRO, BRM 384); and a newsletter of 1 Sept. reporting that the regulators had sat in York (HMC Downshire, I, 298).

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94 Welwood, Memoirs, pp. 168-9.

95 Memoirs, pp. 429-97. A long stay in Thrybergh between Dec. 1687 and Apr. was occasioned by gout and lameness. (The Reresby correspondence comes to an abrupt end in Mar.)

96 Steele, no. 3845.

97 WYAS Leeds, MX/R 48/35.

98 WYAS Leeds, MX/R 48/25. The 'greate statesman' was probably Cartwright, with whom he dined the day before, Cartwright's Diary, p. 63.

99 From a list of questions sent to the fellows of Magdalen College on 15 Sept. 1687, cited Magdalen College and the Crown, ed. L. Brockliss et al. (Oxford, 1988), pp. 53-4. See also p. 103.

100 J.P. Kenyon, Robert Spencer Earl of Sunderland (London, 1958), p. 171. Also WYAS Leeds, MX/R 51/15. For the influence of the 3 Questions on peace commissions generally, see Glassey, pp. 77-91.

101 WYAS Leeds, MX/R 51/20; also 51/16, 51/19, 51/25. For Reresby's commentary, Memoirs, pp. 478-9.

102 Short, 'Corporation of Hull', p. 178.

103 Reports were widely distributed, e.g. WYAS Leeds, MX/R 50/55; HMC Le Fleming, p. 208. See also Broth. Lib., WH 57 (unsorted), copy of the protestant answers; and BJL Hull, DDEV/68/248, fol. 85, the Questions only.

104 Pace Glassey, p. 82, the ER commission must have been sealed even though not listed in PRO, Crown Office Docquet Book, C231/8. E.g. Besse, II, 169 reproduces a document dated 24 Apr. 1688 signed by three catholic JPs, two of them newcomers.

105 Duckett, p. 463.

106 WYAS Leeds, MX/R 50/54; also 51/40.

107 WYAS Leeds, MX/R 51/3.

108 WYAS Leeds, MX/R 51/53. On Penn and James, see e.g. Miller, James II, chapter 12; Jones, Revolution, chapter 5.

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- 109 WYAS Leeds, MX/R 56 (unlisted), 21 Mar., T. Yarburgh to J. Reresby. Also MX/R 55 (unlisted), 12 Mar., E. Baldock to J. Reresby.
- 110 Text in Collecteana Curiosa, ed. J. Gutch (2 vols. Oxford, 1781), I, 391-3 (incorrectly dated). See also CSPD, 1687-89, no. 2126 (undated).
- 111 Gazette, no. 2334; Memoirs, pp. 494-5.
- 112 Also Gazette, nos 2345, 2348, 2360, 2368, 2370, 2372.
- 113 PRO, PC2/72, fol. 543. The analysis in Nash, Ph.D. thesis, pp. 433-4, is unreliable. For background, Jones, Revolution, p. 133.
- 114 WYAS Leeds, MX/R 50/55.
- 115 PRO, PC2/72, fols 640, 652.
- 116 NYCRO, DC/SCB MIC 1320/1844, 1 Sept.
- 117 NYCRO, DC/SCB II/1/3, fols 107-107v, 28 Feb. (which refers to some of the displaced aldermen by title); Gazette, no. 2348 (which approvingly mentions James's catholicism).
- 118 See e.g. Henning, I, 482-3, 485; Aveling, 'West Riding', p. 236.
- 119 ERAS, BC/II/5/1, fol. 19; DA, AB2 1/3, fol. 371.
- 120 York, e.g. YCA, Acc. 104: Ant./3 (typescript of Hammond's diary).
- 121 Recommendations survive for the corporations of Doncaster, Pontefract, Ripon and York; ER and NR; and the liberties of Ripon and St Peter's York (see Duckett, *passim*).
- 122 Compare PRO, PC2/72, fol. 734, and Duckett, p. 450.
- 123 ERAS, BC/II/5/1, fol. 19. The wording of the Doncaster mandate is identical.
- 124 WYAS Wakefield, WMT/PON/1/1 (Booke of Entries), fol. 146 (undated, but probably late Mar.); WYAS YAS, MS17, fol. 31, 4 Apr.
- 125 WYAS Wakefield, WMT/PON/1/1, fol. 146 bis. On Brent, see Jones, Revolution, pp. 145-8, 172; J.R. Jones, 'James II's

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Whig Collaborators', HJ, III (1960); Short, 'Corporation of Hull', p. 182.

126 Except as noted, see ERAS, BC/II/7/5, fols 181-4; BC/II/5/1, fols 19-23; BC/III/28 (the original order).

127 John Thorp of Danthorp and John Brigham of Brigham. Both also nominated to ER bench, Duckett, Penal Laws, II, 257.

128 BJL Hull, DDCV/15/282.

129 Memoirs, pp. 512-14, 521-2.

130 Short, 'Corporation of Hull'.

131 For titles of works by Johnston and Popple, see section 2.2 of the bibliography. Johnston was also fathered with works he did not write, WYAS Leeds, MX/R 51/16.

132 Comber's writings were mostly anti-catholic tracts with titles like Considerations on the Errors of Popery.

133 WYAS Leeds, MX/R 48/35.

134 See pp. 1-2, 205-6 (the 'litle booke' was written by Sir William Coventry).

135 WYAS Leeds, MX/R 51/16.

136 Broth. Lib., YFA, II.2, fol. 66. The pamphlet is unidentified. Hammond was a quaker bookseller in York.

137 Broth. Lib., YFA, II.2, fol. 68.

138 C. Robbins, 'Absolute Liberty: The Life and Thought of William Popple, 1638-1708', William and Mary Quarterly, XXIV (1967); Short, 'Corporation of Hull', p. 185.

139 Broth. Lib., YFA, II.2, fol. 70.

140 Cited by W.C. Braithwaite, The Second Period of Quakerism, 2nd ed. (Cambridge, 1961), p. 665.

141 For Lambert, see especially R. Davies, A Memoir of the York Press (Westminster, 1868), pp. 86, 92-3, 96, 103-4, 116-17. He published Wyvill's loyalist sermon of 6 Feb. 1686 with which this chapter began; was a militia lieutenant in Oct. 1688 (Evans, 'Yorkshire and 1688', p. 284); and died in 1690.

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142 WYAS Leeds, MX/R 54/8; Parliament and the Glorious Revolution, 1688-1988 (London, 1988), an exhibition catalogue, p. 14.

143 CSPD, 1687-89, no. 814; Memoirs, pp. 489-90.

144 WYAS Leeds, MX/R 54/8.

145 CSPD, 1687-89, no. 889. On Clarke, see C.W. Chilton, 'The Printing and Book Trades in Hull', M.Phil. thesis (Leeds, 1981), pp. 10-11.

146 For the rest of this paragraph, see HMC Seventh Report (Preston MSS), p. 415; WYAS YAS, MS 17, fol. 32.

147 Short, 'Corporation of Hull', tables 1 and 2.

148 Comber, I, 19-20 (cited), 54.

149 Possibly written by William Sherlock. See G.H. Jones, Convergent Forces, pp. 17-18, which summarises its content and describes its distribution within the diocese of Norwich.

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1 For the others, see Chart 9/3.

2 PRO, SP31/4, fol 94, 5 Oct. (incorrectly dated CSPD, 1687-89, no. 1640). Nothing known of Partridge's career except 1684-88.

3 PRO, PC2/72, fols 738-40. See also CSPD, 1687-89, no. 1619. Even if Partridge's panic was general, it did not last long.

4 PRO, SP31/4, fols 144-5; NYCRO, DC/SCB MIC 2052/234-9.

5 There are no contemporary accounts of this incident. The earliest is L. Charlton, The History of Whitby and of Whitby Abbey (London, 1779), p. 325.

6 The expression is secretary at war Blathwayt's ('Letters on the Administration of James II's Army', ed. G. Davies, JSAHR, XXIX (1951), 79). Aslaby's appointment as muster-master for Yorkshire, assuming it ever happened (WYAS Leeds, MX/R 50/55), might have provided a more tangible pretext. (Wolsley was quick to join the rebels, HMC Eleventh Report (Leeds MSS), p.

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28. He was later colonel of the Enniskillen horse.)

7 Except as noted, the rest of this story relies on the following newsletters: HMC Fifth Report (Pine-Coffin MSS), p. 379; HMC Downshire, I, 301; Luttrell, I, 461; Original Letters Illustrative of English History, ser. 2, ed. H. Ellis (London, 1827), IV, 125, 128-9.

8 CSPD, 1687-89, no. 1465; Davies, 'Letters', p. 79.

9 The hearing is not mentioned in the council register. For the pardon, Steele, no. 3875.

10 NYCRO, DC/SCB MIC 1320/1844-5, 1 Sept.

11 Correspondence of Henry Hyde Earl of Clarendon and of his Brother Lawrence Hyde Earl of Rochester, ed. S.W. Singer (2 vols. London, 1828), II, 208.

12 CJ, XXII, 694.

13 See Short, 'Corporation of Hull', p. 190. For two years the restored corporation tried in vain to obtain details of the intruded mayor's expenditure, HCRO, BRB6, fols 236, 238, 251, 261.

14 Printed Memoirs, pp. 583-4. See also HMC Seventh Report, pp. 415-16.

15 E.g. Maddison, Ph.D. thesis, p. 82; Geiter, M.Phil. thesis, p. 174; Keen, Ph.D. thesis, p. 309. C. Hill, after conflating two sources into one citation, observes: 'This was something very like a social revolution', The Century of Revolution, pbk ed. (London, 1969), p. 206.

16 J.H. Plumb, The Growth of Political Stability in England (Harmondsworth, 1973), p. 70; Glassey, p. 96.

17 WYAS Leeds, MX/R 19/7, 47/7.

18 WYAS Wakefield, QS 10/9 (Order Book), 17 Jan. 1688 (heading a list of Sheffield people who refused to pay a poor assessment). Pedigree in Familia Minorum Gentium, p. 548.

19 Dugdale, p. 277; WYAS YAS, MS 1092, pedigree of de Trappes of Nidd Hall; J. Hunter, Hallamshire: The History and Topography of Sheffield (London, 1869), p. 336.

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- 20 WYAS Wakefield, QS 4/13 (Indictment Book N), fol. 24v. See also QS 1/18/12 (sessions roll), warrant 21 Apr; Depositions, p. 139.
- 21 HLRO, Main Papers, MS 321, c40.
- 22 Hey, Fiery Blades, p. 22 (no references given); Hunter, Hallamshire, p. 335. Assessed for 36 hearths, Purdy, Hearth Tax, p. 204.
- 23 See WYAS Leeds, MX/R 19/7.
- 24 WYAS Leeds, MX/R 10/93; Memoirs, pp. 108-10. The body had to be exhumed to prove Reresby's innocence.
- 25 Memoirs, pp. 392-3.
- 26 PRO, C231/8, fol. 198 gives no detail. The senior JPs would have been the deputies approved five days earlier, CSPD, 1687-89, no. 1514. See Glassey, p. 83.
- 27 Memoirs, p. 494.
- 28 70 in all. For sources, see Chart 9/2. In NR the regulators' recommendations appear to have been adopted unchanged. No sessions records survive for the ER. See Glassey, pp. 84-9.
- 29 Baronets serving in the three ridings: 20 in Nov. 1680; 23 in Jan. 1688; 17 in late summer 1688. There were about 55 resident baronets in Yorkshire.
- 30 Short, 'Corporation of Hull', pp. 180-1.
- 31 The following comparisons with pre-1680 benches are based on G.C.F. Forster, The East Riding Justices of the Peace in the Seventeenth Century East Yorkshire Local History Society (1993); G.C.F. Forster, 'Government in Yorkshire during the Interregnum', NH, XII (1976).
- 32 N. Landau, The Justices of the Peace, 1679-1760 (Berkeley, 1984), p. 302. Fletcher like me is cautious about such claims, see Reform, p. 35.
- 33 The NR and WR were also regulated in two stages.
- 34 Proposed commoners in York, for instance, included two congregationalists (Scott, D.Phil. thesis, p. 204).

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35 Short, 'Corporation of Hull', pp. 186-95.

36 Allegedly one of the Barnbow plotters, and like Radcliffe at Sheffield Park probably a steward.

37 Only two Pontefract aldermen from summer 1657 survived the Corporation Act commissioners (Chart 3/1).

38 Fox, Pontefract, p. 352. James II had ordered that quakers might hold office without taking oaths, Lacey, Dissent, p. 350.

39 Booke of Entries, pp. 157-8, 352; WYAS Wakefield, Pontefract corporation, QS36 (unsorted), an inquisition of c1674.

40 Some or all may have belonged to the 'sixteen' (who were not in office and to whom the political tests did not apply).

41 Gazette, no. 2302.

42 E.g. J. Carswell, The Descent on England (London, 1969), pp. 240-1; Faithorn, M.Phil. thesis, Appendix L.

43 Duckett, p. 461; CSPD, 1687-89, no. 1514.

44 This argument is developed in Short, 'Corporation of Hull', pp. 172-5.

45 Where sources to the next two paragraphs will be found.

46 Jones, Revolution, p. 187.

47 Short, 'Corporation of Hull', pp. 187-9.

48 Memoirs, pp. 508-15 (and notes).

49 Relying in particular on entries in Henning.

50 For a very different analysis of the probable Yorkshire results, see J.H. Plumb, 'The Elections to the Convention Parliament of 1689', Cambridge Historical Journal, V (1935), 241-2 ('in Yorkshire the government had very little influence'). See also Miller, James II, p. 197.

51 A Dutch agent. Cited by Lacey, Dissent, p. 349.

52 Also three dissenting alderman-justices in Pontefract (Chart 10/2).

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53 Duckett, p. 469.

54 Gazette, no. 2288.

55 PRO, PC2/72, fols 735-6.

56 Broth. Lib., YFA, II.2, fol. 68. Papers were to be sent to every monthly meeting and to corporations. For background, see Lacey, Dissent, especially pp. 203-4.

57 See especially A. MacIntyre, 'The College, King James II and the Revolution, 1687-88', pp. 31-82; and L. Brockliss, 'The "Intruded" President and Fellows', pp. 83-106.

58 PRO, PC2/72, fol. 366; Memoirs, p. 451n, 463-4; WYAS Wakefield, QS 10/9, passim.

59 Memoirs, p. 496.

60 The regulators mostly planned to promote existing capital burgesses. Only one name coincides with Hansby's corporation, Duckett, p. 447.

61 Hunter described one bogus Revell pedigree as 'polluting the current of our gentilitial antiquities', South Yorkshire, II, 180-1.

62 Hunter, South Yorkshire, I, 235, 246-7 (with a pedigree); Tomlinson, Doncaster, p. 160.

63 DA, AB2 1/3, fol. 363. Also Memoirs, p. 349; WYAS Leeds, MX/R 27/16.

64 Ellerker and Walker, ordered to take care of Hall's lawsuits against the corporation in 1679, were both removed (DA, AB2 1/3, fol. 347).

65 Boynton, a king's serjeant, was a strong supporter of James's policies: Duckett, p. 461; Memoirs, pp. 494-5; HMC Lonsdale, p. 96. One of Arthur's sons was christened Boynton, Hatfield, Historical Notices, II, 137.

66 On Arthur's dispute with Isaac Bates, the corporation's nominee, see DA, AB2 1/3, fol. 363; CSPD, 1685, no. 1686, 1686-87, no. 1725; Hatfield, Historical Notices, II, 133-4; Memoirs, p. 482.

67 PRO, PC2/72, fol. 724; DA, AB2 1/3, fol. 371.

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68 DA, AB2 1/2, fol. 46; AB2 1/3, fol. 370.

69 Duckett, pp. 446-7; DA, AB2 1/3, fol. 370.

70 For the rest of the paragraph (except as noted), DA, AB2 1/3, fol. 371; AB2 1/5, fol. 19; AB4/2 (Oaths and Declarations). A halfhearted attempt has been made to score out the entries in AB2 1/3.

71 The declaration against the covenant was left intact by the Declaration of Indulgence. Arthur swore all the statutory oaths regardless of the royal dispensation, DA, AB4/2.

72 A warrant for a charter restoring the 1685 charter was prepared on 30 Oct., CSPD, 1687-89, no. 1831.

73 17 Oct., Steele, no. 3881, which specifically excluded Doncaster (see chapter 11).

74 DA, AB2 1/3, fol. 372.

75 DA, AB61 2/33 (chamberlains' books). Dixon, the chamberlain, was a capital burgess. Named by the regulators as a prospective alderman, so presumably not overtly opposed to the royal policies, Duckett, p. 447.

76 At Magdalen College a number of leases were sealed during the catholic-led regime and 'many rents must have been paid as usual', Magdalen College, p. 75.

77 DA, AB2 1/1, fol. 326v.

78 M. Knights, 'A City Revolution: The Remodelling of the London Livery Companies in the 1680s', EHR, CXII (1997), 1177.

79 Keen, Ph.D. thesis, p. 334, denounces 'the utter incompetence of James II's policy towards the boroughs'.

80 See J.C.R. Childs, '1688', History, LXXIII (1988), 422.

81 Glassey, whose book begins in 1675, has apparently overlooked this point.

82 Memoirs, pp. 553-78.

83 Jones, Revolution, p. 174. See also Coleby, Hampshire, pp. 176-7.

84 12/18 JPs at the Easter 1688 sessions were catholics; 7/12

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in the summer (in two sessions); and 11/15 at Michaelmas (Atkinson, VII, 86-92). The WR was not remodelled in spring or summer 1688, and catholics never made up a majority. There are no records for ER.

85 Stephens, Clerks of the Counties.

86 Only in Pontefract and Hull did the government definitely plan to intrude new town clerks.

87 Doncaster, Scarborough and York certainly; Pontefract and Ripon almost certainly.

88 E.g. Pontefract and Ripon.

89 On Hoare, see Short, 'Corporation of Hull', pp. 186-92.

90 James did not believe William's intention to invade until 18 Sept. See J.P. Kenyon, Introduction to By Force or by Default? The Revolution of 1688-89, ed. E. Cruikshanks (Edinburgh, 1989), p. 4.

91 The only exception is Scarborough, where Partrige's fright and the sessions presumably coincided. The intruded recorder's identity is not known.

92 NYCRO, QSM MIC 102, fols 46-46v. Letter dated 20 Nov; York fell on the 22nd. Ordinary letters took three days to reach York. (The catholic JP was William Pierson.)

93 Compare: 'As the crisis loomed, James II's Yorkshire boroughs were in complete disarray', Keen, Ph.D. thesis, p. 335. Except briefly in Scarborough there is not a shred of evidence to show they were.

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1 WYAS YAS, MS 26, fol. 100.

2 WYAS YAS, MS 17, fol. 32; WYAS Wakefield, Acc. C996, fol. 266.

3 WYAS YAS, MS 3/41, 23 Feb. The following all derives from this letter.

4 Steele, no. 3957; Comber, I, 21.

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- 5 W.A. Speck, Reluctant Revolutionaries: Englishmen and the Revolution of 1688 (Oxford, 1988), p. 235.
- 6 Depositions, p. 290.
- 7 WYAS YAS, MS 17, fol. 33. Leased for five and a half years at £60 p.a.
- 8 Reresby's correspondence (WYAS Leeds, MX/R) stops in Mar. 1688. There are no corporation letters in HCRO, BRL between Oct. 1688 and Oct. 1690.
- 9 PRO, PC2/72, fols 738-40; WYAS YAS, MS 26, fol. 98; WYAS YAS, MS 17, fol. 31. For commentary, see A. Browning, Thomas Osborne Earl of Danby (3 vols. Glasgow, 1944-51), I, 386-418; Childs, James II, pp. 159-61; W.A. Speck, 'The Revolution of 1688 in the North of England', NH, XXV (1989); W.A. Speck, 'The Orangist Conspiracy against James II', HJ, XXX (1987).
- 10 E.g. HMC Astley, pp. 67-8, letter of 27 Sept.
- 11 Variousy computed at 3000 (Thoresby) and 6000 (Morris).
- 12 Memoirs, pp. 511-12; Browning, Danby, II, 136-7. See also J. Miller, 'The Militia and the Army in the Reign of James II', HJ, XVI (1973).
- 13 CSPD, 1687-89, no. 1153. A commission of 17 Sept. (no. 1514) seems never to have reached Yorkshire.
- 14 Broth. Lib., Wentworth MSS, WH 59 (unsorted), draft.
- 15 HMC Le Fleming, p. 215.
- 16 Gazette, no. 2385. See Glassey, pp. 97-8.
- 17 On 5 Oct., Duckett, Penal Laws, II, xxxiii (patent roll).
- 18 CSPD, 1687-89, nos 1608, 1664; Memoirs, pp. 515n, 517n.
- 19 Memoirs, pp. 517n-518n.
- 20 CSPD, 1687-89, nos 1727, 1741. List printed Memoirs, pp. 520n-521n.
- 21 For some names, see WYAS Leeds, Robinson of Newby MSS, NH 2458a; Ingram of Temple Newsam MSS, TN/LA 9/5; Memoirs, p. 527.

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- 22 CSPD, 1687-89, no. 1725.
- 23 Evans, 'Yorkshire and 1688', pp. 284-5 (a list of WR militia officers presumably prepared for Danby when he was made lord lieutenant on 10 May 1689).
- 24 Duckett, pp. 472-3 (possibly a composite list from two different dates). See also commissions etc. in WYAS Leeds, NH 2471.
- 25 Memoirs, p. 523. The troop commanders listed in Browning, Danby, I, 403n (1 Dec. 1688) appear to be identical to those named in Oct.
- 26 Comparing HLRO, Main Papers, MS 287, c2; and Evans, 'Yorkshire and 1688', p. 284. There were seven companies in all.
- 27 Memoirs, pp. 521, 531.
- 28 Memoirs, p. 517n.
- 29 Memoirs, p. 523 (and note); HMC Seventh Report, p. 412.
- 30 Memoirs, pp. 523-4; HMC Seventh Report, pp. 412-13.
- 31 Memoirs, p. 524.
- 32 HMC Seventh Report, pp. 415, 417; Memoirs, pp. 525-6 (cited). See Browning, Danby, I, 396-7, for the plotters' use of the second meeting.
- 33 HMC Seventh Report, p. 348, 17 Nov., Preston to J. Reresby (an effusive appreciation).
- 34 For militia movements in ER and Hull, see CSPD, 1687-89, no. 1823; HMC Seventh Report, pp. 348, 413-15. For military preparations in Hull, see Childs, James II, p. 182.
- 35 A rare entry in Richmond's much-damaged Coucher Book refers to a meeting on 1 Nov. to regulate the borough militia, NYCRO, DC/RMB 2/1/1 (unfoliated).
- 36 CSPD, 1687-89, nos 1567, 1619; Memoirs, pp. 514-15.
- 37 WYAS Wakefield, QS 10/9, fol. 69; Atkinson, VII, 91-2. A beacon was fired accidentally on 8 Nov., HMC Seventh Report, p. 415.

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- 38 CSPD, 1687-89, nos 1630, 1676, 1824; HMC Various Collections, II, 404; HMC Seventh Report, p. 413.
- 39 CSPD, 1687-89, no. 1824; Memoirs, p. 524.
- 40 Memoirs, p. 524.
- 41 Knights, 'City Revolution', p. 1177.
- 42 Steele, no. 3939 (summoned 30 Nov. to meet 15 Jan.). Brief comments in H. Horwitz, Parliament, Policy and Politics in the Reign of William III (Manchester, 1977), pp. 5-6; Speck, Reluctant Revolutionaries, pp. 232-3; and (on Yorkshire), Speck, 'Revolution of 1688', p. 202.
- 43 NYCRO, DC/SCB MIC 1320/1846, 12 Dec. (an election writ from the sheriff).
- 44 For York, Memoirs, p. 540; Northallerton, WYAS Leeds, NH 2486 (the original return); Beverley, ERAS, BC/II/5/1, fol. 19v; and for Hedon, Scarborough and Yorkshire, Henning, I, 475, 487 and 469 respectively.
- 45 Memoirs, p. 540; YCA, B38, fol. 260.
- 46 Browning, Danby, II, 155, 16 Dec; in reply to Sayle's letter to Danby calendared HMC Eleventh Report (Leeds MSS), p. 28.
- 47 BJL Hull, Hotham MSS, DDHO/13/2b, 15 Dec. (from which the following citations are drawn). For Hotham, see Henning, II, 584-7.
- 48 Hotham was pre-engaged to Beverley corporation, BJL Hull, DDHO/13/2c.
- 49 Private correspondence referred routinely to the 'Dutch invasion' at least until William's landing, hardly suggesting a widespread commitment to the prince at this stage. See e.g. HMC Astley, pp. 67-9 (Frankland, a former exclusionist, might have been thought a natural supporter of William, Henning, II, 361-2).
- 50 A Brief Memoir of Mr Justice Rokeby, Comprising his Religious Journal and Correspondence, ed. J. Raine, Surtees Society, XXXVII (1861), 34-5. See also pp. 31-4. (The commentary is unreliable.)
- 51 For an example of intellectual consistency coupled with

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political naivety, see the story of William Pople, Short, 'Corporation of Hull', p. 185.

52 Goldie, 'Dissenters' Revenge', p. 55.

53 Printed (under the wrong year) in R.C. Ward, 'The Political Correspondence relating to Hull, 1678-1835', Ph.D. thesis (Leeds, 1989), pp. 240-2.

54 Short, 'Corporation of Hull', pp. 180-1, 187-9; Ward Ph.D. thesis, pp. 25, 46-7. Bradshaw stood again (and petitioned) in 1695 and 1701.

55 See e.g. Speck, 'Revolution of 1688'; Browning, Danby, I, chapter 17. For the capture of Hull, Childs, James II, pp. 192-3; S.S. Webb, Lord Churchill's Coup (New York, 1995), pp. 152-4. On the convention elections, Speck, Reluctant Revolutionaries, pp. 93-4; Henning, *passim*.

56 Glassey, pp. 98-9. There were similar problems in central government, e.g. the treasury commission was fortunate to retain a quorum of three protestants.

57 For Ripon, NYCRO, DC/RIC II 1/1/3 (and see also records for Hedon and Pontefract). For Scarborough, NYCRO, DC/SCB II/1/3, fol. xxx. On 2 Feb. the Lords ordered James's accession day not to be observed, Steele, no. 3955.

58 Gazette, no. 2385; PRO, C231/8, fol. 203. In WR a commission was received, Memoirs, p. 533.

59 Glassey, pp. 100-3.

60 Epiphany sessions were held in Hedon and Scarborough, ERAS, DDHE/5/1 (unfoliated); NYCRO, DC/SCB II/1/3, fol. xxx.

61 Steele, nos 3921, 3941, 3963.

62 Citing the version in R. Beddard, A Kingdom without a King (Oxford, 1988), pp. 75-6.

63 Citing the version in Reasons Humbly Proposed to the Honourable House of Commons (1689).

64 For the following, see Atkinson, VII, 84-97. It seems there was no Easter sessions in WR or Ripon liberty.

65 Presumably that printed in Duckett, Penal Laws, II, 291-2. See also PRO, C231/8, fols 187, 196, 197.

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- 66 HMC Astley, p. 71.
- 67 6 Oct. 1691 and 5 Apr. 1692 respectively.
- 68 25 Car. II, c. 2 (SR, V, 782-5); Horwitz, Parliament, p. 28.
- 69 Except as noted, the next paragraph is drawn from this pamphlet.
- 70 Horwitz, Parliament, pp. 29, 39; CJ, X, 415.
- 71 DA, AB4/2 (oaths and declarations).
- 72 WYAS Wakefield, WMT/PON/1/1, fols 146-8 (and see Chart 10/2).
- 73 Court Books, pp. 120-43.
- 74 1 Gul. & Mar. c. 18 (SR, VI, 74-6); Lacey, Dissent, pp. 235-9.
- 75 WYAS YAS, MS 4/116 (the original document); Thoresby, 'Extracts', p. 444; Calamy Revised, p. 526; W. Smith, History and Antiquities of Morley (London, 1876), p. 150.
- 76 See long list of quaker meeting houses licensed in the NR, Atkinson, VII, 102-3. Also Faithorn, M.Phil. thesis, who has overlooked the fact that the corporations and liberties had their own sessions.
- 77 Memoirs, p. 531 (cited); Hildyard, York, p. 132, Aveling, York, p. 103.
- 78 Gillow, Catholics, II, 107; HMC Eleventh Report, p. 29.
- 79 E.g. Charles Killingbeck of Allerton Grange was found hidden in a neighbouring tenement, WYAS YAS, MS 17, fol. 32.
- 80 E.g. B JL Hull, DDEV/68/248, fol. 86, a pass for Sir Philip Constable and others to travel overseas.
- 81 Atkinson, VII, 95-105.
- 82 HMC Ninth Report, pp. 334-44 (not in Atkinson, VII).
- 83 WYAS Wakefield, QT 1/2/1 (Quarter Sessions Book A), fols 65-9, 97-9.
- 84 HCRO, BRB6, fols 242, 268.

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- 85 Memoirs, p. 557.
- 86 Thompson, Letters, pp. 4-7.
- 87 E.g. 'Matters are carried with deep secrecy, and in all appearance they can not miscarry under so great a king', Thompson, Letters, p. 5.
- 88 Neither does a stray letter from viscount Downe, MP for Pontefract, to the mayor, Fox, Pontefract, p. 55n (and properly dated 2 Mar.).
- 89 Broth. Lib., WH 57 (unlisted), 23 Mar., F. Nevile to M. Wentworth.
- 90 Extracts printed in M.E. Ingram, The Maisters of Kingston upon Hull (Todmorden, 1983), pp. 25-6.
- 91 HCRO, BRL 1524, cJuly 1689, a thoroughgoing denunciation of Copley and all his works.
- 92 CJ, X, 191.
- 93 HMC Eleventh Report, pp. 367. For Wildman's career as postmaster-general, see M. Ashley, John Wildman Plotter and Postmaster (London, 1947), pp. 284-9.
- 94 Childs, William III, pp. 35-6. In 1691 Copley moved from Hull to govern Maryland, Webb, Churchill's Coup, pp. 153-4.
- 95 HMC Eleventh Report, pp. 36-7.
- 96 Gazette, no. 2391; also orders in council of the same date, Steele, nos 3884, 3885.
- 97 Hedon, Hull, Leeds, Pontefract, Richmond, Ripon and Scarborough.
- 98 Hedon, Leeds and Richmond.
- 99 See Short, 'Corporation of Hull', table 1.
- 100 Compare names on NYCRO, DC/SCB MIC 1320/1844-5; and MIC 2052/234-9.
- 101 Gazette, no. 2391 includes a list of corporations excluded from the proclamation.
- 102 See especially Memoirs, pp. 512-12, 521-2 (and notes).

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- 103 YCA, B38, fols 255-9. The writ is translated in A. Ward, History and Antiquities of York (3 vols. York, 1785), II, 87-9.
- 104 Three of the five were later foisted on the upper house by the commons, Scott, D.Phil. thesis, pp. 365, 367.
- 105 YCA, BM (draft House Book), unfoliated.
- 106 Surrender dated 26 Jan. 1685 and enrolled 24 Mar. (printed Tomlinson, Doncaster, p. 168n.)
- 107 As mentioned in chapter 10, this was perhaps to facilitate the Michaelmas quarter sessions.
- 108 CSPD, 1687-89, no. 1831 (warrant).
- 109 It omitted the words 'and his heirs and successors'. Compare wording in Tomlinson, Doncaster, p. 168n and Baker, Scarborough, pp. 204-5.
- 110 Three capital burgesses elected 3 Dec., DA, AB2 1/3, fol. 373.
- 111 E.g. DA, AB2 1/3, fols 393, 399. Hall's funeral monument reproduced, Hatfield, Historical Notices, II, 66.
- 112 DA, AB2 1/3, fols 372 (Arthur signed documents as town clerk on 8 Dec. 1688), 374. He was town clerk again in 1699, Hatfield, Historical Notices, II, 136-40 (the commentary is pure fiction).
- 113 Printed in Oliver, Beverley, p. 238n.
- 114 ERAS, BC/II/7/5, fol. 193.
- 115 G. Poulson, Beverlac (London, 1829), app. p. 61; Forster, VCH Beverley, p. 107.
- 116 ERAS, BC/II/7/5, fol. 154v.
- 117 Beverley, Doncaster, Ripon and York. With annual elections in Scarborough non-jurors unlikely to be identified.
- 118 Court Books, pp. 142-3.
- 119 HCRO, BRB6, fols 244, 245.
- 120 HCRO, BRB6, fol. 268.

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- 121 HCRO, BRB6, fol. 245. See also BRB6, fol. 133 and BRL 1502 (July 1685).
- 122 Forster, VCH Beverley, p. 120.
- 123 Gauci, Great Yarmouth, chapter 6, especially pp. 174-80. Compare e.g. G.C.F. Forster, 'Government in Provincial England under the Later Stuarts', TRHS, ser. 5, XXXIII (1983), 46-8.
- 124 For the following, see WYAS Wakefield, WMT/PON/1/1, fols 147-50.
- 125 Nathaniel was a jacobite; Henry, a catholic monk, would later be involved in the assassination plot. See Scott, 'Henry Johnston'.
- 126 If Hastings Sayle's re-election was invalid, subsequent elections under his own and his successors' chairmanship would also presumably be invalid.
- 127 Printed Parliamentary Representation, II, 174-5; and see Steele, no. 4027. (Leeds was not a parliamentary borough.)
- 128 Thompson, Letters, p. 7.
- 129 Horwitz, Parliament, pp. 22, 23, 26.
- 130 For what follows, Lacey, Dissent, pp. 239-42; Horwitz, Parliament, pp. 36, 37, 41, 42.
- 131 Lacey, Dissent, p. 240. Five Yorkshire MPs voted for the clause, Browning, Danby, III, 172.
- 132 HMC House of Lords, I, 422-9.
- 133 Browning, Danby, III, 172.
- 134 CJ, X, 322-3.
- 135 Compare Baker, Scarborough, pp. 204-5, and NYCRO, DC/SCB II/1/3, fol. 112v.
- 136 ERAS, BC/II/5/1 (2nd sequence), fol. 56.
- 137 The Eighteenth Century Constitution, ed. E.N. Williams (Cambridge, 1965), pp. 47-8 (and commentary).
- 138 This was not the last parliamentary attempt to interfere in the corporations, e.g. an abortive bill in 1691-92,

FOOTNOTES, CHAPTER 11

Horwitz, Parliament, p. 100.

139 No place or date of publication given.

140 BJL Hull, DDEV/68/248, fol. 91, implies Johnston was in London by the spring of 1690. For the subterfuges needed to direct letters to him, see The Diary of Abraham De la Pryme, ed. C. Jackson, Surtees Society, LIV (1870 for 1869), 113-15; and Thoresby, Diary, I, 305.

141 Compare Johnston's account of James II's views on trade in The Dear Bargain, p. 2, with WYAS YAS, MS 3/77 (an account of the presentation of the Leeds dissenters' address in 1687).

142 The Dear Bargain, pp. 17, 24.

143 WYAS Wakefield, Acc. C996, fols 266-71, etc.

144 BJL Hull, DDEV/68/248, fols 86, 91.

145 Compare Cruikshanks, By Force or by Default?, p. 5, with Speck, Reluctant Revolutionaries, p. 206.

146 The earliest account discovered is Charlton, Whitby, p. 325 in 1779.

147 Prosecuted for recusancy in 1691, Aveling, 'West Riding', p. 296. There is no indication even when he died, Hunter, South Yorkshire, I, 235.

148 WYAS YAS, MS 3/33.

149 BJL Hull, DDEV/68/248, fol. 91.

FOOTNOTES, CHAPTER 12

1 HCRO, BRB6, fol. 233.

2 See e.g. J. Miller, 'The Potential for Absolutism in Later Stuart England', History, LXIX (1984); Childs, '1688'.

3 Compare Jones's 'synthetic alliance', Revolution, pp. 174-5.

4 Plumb, Growth of Political Stability, p. 14.

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1. MANUSCRIPT SOURCES

East Riding Archive Service, Beverley

Corporation of Beverley

BC/I/86	1663 charter (in translation)
BC/II/5/1	Great Order Book 1584-1821
BC/II/7/5	Minute Book 1659-1707
BC/III/28	Order in Council
DDX/24/27	Section D, Court of Record 1686-1711

Corporation of Hedon

DDHE/2/15	1664 charter (in translation)
DDHE/2/16	1685 charter (in translation)
DDHE/5/1	QS Book etc.
DDIV/33/1	elections of officers etc.
DDIV/48/1	Court of Record etc.

Huntingdon Library, California (on microfilm)

Hastings Correspondence

Boxes 43, 45-8 letters

Doncaster Archives

Corporation of Doncaster

AB2 1/1	Courtiers I 1559-1730
AB2 1/2	Courtiers II 1649-1723
AB2 1/3	Courtiers III 1591-1754
AB2 1/5	Courtiers V 1675-1768
AB4/1	sacramental certificates 1685
AB4/2	oaths and declarations 1681-89
AB5 2/85, 86	QS papers (unsorted)
AB61 2/33	chamberlain's books 1688-90

Hull City Record Office

Corporation of Hull

BRB5	Bench Book VII
BRB6	Bench Book VIII
BRB14	draft Bench Book 1682-88
BRB15	draft Bench Book 1688-94
BRF/2	corporation accounts
BRG/2	Freeman Register
BRL	corporation letters (loose)

BRL 2759a Coppie Book of Letters 1685-88
BRM miscellaneous administrative papers
BRN leases of corporation property
BRS/10 report on the castle and blockhouses

Brynmor Jones Library, University of Hull

Corporation of Beverley
DDCV/15/282 lawyer's opinion

Hull Garrison
DX/4 correspondence, etc

Quaker material
DQR/11/7 Scarborough MM minute book 1669-99
DQR/11/15 sundry papers 1675-1731

Constable of Everingham MSS
DDEV/68 recusancy papers

Hotham of South Dalton MSS
DDHO/13 correspondence

Langdale of Holme MSS
DDHA/15, 18 legal papers etc
DDLA/32, 33 legal papers etc

Lloyd-Greame MSS
DDLG/5, 48 legal and miscellaneous

West Yorkshire Archive Service, Leeds

Corporation of Leeds
LC/M1 Court Book 1662-1705
LC/QS 1/1 QS book 1698-1706
LC/TC Bins 1, 2/5 transcripts of petitions etc.
DB 204/1 Thomas Wilson collection vol. I

Gascoigne of Barnbow MSS
GC/F6 printed material
GC/F8 correspondence etc (unlisted)

Hungate of Saxton MSS
GC/F7/2 correspondence

Ingram of Temple Newsam MSS
TN/LA 9 QS papers

Reresby of Thrybergh MSS

MX/R letters (bundles 55, 56 are unlisted)
MX 242 Reresby's diary 1680-81; draft letters

Robinson of Newby MSS

NH 2457, 2458a, 2458b, 2471, 2474, 2475 lieutenancy papers
NH 2486 election papers

Vyner MSS

5740 civic papers for Ripon
5839 wills

Brotherton Library, University of Leeds

Yorkshire Friends' Archive

V.1.1(1), (2) Yorkshire QM Record of Sufferings, vol I
1651-95
V.1.2 Yorkshire QM Record of Sufferings, vol II
1653-82
II.2 Yorkshire QM minute book 1681-98
H.1.1 York Preparatory Meeting book 1669-94
D.1 York MM minute book 1682-1707

Wentworth of Woolley MSS (mostly uncalendared)

WH 3, 66 miscellaneous papers and letters
WH 5, 7, 68 legal papers etc.
WH 20, 57, 59 political papers
WH 70 army and militia
WH 133 John Wentworth's Memorandum Book
WH 136 MS history of Wentworths of Woolley
WH 146 portfolio of printed items

West Yorkshire Archive Service, Yorkshire Archaeological Society, Leeds

Assize Papers, Northern Circuit

MS 537 assize records 17th/18th century
(unsorted)

Corporation of Ripon

MS 881/14 1605 and 1687 charters (in translation)

Gowland Papers

MS 881/13, 20 Ripon papers

Middleton of Stockeld MSS

MD 59/13 correspondence 16th-18th century
(unlisted)

Slingsby of Scriven MSS
DD 56/A7 legal papers
DD 56/L2, 3 lieutenancy, militia, army
DD 56/M5 correspondence of Sir Thomas Slingsby
DD 149 Parrington deposit of letters

Ralph Thoresby MSS
MS 3, 4 letters collected by Thoresby
MS 6, 10, 11, 14, 16, 32 letters to Thoresby
MS 17, 19, 27 miscellaneous papers
MS 21, 22 diaries
MS 26 autobiography

Miscellaneous
MS 1092 pedigree of de Trappes of Nidd Hall

British Library, London

Additional MS
16370 Beckman papers

Public Record Office, London

C231/8 Crown Office docquet book
PC2/68-72 Privy Council registers
SP29/425 Charles II letters and papers
SP31/4 James II letters and papers
SP44/55 Entry Book, petitions
SP44/56 Entry Book, letters
SP44/66, 70, 335 Entry Books, warrants

North Yorkshire County Record Office, Northallerton

North Riding Quarter Sessions
QSM MIC 101 QS record book 1677-82
QSM MIC 102 QS record books 1682-85, 1688-94

Corporation of Richmond
DC/RMB 2/1/1 Coucher Book etc. (uncalendared)
uncatalogued 1684 charter (typescript translation)

Corporation of Ripon
DC/RIC II 1/1/3 Minute Book 1667-1743
DC/RIC II 4/1, 2 petitions and memorials
DC/RIC II 7/2 freeman register 1667-1743
DC/RIC II 8/1/1, 2 corporation act 1662
DC/RIC II 8/2 election papers etc
DC/RIC 1687 charter (Latin typescript)

Corporation of Scarborough

DC/SCB II/1/3 Book of Elections, Orders etc. 1664-96
DC/SCB MIC 1127, 1348 QS papers (unsorted)
DC/SCB MIC 1320 corporation letters etc. (unsorted)
DC/SCB MIC 2052 draft minutes etc. (unsorted), freeman
register
DC/SCB MIC 2150 Court Books 1680-2, 1690-1702

Chaytor of Croft MSS

ZQH 9/3, 5 letters and papers
ZQH 9/7 lieutenancy papers etc.

Cholmley MSS

ZCG MIC 2104 lieutenancy papers

Fairfax of Gilling MSS

ZDV(F) MIC 1189 lieutenancy papers etc.

Fauconberg MSS

ZDV MIC 1285 militia papers
ZDV MIC 1358 personal and official papers

West Yorkshire Archive Service, Wakefield

West Riding Quarter Sessions

Q 6, 7 commissions of the peace
QS 1/18, 21 sessions rolls 1679, 1682
QS 4/13 Indictment Book N 1679-81
QS 10/7 Order Book J 1676-81
QS 10/8 Order Book K 1681-86
QS 10/9 Order Book L 1686-92
Acc. A388 QS papers relating to 1689-90

Ripon Liberty Quarter Sessions

QT 1/2/1 QS Record Book A 1685-1721
QD 1/700 map of liberty

Corporation of Pontefract

WMT/PON/1/1 Booke of Entries 1653-1726
QS 17-35 unsorted box of QS papers
QS 36 unsorted documents
uncatalogued box unsorted documents

Miscellaneous

Acc. C966 Private Diary of Castilian Morris

House of Lords, Westminster (on microfilm)

Main Papers

MS 11 list of commissaries' names

MS 247	deposition of Lawrence Mowbray
MSS 274-5	lists of JPs
MS 287	lists of army officers, DLs, JPs etc.
MS 292	Bolron -v- Leggatt
MSS 321, 325	lists of papists
MS 154, p(i)	abstracts of corporation charters

York City Archives

Corporation of York

B38	House Book 1663-89
B39	House Book 1689-1700
BL	draft House Book etc. 1681-86
BM	draft House Book etc. 1686-92
E40	miscellaneous letters (disbound)
E60b	charters (in translation)
E85	copy letters 1633-1718
F8	QS book 1662-75, 1687-88
F9	draft QS book 1686-97
G59, K13	declarations etc.
YC/Ch. A52	discharge of debt
Acc. 104: Ant./3	typescript of Hammond's diary

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Debates of the House of Commons, VI to IX, ed. A. Grey (London, 1763)

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