LEICESTERSHIRE AND THE THREE QUESTIONS: JAMES II’S CANVASS OF THE GENTRY ON THE QUESTION OF REPEAL OF THE TEST ACTS AND PENAL LAWS IN 1688

Peter Walker

In the winter of 1687–88, the Catholic King James II canvassed the gentry of England and Wales on whether they, as potential MPs or electors, would support the repeal of the Test Acts and penal laws which discriminated against dissenters from the Church of England, both Catholic and Protestant. The results of the canvass showed that there was a substantial majority of gentlemen who were not willing to part with the laws that protected the constitutional position of the Anglican Church and, as such, were not willing to support the king’s policy of religious toleration. The canvass in Leicestershire was conducted by the lord lieutenant, the seventh Earl of Huntingdon, an arch Stuart loyalist. The results from the county suggest that they were typical of those from the nation as a whole: as far as the canvass is concerned, Leicestershire can be seen as representing the kingdom in microcosm.

INTRODUCTION

The reign of King James II (1685–89) is controversial. The determination of the last Catholic king to improve the lot of his co-religionists in the face of strong opposition from the majority of his most powerful subjects drove him to adopt controversial and, arguably, unconstitutional methods in his attempt to find a parliament that would repeal the Test Acts and penal laws. The former excluded Catholics from parliament, public office, the universities and the upper echelons of the armed forces, while the latter penalised them for practising and promoting their religion. Penalties under the penal laws could be severe – ruinous fines and even death – although in practice these laws were only intermittently enforced, most usually at times of political crisis. The last outbreak of bloody persecution had occurred in the reign of James II’s predecessor, his brother Charles II, during the infamous Popish Plot, which began in 1678 and which merged seamlessly into the Exclusion Crisis; both prompted by the nation’s hatred and fear of Catholicism, sentiments exacerbated by the prospect of the Catholic James ascending the throne when his

1 The most influential attempt to challenge the traditional view that James was a tyrant is J. Miller, James II (3rd edition, New Haven and London: Yale University Press, 2000). A recent study on the reign sees James, rather than his opponents, as the revolutionary, a modernising ruler attempting to impose a Catholic absolutist monarchy, after the model of Louis XIV, on the English people: S. Pincus, 1688: The First Modern Revolution (New Haven: Yale University Press, 2009).

brother died. Through his adroit use of his prerogative (especially the proroging and dissolving of successive parliaments – three of which met in the years 1679–81) and with financial support from the French king Louis XIV, Charles was able to defeat the Exclusionists, who became known as Whigs, and build support from men whose natural adherence was to Church and Crown (the Tories). With the Whigs crushed and with the loyal support of the Tories (and Louis's subsidies), Charles, for the remainder of his reign, ruled without parliament and, more significantly, was able, when he died in February 1685, to bequeath to his brother a secure throne and a loyal, if unenthusiastic, nation. James quickly established his authority. He immediately summoned a parliament and the elections that followed produced a House of Commons overwhelmingly Tory in sentiment, which granted him a generous financial settlement. Rebellions, led by Charles's illegitimate son, the Duke of Monmouth, in the West Country, and the Earl of Argyle in the West of Scotland, allowed James to raise an army which he was to keep in being after the crisis had passed (a factor that was to cause much concern among his subjects). The rebellions were quickly crushed and by the time parliament re-assembled in the autumn of 1685, James was confident enough to raise the issue of toleration for Catholics. Loyal though they undoubtedly were, the Commons refused to countenance repeal of the Tests. The king prorogued parliament, and after being unable to persuade its individual members to support his policy of toleration, eventually dissolved it in 1687. From that moment the king was determined to find a new parliament which would do his bidding.

James's electoral campaign so alienated the political classes that it contributed greatly to the loss of his throne. The king's desire to bring about religious toleration was arguably ahead of its time, but the determination and single-mindedness with which he pursued this policy would suggest a man beguiled, then blinded, by an ideal. Using the royal prerogative he issued a Declaration of Indulgence which suspended the laws against dissenters from the Established Church, Catholic and Protestant. He advanced his co-religionists at every opportunity – in the armed forces, the judiciary, the magistracy and the universities – and challenged the privileges of the Church of England, and the electoral influence of local magnates and urban elites. All this was seen as an attack on the religious, political and proprietary interests of his most powerful subjects. But perhaps most breathtaking – in both its innovation and naivety – was his decision to canvass the gentry of England and Wales – potential MPs and electors – on the question of repeal. The lord lieutenants were the chosen

---

2 More than 30 innocent people, mainly priests, were executed as a result of the plot, the invention of Titus Oates, who claimed that Papists planned to murder the king and seize power. The victims included a peer, Viscount Stafford, the titular Catholic Archbishop of Armagh, Oliver Plunkett, and James's former secretary, Edward Coleman: E. Cruickshanks, *The Glorious Revolution* (Basingstoke: Macmillan, 2000), pp. 9–11.

3 For the historical background, particularly in the context of the canvass, see P. Walker, *James II and the Three Questions: Religious Toleration and the Landed Classes, 1687–1688* (Bern: Peter Lang, 2010).

4 Although the legality of the dispensing power, which was used by the king to suspend the law with effect to named individuals, had been upheld by the courts (*Godden v Hales*, 1686), its legitimacy and that of the Declaration of Indulgence, which was general in its operation, was, in the eyes of many Englishmen, doubtful.
instruments of royal policy, although before the canvass began, almost half of them were dismissed for refusing to co-operate and replaced by more pliable men. These rather unenthusiastic servants of the crown, many of whom were responsible for canvassing more than one county, were ordered to put three questions to the local gentry, JPs, deputy lieutenants and militia officers:

1. If in case he shall be chosen Knight of the Shire or Burgess of a Town, when the King shall think fit to call a Parliament, whether he will be for taking off the Penal Laws and the Tests?
2. Whether he will assist and contribute to the election of such members as shall be for taking off the Penal Laws and Tests?
3. Whether he will support the Kings Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do?5

The answers to the Three Questions survive from 31 English counties and the whole of Wales. The number of magistrates canvassed by James II and whose answers survive is 1,630 (1,357 in England and 273 in Wales) or approximately 10 per cent of the landed classes – lords, baronets, knights, esquires and gentlemen. And if it were possible to include the names of those canvassed in the missing counties, the total would probably exceed 2,000 or nearer 15 per cent of the landed classes.6 About the same number of gentlemen either supported or opposed the king, but an even greater number were either considered doubtful or avoided interrogation altogether.7 Since the doubtful squires, along with the outright refusers, tended to be purged from local office, it strongly suggests the government considered them opposed to the king’s policies but just reluctant to state so. Again, absence was often equated with opposition. Not surprisingly, therefore, historians have seen the canvass as a failure, damaging not only to the king’s electoral campaign but also to his prestige. It united a hitherto fragmented opposition. Before the canvass, gentlemen were often unsure what their neighbours thought about repeal. By forcing them to declare openly their opinions, the government unwittingly revealed the extent of the opposition.8 And as the opposition strengthened, gentlemen who had previously shown a willingness to support the king came under increasing pressure to change their minds.9 Nonetheless,

5 The surviving returns from the canvass and the revised lists of magistrates resulting from the subsequent purges of personnel are in the Bodleian Library, Oxford: Rawlinson MS A 139a, MS A 139b, hereafter Rawl. MSS. They are also printed in G. F. Duckett, *Penal Laws and Test Act* (2 vols, London: Printed by T. Wilson, 1882–3), hereafter Duckett, *Penal Laws*.
6 These figures on the landed classes are based on estimates by the political economist Gregory King in the 1690s: B. Coward, *The Stuart Age* (London: Longman, 1990), pp. 441–3, 445; J. Carswell, *The Descent on England* (London: Barrie and Rockliff, Cresset Press, 1969), Appendix A, p. 239. One of James’s more energetic lord lieutenants, Lord Molyneux, in Lancashire, wanted to extend the canvass to freeholders, many of whom had the vote in shire elections, but was stopped by the government: HMC *Le Fleming MSS*, p. 205.
7 My calculations reveal that 428 gentlemen answered in the affirmative, 466 in the negative, 344 were doubtful and 392 were absent, which means that 26.2 per cent of those canvassed supported repeal. However, the ‘yes’ camp included 179 Catholics.
9 In Leicestershire two supporters of the king, the Rev John Gery and Sir Henry Beaumont, found themselves politically isolated: Huntington Library in California, Hastings Collection of Manuscripts
there was a nucleus of support for repeal among the gentry: about a quarter if the answers of Catholic JPs and deputy lieutenants are included; less than a fifth if only Anglicans are counted. When these were added to a number of recruits from among the ranks of the Whigs, whose belief in religious toleration for Protestant dissenters overcame their scruples about supporting a Catholic king, James and his agents were able to fashion ‘alternative’ administrations in the localities that, given time, might have challenged the traditional political interests. Many doubt that James would have got his subservient parliament, but his electoral campaign continued right up until September 1688, and was only abandoned when it became clear that William of Orange had decided to intervene in English politics.\(^{10}\)

On a local level, as we shall see, events in Leicestershire were typical of those happening in the kingdom at large.

### The Canvass in Leicestershire

The task of putting the Three Questions to the deputy lieutenants and justices of Leicestershire in January 1688 fell to Theophilus Hastings, seventh Earl of Huntingdon, who had been lord lieutenant of the county since the previous summer, when he had replaced the unco-operative Earl of Rutland. By the late 1680s, Huntingdon, despite strong Protestant and (more latterly) Whig antecedents, was an arch loyalist, who was to remain faithful to James II after the Revolution. He was even suspected in some quarters of having recently embraced the Catholic faith, although in later years he was to deny this.\(^{11}\) Perhaps, not surprisingly, historians have dismissed him as a political turncoat, one calling him ‘a facile instrument of the Stuarts’ and another describing him as an ‘outright renegade’.\(^{12}\) However, the Hastings family was in decline and Huntingdon’s political career may be viewed in terms of his attempt to restore his family to its position of dominance in the county. In parliamentary terms its interest in Leicester had been undermined by the Civil War, during which the family – and most notably, Huntingdon’s uncle, Henry Hastings (later Lord Loughborough) – had sided with the king. (The Hastingses’s great political rivals, the Presbyterian Greys, had sided with parliament.) Leicester’s corporation had also supported parliament and later contained a strong republican element. The town had suffered during the Civil War and its sacking by royalist forces in 1645 had resulted in a loss of popular support for the Hastings family.

---

10 The legacy of James II’s electoral campaign on the elections to the Convention in 1689, held after the king had been forced to flee the country, is considered in J. H. Plumb, ‘The Elections to the Convention Parliament of 1689’, *Cambridge Historical Journal* 5 (1935–37), pp. 235–54.


Perhaps, not surprisingly, the interest of the Whiggish Greys, whose head was the Earl of Stamford, remained strong and for much of the Restoration period one of the town’s seats was at their disposal: in fact, John Grey, the youngest son of the first Earl of Stamford, was one of the MPs for the borough in 1660 and between 1677 and 1681. However, both the Hastingses and the Greys had to contend with growing territorial prestige of the Manners family, earls of Rutland: this even extended into the politics of Leicester whenever the Whig influence was in abeyance, as was most obviously the case in the elections of 1685. Confirmation of the Rutland ascendancy had come when they supplanted the Hastings family as lord lieutenants in 1667. This probably more than anything else helped eventually to push the young Huntingdon, who hitherto had been a loyalist, into the opposition camp.13

For a while Huntingdon was a ‘hot’ Whig, but with a political prescience that was later to desert him, he changed sides again after the short-lived Oxford Parliament of 1681. He quickly worked his way back into royal favour during the years of the Tory reaction and played a prominent role in persuading the Corporation of Leicester to surrender its charter in 1684. (Bringing parliamentary boroughs under greater royal control was an important part of Charles II’s campaign to neutralise centres of Whig influence.) As an active supporter of King James, he was the obvious choice to replace the Earl of Rutland as lord lieutenant in August 1687, when the latter showed little enthusiasm for the repeal of the Tests and penal laws. In the following December he replaced the recalcitrant Earl of Scarsdale as Lord Lieutenant of Derbyshire and the Hastings family’s revival appeared to be complete.14 Yet, there were rumours that even a loyalist like Huntingdon had shown some reluctance to canvass the gentry of Leicestershire and Derbyshire; nonetheless, there is evidence that he prepared carefully for the canvass in the weeks before his departure from London.15 However, his canvass return is brief and generally throws little light on the thoughts of the magistrates who answered yes and no. That Huntingdon’s return is essentially a distilled version of the views of those canvassed is evidenced by letters from justices about repeal that survive in the Hastings family correspondence.16

Leicestershire’s deputy lieutenants and justices of the peace were summoned by Huntingdon to meet him in Leicester on 12 January 1688. From the earl’s report to the king, it appears that 27 members of the landed elite either attended the meeting or responded in some way to the Three Questions. A cursory glance at the answers shows that seven deputy lieutenants and justices answered in the affirmative, three were considered doubtful, 16 answered in the negative to the first two questions but positively to the third, and one squire, Thomas Boothby, answered negatively to...
all three questions. A further 16 gentlemen listed in the returns were absent or did not reside in the county. Only a quarter of the deputy lieutenants and justices were supporters of the king’s policies.\textsuperscript{17}

However, the returns bear closer scrutiny. In the Hastings family papers there are two lists of magistrates, dating from 1684 and 1687. Using these and other lists of magistrates from the 1680s, plus the names in the canvass returns for the county and the revised lists of magistrates, it is possible to compile a comprehensive list of the personnel involved in local administration during the period. In this way it is possible to judge how extensive Huntingdon’s canvass was. Excluding the names of those justices, usually peers and government officers, whose appointment to the Leicestershire Commission of the Peace was merely one of courtesy (in 1684, the list included the Dukes of Albemarle, Newcastle, Ormonde and Beaufort), the number of peers and members of the gentry mentioned at different times between 1680 and 1688 is 74.\textsuperscript{18} Of these, 55 are named in the canvass return and one further individual in the revised lists of magistrates which followed the inquisition. This, if nothing else, suggests continuity in the personnel who were on the bench. The last changes in the commission had taken place in the year previous to the canvass, when the Privy Council ordered that Viscount Beaumont, Sir Thomas Dolman, Richard Lister and William Cole be put out, and that the Earl of Cardigan, Lord Carrington, Sir John Gifford, Henry Nevill, Thomas Eyre, Charles Byerley and John Beaumont be put in. The changes of 1687 are generally seen as not only an attempt by the government to remove opponents from the bench (which Viscount Beaumont certainly was), but also to add Catholic gentlemen to the commission of the peace. Of those added to the Leicestershire commission, Lords Cardigan and Carrington (whose inclusion was a matter of courtesy), Gifford, Eyre and Byerley were certainly Catholics. Nevill was already a deputy lieutenant and John Beaumont, an army officer, was a younger brother of Lord Beaumont. Interestingly, the names of Lord Beaumont and Lister still feature in the return from the canvass, despite their apparent removal from the bench (although Lister’s disgrace was not of a political nature), because both men were still deputy lieutenants in January 1688. Charles Byerley, a member of a well-known recusant family in Belgrave, was not questioned; he died 10 days before the inquisition. However, his son, Charles junior, was later made a JP and was actively committed to the king’s cause, although delays in the government’s providing Catholic justices with a dispensation from taking the oaths meant that he had to wait several weeks before he could take his seat on the bench.\textsuperscript{19}

\textsuperscript{17} Rawl. MSS, A 139a, fo. 120.

\textsuperscript{18} Hastings Correspondence, Reel 13, Box 44, HA 1078; Reel 14, Box 50, HA 6061; HMC House of Lords MSS, 1678–88, pp. 182–3; J. Nichols, The History and Antiquities of the County of Leicester (4 vols, 8 parts, London: Printed by and for J. Nichols, 1795–1811), hereafter Nichols, History, 1.2, p. 470; N.A., CI93/12/S, ff. 74–7; PC 2/71, fo. 368; Rawl. MSS, A 139a, ff. 116, 120–2; A 139b, fo. 251.

\textsuperscript{19} N.A., PC 2/71, fo. 368; Rawl. MSS, A 139a, fo. 120; L. K. J. Glassey, Politics and the Appointment of Justices of the Peace, 1675–1720 (Oxford: Oxford University Press, 1979), hereafter Glassey, Justices, pp. 75–7. Charles Byerley senior’s name is crossed out in Huntingdon’s list of JPs and his son’s appears under the heading ‘justices to be added’: Hastings Correspondence, Reel 14, Box 50, HA 6061, Reel 15, Box 51, HA 7787, HA 1179, HA 3990, HA 1254, HA 1163, HA 7789. For the Byerley family, see Nichols, History 3.1, pp. 175–6, 178, 183; HMC House of Lords MSS, 1678–88, p. 236. Thomas
Leicestershire and the Three Questions

Huntingdon summoned 35 members of the commission of peace, so the turnout of 27 was quite respectable. The 18 former deputy lieutenants and/or justices not mentioned in the Earl of Huntingdon’s return include the inveterate Whig and one-time Exclusionist ally of Huntingdon’s, the second Earl of Stamford. It appears that at one stage Huntingdon considered recruiting Stamford to the king’s cause as his name appears in Huntingdon’s list of possible ‘justices to be added’, compiled six weeks before the meeting at Leicester, but Stamford was by now unshakeable in his opposition to the king. Other Whigs, like Phillip Sherrard, brother of Lord Sherrard, William Skeffington and John Stafford had been purged in 1680–81 and had never worked their way back into royal favour, while Anchitell Grey, the famed reporter of parliamentary debates and a former deputy lieutenant in Leicestershire, had been purged in 1681, but would be restored to the Derbyshire commission in February 1688, suggesting that, at some stage, he may have indicated support for the king. John Grey, the former MP for Leicester, had begun to distance himself from the Whigs after the Exclusion Crisis and had been restored to the commission of the peace in both Leicestershire and Staffordshire, but had fallen from favour after James II’s split with the Tories. Some, like Sir Wolston Dixie, Bart, John Hackett and Thomas Merry, were dead. Some, like Sir Clement Clarke, had little connection with Leicestershire and had slipped into obscurity. Sir William Hartopp, another former MP for Leicester, though still a member of the commission in 1680, was that year reported to be ‘much in debt, absconds and goes by another name’; while in the same year George Faunt, one of the knights of the shire from 1661 to 1678, had been a prisoner in the King’s Bench.

As to the answers themselves, five deputy lieutenants – Sir Thomas Burton, Sir Henry Beaumont, Sir William Holford, Richard Roberts and Henry Nevill – assented to the Three Questions. Burton, Roberts and Nevill came from royalist families. Sir Henry Beaumont, who had been MP for Leicester from 1679 to 1681 and from 1685 to 1687, came from a parliamentarian family – his father had been created a baronet by Cromwell – and had once been considered an Exclusionist, although he was absent from the division on the bill in 1679. By 1685 he had gone over to the Court and attached his fortunes to those of the Earl of Huntingdon, soon becoming his local henchman. All these men were undoubted loyalists and would form the

Eyre, of Eastwell, was absent when the Three Questions were put to the Leicestershire gentry, as was his son Rowland. Thomas is not named in the revised commission of the peace, but Rowland is: Rawl. MSS, A 139a, fo. 120, A 139b, fo. 251. For the Eyres, of Eastwell, see Duckett, Penal Laws 2, p. 100n; Nichols, History 4.1, p. 398.

20 Hastings Correspondence, HA 6061; Rawl. MSS, A 139a, fo. 120.

21 Hastings Correspondence, HA 6061. At James II’s accession, Stamford appears to have ‘tested the water’ as regards a possible reconciliation with the king, but to no avail (Hastings Correspondence, Reel 13, Box 45, HA 656).

22 Commons, 1660–1690 2, p. 339; 3, p. 432; HMC House of Lords MSS, 1678–88, pp. 182–3; Rawl. MSS, A 139a, fo. 118; A 139b, fo. 250.

23 Nichols, History 4.2, p. 306; 3.1, p. 238; Commons, 1660–1690 2, p. 442; Commons, 1660–1690 3, p. 59; HMC House of Lords MSS, 1678–88, pp. 182–3. Faunt was a deputy lieutenant for the county from 1660 until 1680 and a JP from 1661 until c.1685, thereafter fading into obscurity. Hartopp, too, may have survived as a deputy lieutenant beyond James II’s accession (BL Add MS 41823, fo. 113; Commons, 1660–1690 2, p. 304).

24 Duckett, Penal Laws 2, pp. 98–9; Commons, 1660–1690 1, p. 613.
core of the new commission of the peace; it is they who would keep the wheels of local government turning after the purges of the spring had left the bench thinly populated with experienced justices. In Leicestershire, as elsewhere in the kingdom, local administration did not break down until William of Orange's invasion created the turmoil of the final weeks of James II's reign. This in the main must be put down to the determination of these loyalists.26

The five deputy lieutenants were joined in the ‘yes’ camp by the Bedford lawyer and a noted persecutor of dissenters, Dr William Foster, who would soon be promoted to deputy lieutenant in his home county, and by Dr John Gery, the Earl of Huntingdon’s chaplain who, under the earl’s patronage, rose to the position of Archdeacon of Buckingham.27 There is no doubting Gery’s loyalty to his patron and to the king (he read the second Declaration of Indulgence in church, as the clergy were ordered to, in May 1688, and instructed his curates do likewise), but his answer to the Three Questions could be interpreted as equivocal. To the first he replied that, being a clergyman, it did not apply to him. To the second, ‘hee thinks sufficient security to preserve the Religion of the Church of England may bee made in Parliament and the Penal Laws & Tests repealed’. At first glance it is difficult to distinguish between Gery’s answer and that of Thomas Pochin, of Barkby, a former sheriff, who ‘assented with a security to the Religion of the Church of England by way of equivalency’. However, Pochin had written to Huntingdon earlier:

I am very free for the taking off of the Penall Laws, and shall give my Assistance thereunto, as also for supporting the King’s Declaration for Liberty of Conscience: and as for the Test I humbly beg of your Lordship some short time for consideration of my answer, being suddenly surprised for the declaring of my opinion...

Despite the moderation of his language and an obvious desire for compromise, Pochin’s earlier hesitation about the repeal of the Test probably meant that Huntingdon considered him an unreliable ally of the king’s. He was duly removed from the commission. By contrast, the earl could personally vouch for the loyalty of his chaplain and any suspicion of equivocation in his answer could be brushed aside.28 Although he earned the approval of his patron and the praise of his fellow JP, the dissenter John Oneby, Gery soon had to endure the ‘disdain from his


27 Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251; Duckett, Penal Laws 2, p. 281; Commons, 1660–1690 1, p. 127. Foster, commissary for the archdeaconry of Bedford, also answered in the affirmative in Bedfordshire: Rawl. MSS, A 139a, fo. 135. Gery, who was Rector of Swepstone and Stoney Stanton and Archdeacon of Stowe, became Archdeacon of Buckingham in 1684: Hastings Correspondence, Reel 13, Box 45, HA 3973; J. Venn and J. A. Venn, Alumni Cantabrigienses, Part 1, From the Earliest Times to 1751 (4 vols, Cambridge: Cambridge University Press, 1922–7) 2, p. 203.

28 Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251; Thomas Pochin to the Earl of Huntingdon [incorrectly dated c.1681; obviously written in the winter of 1687–88], Hastings Correspondence, Reel 12, Box 42, HA 10330; Nichols, History 1.2, p. 462; 3.1, p. 52. Assent to the Three Questions on the basis that protection in law would be afforded the Church of England was one route of compromise for gentlemen uncertain about the implications of repeal, but where it was perceived to be equivocation it might still lead to dismissal from office. Interestingly, Gery’s name seems only to have been added to the first draft of the new commission of the peace as an afterthought, although his place on the bench was confirmed in the second draft: Rawl. MSS, A 139a, fo. 116; A 139b, fo. 251.
brethren of the clergy and others’ and the obstructionism of a hostile registrar in his Buckingham archdeaconry for his support for the royal cause. There is less of a tone of compromise in the answer of Geoffrey Palmer: despite having ‘all the Duty imaginable for His Majesty & inclinations to his service’, he essentially played for time, saying that the ‘questions are of that great importance, that hee cannot at present return a positive answer’. It was considered a doubtful answer which was as good as a ‘no’. Roger Smith was recorded as ‘answeres doubtfull’. Both Palmer and Smith were also purged.

Those giving negative answers to the first two questions – although assenting to the third – were headed by three peers: Lords Beaumont, Cullen and Sherrard. Beaumont was obviously a strong churchman, having been active in prosecuting Quakers and other nonconformists. Sherrard, a former knight of the shire, was a moderate Whig and had been listed as an opponent of James II in 1687. They were followed by two baronets, Sir Thomas Hesilrige and Sir Beaumont Dixie, John Verney, a knight of the shire in 1685, and 10 rank and file squires. Among these was Edward Hudson, son of Sir Henry Hudson, Bart, of Melton. Illness had prevented the younger Hudson from attending the earl but he answered the questions by letter. The letter is worth quoting from because it is so typical of the replies of so many of the gentry who, while preferring not to offend the king, could not bring themselves to support the repeal of the penal laws and Tests. Edward Hudson writes:

1. It has never been in my thoughts, nor doe I in the least intend, to stand or be chosen Knight of the Shire or Burgesse for our Corporation.
2. I will (by Gods assistance) as I have ever done live in true obedience to his Majestyes Government as tis Established.
3. I shall continue (as a Christian ought to doe) & persevere in all friendship, acquiesence, charity, to all men breathing, soe helpe me God.

The answer to the first question was a fairly standard way of avoiding having to give a commitment to repeal, but can be taken at face value since the Hudsons do not appear to have had parliamentary aspirations in this period. However, it is the evasive nature of the second answer that would have marked Hudson out as doubtful. His third answer, though couched in reasonable terms, noticeably avoids giving specific endorsement to the king’s Declaration of Indulgence. It is worth noting that though Hudson’s answer is doubtful, rather than negative, his name appears among the list

---

29 Hastings Correspondence, Reel 15, Box 52, HA 9779, HA 3993–4, HA 3274.
30 Rawl. MSS, A 139a, fo. 120; A 139b, fo. 251. Palmer, of Carlton Curieu, was the son of Sir Lewis Palmer, 2nd Bart, of Carlton Park, Northants. Palmer senior, who was MP for Higham Ferrers in 1661 and 1685, answered the Three Questions in the affirmative in his home county and was a strong supporter of James II, becoming a non-juror after the Revolution. Geoffrey, who succeeded to the baronetcy in 1714, was MP for Leicestershire in four parliaments between 1708 and 1722: [G. E. Cokayne], The Complete Baronetage (5 vols, Exeter: William Pollard, 1900–6), hereafter Complete Baronetage, 3, p. 28; Commons, 1660–1690 3, pp. 197–8; D. W. Hayton, E. Cruickshanks and S. Handley, eds, The History of Parliament: The House of Commons, 1690–1715 (5 vols, Cambridge: Cambridge University Press, 2002, hereafter Commons, 1690–1715, 3, pp. 74–5.
32 Rawl. MSS, A 139a, fo. 120; Commons, 1660–1690 1, pp. 295–6.
33 Rawl. MSS, A 139a, fo. 120; Hudson to Huntingdon, 14 January 1687/[8], Hastings Correspondence, Reel 15, Box 51, HA 6939.
of those considered opponents of repeal. The answer of one other squire stands out. Thomas Boothby is often credited with being the only justice to reply to all three questions in the negative. That is not true; but his was a rare response during the questioning in the winter of 1687–88. Those who had given negative answers were purged and an element of disgrace accompanied their dismissal from office.

Among the 16 gentlemen not attending the Leicester meeting were five Catholics – Sir John Gifford, Bart, Thomas Markham, Thomas Eyre, John Fanning and Rowland Eyre – some of whom did not live in the county. Also absent were Sir Edward Abney and Henry Kendall, who lived in Derbyshire; Sir Richard Verney, who lived in Warwickshire; Sir Andrew Noell, who lived in Rutland (which had its own canvass for which the returns do not survive); John Coke, a former deputy lieutenant now residing in Hertfordshire; the aforementioned Sir Henry Hudson, William Belgrave and John Beaumont, brother of Lord Beaumont, who was away serving as an officer in the army. No replies were recorded for these gentlemen. In fact, the number of absentees was not as high as first appears: six of them – Gifford, Abney, Noel, Verney, Thomas Eyre and Kendall, were not summoned to Leicester by Huntingdon, presumably, in most cases, because they lived outside the county. Of the other absentees Christopher Pack pleaded illness, and Richard Lister, a deputy lieutenant, had absconded for debt.

Four of the absent Catholics, Gifford, Markham, Fanning and Rowland Eyre, whose support for the king was presumably assured – were later added to the commission of the peace, with Gifford being made a deputy lieutenant. However, the names of the absent Protestant squires, save for John Beaumont, disappeared from the commission, although Kendall was put into the new commission of the peace for Derbyshire, this despite his negative answer in that county. Abney’s absence from the Derbyshire canvass appears to have cost him his place on the commission of the peace in that county as well. Absence in most cases was seen as tactical. There is no reason to suspect that John Beaumont’s views on the repeal of the penal laws and Tests were any different from his brother’s, but James II seems to have placed great faith in his soldiers’ loyalty. In fact, Beaumont was later to refuse to serve with Catholic officers in the Duke of Berwick’s Regiment and was cashiered as a result.

Apart from Gifford, the ranks of the deputy lieutenants were strengthened by the addition of Sir William Villiers, of Brooksby Hall. Villiers was not canvassed,
but Huntingdon must have been fairly certain of his reliability as he recommended him as one of the court candidates for Leicester.\(^{39}\) The 11 people recommended as justices by Huntingdon included three more Catholic squires – Charles Fortescue, of Husbands Bosworth, William Turvile, of Aston Flamville, and Charles Byerley junior – the Whig, Sir John Hartopp, Wolston Dixie, son of Sir Beaumont, and the lawyer Nathan Wright, then deputy recorder for Leicester, but who later in his career would rise to be Lord Keeper of the Great Seal. All these were put into the commission, although many of them did not act.\(^{40}\) One other name was added to the new commission, that of John Oneby, of Hinckley, bailiff of Leicester and, like Sir John Hartopp, a dissenter. Unlike most of the new justices, Oneby and Byerley grasped the opportunity with enthusiasm and sat on the bench. Another Catholic, William Turvile, also sat, but Wolston Dixie, possibly under pressure from his father, an opponent of repeal, refused to sit.\(^{41}\)

* * *

Analysis of the documentary evidence – even from a county like Leicestershire where the returns are reasonably straightforward – is difficult, especially when trying to calculate whether any of the doubtful squires might, with a little persuasion from the authorities, have moved closer to accepting the idea of repeal. (For that matter, it is difficult to be sure whether the Protestant deputy lieutenants and justices who answered in the affirmative did so because of a commitment to religious toleration or out of personal loyalty to the Earl of Huntingdon.) Huntingdon’s return contains expanded answers from only three justices. Those answering ‘no’ to the first two questions, but ‘yes’ to the third, may have acted in concert, giving a prepared answer agreed between themselves beforehand; but it is possible that Lords Beaumont, Sherrard and Cullen would have taken the opportunity to expand on the reasons for their opposition to the king’s policies. Unfortunately the return is silent on this, although the presumption that there was an element of collusion must be quite strong.

To add to the confusion, officials in Whitehall appear to have marked with a cross the names of those men considered supporters or potential supporters of the king (in some cases in the canvass returns a cross may indicate that a squire is a Catholic).\(^{42}\) In the returns from Leicestershire, crosses appear by the names of Sir Thomas Burton and Henry Nevill, both of whom answered the Three Questions in

---

\(^{39}\) Rawl. MSS, A 139a, ff. 116, 120; A 139b, fo. 251. As clerk in ordinary of the stables, Villiers kept James II supplied with horses. Despite his association with the king, he survived the change of regime, being restored to the lieutenancy and later becoming MP for Leicester from 1698 to 1701: *Commons, 1690–1715*, 5, p. 751.


\(^{41}\) Nichols, *History* 3.2, p. 1148; Hastings Correspondence, Reel 15, Box 51, HA 1163, HA 7789–91.

\(^{42}\) Duckett, *Penal Laws* 1, p. 59n.
the affirmative, Roger Smith, who was doubtful, and Dr George Bright and Roger Roe, who answered in the negative. Presumably the administration considered that Smith, Bright and Roe could be persuaded to support the king and their names survive on the first draft of the revised commission of the peace for Leicestershire, although in each case the names are crossed out. This, and the fact that they were purged from the commission, is strong evidence that the three remained resolute in their determination not to endorse the policy of the king. Yet, as mentioned earlier, Henry Kendall, who gave a negative response in Derbyshire and whose name is similarly marked with a cross, retained his place on the commission of the peace there, despite his name being omitted – as one would expect – from the first draft of the revised commission for that county. It is possible that between the first and final drafts, Kendall was persuaded to change his mind, but such deductions, it has to be said, cannot be drawn from Huntingdon’s report to the king.43

Some conclusions, however, can be drawn from the return from Leicestershire. Out of 27 answers, seven – or 25.9 per cent – were assents. However, if the absentees are included in the equation the percentage falls to 16.6. If we add to this number the Protestants added to the commission of the peace in February 1688, but not questioned in January – nine in all – it means that 16 out of the 56 gentlemen mentioned in the returns, or 28.5 per cent of the Protestant gentry, supported James – a slightly more impressive figure. Add to that the number of Catholics mentioned in the returns, eight, and the king’s supporters number 24 out of 56, or 42.5 per cent. These figures, save the last, mirror the canvass as a whole, and not without reason can Leicestershire be seen as representing the kingdom in microcosm.44

* * *

It is obvious that as the Crown cast its net wider, the number of its supporters – made up of Catholics, dissenters, ‘Whig collaborators’ and minor squires – continued to grow. There is evidence that Huntingdon continued to recruit members of the lesser or recusant gentry to the administration in Leicestershire and Derbyshire through the summer of 1688. One such was Robert Beaumont, who replied to Huntingdon that he was ‘ready to serve my King with my life and small estate in what I am capable of, but I hope your Lordship will place me in a place agreeable to my Fortune and what-ever y’ Lordship comands is readily obeyed’.45 Whether this rather synthetic and disparate coalition could have challenged the entrenched political interest of the Anglican party in Leicestershire will remain a matter of conjecture because the elections that James put so much faith in were never held. However, there is evidence

43 Rawl. MSS, A 139a, ff. 116, 118, 120; A 139b, ff. 250–1. The Rev. George Bright, D.D., was the Rector of Loughborough from 1669 to 1696 and accommodated himself easily to the post-1688 regime: Duckett, Penal Laws 2, p. 100n; Nichols, History 3.2, pp. 900, 917.
44 In the canvass in England, 29.5 per cent of all those named in the returns (i.e. including absentees) answered in the affirmative.
45 Robert Beaumont to Huntingdon, 21 July 1688, Hastings Correspondence, Reel 15, Box 52, HA 673. The writer of the letter was Robert Beaumont, of Barrow-on-Trent, Derbyshire, head of a recusant family, which was a younger branch of the Gracedieu line of the Beaumont family: Nichols, History 3.2, p. 663.
that if the elections had been held, the government would not have got things all its own way, especially after James II’s political blunders of the summer of 1688 had further alienated the political nation. At the end of his return, Huntingdon stated that there were no '[m]embers of the Corporation of Leicester proper to stand for Parliament men, either for quality, fortune or interest, especially in a County where there are so few Elections'. (Leicestershire supplied a mere four MPs, two knights of the shire and two burgesses from Leicester.) He went on to recommend Sir John Hartopp, a dissenter and the Exclusionist knight of the shire in 1679 and 1681, for the county, and Sir William Villiers and Sir Henry Beaumont for the town; and the latter two were confirmed as court candidates in September 1688. But even before William’s invasion plans had become known the traditional political interests in the county were reasserting themselves, with Lord Cullen and John Verney apparently leading the field.46

With news of William’s invasion, James’s support evaporated. Hartopp was perhaps never a serious candidate for the shire. Cullen died of smallpox and the knight of the shire from 1685, John Verney, possibly had scruples about standing for the Convention. This left the way clear for Lord Sherrard and the Tory Sir Thomas Halford, who were returned to the Convention in January 1689. In the town Beaumont’s interest collapsed – a fate repeated all over the country for gentlemen who had supported King James – and the seats were taken by Thomas Babington (who had been elected in 1685) and Lawrence Carter, a lawyer and Huntingdon’s man of business, who had managed to distance himself from his patron. He was the only townsman to be elected to parliament during the Restoration period.47

Huntingdon’s fate was rather more melodramatic. In the crisis of the autumn of 1688 with the country facing invasion, the earl and his regiment were sent by the king to Plymouth to join the governor, the Earl of Bath, another apparent loyalist, in securing the citadel against William of Orange. Deprived of his leadership, the county’s loyalists put up no resistance to the by now reinvigorated opposition, who were able to muster the militia in support of the rebels in the Midlands. Worse was to follow. In Plymouth, the Earl of Bath turned traitor, accused Huntingdon of trying to poison him, and had him and the Catholic officers of his regiment arrested. Bath signalled his support for William and the prince, knowing the rear of his army was protected against counter attack, was able to start his march towards London and the crown. Huntingdon refused to desert the king, despite frantic pleas from his wife to make his peace with William. Only after James’s second flight did the earl secure his release on 26 December, by which it was too late to help the unfortunate king and too late to bring peace of mind to his wife, who had died in childbirth two days before.48

46 Rawl. MSS, A 139a, fo. 120; B.L., Add. MSS 34,516, fo. 51; Hastings Correspondence, Reel 15, Box 52, HA 3997, HA 7794, HA 12545.
47 Hastings Correspondence, Reel 15, Box 54, HA 662; Commons, 1660–1690 1, pp. 296–8.
CONCLUSION

Did the Three Questions have the same impact in Leicestershire as they did elsewhere? The answer is yes. Not only did the ‘inquisition’ fail to elicit locally the support that James II was hoping for, it helped to unite the opposition to his policies. The king was left in no doubt that most of the county’s gentry did not support him – and this was repeated across the land. The returns for the country at large show that support for the king’s policies among the gentry was as little as less than a fifth or as much as nearly a third of those canvassed, depending on whether the answers of the Catholic gentry are included. But such statistics gloss over the number – about a fifth – of doubtful answers or the number of JPs who absented themselves – just under a quarter – who must have included a fair proportion of magistrates opposed to the king. In this respect, the returns from Leicestershire are on the face of it a reasonable reflection of those from the whole of the kingdom. So it is perhaps tempting to suggest that the king’s ecclesiastical policies were already doomed. Yet such an interpretation is made with the benefit of hindsight, in the knowledge that within a year of the canvass the country would witness an invasion and a revolution that would drive the king from his throne. However, like the canvass as a whole, such a verdict leaves many questions unanswered, not least what would have happened if the king had steered a less disastrous political course in the following months and if William of Orange, for whatever reason, had not invaded these shores?

Less speculatively, there are other characteristics typical of the events of 1687–88 as a whole which are to be found in Leicestershire. The lord lieutenant, while both a loyalist and a trusted servant of the king, failed or was unable or unwilling to persuade the gentry of Leicestershire to support repeal – a result repeated throughout the canvass. Huntingdon’s ineffectiveness was down to several factors. He was a recent imposition on the county and lacked the prestige and influence of his predecessor, the Earl of Rutland. It was not Huntingdon’s fault that the Hastings family as a political force was in decline. It was also asking a lot of the earl to impose his influence on the county when he was also a privy councillor, a member of the Ecclesiastical Commission and colonel of a regiment of foot – all of which kept him away from the county for long periods. His appointment as Lord Lieutenant of Derbyshire, where his political influence was negligible, just made his task even more difficult. Because so many of society’s natural leaders had refused to co-operate with the king, Huntingdon, like his fellow loyalist lord lieutenants, found himself having to do too much to be able to do any of it effectively. As a result of other duties, Huntingdon was absent from Leicestershire in the crisis of the autumn of 1688, when those loyal to the king most needed his leadership.

It was characteristic of the canvass that refusal on the part of a justice to endorse wholeheartedly the king’s policies invariably resulted in dismissal from local office. These wholesale purges created a manpower problem. In Leicestershire, Huntingdon was forced to rely on a small band of loyalists, who though they kept the wheels of local government turning, were hardly the most influential members of the county.

49 HMC Hastings MSS 2, p. 173; CSPD, 1986–7, p. 338; Hastings Correspondence, Reel 13, Box 45, HA 1784.
genty. At the quarter sessions in the spring of 1688, justices were in short supply, and although the situation had improved by the summer, the problem of getting suitable gentlemen to act as justices remained. This was typical of much of the kingdom after the purges that followed the inquisition. Also the growing concern of two of Huntingdon’s most loyal supporters, Sir Henry Beaumont and Dr John Gery, who found themselves politically more and more isolated as events unfolded in the summer of 1688, is revealed in their letters to the earl. This, too, was typical of the kingdom at large where supporters of the king came under pressure to distance themselves from royal policy as it became more and more unpopular. This lack of confidence or loss of nerve among the king’s allies – even before the invasion alarm was raised – suggests that the king’s position was weakened by his disastrous clash with the Anglican establishment. At the end of August 1688, a rather dejected Beaumont wrote to Huntingdon about the problems in securing an acquiescent corporation to facilitate the election of pro-repeal candidates in Leicester:

[...]

I am ready to give the utmost Testimony of persevering in my duty to his Majesty, but it is impossible for me to doe the Crown better service than I have done or to goe on at this rate of making brick with-out materials.

Such words could have been uttered by many a despairing loyalist, struggling to promote the king’s cause as the crisis point of the last Catholic king’s reign approached.50

APPENDIX: LORD HUNTINGDON’S RETURN

[Concerning Penal Laws & Test 1687][8] vol I 116

Deputy Lieutenants & Justices of the Peace for the County of Leicester Vizt

+ Sir Thomas Burton
+ S’t Henry Beaumont Bar51
+ S’t W:m: Holford Knt
+ Rich Roberts Esq
+ Henry Nevill Esq
  S’t W:m Villers
+ S’t John Gifford [last two names added in a different hand]

Justices

+ Willm ffoster D’t of Lawes
  Sir John Gifford

50 Hastings Correspondence, Reel 15, Box 51, HA 3990–1, HA 7791, HA 3993–4, HA 669, HA 3997, Reel 15, Box 54, HA 662. Huntingdon himself was not immune to this despondency. At the time of the debacle of James II’s confrontation with the seven bishops, he told Sir John Reresby that ‘had the king known how far the thing would have gone, he would never have laid the injunction he did, to have the declaration read in churches’: A. Ivatt, ed., The Memoirs and Travels of Sir John Reresby, Bart. (London: Kegan, Paul, Trench, Trübner and Co., 1904), p. 302.
Thom: Markham
John ffanning
Roland Eyres
[?] S’s Rich Verney
+ John Beaumont
George Bright DD
Roger Roe
Charles ffortescu
Willm Turvill
Charles Byerley
S’t John Harthopp
Wolston Dixie
Sam” Danvers J”
Willm Harthopp
Willm Palmer
Nathan Wright
George Hewett
Roger Smyth
John Oneby
D’ Gery [name added in a different hand]

[Dated Feb 87/8]

In obedience to His Majesty’s Instructions I caused the Deputy Lieutenants & Justices of the Peace for the County of Leicester, whose names doe follow to be summoned to meet me at Leicester on the 12th January 1687[/8] and required from them that appeared theire opinions to the three questions relating to the Penall Laws and Test to which they made severally the following answers

These Gentlemen following assented to the three questions
Sir Thomas Burton+} D[puty] L[ieutenant]
S’ Henry Beaumont} D[puty] L[ieutenant] Baronetts
S’ William Holford K” DL
Richard Roberts
Henry Nevill+ } Esquires DL
William Foster Dr of Laws

Doct’ Gerey answers that the first question relates not to him being a clergymen, to the second hee thinks sufficient security to preserve the Religion of the Church of England may bee made in Parliament & the Penall Laws & Test repealed, to the third he answers in the affirmative
Thomas Pochin assented with a security to the Religion of the Church of England by way of equivalency
Jeffrey Palmer sayith that hee hath all the Duty imaginable for His Majesty & inclinations to his service, But these questions are of that great importance, that hee cannot at present return a positive answere
Roger+Smith answeres doubtfull
These that follow were absent, and non resident in the County:
Sir John Gifford Bart Thomas Markham, Thomas Eyres, John Fanning Roland Eyres, all Catholicks
Sir Edward Abney Knt. And Henry Kendall, resident in Derbyshire abs[ent]
Sir Richard Verney Knt. Resident in Warwickshire absent
Sir Andrew Noell Knt. resident in Rutland Shire absent
John Beaumont Esq’ (an officer in the army) absent
Sir Henry Hudson Bart & William Bellgrave Esq’ returned no answere
Christopher Pack is sick
John Coke Esq’ absent, resident in Hertfordshire noe Justice of the Peace formerly a Deputy Lieutenant
Richard Lister Esq’ a Deputy Lieutenen’ absconds for Debt
These that follow answer to the first & Second question in the negative and to the last affirmatively
My Lord Beaumont, My Lord Cullen called Charles Cockam in the Commission,
My Lord Sherrard, S’ Thomas Heselrige, Sir Beaumont Dixie, Bart’, Edward Hudson,
John de la Fontain, John Verney
William Boothby, George+Bright D.D. Thomas Caldecote, Jeremiah Dove, Roland Browne, Thomas Babington, Roger+Roe, Tho: Boothby, To the three questions he answers in the negative
Samuel Cotton to the two first hee will not promise.
The Earle of Rutland, and my Lord Ferrers are both in the Commission of the Peace, But I sent not to them because I suppose His Majesty is already informed of theire opinion in this matter.

There are none of the Members of the Corporation of Leicester proper to stand for Parliamentmen, either for quality, fortune or interest, especially in a county where there are so few elections:

[Rawlinson MSS, Rawl. A 139a, ff. 116, 120]

Persons proposed to be Deputy Lieutenants [second draft]
S’ Thomas Burton Bar’t
S’ Henry Beaumont Bar’t
S’ William Holford Knt
Richard Roberts Esq’t
Henry Nevill Esq’t

new ones
1. S’ William Villers Bar’t
2. S’ John Gifford Bar’t
Persons proposed to be Justices of the Peace
William Foster D’q of Laws
John Beaumont Esq’.

new ones
Thomas Markham Esq’.
John Fanning Esq’.
Roland Eyres Esq’.
Charles Fortescue Esq’.
William Turvill Esq’.
Charles Beyerley Esq’.
S’ John Hartopp Bar’
Wolston Dixy Esq’.
Samuel Danvers jun’. Esq’.
William Hartopp Esq’.
William Palmer Esq’
Nathan Wright Esq’.
George Hewett Esq’.
John Oneby Esqr.
D’ John Gery.

[Endorsed] Leicestershire
Deputy Lieutenants and
Justices of the Peace

Feb 16th 87/8

[Rawlinson MSS, Rawl. A 139b, fo. 251]