

ART. XXV.--*Penal Laws and Test Act in 1688: Questions touching the same, propounded by King James II., to all the Deputy Lieutenants and Magistrates in Cumberland and Westmorland; with their several Answers thereto. From the Original Documents and State Papers in the Bodleian Library.* By SIR G. DUCKETT, BART.

Communicated at Penrith, July 10th, 1879.

THE Penal Laws and Test Act, the subject of the present pages, point to an epoch in the history of this country of the greatest possible interest. To those of the present age, both are, in every sense, a "thing of the past," and now that their repeal and the toleration of all sects is an accomplished fact, we can scarcely regard the matter properly from our present altered position; we cannot enter with requisite spirit into the feelings of our forefathers with regard to their injustice, or sufficiently appreciate the hardships with which they pressed upon those of the Roman Catholic and Dissenting community; whilst, on the other hand, we cannot adequately value the stubbornness and inflexible tenacity of those who persisted in maintaining them as the chief anchor of their religious liberties. The time, at which the Test Act was introduced, was, as it were, a turning point in the established religion of the kingdom. Too near to the Reformation, and still nearer to the subsequent return to Popery under Queen Mary, and its attendant horrors, it seemed necessary to impose a barrier to the possible re-establishment of that religion; but under the disguised tendency to Catholicism on the part of the House of Stewart, and its ultimate avowal by King James II., it became not only still more desirable, but imperative, to retain those wholesome restrictions on
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the development of a faith, not tolerated by the masses of the people.

The obligations of the Test Act, which had been passed in the last reign, (25 Charles II.) are well known. They required every person holding any office, civil or military, not only to take the oath of allegiance and supremacy,* but that he should receive the sacrament in the form prescribed by the Church of England, or be incapable of receiving or retaining such office. Hence it happened that James II., who had become a Catholic when in exile during the Commonwealth, but had not openly avowed his religion until 1671, was, (being then Duke of York), obliged to throw up his different appointments. The Parliamentary Test, which was adopted in 1678, excluded every Catholic from Parliament. These Acts continued in force until the reign of George IV.; the Catholic Emancipation Bill, which passed in 1829, removing their disabilities.

From the commencement of his reign, James II. seems to have been bent upon restoring the Catholic religion, and carrying, (parliamentarily if possible,) the repeal of the Test and Penal Statutes; not for the real liberty of the subject, as from the free use of the words "Liberty of Conscience" might *primâ facia* appear, but manifestly for the furtherance of his Catholic designs and aims at arbitrary power. By virtue of his Prerogative, he issued, in 1687, his "Declaration of Toleration and Liberty of Conscience," (which will be found repeatedly alluded to in the ensuing letters), with his Instructions for the election of members of Parliament, dispensing thereby with all oaths and tests, and admitting the Catholics to Parliament.† He afterwards published a second "Declaration of Indulgence," exactly twelve months after, in April, 1688, much to the same purport, but on this occasion he commanded it be read in the churches.

* The oath of allegiance was sought to be explained at that time, on the ground that it was simply a "pledge of obedience to the Sovereign in possession."

† Rawl. M.S., A, 139b, fo. 105.

One archbishop and eight bishops* refused to distribute this Declaration to their clergy, or to have it read from the pulpit, and seven of them were in consequence committed to the Tower; the grounds on which they acted being, that the same was "illegal," and contrary to the decision of Parliament in 1662 and 1672.† The King's instructions to the Judges of assize, proceeding on circuit that summer, sought to palliate his conduct in respect to the bishops' imprisonment, which had caused such indignation throughout the country,‡ and although ostensibly introduced as a secondary matter, was, in fact, the pith of these instructions, for the King evidently felt that he had gone somewhat too far.

The Lords Lieutenant of the different counties had been called upon, not long before, to put certain interrogatories

* The bishops were: Canterbury, Ely, Peterborough, Norwich, St. Asaph, Bath and Wells, Bristol, and Chichester. Their protest was framed in these words:—"We are not averse to the publishing of the Declaration, out of want of due tenderness towards Dissenters, with whom we shall be willing to come to such a temper as shall be thought fit when the matter comes to be settled and considered in parl'mt. But the Declaration being founded on such a dispensing power as may at pleasure sett aside all law, ecclesiastical or civil, appears to us illegal, and did soe to the parl'mt of 72, and it is a point of soe great consequence, that we cannot soe farre make orselves p'ties to it, as the reading of it in the churches at ye time of divine service will amount to.

(Signed) Canterbury.
Ely,
Peterborow.
&c. &c. &c.

This was delivered to ye
King, May 7 1688
by these Bps

[Rawl. M.S., C. 798, 368b.]

† Rawl. MS. C. 798, 368b.; C. 735, 3.

‡ The paragraph in the Instructions to the judges runs thus:—"His Matie does more particularly expect and require that both in your charges and discourses, you use your utmost endeavours to satisfy all persons, that ye late proceedings agst the Bishops, was not in the least intended upon the acct of their religion, His Matie being fully resolved to maintaine all his gracious promises to all his subjects in the Church of England, wch he has made in his Declaration. But because they did by a seditious petition offer'd to his Matie, Question his Royall authority for granting liberty of conscience to all other his lov^d subjects in the free exercise of their religion, wch his Matie is fully resolv'd to maintaine, as well as his Royall Prerogative, upon which the same is founded, and doubts not to prevaile to establish the same by a law at the next meeting of his Parliamt, notwithstanding all the opposition that either has, or shall be made, to prevent a work that is so much for the publick good, and common advantage of all his Kingdom." [Miscellaneous State Papers; Rawl. MS. A., 289, fo. 289; see also Tanner MS. in Gutch's Collectanea Curiosa].

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to all the Deputy Lieutenants and Magistrates in their respective Lieutenancies, touching their private sentiments in respect to these Penal Laws and Test Act. This measure of canvassing those, who were likely to be members of any future Parliament he might wish to convoke, the King considered extremely desirable, as bearing a semblance of that constitutional authority, which he had hitherto so thoroughly disregarded, previous to any future elections, when he hoped to carry the repeal of these statutes by a Parliament more disposed to meet his views, than the one he had some time back indefinitely prorogued.

The imprisonment of the bishops, however, and a few other false steps were fatal and conclusive as to the general discontent and feeling of the kingdom, and were the forerunner of that crisis, brought about not long after, which by hastening the subsequent Revolution, lost him his Throne.

The Questions which had been propounded to all the several magistrates and freeholders by the Lords Lieutenant of counties, did not meet with the anticipated success. The Answers were for the most part, (except in one of the more Catholic counties, Lancashire,) averse to the repeal of the Test and Penal Laws; many counties answered entirely in the negative; and many of the Lords Lieutenant refused to put the questions at all. Lord Preston, who had been put in the room of the Earl of Thanet, displaced for this cause, reported very indifferently of Cumberland and Westmorland, and thus the King's endeavours to gain over these parties were completely frustrated, for as soon as the Questions got abroad, (according to Macaulay), there was joint action taken by the entire magistracy as to their several Answers. The measure, consequently, of re-modelling the corporations and constituencies, which had been taken in connection with these Questions [see the King's Instructions (postea) among Lord Preston's papers], was at once put in force. Returns of all Catholics and Dissenters in
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the various counties and corporations, who were considered fit to replace existing magistrates, &c., were made out; the charters of the corporations in many cases annulled; and the qualification of electors examined, to the complete exclusion of such as adhered to the Test and Penal Statutes. Notice was, in fact, given in the *London Gazette* (of December 11th, 1687), that the lists of the Justices and Deputy Lieutenants would be revised. Those Deputy Lieutenants and Magistrates who had shown themselves, by their Answers, averse to the king's wishes, were struck out, and replaced by others (Catholics or Dissenters) more amenable to his views. These Returns and Answers, in most cases *original*, are embodied in one of the Rawlinson MSS. in the Bodleian, and the latter are both instructive and interesting, taken in connection with the history of England at that time. They show the disposition and feeling of the country gentlemen and corporations at that critical juncture, for it was simply a question whether by retaining the Penal Laws and Test Act, the established religion of the country was to be maintained, or by their repeal, an eventual, but certain, return to Popery and arbitrary government.

It is solely, however, with the circular Questions propounded on that occasion to the Cumberland and Westmorland magistracy, that we have in reality to deal, or rather the Answers of these latter, for although the corporations and constituencies, and general parliamentary interests were secretly canvassed, and returns sent in reporting on the same from nearly every county in England and Wales,* we find no returns on these heads for Cumberland and Westmorland,—the counties under consideration,—neither have we any precise knowledge of their having been put in force at all in their case.

The Catholic element, (assumed or in disguise,) was probably rather stronger in these northern counties, than in

* See the Yorkshire and Wiltshire Returns.

other

other parts of the kingdom, if we except Lancashire, and this may account for the absence of such confidential returns, and the larger amount of original correspondence from that quarter, remaining to this day. Lord Preston, (of whom presently,) was also at that time in Cumberland, no doubt privately, as well as publicly, working in the King's behalf. In the case of these two counties, of which he is very authoritatively stated to have been the Lord Lieutenant at this time,* the replies to the interrogatories in question, will appear partly to have been handed in at the meeting convened by him to receive them, and partly by letter addressed to him in his official capacity as Secretary of State.

Sir John Dalrymple,† in his "Memoirs of Great Britain," has the following passage on this very identical matter:— "In Lord Preston's copy-book of dispatches there is the following order :

"That the Lord Lieutenant of the counties of Cumberland and Westmoreland, do call before him, all the deputy lieut^{ts} and justices of the peace, within his lieutenancy, either jointly or separately, as he shall think fit, and ask them one by one, the following questions."

[*These correspond verbatim with those given in continuation presently.*]

* Sir Daniel Fleming of Rydal, one of the Magistrates who attended the meeting convened by the Lord Lieutenant at Penrith, has left a narrative of some of these proceedings and correspondence which passed between himself, Lord Preston and others. The matter is related by Burn (*Westmorland*, i. 165 *et seq.*), and in it Lord Preston is said to have been recently nominated Lord Lieutenant of Cumberland and Westmorland, in place of the Earl of Thanet, removed by James II., and this is also repeated by Macaulay. Still the MS. among the Rawlinson Collections, whence the original letters and actual replies, handed in on this occasion have been extracted, names Edward, Earl of Carlisle, as the then Lord Lieutenant of these two counties. There is no doubt that James superseded most of the Lieutenants of counties in so peremptory a manner, and so frequently, that this step may have been taken, either in respect of Lord Thanet or Lord Carlisle. We are disposed to think, however, that as Lord Preston had married the said Earl of Carlisle's sister (the Lady Anne Howard), was Master of the Wardrobe, and otherwise a *persona gratissima* to King James, he was present in an official capacity, for he was "Secretary of State" at the very time, and being in his own county, Cumberland, was acting as well in the King's especial interest. Without further authority, therefore, we rather hesitate to accept Lord Preston, as having been actually installed as the Lord Lieutenant, though he unquestionable might have been for the reasons given, and was undoubtedly on this occasion acting for him.

† *Memoirs of Great Britain*, by Sir John Dalrymple, Bart., 1771; ii., Appendix to part i., p. 223.

“As he shall ask these questions of all deputy lieutenants and justices of the peace, so he shall particularly write down what every one answers, whether he consents, refuseth, or is doubtful.

“That he likewise do bring to the King as good an account as he can, of all the several corporations within the lieutenancy. What persons, of such as are willing to comply with these measures, have credit enough of their own to be chosen parliament-men, or may be chosen, if assisted by their friends.

“And lastly, what Catholics, and what dissenters are fit to be added, either to the list of deputy lieut^s or the commission of the peace, throughout the said lieutenancy.”*

We are not aware that these Instructions are elsewhere mentioned, or otherwise published, so that they bear very pointedly on the subject under consideration, and throw no inconsiderable light upon it.

In pursuance of these orders, (as already observed), a meeting was convened by the Lord Lieutenant at Penrith, in February 1687-8, and it would seem from the fact of many of the letters being addressed to Lord Preston,† that some of the county magistrates were purposely absent from it. In other respects, the several replies were handed in personally, in writing, at the time. That some did not attend this meeting is shown by the list given in the sequel, and the causes are noted for their non-attendance. The MS. volume (above alluded to), embraces the answers on this same subject from most of the counties in England

* Then in Mr. Graham's possession at Netherby (Dalrymple).

† Sir Richard Graham of Esk, Bart., was advanced in 1680 to the Peerage of Scotland, as Viscount Preston of the county of Haddington, and took his seat in the Scotch Parliament accordingly. He was son of Sir George Graham and the Lady Mary Johnston, daughter of James, first Earl of Annandale, had married Anne, daughter of the first Earl, and sister of the then Earl of Carlisle, and had been for many years the English ambassador at Paris, and was at the time of these events Secretary of State, in succession to Robert, Earl of Sunderland. He was one of the Council of Catherine, the Queen Dowager, as also of Mary of Modena, Queen of James II., and Keeper of the King's Robes, having been M.P. for Windsor in 1685. At the Revolution he was committed to the Tower, but though soon released, was subsequently arraigned for high treason, being, according to Dalrymple (ut antea), concerned in the second conspiracy against the Government in 1691, for which he was condemned to be executed, but escaped the sentence by informing against his associates. [Dalrymple, *Memoirs of Great Britain*, i, 167, *et seq.*]

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and Wales, but in no case does the number handed down to us exceed, or even approach to, that of Cumberland, of which it will be seen there are thirty-nine existing autograph Answers to these interrogatories; whilst the documents being in each case (as observed) *Original*, they carry with them an additional interest, apart from their historical value.

The propounded Questions having in view the forthcoming elections, whenever the King might be disposed to call another Parliament,* it is highly interesting to peruse the spirit in which they were received; some answering one way, some another; the greater part in decided concert; speciously or evasively, as suited the purpose. The Cumberland and Westmorland magistrates, however, appear, on the whole, to have fallen in more than others with King James's views, but in most parts of the country, as the Returns show, a considerable opposition was manifested to the King. In fact, as a rule, throughout the kingdom, the answers were chiefly in the negative.

The position which the respondents then held in the counties under consideration, the indirect importance of their replies to the interrogatories, and the peculiar interest which must attach to the authenticity of these answers, written by their own hands, in respect of many of the writers' descendants, not yet withdrawn from the scene, (among others, the families of Lowther, Muncaster, Musgrave, Curwen, Fleming, Salkeld, Howard of Corby, Lawson, Fletcher, Graham, Dykes, Wilson of Dallam, and others,) makes the verbatim insertion of them at length in these pages, a matter of especial value to them, apart from antiquarian considerations, and we therefore at once proceed, after these remarks, to recapitulate the different entries.

* In his second Declaration he promised to call a Parliament in November.

Three Questions propounded by the Lord Lieutenant of the counties of Cumberland and Westmorland, to the Deputy Lieut^s and justices of the peace within his Lieutenancy, one by one, in pursuance of his Ma^{ties} Instructions and commands, signified by a letter from the Lord President, dated 25th Octr. 1687, together with their several names, to whom the questions were proposed, and their respective answers to every particular question.

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.

3. Whether he will support the King's Declaration for Liberty of Conscience, by living friendly with those of all persuasions, as subjects of the same Prince, and good Christians ought to do.

2. Whether he will assist and contribute to the election of such Members, as be for taking off the Penal-laws and the Tests.

Deputy Lieutenants and Justices of the Peace for the County of Cumberland [1687-8]:—

S^r Christopher Musgrave, of Edenhall, K^{nt} & Barr^t.

S^r Geo. Fletcher, of Hutton, Barr^t.

S^r William Pennington, of Muncaster, Barr^t.

S^r Wilfred Lawson, of Isell, K^{nt}.

Justices of the Peace, onely:

S^r John Lowther, of Whitehaven, Barr^t.

S^r Richard Musgrave, of Hayton, Barr^t.

S^r Francis Salkeld, of Whitehall, K^{nt}

S^r John Ballantine of Crookedake, K^{nt}.

Francis Howard of Corby, Esqr, Gov^r of Carlisle.

John Aglionby of Drawdykes, Esqr.

Thomas Warwicke of Warwick Bridge, Esqr.

Henry Dacre of Leonard Coast, Esqr.

Andrew Huddleston of Hutton John, Esqr.

Edward Hasell of Dalemaine, Esqr.

Anthony Hutton of Gale, Esqr.

Henry Browham of Skailes, Esq.,

Thomas Dalston, Esqr.

Christopher Richmond, of Catterlen, Esq.

John Skelton of Thornthwaite, Esqr.

Thomas Denton of Warnall, Esqr.

Leonard Dykes of Warthole, Esqr.

Charles Orfeur of High Close, Esqr.

Richard Tolson of Wath, nigh Wakefield in Yorkshire, Esqr.

John Lamplugh of Lamplugh, Esqr.

Richard

Richard Lamplugh of Ribton, Esqr.
 Richard Patrickson of Calder Abbey, Esqr.
 John Senhouse of Seascale, Esqr.
 Henry Curwen of Workington, Esqr.
 Edward Stanley of Dalegarth, Esqr.
 William Fletcher of Morresby, Esqr.
 Miles Pennington of Seaton, Esqr.
 William Christian of Sowthwaite, Esqr.
 John Errington of Beefront, Esqr.
 Thomas Salkeld, Esqr.
 John Aglionby junr. Esqr.
 — Skelton Esqr.*

[The following *autograph* Answers, when not in the form of "Letter," were personally handed in, in writing, at the meeting at Penrith, January 25th, 1688.]

[*Answer of Sir George Fletcher, of Hutton, Bart.*]†

1st It is humbly my opinion that the first Question is more proper for the consideration of a Parl^t, then (sic) a private meeting of country gentlemen, whoe not having liberty to debate, are unable to arrive at a true understanding of the conveniences or inconveniences that may attend this Quest^t; but whenever his Majesty shall be pleased to call a Parliam^t, if the Gentry and Freeholders of this county will doe me the hon^r, to let me serve them as one of their members, I shall endeavour to discharge my duty to my God, my King, and country, as well as my conscience and judgement can direct me.

2^d As to the second Quest: wherever I am an Elector, and that such persons are present, with whom I think I may with confidence trust my Religion, Liberty, and Property, they shall freely be my choice.

3^d I have ever been of The King's opinion that Conscience ought not to be forced, and when I was a Member of Parl^t, did act accord-

* This list is incomplete; the following names are absent: — Sir John Lowther of Lowther (afterwards Viscount Lonsdale); Sir Christopher Philipson; William Sandford; Edward Musgrave; Christopher Dalston; William Fleming; Thomas Brathwait; John Dalston; Edward Wilson of Dallam Tower; John Fisher; Thomas Fletcher.

† In these *Original* letters the spelling has been strictly adhered to, and it is curious to observe how very much more illiterate some of the parties seem to have been than others, judging from their shortcomings in this respect. Throughout, "severall" is used for "different," and "of" for "off;" and some twelve or more magistrates must have had a common understanding among themselves to hand in the *same* answer. The endorsements are in a coeval hand, apparently that of Lord Preston.

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ingly, and it is my desire, as it shall be endeavour to live friendly with men of all persuasions.

(Endorsed),	}	(Signed),	GEO. FLETCHER.
Sr George Fletcher			
Baronett			
Cumberland			
Westmorland	}		

[*Answer of Sir William Pennington,* of Muncaster, Bart.*]

To the first question, if I be a parliament man I shall give give my vote for the taiking away the penall laws and test, so far as not to prejudice the Church of England.

To the second question, I shall give my assistans for the electing of such members as I hope will concur with the King in all things resonable.

To the third question, I declare I was always of opinion that none ought to be restrained of Libertye of Contiens; and that I never designe to live otherways then freindly with persons of all persuasion.

(Signed), WM. PENNINGTON.

[*Answer of Sir Richard Musgrave, of Hayton, Bart.*]

1st Wen I shall be elected a member of Parliament as I believe I never shall, I will referr my opinion to the house, as farr as it tends to the Publicque good.

2^d I shall always give my assistance towards the electing such members of Parliam^t, and support the Protestant religion as it is now by law established.

3^d I doe very well approve of the King's Declaration of Indulgence, & shall Indeavour to live friendly and peaceably with men of all persuations, as becometh every good Christian, Provided they demean themselves in noe wise contrary to law.

(Signed), R. MUSGRAVE.

[*Answer of Sir John Lowther, of Lowther, Bart., afterwards Viscount Lonsdale.*] †

1 If I be chosen a Member of Parliament I think myself obliged to refer my opinion concerning the taking away the Penall Laws and Tests, to the Reasons that shall arise from the Debate of the hous (sic).

2 If I doe give my interest ffor any to serv in Parliament, it shall be ffor such as I shall think Loyall, and well affected to the King and the Established Government.

* Ancestor of present Lord Muncaster.

† Cousin of Sir John Lowther, of Whitehaven.

3 I will live friendly with those of severall Perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed), JOHN LOWTHER.

[*Answer of Sir Francis Salkeld, of Whitehall, Knight.*]

To the First, were I a member of parliament, I would most certainly give my vote for taking away the Penall Laws and Tests.

To the Second, I will not give my vote for Election of any that I have not a confidence in will not be for takeing off the same.

To the Third, I am for supporting the King's declaration for Liberty of Conscience, and liveing peaceably amongst the rest of my fellow subjects : and wilbe ready upon all occations (sic) to serve the King with Life and fortune.

(Signed), FRA. SALKELD.

[*Answer of Sir John Ballantine, of Crookdake, Kt.*]

1 If I be chosen a member of parliament, I think myself obliged to refer my opinion concerning the takeing away the penall Laws and tests to the reasons that shall arise from the Debate of the house.

2 If I give my interest for any to serve in the next Parliament, It shall be for such as I shall thinke loyall and well affected to the King and the established government.

3 I will live friendly with those of severall p'swations as a loyall subject and a good Christian ought to doe.

(Signed), J. BALLANTINE.

[*Answer of Sir Daniel Fleming, of Rydal, Knight.*]

If I be chosen a member of Parliament, I think myselfe obliged to refer my opinion concerning the takeing away the Penal Laws and Tests, to the Reasons that shall arise from the Debate of the House.

If I give my Interest for any to serve in the next Parliament, It shall be for such as I shall think Loyal and well affected to the King and the established government.

I will live friendly with those of several perswasions as a Loyal subject and a good Christian ought to doe.

(Signed), DAN : FLEMING.

[*Answer of Sir Christopher Philipson, of Crook Hall, Knight.*]*

If I be chosen a Member of Parliament; I think myselfe obliged to refer my opinion, concerning the taking away the Penal Laws and Tests, to the Reasons that shall arise from the Debate of the House.

* M.P. for Westmorland, 1681.

If I give my Interest for any to serve in the next Parliament, it shall be for such as I shall think Loyal and well affected to the King and the established government.

I will live friendly with those of several perswasions, as a Loyal subject and a good Christian ought to doe.

(Signed),

CHR. PHILIPSON.

Endorsed,
S^r Christopher }
Philipson }
his answer }

[*Answer of John Aglionby of Drawdykes, Esq.*]

To y^e 1st

I will consent y^t y^e penall Laws relating to Religion and y^e Tests shall be repealed, conformably to his Ma'tys Declaration touching Liberty of Conscience.

To y^e 2^d,

I will vote for y^e election of such persons as I think will consent that y^e penall Laws relating to religion and y^e Tests shall be repealed or aboli'sd.

To y^e 3^d,

I will endeavour to live peaceably wth all men (though of different perswasions in Religion), and I think itt my duty so to doe.

(Signed),

J. AGLIONBY.

Jan 24 1687.

[*Answer of Francis Howard, of Corby, Esq.**]

To the first question proposed by your Lordship; Were I a Member of Parliam^t I would certainly bee for taiking away the Penall Laws and Tests.

To the Second, I will contributt to choose such members as will bee for the taiking off the Penall Laws and Tests and noe others.

To the Third, I will support the King's Declaration of Liberty of Conscience by liveing friendly with those of all perswasions.

(Signed),

FRANCIS HOWARD.

(endorsed),
Francis Howard }
Esq. }

[*Answer of William Sandford, of Askham, Esq.*]

To y^e 1st Question, Answer, I have no intention to attempt being chosen a member of parliamt, But if I were I should think myselfe obliged to defer y^e givinge my of opinion concerning

* Catholic.

y^e taking away y^e Penal Laws & Tests, untill I had heard y^e Reasons y^t should arise from y^e Debate of y^e House upon y^t subject.

2 Q. A., When it shall be his Majesty's pleasure to call a Parliam^t, I will assist wth my Interest in electing such as I think are of undoubted Loyalty to y^e King & well affected to y^e Govern^{mt}, as by Law established.

3 Q. A., I will endeavour to live friendly & in Amitie with all his Majesty's good subjects of w^t perswasion soe ever they be in Religion, as a good Christian ought to doe.

(Signed),

WM. SANDFORD.

(Endorsed),
William
Sandford, Esq., }

[*Answer of Richard Patrickson of Calder Abbey, Esq.*]

To y^e first Question,

I doe not esteem my selfe sufficiently qualified to serve in Parleмент, nor doe I expect to be chosen, and for y^e taking away the Penall Laws and Test, I doe leave y^e matter (with great submission) to y^e wisdom of y^e King and Parleмент.

To y^e Second,

I will to y^e utmost of my power contribute to y^e electing such to serve in Parleмент as will with all readyness and fidelity serve there King and Country.

To y^e third,

I doe heartyly acquese (sic) in the Kings Declaration for liberty of conscience, and will live with all that friendship, and respect to all, as becomes a good Christian and most dutyfull subject.

(Signed)

RIC : PATRICKSON

Endorsed, }
Richard
Patrickson }
Esq.

[*Answer of Charles Orfeur of High Close, Esq.*]

If I should be chosen Knight of the Shire or a Burgess, I would be willing to take away the Penall Laws and Test.

I will conterbute (sic) to the election of such Members as I hope will oblige the King in all things.

I will promote the Kings Interest, and will live peaceably amongst my neighbours.

(Signed),

CHARLES ORFEUR.

(Endorsed), }
Charles
Orfeur }
Esq.

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[*Answer*]

[*Answer of Thomas Denton, of Warnall, Esq.*]

If I should be a Member of Parliamt I should think it expedient to refer mine opinion to the reasons that shall arise from the Debate of the House, relating to the takeing away the penall Laws and the Tests.

If I give mine interest, for any to serve as a Member in the next Parliament, I shall vote for such, as I shall conceive to be of Loyall principles: and fitt to serve his King, & Countrey.

I shall (as I have ever done) live friendly with those of several perswasions, as becomes a good Christian, and a loyal subject.

(Signed),

THO: DENTON.

[*Answer of Thomas Dalston, Esq., son of John Dalston, of Acornbank.*]

To y^e first question propos'd by my Lord Preston, as for y^e Tests I doe abominate them; & as for y^e Penall Laws, I think there ought to be no preference even for religion or conscience, therefore were I a member of Parliamt, I would certainly be for takeing off y^e Penall Laws & y^e Tests, especially since his Majesty has been pleased to declare it a great & necessary work.

As for the y^e 2^d question, I will assist to y^e election of such members as shall be for takeing off y^e Penall laws and Tests, and to y^e 3^d question, I will doe as I would be done to, live friendly with his Majesties subjects of all perswasions, as being equally under his Maj^{ties} care with my selfe, and support his Mat^{ties} declaration.

(Signed),

THOMAS DALSTON.

(Endorsed),
Thomas
Dalston
Esq. }

[*Answer of Edward Hasell, of Dalemaine, Esq.*]

1: Iff I be chosen a member of Parliament, I think myself obliged to refer my opinion concerning the taking away the Penall Laws and the Tests to the reasons that shall arise from the Debate of the House.

2: If I doe give my Interest for any to serve in the next Parliament, it shall be for such as I shall think loyal and well affected to the King and the established government.

3: I doe and will live friendly with those of several perswasions, as a Loyall subject and a good Christian ought.

(Signed),

ED: HASELL.

[*Answer*

[*Answer of John Skelton,* of Thornthwaite, Esq.*]

If I were chosen Kn^t of the Shire or Burgess of a Towne, when the King shall thinke fitt to call a parliament, I would most willingly and ffreely be for taking of the penal Laws and Tests.

Secondly, I would most willingly and ffreely assist and contribute to the Election of such members as shall be for takeing of the penall Laws and Tests.

Thirdly, the King's Declaration ffor liberty of conscience by liveing most friendly with those of all perswasions, as subjects of the same prince, I most willing (sic) and ffreely affirm and condescend too.

(Signed),

JOHN SKELTON.

[*Answer of Edward Musgrave, of Esq.*]

1st If ware a memb^r of Parlem^{nt} I think myself obliged to reffer my opinion to the reasons that shall arise from the debate of the house concerning the abrogating of the tests and penal Lawes.

2^d Ffor electing of Members of Parliam^{nt} I shall make choyce of such as in my thoughts will be most servisable to y^e King and the Kingdom in a Loyall way.

3^{ly} I will live frindly wth with those of severall perswasions as a Loyall subject and a good Christian ought to doe.

(Signed),

EDW: MUSGRAVE.

(endorsed),
Edward
Musgrave
Esqr. }

[*Answer of Thomas Warwicke, of Warwicke Bridge, Esq.*]

To the 1st question,

If I were chosen a Member of Parliment, I would certainly be for taking of the Penall Laws & the Tests.

To y^e 2^d question,

I wil assist and contribute to my power to y^e electing of such members as shall be for takeing of y^e Penall Laws and the Tests.

To y^e 3^d question,

I wil endeavour to support his Majestyes Declaration for liberty of conscience, by liveing friendly with his Majestyes subjects of all perswasions.

(Signed)

THO: WARWICKE.

[*Answer of Anthony Hutton, of Gale, Esq.*]

1 If I be chosen a Member of Parliament, I think myselve obliged to reffer my opinion concerning the taking a way the Penall Laws & tests to the reons that shall arise from the Debate of the house.

* Catholic.

[*Answer*

2 If I give my interest for any to serve In Parliament, It shall be for such as I shall think Loyall and well affected to the King and established government

3 I will live friendly with those of severall Parswasions as a Loyall subject and a good Christian ought to doe.

(Signed),

ANTH: HUTTON.

[*Answer of John Errington, of Beefont, Esq.*]

As to the first,

If I am chosen I will vote as his Majesty desires.

As to the second,

I shall use my utmost endeavours to choose such members as will be for repealing off the penall Lawes and Tests.

As to the third,

It has always been my principle and practice hitherto, and with Gods assistance I shall continue to live peaceably, and friendly with all my fellow subjects of which persuasion soever.

(Signed),

J: ERRINGTON.

[*Answer of John Senhouse, of Seascailes, Esq.*]

If I be chosed a member of Parliament, I think my selfe obliged to refer my opinion, concerning the taking away the penall Lawes and Test, to the reasons that shall arise form the debate of the house.

2 If I give my Interest for any to serve in the next Parliament, it shall be for such as I shall thinke Loyall and well affected to the King and the established government.

3 I will live ffriendly with those of severall perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed),

JO: SENHOUSE.

[*Answer of Henry Browham, of Skailles, Esq.*]

1 If I be chosen a member of Parliamt, I think myselfe obliged to refer my opinion concerning the takeing away the penal Lawes and Tests to the reasons that shall arise from the debate of the House.

2 If I give my interest for any to serve in the next Parliamt, it shall be for such as I shall think Loyall and well affected to the King and the establish'd governm^t.

3 I will live friendly with those of severall p'swasions as a Loyall subject and a good Christian ought to doe.

(Signed),

HEN: BROWHAM.

[*Answer of Henry Dacre, of Leonard Coast, Esq.*]

As to the first question, I can not hope to have of the Honnour to be chosen a member of parliment, but if I were, I should very ridally

ridally consent to his Maj'ty's desires, by giving my vote for the re-
pelling of y^e penall Lawes and tests.

As to y^e second, I shall very ridally imploy what Interest I may
have any where for the choyesing of such persons, to serve in parli-
ment, when his Majesty shall [thin]ke ff [it] to call one, as I think
he will compley with his Maig^{ty} desires in this matter ;
and for liveing pessably with my fellow subjects of all persweationes,
it has bene always both my principall and pracketis, to doe so, and I
shall think my selfe obliged to doe the same, for the futer, as well in
obedyance to his Maig^{ty}, as to comply with the dowty of a chrstion.

(Signed),

HEN. DACRE.

Penrith y^e

24th Jennour 8⁷/₈.

[*Answer of Edward Stanley, of Dalegarth, Esq.*].

1 If I be chosen a member of Parliament I think my selfe obliged
to refer my opinion concerning the taking away the Penal Laws and
the Test, to the reasons that shall arrise from the debate of the
House.

2 If I give my Interest for any to serve in the next Parliament, it
shall bee for such as I shall think Loyall artd well affected to the
King and the established government.

3 I will live ffriendly with those of severall persuasions as a loyal
subject and a good Christian ought to doe.

(Signed),

EDW. STANLEY.

[*Answer of Christopher Richmond, of Catterlen, Esq.*].

If I be chosen a member of parliament, I thinke my selfe obliged
to refer my opinion concerning the takeing away y^e pennall Lawes
and the Testes to the Reasons that shall arise from y^e debate of the
house.

If I doe give my Interest for any to serve in y^e next Parliament, It
shall be for such as I shall think Loyall and well affected to the King
and the established government.

I will live freindly with those of severall persuasions as a Loyal
subject and a good Christian ought to doe.

(Signed),

CHRIS: RICHMOND.

[*Answer of William Fletcher, of Moresby, Esq.*]*

I think he is no good subject, and neither loves his King nor
govern^{mt} who is not for complying wth his Majestyes desires in these
Three questions proposed to me.

(Signed),

WILLIAM FLETCHER.

* Catholic.

[*Answer*

[*Answer of Christopher Dalston, of Millrigg, Esq.*]

If I be chosen a member of Parliament I think my selfe obliged to refer my opinion concerning the takeing away the Penall Laws and Tests, to the reasons that shall arise from the debate of the house.

If I doe give my interest for any to serve in Parliament, It shall be for such as I shall think Loyall and well affected to the King and established government.

I will live friendly with those of severall perswasions, as a Loyall subject and a good Christian ought to doe.

(Signed),

CHRISTO : DALSTON.

[*Answer of Miles Pennington, of Seaton, Esq.*]

If I be chosen a member of Parliment I thinke my selfe obliged to referr my opining concerning y^e taking away y^e penal Lawes and Tests, to y^e Reasons y^t shall arise from y^e debate of y^e house.

If I give my Interest for any to serve in y^e next Parliamt, it shall be for such as I shall thinke Loyal and well affected, to y^e King and y^e establish'd government.

I will live friendly wth those of several perswasions, as a Loyal subject, and a good Christian ought to doe.

(Signed),

MILES PENNINGTON.

[*Answer of William Fleming, (eldest son of Sir Daniel) of Rydal, Esq.*]

If I be chosen a member of Parliament ; I thinke my selfe obliged to refer my opinion, concerning the takeing away the Penal Lawes and Tests, to the Reasons that shall arise from the Debate of the House.

If I give my interest for any to serve in the next Parliament, it shall be for such as I shall think Loyal and well affected to the King and the established government.

I will live friendly with those of several perswasions, as a Loyal subject and a good Christian ought to doe.

(Signed),

WILL : FLEMING.

[*Answer of Thomas Brathwait, of Ambleside, Esq.*]*

As to the First Question I finde myselfe oblige in Duty to God obedience to my King, & Charity to my neighbour, to contribute all that I can, to take off the Penall Laws and Tests, from which resolution I will (by God his assistance) never departe, wether I am a Member of Parliamt, or placed in any other circumstances, and more particularly finde an obligation incumbent upon me to applye the

* Catholic.

uttmot of my endeavours for the takeing off the Tests, which are absolutely against the word of God, and contrived on purpose to destroy Monarcy, for which so many of my ancestors sacrificed their Estates and Lives, and as I am, and shall, ever be ready on all occasions to performe.

As for second I will never give my vote for any person (through favour or affection) to be a member of Parliamt, whom I have not a very great assurance of, even allmost certainly that he will give his vote for the takeing of the Penall Laws & Tests.

As for the 3^d I will with all my endeavours support the Kings Declaration for Liberty of Conscience, by liveing ffriendly with those of all perswasions, without envie, hatred or evill will, as every good Christian is obliged to do.

(Signed),

THO: BRATHWAIT.

[*Answer of Sir Wilfred Lawson, of Isell, Knight.*]

My Lord,

In answer to the three Questions in yo^{re} now rec^d I make this returne.

That to y^e first, that in case I should be chosen Knt^t of y^e Shire or or Burgesse of a Towne, when the King shall thinke fitt to call a Parliamt, I shall (God willing) be for takeing of y^e penall Lawes and Tests.

To the second I will assist and contribute to y^e Election of such Members as shall be for takeing off y^e penall Lawes and Tests, to the best of my knowledge.

And to the Third, I will support y^e Kings Declaration for liberty of conscience, by liveing friendly wth those of all p'swasions, as subjects of y^e same Prince and good Christians ought to do, by God's Assistance and shall Remaine

Yo^r Lord^s

Most obliged & humble

Serv^t

Isell 30th Jan:

(Signed),

WILFRID LAWSON.

87

(Endorsed),

For

The Honoured

Richard Viscount

Preston,

These.

[*Answer*]

[*Answer of Leonard Dykes, of Warthole, Esq.*]

My very good Lord,

After y^e tender of my humble service and dayly prayers for yo^r Lordships health and prosperity, I presume wth yo^r lordships leave, humbly to offer these answers to yo^r Questions.

1st I do not desire y^e penall laws or y^e tests to be taken away or repealed,

2^{dly} If his Majestie shall have occasion to call a parliament, I will give my vote for such members as are of known loyalty and integrity to his Majestie, and I shall rest satisfied wth their doings in a parliamentary way.

3^{dly} I shall endeavour to live at peace (and friendly) wth all men (as becomes a good Christian) of what christian perswasion soever, and testifie my selfe a loyall subject, who subscribs himselfe my Lord

Yo^r Lordships most obleiged
and most humble Serv^t

Warthole y^e 29 (Signed), LEO. DYKES.

January (87)

(Endorsed) Leonard Dykes Esq his Answer.

To Right hono^{rable} Richard Lord Preston
att Huttonhall, these humbly offer.

Seal in Red Wax ; 3 cinquefoils ; crest a lobster.

[*Answer of John Dalston, of Millrigg and Acorn Bank, Esq.*]

Right Hon^rable,

In obedience to your Lordships Letter, which I received late this evening, I humbly p[']sent the inclosed paper, in answer to the questions. I had endeavored to have waited upon you at Penrith, had not my sonns told me that you had some thoughts of calling at Millrigg in your returne, an Honour which would have been highly valued by

Your Lordships
most humble servant

Millrigg,

January the 27th

1687.

(endorsed)

(Signed), JOHN DALSTON.

To the Right Honr[']able
the Lord Viscount Preston
att Hutton in
Cumberland,
These.

(Enclosure)

(Enclosure)

My Lord,

To y^e 1 & 2, I doe not (in my weake Judgmt^t) thinke that the taking away of the penall Lawes, would be for the genall good of this nation: those Lawes being the great security and support of the government. And therefore I cannot in conscience either vote the taking of them away., or give any vote to the electing of such Members as would take them away.

To y^e 3 To live peaceably (under the Govern^t) with my fellow subjects of what perswasion soever, is a duty which I owe, both to God and the King, and I am steadfastly resolved (Deo volente) to performe it accordingly.

(Signed),

JOHN DALSTON.

[*Answer of John Lamplugh, of Lamplugh, Esq.*]

January 29th 8 $\frac{3}{4}$.

Hon^d Sr

Such answers as the shortness of time, and my indisposition would p[']mitt, inclosed is here sent you from

Yo^r Lordshipp's

Humble Servant

(Enclosure)

(Signed),

JOHN LAMPLUGH.

To the first p[']posall, my age and disability of health hath so incapacitated me that I cannot be a Parliament man.

As to the second, if his Ma^{tie} please to call a Parliament, I will endeavour such shall be chosen for representing, as have always been loyall, and will evidently God, and be well affected to the King and the established Government.

As to the Third, as his M^{tie} hath beene graciously pleased to give liberty of conscience to his subjects, of different perswasions, I shall endeavour to live friendly with them, as a good Christian, and a Loyall subject ought

(Signed),

JOHN LAMPLUGH.

(Endorsed)

ffor

The much Hon^d Richard Lord Preston

att Hutton near Penrith

Hutton

These.

[*Answer of Edward Wilson, of Dallam Tower, Esq.*]

My Lord,

I had intended to have waited on yo^r Lordship, but was surprised with a sharpe fitt of sicknes on Sunday night last, and ame not yet

T T

able

able to gett out of my Chamber, & in answer to yo^rs, both my age and infirmitie renders me uncapable to bee a Member of Parliament, but shall endeavour to elect an honest & loyall man to serve with the King in Parliament, and to live peaceably (as a good Christian ought to doe) wth all men, I ame

My Lord,

Dallam Tower 27th Yo^r Hon^rs most humble Servant
 Jan: 1687 (Signed), EDW: WILSON.
 (Endorsed)

To y^e right Honourable
 Lord Preston,
 These present.

[*Answer of John Fisher, of Stainebanckgreene, Esq.*]

Stainebanckgreene, Jan: 26
 1687.

My Lord,

Being indisposed in health I was p^vented of waiting on you at Penrith, for which I humbly begg your Lordships pardon: in answer to your propositions:

1st I think myself a very unfitting person to be chosen a Parliament man for a shire, or a Burgess for a Towne, therefore humbly beg the favour that supposition may be suspended.

2^d I shall endeavour to contribute to the election of such men who may be for fulfilling his Majesties desires in takeing of y^e Tests & Penal Laws.

3^d I shall endeavour to support the Kings Declaration for liberty of conscience by liveing friendly with those of all p^suations, as subjects of y^e same Prince, and good Christians ought to do.

Yo^r Lordshipps most humble

(Signed)

Servant JOHN FISHER.

(endorsed)

For

The Right Honourable
 my Lord Preston.

these d.d

[*Answer of Thomas Fletcher, (son of William Fletcher of Moresby) Esq.*

May it please y^r Lordshipp,

In answer to the 3 Questions, w^{ch} is as followeth:

1st If in case I shall be chosen Knight of the Shire or Burgesse of a Towne when the King shall thinke ffit to call a Parliament, whether I will be for taking off the penal Lawes and Tests: to w^{ch} I answer as followeth,

followeth, That I must waite the debate of the house concerninge the same matter, & if I finde the reasons there given for takinge away the s^d laws & Tests, to be convincinge, then I shall be for takinge them away.

2^d Whether I will assist and contribute to the election of such members as shall be for takinge of the penall Lawes and Tests: to which I answer, that I shall contribute to the election of such members as shall be Loyal & faithful to the King.

3^d Whether I will support the King's Declaration for liberty of conscience by liveinge friendly wth those of all p'swasions as subjects of the same Prince and good Christians ought to doe: to wth I answer affirmatively, That I will endeavour to support the Kings Declation for liberty of conscience by liveinge friendly wth those of all p'swasions as subjects of the same Prince, and as Christians ought to doe.

Y^r Lordship's most

27th January

humble Servt

1687

(Signed),

THO. FLETCHER.

(Endorsed)

Thomas Fletcher Esqr.

his answer

[*Answer of Richard Lamplugh, of Ribton, Esq.*]

My Lord,

I returne these answers to the 3 questions proposed in yo^r Lordship's letter:

To the first, viz. whether in case I shall be chosen Kn^t of the shire or Burgesse of some towne when the King shall thinke fitt to call a Parliament, whether I will be takinge of the penall Lawes and Test,

My answer is Noe, unless I can see the protestant interest secured by a new Law.

To the second, whether I will assist and contribute to the election of such members as shall be for the takinge of penall Lawes and Test, I answer, Noe.

To the third, whether I will support the King's Declaration for liberty of conscience by living friendly wth those of all parswasions as subjects of the same prince and good Christians ought to doe.

To this my answer is, I will.

Yo^r Lords^{hips} most humble Serv^t

Jan 29. 87

RI: LAMPLUGH.

(Endorsed)

For the right hon^{able} the Lord

Viscount Preston,

These.

[and apparently in the hand of Lord Preston]

Richard Lamplugh Esq. his answer; (seal broken).

The

The ensuing list of those who failed to appear at Penrith, has this endorsement (apparently) in Lord Preston's writing:—

“The names of those Gentlemen who did not appear at the general meeting at Penrith.”

Names of those Gentlemen of the County of Cumberland, who did not appear at Penryth on Tuisday Jan^{ry} 24th 1687^z

S ^r Christopher Musgrave Kn ^t & Bar ^t ,	He answered by Letter.
S ^r Wilfred Lawson Kn ^t ,.....	
S ^r John Lowther of Whitehaven Barr ^t ,	He lives in London.*
Andrew Huddleston Esqr.....	{ He is nephew to Father Hud- dleston, & has been for some time in London, attending a Law-Suite, & and must be en- quired after there.
Leonard Dykes Esqr.	He answered by Letter.
Richard Tolson Esqr.....	{ He lives in y ^e West-riding of Yorkshire, & I could not tell how to direct a letter to him, but he hath neither fortune nor interest considerable in this county.
John Lamplugh Esqr,	He answered by Letter.
Richard Lamplugh, Esqr,.....	He answered by Letter.
Henry Curwen Esqr,.....	{ High Sheriff of the County, at present in London.
William Christian, Esqr,	{ I spoke w th him before I left London, & find him ready to comply w th his Maj ^{ty} s plea- sure.

Names of those Gentlemen of y^e County of Westmorland who did not appear at Penryth on Tuisday Jan 24th 1687^z

S ^r John Otway Kn ^t ,	{ Vice-Chancellor of y ^e Dutchy and at present in London.
S ^r Thomas Strickland, Kn ^t ,	At present in London.
John Dalston, Esqr,	He answered by Letter.
Anthony Ducket Esqr,	He lives in London.
Thomas Fletcher Esqr,	He answered by Letter.

* Was one of the Commissioners of the Admiralty in 1689.

Edward Wilson Esqr	He answered by Letter.
—— Wilson, his son,	{ He lives in Lancashire, and gave his answer there.
John Fisher Esqr,	
—— Stevenson, gent	{ He complys w th His Majesty's pleasure.

[Rawl. MS. A. 139^a f. 346, sq.]
Bibl. Bodl.

As a corollary to the foregoing answers, it may be interesting to refer to the account of the meeting at Penrith, given by Sir Daniel Fleming of Rydal, one of the magistrates who attended it, and detailed by Burn in his History of Cumberland and Westmorland (i., pp. 165-70), from the papers left by Sir Daniel on the subject. How the Lord Lieutenant desired to meet the magistrates at Penrith "at 10 in the morning of the 24th"; how Sir John Lowther came there from Lowther "in his coach with six horses"; how, having taken their seats "at a long table at the George Inn at Penrith," and being called upon by Lord Preston to deliver their answers to the three questions, either in writing, or orally to his Lordship's Secretary, it was resolved, having been proposed by Sir John Lowther, and seconded by Sir Daniel Fleming, that each should retire, and write his own answer; and how, after "the Protestant Gentlemen did go into one room and the Papists into another," the whole returned in about "one hour's time," with their several answers "in writing under their hands."