

ART. XIV. – *The Sectarian “Threat” and its impact in Restoration Cumbria.*

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THE euphoric welcome that greeted Charles II’s return to England in 1660, so candidly described by Evelyn, implies, in the view of such writers as Arthur Bryant¹ and Christopher Falkus,² that the “Restoration” was built on a secure, stable foundation of popular equanimity. In fact, the Republicans and dissenters formerly in the vanguard of Cromwellian state, church and army suggested a threat of political sedition to the security of the restored monarchy as late as 1683. However, it is misleading to assume that this suspicion among the ruling élite, expressed in the “Clarendon Code”, was manufactured to legitimise sheer bloody-minded vengeance for the atrocities of the Civil War: regicide; religious fanaticism; republicanism; radical social experiments; military dictatorship; expropriation. D. L. Farmer³ and Christopher Hill both see “the prejudices of the bishops and Parliament” as the driving force behind the creation of the penal code of 1661-5:

“Civil-war animosities survived the Restoration: the Clarendon Code was a straightforward Cavalier-Anglican party measure, designed to exclude their rivals from political office.”⁴

This may well be partly true but it is an inadequate explanation of the motives behind later vindictive statutes like the Conventicle Acts. The manifestation of a non-conformist plot to overwhelm the ruling élite was a definite influence on the gentry’s rising concern about “Puritanism”. Venner’s Fifth Monarchist Rising, that so stunned London in 1661, can be played down as hysterical fanaticism, but it is unjust to reject out of hand the interconnected provincial intrigues of 1663; yet such “plots” have been the victim of serious neglect, as J. P. Kenyon admits:

“a matter taken much more seriously by contemporaries than by subsequent historians”.⁵

To contemporaries, the Derwentdale Plot, Farnley Wood Rising and the Kaber Rigg Plot had posed a sure threat to a shaky “Restoration”, not because they intended renewed Civil War, but since they challenged the uncompromising policies of the Cavalier Parliament. Judge Jefferies was lucidly expressing contemporary feeling as much as prejudiced recollections of the Civil War, when he exclaimed:

“Good God! That we should live in such an age, when men call God to assist them and protect them in rebellion!”⁶

The failure of such insurrection is not indicative of its political impact. The need to remedy the “weaknesses” of government against such subversive forces remained sufficiently acute in a time of intense anti-popery for the Conventicle Act to be renewed and revised – to facilitate its enforcement – in 1670. Indeed, the Rye House Plot in 1683 and the Monmouth Rebellion in 1685 prolonged these fears even among men who had never witnessed the events of the Civil War.

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"This study intends to revise the consequences of one particular branch of the 1663 rising, the Kaber Rigg Plot. The action of the Kaber Rigg Plot was set within the craggy dales, and damp moors of Westmorland: a sparsely populated region sustained mainly by sheep farming. Its distance from central government had contributed to the spawning of earlier insurrection, namely the Pilgrimage of Grace in 1537 and the Rising of the North in 1569. In these remote northern areas, religious conformity was notoriously difficult to enforce, hence dissent flourished with only intermittent interference. George Fox and his disciples were particularly active in the district after 1652, spreading the message of Quakerism much to the annoyance of the local justices:

"farr distant from any church, and haveing high crags or clinty rocks above the town, they have their great Quaking meetings there, from where they readily espye any who come to disturb their Conventicles, and so they were wont to disperse before they were caught to prevent convictions."⁷

On this provincial level, Puritanism represented the more contiguous of the two great fears, as identified by Dr. M. Goldie in his study of Stuart party political theory:

"To the old fear of popish absolutism from above was now added the new fear of 'Godly' fanaticism from below. These two fears were to dominate the minds of the English governing classes for generations to come."⁸

Popery hysteria most frequently raged in the metropolis; in the Northern counties, Popery was not so readily accepted as a public threat. In contrast with the urbanized south the old recusancy laws were revived only in times of political turbulence; the local recusant population were more "Old Believers" than French immigrants or Jesuits, while many of the local Catholics were, in fact, highly esteemed aristocrats: the very quintessence of royalism. Many of these dignitaries held close court connections, Lady Anne Clifford of Appleby, herself a crypto-Catholic, was a relative of the rising Catholic politician, Sir Thomas Clifford.⁹ Furthermore, the Father Huddleston who had aided Charles' flight from Worcester in 1651 and later presided over his death-bed conversion, was the son of a prominent Cumberland family.

As late as 1666, even the local Anglican gentry considered anti-Jesuit hysteria over the cause of the Great Fire to be a distraction from the more serious contemporary issue: the real danger to Restoration governance, namely "Puritan" insurrection. A rather metaphorical comment by Sir Daniel Fleming, a local notable, expresses this "Tory" agitation quite categorically:

"A new zeal was enkindled against papists & it shined so greatly that the non-conformists escaped by light of it . . . they being neglected, multiplied until they got power enough to do all those mischiefs which we have seen and felt."¹⁰

Although non-conformity was relatively high, the spirit of local politics was essentially Royalist through the predominance of a Cavalier gentry. In the 1640's most of these resident dignitaries had either rallied local defences for the crown, as Sir John Lowther had done, or fought for the Stuart cause in the national civil wars, like Sir Philip Musgrave who was present at both Marston Moor and Worcester. The neighbouring county of Cumberland was even more fervently royalist. In 1644-5, its capital city of Carlisle, a border garrison town, was besieged by invading Scottish Roundheads under

General Leslie for nine months until its citizens would capitulate, even then they only paid lip service to parliament. Indeed, during 1653, a riot in the city's cathedral in response to Quaker preaching was supposedly accompanied by cries of "Down with the Roundheads!"; the mob eventually dispersed with the arrival of a platoon of musketeers!"¹¹

The Interregnum governance of these Northern counties was placed in the hands of resented individuals, merchants, yeomen and minor gentry, who required outside military support to secure their temporary power. Temporary, since by 1660 the landed classes were restored to their former offices of Justices of the Peace, County Sheriff, deputy or even Lord Lieutenant, and parliamentary candidate; positions of authority and status which, by the Militia and Corporation Acts, ensured their secure control over the lower classes.¹²

In the Spring of 1663, the Privy Council relied on this county élite to organise the militia and enquire into insistent and somewhat alarming rumours of insurrection in the Northern counties. In Westmorland, Sir Daniel Fleming hastily imposed house searches, road blocks and an investigation of Kendal Corporation to intercept arms.¹³ Special effort was taken to

"disarme all . . . Quakers or [those] of factions & seditious spirits, while all vagrants and Idle persons"

were to be arrested. With little work to honestly occupy their time, vagrants represented natural troublemakers in the eyes of prejudiced officials; when their numbers were swelled by a redundant, disaffected soldiery, the poor were potential recruits to a subversive cause. Those "most noted for disaffection" were also apprehended, notably four Republican officials, who had been barred from Kendal Corporation under the 1661 Corporation Act. These men were interrogated "concerning some correspondences with disaffected persons which we [the J.P.s] were informed they kept". Although these suspects were later released on bond, as the witch-hunt turned up little concrete evidence, the militia remained on the alert for the "preserving of the peace of the kingdom", while an implacable Justice Fleming recorded:

"I am confident the whol Fanatick party would have been so Rampant that our authority amongst them would have signified little or nothing; for in and about Kendal there are more disaffected persons (yea, & such as have not heads & hearts, but also hands to do (tho we cannot yet discover them) considerable mischief) than in other parts of this county or Cumerland."¹⁴

This county justice's early suspicions were not unjustified. Since February 1663, a cabal of separatist malcontents,¹⁵ formerly prominent in the provincial church and government of the Interregnum, had secretly been fomenting intrigue in Durham. This conspiracy took root throughout the northern counties and the fervently secretarian country of the North Midlands,¹⁶ supposedly in conjunction with a nation-wide rebellion conducted from the south:

"a plot laid so universally in the three kingdoms, that though the king knew of it, he could not prevent it".¹⁷

Enthusiasm for the rising was presumed even amongst the exiled Republicans in France

and the United Provinces, from where a ship laden with arms and ammunition was expected to land on the Durham coast.¹⁸

Agents were sent to cultivate support in Durham, Yorkshire and Westmorland, where recruits were to be found mainly amongst the minor ex-Cromwellian officers and the Independent churches, both of whom could obviously contribute to the military and ideological aspects of the operation. Communication links were soon set up between the various county groups by means of messengers carrying letters of "intelligence"; these were composed in "cypher" lest they fell into the hands of the authorities: a typical precaution of the seventeenth century plotter. The operation was further co-ordinated by the meeting of the leading conspirators to debate preliminaries and draw up a programme for their cause. Through these secret conventions at Harrogate, Bradford and the "Spa" in Yorkshire, the plot was confidently and steadily developed by these protagonists.¹⁹ They beguiled their accomplices with the claims that the stock figures of Republicanism and Parliamentarianism, Lord Fairfax, the Earl of Manchester, Colonel Ludlow, Major General Lambert, Admiral Sir John Lawson "and many others of quality" secretly sympathised with their cause.²⁰ They were further convinced that a number of the local pro-parliamentarian gentry were involved, notably Philip, Lord Wharton, a devout Presbyterian and veteran of the civil war. The army, in particular Albemarle's regiment and the Life Guards, the navy and the King's militia were supposedly infiltrated with their partisans, whilst reputedly disaffected garrisons, such as Carlisle, were to be submitted to the rebels without a shot being fired. Up and down the country, considerable bodies of men were to muster and assist these northern insurrectionists. Five thousand were said to be in Wiltshire,²¹ seven thousand with five hundred watermen in London, where Whitehall was to be stormed under Ludlow, while provincial rebels would descend on the city.²² This underground *ad hoc* army did contain a sizeable number of experienced soldiers, some of whom had held commissions, but the men under their command were mostly a variety of dissenting yeomen and artisans committed to the rebellion by faith. They intended (so one rebel's confession stated)

"to destroy all who opposed them without mercy, especially the Dukes of Albemarle [commander of the standing army] and Buckingham [Lord Lieutenant of the West Riding militia]."²³

The demands of the rebels to be addressed personally to the King were

"to perform his promises made at Breda, grant liberty of conscience to all but Romanists [Catholics], take away excise, chimney-money and all taxes whatever, and restore a Gospel magistracy and ministry".²⁴

Whether this was the thin end of a much larger wedge is a debatable point, no available evidence suggests any further ideals conceived by the main body of agitators in Durham, however this programme, as it stands, sums up a great deal about the non-conformist response to the emerging "Clarendon Code" and Restoration governance.

That the rebels should plea for "liberty of conscience" reveals the restless discontent that existed in the aftermath of Charles's failed Indulgence. This gesture by the King had obviously raised high hopes among dissenters in early 1663, since it seemed to foreshadow the long-promised Toleration Bill:

"The Quakers and other Phanaticks are grown impudent upon King's late Declaration & promise themselves great liberty from this next meeting of Parliament."²⁵

However, Parliament's abrupt hostility to the King's Declaration clearly and poignantly reiterated that the forces of Anglicanism were not yet prepared to accept dissent. The Cavaliers were averse to "Puritan" toleration but the suggestion of partial clemency towards Catholics aroused even less enthusiasm, nay, strong contention as well as much suspicion regarding Charles's motives even among non-conformists, after all, it would naturally jeopardize their own chances of toleration. Charles's pressured revocation of his Indulgence *in toto* no doubt bitterly frustrated the aspirations of dissenters; such pique, to a certain extent, provoked them into rebellion. For them, the Restoration had already lost much of its glorious lustre, air of compromise and noble notions of "Oblivion and Indemnity" with the so-called settlement of the religious question. In fact, the Act of Uniformity (1662) was no "settlement" at all since it refused all comprehension of dissent by ejecting from church office all those who would not accept the revised Prayer Book.

The fervour for

"a Gospel magistracy and ministry"

reflects the non-conformist anxiety over the restored authority of Cavalier justices and magistrates (appointed by the King) averse to dissent, and resentment of the University-trained, dogmatic clergy who replaced the simple evangelical ministers ejected in 1662.

The fiscal grievances are less accountable to political and religious sensibilities; they are more an indication of social strife. The new tax schemes were generally resented by all the lower classes especially small-holders, as many of the rebels were, because they bore much of the burden of excise and the hearth tax. The hearth tax, in both its imposition and collection, was generally regarded as an incursion on an Englishman's sacrosanct property rights and privacy, indeed "the Whigs always hated it".²⁶ Excise naturally increased the price of commodities and posed a restriction on the market place, obviously this also affected the rebels when many were indeed tenant farmers and artisans.

However, these demands are not quite representative, ideological variants existed in different places to please different factions, since the rebellion presumed to embrace such a wide range of Protestant dissenters, as one west Riding official reported to Sir John Lowther:

"the fifth Monarchy Men, ye Anabaptists, Independants, Presbyterians and a great many of ye old souldiers".²⁷

In Westmorland, there was the additional minor category of fighting Quakers supposedly disowned by their peace-loving sect. Indeed the intentions of these sectarian plotters varied widely within the regional branches of the "national" rising, individual causes comprised moderate pleas for toleration, the restoration of Long Parliament and uncompromising fanaticism:

"A declaration framed, but often altered, the Anabaptists being for liberty of Conscience, fifth Monarchy men for Christ Jesus, Congregated Churches for old Parliament."²⁸

Such disunity of purpose renders the notion of a "national" rebellion somewhat artificial; at bottom, to term such insurrection as "puritan" seems a misnomer, since the sects

involved had little spiritual solidarity other than their common persecution and antipathy towards Catholicism.

By August 1663, however, Sir Henry Bennet, the King's Secretary of State, became increasingly aware of "a Phanattick desine in hand . . . in the Northern parts".²⁹ The Lord Lieutenant of Westmorland, the Earl of Carlisle was notified to command

"the speedy and effectual establishment of the militia",

while Justice Fleming was again preoccupied with arresting

"Persons . . . active and dangerous."³⁰

However this discovery only interrupted the plot's schedule, the conspiracy now became a contrivance of the Privy Council, a political weapon to discredit Republicanism with substantial condemning evidence. Those held in custody during August were mostly released since a few agreed to act as double agents secretly informing government of the plot's progress, as Charles announced to the Commons in March, 1664:

"I . . . had timely notice of the very hour and several places of their rendez-vous in the North, and provided for them accordingly, by sending some of my own troops, as well as by drawing the trainbands together."³¹

The Lord Lieutenants and the militia simply had to lie in wait until the plotters took up arms, arrest them, then accumulate the necessary evidence. Of the Westmorland suspects, a Captain Robert Atkinson had escaped custody without pursuit.³² During the Interregnum he had commandeered Appleby castle for the Republic, but by 1661 he had expediently turned informer, albeit false, to Sir Philip Musgrave; he was also the chief agitator of the Kaber Rigg Plot.

On the evening of October 12th, the date pre-ordained for the great national rising, a small band of armed horsemen set out from Atkinson's farm in the Mallerstang valley.³³ Along their desolate route, the officers-in-command soon disregarded the need for secrecy by canvassing support amongst the various travellers and countryfolk they encountered. This later furnished local Justices with a fruitful supply of informers and witnesses. Their revelations effectively supplemented the information transmitted by government spies, men who had infiltrated the plot as 'agent-provocateurs'. One in particular, a Major Greathead of Leeds occupied an esteemed military role in the rebellion yet at the same time he was on the government pay-roll.³⁴ By inadvertently admitting renegades into their midst and divulging too much to too many, the rebels, in fact, contributed to the rising's eventual failure and set up the evidence for their own incrimination.

When the party reached Kaber Rigg, it represented a pathetic handful of just over thirty riders, far short of the expected two thousand strong dragoon.³⁵ Hence, instead of continuing to the main rendezvous at Durham as planned, a disillusioned but realistic Atkinson decided to call off the whole affair, being

"disappointed of further assistance";

his followers reluctantly disbanded and returned home. The only other musters that night assembled at Leeds and North Yorkshire, but concluded with that same pathetic insignificance.³⁶ No doubt the vigilance of the local militia had dissuaded many from

rising, while those who did soon dispersed as their vulnerability became obvious. Justice Fleming's rather bombastic memoirs say of the plot's demise:

"He . . . prevented rebelling of any part of the County, save one man that repair'd unto Capt. Atkinson upon Keeber-Rigg & his Company there to acquaint 'em, that king's Forces were drawn together & had seized upon Kendal, & that none could safely rise in that County to assist the Rebels, which made 'em forthwith disperse to their several Habitations."³⁷

Although the rebellion turned out to be a farcical misfire without a drop of bloodshed, its consequences were both serious and tragic. In response to reports of armed gatherings on the night of October 12th, the justices proceeded to arrest suspects with the militia's assistance. Of the higher echelons³⁸ within the conspiracy, many found safe refuge in tolerant Republican Holland, despite subsequent investigations by Charles's diplomats on the continent, notably Sir George Downing in the Netherlands. Others went into hiding in the safe numbers of London while a few evaded arrest completely by a quite drastic method: suicide. The demoralized instruments of the rebellion – the messengers, the local agents and their accomplices – were left to face capture and trial. In a mood of frenzied indignation and zealous royalism, the Westmorland gentry progressively rounded up the local plotters, incarcerating them in the insecure, over-crowded conditions of Appleby gaol.³⁹ Atkinson's easy escape provoked claims of renewed rebellion, further jail breaks and fears that the local gentry would be murdered in their beds!⁴⁰ This was all the more exasperating when the local militia was too ill-equipped, ill-trained and poorly commanded to tackle a rebel band of professional soldiers. However, more extensive arrests and the hasty formation of a local volunteer army ensured security was re-established.⁴¹

Earlier fruitless enquiries had given little credibility to provincial notions of a non-conformist uprising. However, galvanised by the alarming discoveries in August, the Privy Council now vigorously pursued its investigations. Over the winter of 1663-4, it conjectured a step-by-step account of the conspiracy through the evidence gleaned by the Northern justices from various informers and through their own interrogations of the actual plotters. By December 1663, Atkinson had been smuggled out of hiding to London, under the protection of an influential local dissenter, Thomas Braithwaite.⁴² With the promise of a royal pardon as an incentive, Atkinson was urged to make copious confessions in the Tower before Clarendon and Secretary Bennet.⁴³

In the Spring of 1664, High Crown magistrates were sent to preside over the Northern Assizes at York, Durham and Appleby. The captured rebels stood under the charge of high treason, in this instance extended to include those who had merely known of the plot.⁴⁴ This judicial severity may well seem over-zealous, but, as the "Bloody Assizes" later demonstrated, it was the indiscriminate treatment that the public expected to be doled out to subversive traitors. Memories of the Civil War hardly stimulated sympathy for men who had dared to raise arms against the restored monarchy; indeed, Englishmen were still tortured by guilt for the execution of Charles II's father.

The trials lasted until August 1664; Atkinson and other confessors, escorted by a troop of guards, gave evidence at most of the hearings but managed to escape personal guilt, whilst implicating their less fortunate confederates. While the leading plotters escaped justice and their agents, like Atkinson, used their deep inside knowledge of the plot to turn King's Evidence, the rank and file mostly suffered the ultimate penalty;

twenty-six mainly small fry were actually condemned of high treason, and duly hanged, drawn and quartered.⁴⁵

However, Atkinson's unsavoury opportunism was soon rewarded; after a temporary return to the Tower, he was delivered into Musgrave's clutches to give evidence against his dupes, three weeks later he was executed alongside them.⁴⁶ The royal pardon arrived too late to save him, since the messenger bearing the futile document had been conveniently enough delayed for the local gentry to take action. Indeed, Atkinson was hounded to death for his part in the plot not so much in the vested interests of government but to satiate the grudges of the local Cavalier regime.⁴⁷ Sir Philip Musgrave and Lady Anne Clifford both held personal vendettas against him,⁴⁸ his arrogant upstart dictatorship and prosecution of local royalist "malignants" during the Interegnum gave them much cause for grievance and little justification for royal clemency. Staunch Cavaliers Lowther and Fleming ably seconded their keenness for revenge on a seditious enemy of the Crown and devotee to the "old cause".

All men formerly prominent in the ranks of Interregnum governance, ejected ministers of the "Puritan" church, excluded Corporation members of Republican administration and redundant Cromwellians of the disbanded armies were now suspected unjustly or otherwise and retained on bond by the indefatigable Justice Fleming.⁴⁹ Although the plot had been effectively suppressed and punished, and all suspected of complicity were safer under lock and key, official and public fears had not abated. The spectre of sectarian subversion still hovered menacingly on the horizon since specious rumours persisted to fire the public imagination well into 1665. Reports were rife that fanatical desperadoes bent on "the death of the King and downfall of the Bishops" were fanning alight the fag-end of the rebellion.⁵⁰ Such hysteria was largely a fear of the unknown, this anxious uncertainty easily promoted spurious tales of inordinately large rebel forces on the march. However, on closer inspection, the local Justices discovered these wild stories to be no more than utter fabrication, mostly the concoctions of sectarian scaremongers.⁵¹

Nevertheless, to the government, such fears were hardly transparent, the rebellion had presented a real threat to national security, for it had been remarkably well-organised and carefully planned, despite its inept execution. Furthermore, its agitators had not been hot-headed, impetuous fanatics but a fairly shrewd band of ex-Republican officials and experienced soldiers. In the event, such lucid men had actually been prepared to raise arms against the King despite the fatal consequences of failure. These confident actions were only spoiled by the lack of strict secrecy; by chance, knowledge of the plot had been leaked to the government before it was too late. Furthermore, it had surely posed a more wide-ranging threat than Venner's Rising since it had attracted nearly every species of the "Puritan" hybrid over an extensive area; the plotters even claimed it had been on a nation-wide scale. In contrast, the much trumpeted Fifth Monarchist insurrection was a metropolitan incident effected by a tiny isolated minority. On this occasion, the danger seemed to lurk throughout the dissenting population. In fact, anxious county justices harboured the somewhat prejudiced belief that all sectarian meetings, especially those of Quakers and Baptists, were hot-beds of conspiracy.

The notion of toleration extended in the King's Indulgence now appeared even more repellent than it had done in February, 1663. Although Parliament was hardly disposed to Protestant dissent after the scare of Venner's Rising, the instant rejection of Charles's Declaration was largely revulsion at the thought of accepting Catholicism in England.

By the end of the same year, their stance had been altered by events, for their antipathy towards toleration was more a reaction against the "Puritan" sects now much discredited by the rebellion. Indeed, when the Cavalier gentry came to consider how such insurrection could have been fomented under official noses, they concluded, quite ironically, that this rebellion for greater religious freedom was precipitated by too much, not too little, leniency towards non-conformity. Furthermore, the conspirators had surely violated the very condition of Charles's original "Liberty to tender consciences" extended at Breda, when they had stirred up armed risings in the North:

"no man shall be disquieted, or called in question for differences of opinion in matter of religion, which do not disturb the peace of the kingdom".⁵²

The Earl of Carlisle must have expressed the prejudices of all county gentry when he remarked that:

"His majesties unparalleled clemencie to persons disaffected to this Government hath not hitherto beene sufficient to divert them from plotting & contriving new mischiefs against it, assembling themselves in most of the Kingdome in frequent & dangerous meetings and conventicles."⁵³

To recommend stringent penal measures against dissent was surely to carry this observation to its logical conclusion, the Privy Council and the local Justices both promoted this policy, as Fleming informed Williamson:

"The Justices have requested the Parliament men to press remedies for the prevention of danger from fanatics."⁵⁴

In response, Parliament introduced measures of draconian severity, the Conventicle Act in 1664 (to suppress non-conformist dissent as distinct from recusancy), the Five Mile Act in 1665 (to regulate the activities of independent preachers). Thus public fear and official prejudice unleashed a reign of terror, a nemesis which exposed dissenters to relentless persecution at the hands of the county justices. Several reasons may be put forward for this harsh extension of the "Clarendon Code": as a deterrent against further insurrection; to keep this spread of sectarianism under tight control; to reinforce the existing but inadequate penal code; to ensure national security in the approaching Dutch War (1664-67); to consolidate and protect the restored authority of monarchy, the Cavalier squirearchy and the Anglican church. It is surely contentious to argue that it was no more than retributive persecution, considered long overdue against those religious groups that had formed the mainstay of the Republic. Too easily has such legislation been classified as no more than bloody-minded repression inflicted by a vengeful Cavalier Parliament, real dangers not old animosities provoked these measures. The preamble to the Conventicle Act clearly states the fear and threat of domestic rebellion as its justification:

"An Act for providing Remedyes against the growing and dangerous practises of Seditious Sectaries and other disloyall persons who under pretence of Tender Consciencs doe at their Meetings contrive Insurrections as late experience shows."

The Act itself ordained that any gathering of five or more people practising religious worship contrary to the Church of England was illegal. The justices were now legally

empowered to dismantle and prosecute non-conformist meetings. For the first offence, the conventicler was either imprisoned for 3 months or paid a £5 fine; on the second offence, the penalty was increased to 6 months in gaol or a £10 fine. Should the offender be committed on a third occasion, he or she was to be brought before the county assizes, and if found guilty, the punishment was 7 years transportation to the Colonies or a fine of £100! Even if conviction was preferred to a fine the offender had to pay £40 for the privilege of transportation. Certainly such a liability was beyond the means of most dissenters when the average family breadline for a labourer could be as little as 6d. a week. Hence the caveat such that those incapable of defraying the cost of transportation were to be farmed out as servants to colonial merchants. Many sympathetic or moderate justices found the Act too harsh to make enforcement possible, despite penalties for negligence. Other reluctant officers possibly feared that such persecution would simply intimidate the sects further:

“The Quakers, Anabaptists and Fifth-Monarchy Men say that they will neither pay money or be banished . . . If dealt with severely, a body of 10,000 would rise and demand fulfillment of the King’s declaration for liberty of conscience.”⁵⁵

Nevertheless, the justices were not restrained by any such caution in Westmorland; Sir Philip Musgrave was certainly keen to implement the new persecutory measures:

“I did a few days ago speak with my Lord Chancellor who tolde me (as Secretary Bennet had done formerly) that from al parts of England they heard of their [the Quakers’] insolent behaviour and did desire as quick a course might be taken for supressing them by imprisonment and transporation as the law will allow, I shall before the end of Christmas give you [Sir John Lowther] what I can learn for the way appointed for their transportation.”⁵⁶

When they were already enforcing the Elizabethan recusancy laws against all dissenters, this dramatic new legislation invigorated the cause of the Westmorland Justices and encouraged them to browbeat their more timid colleagues, as Fleming said of the Lancaster judiciary:

“Wee were forced to spurr on the Magistrates of this Towne to this good work.”⁵⁷

The region’s main dissenting body, the Quakers, suffered particularly acute persecution, not merely on account of their suspected involvement in the Kaber Rigg Plot, but because they obstinately refused either to pay tithes or swear the oath of allegiance, albeit on religious not political grounds. Their outspoken militancy and apparent arrogance greatly offended the J.P.s, in particular their disrespectful behaviour inside the courtroom where their shrewd retorts and refusal to doff their hats invited heavy fines and long sentences for contempt. Of all the northern sects, the local magistrates considered them the most obnoxious and alarmingly progressive:

“If here shall happen any Mischiefe . . . it will proceed from the non-licensed ministers . . . or from the Quakers of whom wee have too many, this part of the country joyning upon that part of Lancashire where George Fox & most of his Cubs are & have been a long time Kennel’d.”⁵⁸

Since 1660, local Quakers had suffered substantial financial losses, as their livestock, crops or chattels were distrained in lieu of unpaid church dues. Furthermore, the “Quaker Act” of 1662 had already stipulated that any Quakers who met for worship or

refused to swear official oaths were liable to fines, imprisonment or even transportation. Besse's *Sufferings* bitterly enumerates the dozens of Quakers that filled Westmorland prisons where a few inevitably died in the foul, dank conditions. Indeed, provincial gaols were far from luxurious; the atmosphere was frequently stifling with severe extremes of heat and cold; in this over-crowded, insanitary and often flea-ridden habitat, ill health was soon precipitated. Until he and Margaret Fell were themselves praemunured and committed to such misery at Lancaster, George Fox was fastidiously writing and publishing earnest protestations to the local Justices, fervently arguing Quaker peace loving principles:

“We are peacable and all Plots and Conspiracies, or Aiders or Assisters or Conspirers thereunto against the King, we always did, and do utterly deny be any of us . . . And therefore distinguish betwixt the precious and the vile . . . and the innocent, and them that be not.”⁵⁹

Charles simply turned a deaf ear to these desperate pleas, whilst his magistrates proceeded with even greater vigour against such innocent dissenters.

Despite zealous persecution of dissent, the sectarian threat was still felt within the Established Church itself, since Quakers and other non-conformists frequently disrupted services to dispute dogma with the Anglican ministry, while more tolerant incumbents frequently invited Independent preachers to their churches.⁶⁰ In an age when the pulpit was regarded as a natural extension of government and by law everyone had to attend church at least weekly, such practices were considered a further source of sedition, hence the Five Mile Act. This not only kept the churches but also the corporations supposedly free from all “Puritan” influences. The Act prevented any non-conformist preaching within five miles of any borough or parish church, and demanded that licensed clergy take the non-resistance oath, a telling point. It was mainly intended to stifle the activities of ministers ejected under the Act of Uniformity, forbidding them the intimidating practise of preaching to their old congregations.

When Charles called Parliament in March, 1664, he had already grasped the personal implications of the recent insurrection.⁶¹ He acknowledged the essential lesson learnt from the rebellion, that his Indulgence had failed to prevent subversion among the sects. This deliberately appealed to the Cavaliers, and, indeed, Charles's eager assent to the Conventicle Act later in the same session soon dispelled any doubts about his Anglican loyalties. The King went on to point out that the danger of further insurrection still persisted, this clearly justified his control over the standing army, as he informed his sister, Minette:

“I am in deliberation of raising two regiments of horse more, of 500 men apiece, one to lie in the north, and the other in the west, which will, I doubt not, for the future, prevent all plotting.”⁶²

Indeed, throughout the Dutch War (1664-7), the Westmorland militia was regularly called up for training on Secretary Bennet's orders:

“for the timely preventing of those designs . . . of publick distractions & insurrections”.⁶³

The Lord Lieutenants were further instructed to arrest any suspected malcontents

“especially those that shall be observed to keep horses or armes above their rank”,

while local justices made frequent arms-searches in dissenting households. Furthermore, Justice Fleming was still investigating supposed rebels associated with the Kaber Rigg affair, indeed, he even presented suspects for interrogation before the Privy Council as late as 1666.⁶⁴

Charles's allusions to the rebellion were all in the way of a preamble to ask for new legislation in his own favour: the repeal of the Triennial Bill of 1641.⁶⁵ The rebels, so Charles implied, had purposely misinterpreted its terms to claim that the present parliament was invalid, since it had been in session over three years without a break. Charles clearly outlined the threat to the Cavalier M.P.s the rebels had intended the return of the Long Parliament men either by force of arms or by a general election. Parliament promptly repealed the old Bill passed:

“in a time very uncareful for the dignity of the Crown or the security of the people”;

a new revised edition was then drawn up which gave Charles:

“great reason to be very pleased with them”.⁶⁶

Indeed, the Act now strengthened not limited the King's prerogative to summon, prorogue and dissolve parliament. Although it still recommended an interval of no more than three years between sittings, the mechanism for calling parliament was now left entirely in the King's hands. This proved a distinct advantage in the Exclusion crisis of 1679-81, when Charles thwarted his “Whig” opponents by removing their parliamentary platform.

Charles added that recent subsidies had barely alleviated his fiscal difficulties, Parliament immediately responded with a strict reform of the assessment and collection of the Hearth Tax. With the prospect of War abroad the Commons became yet more generous; in April, 1664, it promised Charles a grant of £2.5 million; by October this had been increased by a further £1.25 million.

Although a certain coolness had settled between executive and legislative over the religious question in 1662-3, after the rebellion, this gave way to a rapprochement of King and Parliament, uniting them on the very policies the rebels had set out to oppose: persecution of dissent and increased taxation. Furthermore, the clergy, judiciary and the corporations became further reserved to a Cavalier candidature. Even after the work of the King's Commissioners was concluded, the Cavalier gentry made certain that local officials were appointed from their own numbers, not only in their own family interests, but to ensure servants loyal to the Crown.⁶⁷ High church gentry thus became deeper entrenched in their positions of authority, while their bitter recollections of the Civil war were reanimated. In addition, Charles had exploited the rebellion to improve his own position, not only did it enhance his prerogatives and loosen parliamentary purse strings, but it also did much to promote his ministry and the inchoate “Court” party in Parliament. The sectarian revolt of 1663 surely invigorated greater devotion to Anglicanism and fostered much antipathy to non-conformity, the central principles of the future “Tories”. Furthermore, “Whig” notions of toleration for Protestant dissent must have been influenced by the draconian treatment of “Conventicles” in two successive penal statutes, if indeed it was not an adoption of the insurrectionists' original plea for a “liberty to tender consciences”. After all, not all Whigs were Dissenters, but all Dissenters were Whigs. Perhaps it is a heavy-handed use of hindsight to suggest the

1663 uprising as a party catalyst, nevertheless the rebellion had clearly reinforced old Anglican-Cavalier prejudices and misconceptions about dissent that were not really overcome until the 1689 Toleration Act. Perhaps its most immediately significant effect was to temper the political alliance of Crown, episcopacy and squirearchy; the restored regime thus emerged stronger and more unified after the testing events of 1663. If this study has demonstrated little else, it is sufficient to prove that English historiography should not become too obsessive about the metropolis as England's political thermometer; in 1663, provincial events surely impinged on national politics in a quite dramatic and remarkable fashion.

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Notes and References

- ¹ A. Bryant, *King Charles II* (1955).
- ² C. Falkus, *Life and Times of Charles II* (1972).
- ³ D. L. Farmer, *Britain and the Stuarts* (1977), 212.
- ⁴ C. Hill, *Century of Revolution: 1603-1714* (1961), 233.
- ⁵ J. P. Kenyon, *Stuart England* (1978), 185.
- ⁶ *Ibid.*
- ⁷ Cumbria Record Office (Carlisle), D/Lons./L. Pardshaw entry in Thomas Denton's manuscript history of Cumberland commissioned by Sir John Lowther jun. in 1687-8.
- ⁸ M. Goldie, *The Making of Britain*, iii, 75.
- ⁹ M. Holmes, *Proud Northern Lady* (1976).
- ¹⁰ Cumbria Record Office (Kendal), WD/Ry/820.
- ¹¹ R. S. Ferguson, *Diocesan Histories: Carlisle* (1889), 143.
- ¹² C. B. Phillips, "The Royalist North: the Cumberland and Westmorland Gentry, 1642-60", *Northern History*, xiv, (1978); C. B. Phillips, "County Committees and Local Government in Cumberland and Westmorland, 1642-60", *Northern History*, v, (1970).
- ¹³ C.R.O. (Kendal), WD/Ry/508, 534.
- ¹⁴ *Ibid.*
- ¹⁵ C.R.O. (Carlisle), D/Mus/Corr/5.
- ¹⁶ *Calendar of State Papers, Domestic* (hereafter *C.P.S.D.*), 284.
- ¹⁷ *C.S.P.D.*, 592.
- ¹⁸ *Ibid.*, 586 and C.R.O. (Carlisle), D/Mus/Corr/5.
- ¹⁹ *Ibid.*, 315, 486, 576.
- ²⁰ *Ibid.*, 540.
- ²¹ *Ibid.*, 392.
- ²² *Ibid.*, 485-6.
- ²³ *Ibid.*, 352.
- ²⁴ *Ibid.*, 392.
- ²⁵ C.R.O. (Kendal), WD/Ry/530.
- ²⁶ C. Hill, *op. cit.*, 217.
- ²⁷ C.R.O. (Carlisle), D/Lons./L/13/1/10.
- ²⁸ C.R.O. (Carlisle), D/Mus/Corr/5.
- ²⁹ C.R.O. (Kendal), WD/Ry/562.

- ³⁰ C.R.O. (Kendal), WD/Ry/558, 567.
- ³¹ A. Bryant, *The Letters of King Charles II* (1986), 154.
- ³² *C.S.P.D.*, 485, 539.
- ³³ *Ibid.*, 336, 346.
- ³⁴ *Ibid.*, 329-30.
- ³⁵ *Ibid.*, 368, 598.
- ³⁶ C.R.O. (Carlisle), D/Lons./L/1/1/15. Sir William Lowther informed Sir John Lowther sen. that “our plot is over and all our trained bands returned to their several habitations a Company did meet in Fannoly [Farnley] Park 3 miles of Leeds the 12th inst. [October, 1663] . . . headed by Capt. Colles but not liking the business scattered”.
- ³⁷ *The Memoirs of Sir Daniel Fleming*, CW Tract Series xl, 78-9.
- ³⁸ *C.S.P.D.*, 331.
- ³⁹ *Ibid.*, 315, 331-2; C.R.O. (Kendal), WD/Ry/576.
- ⁴⁰ *Ibid.*, 332; C.R.O. (Carlisle), D/Mus/Corr/6; C.R.O. (Kendal), WD/Ry/573. Alongside the list of captured rebels and suspects, Fleming noted “That if they [the plotters still at large] could gett Sir Philip Musgrave’s head then they would do well enough”.
- ⁴¹ *C.S.P.D.*, 332.
- ⁴² *Ibid.*, 451, 457.
- ⁴³ *Ibid.*, 664.
- ⁴⁴ C.R.O. (Carlisle), D/Mus/Corr/5.
- ⁴⁵ *C.S.P.D.*, 642.
- ⁴⁶ C.R.O. (Carlisle), D/Mus/Corr/6; “He [Atkinson] professed at the gallows that as to the matter of Relidgion he died a moderate Presbiterian . . . and further said . . . that he feared drunkenness, desemelation and causenage might be laid to his charge”.
- ⁴⁷ *C.S.P.D.*, 622, 644.
- ⁴⁸ *Ibid.*, 539; Lady Anne Clifford’s Diary comments, “the 20th of August 1664, did the two Judges of Assize for this Northern circuit come hither to keep the Assizes here, where Robert Atkinson, one of my tenants in Mallerstang, that had been my great enemy, was condemned to be hanged, drawn and quartered as a traitor to the King, for having had a hand in the late plot and conspiracy, so he was executed accordingly the first day of the month following”.
- ⁴⁹ *C.S.P.D.*, 586.
- ⁵⁰ *Ibid.*, 649.
- ⁵¹ C.R.O. (Kendal), WD/Ry/5698d, 5704.
- ⁵² A. Bryant, *The Letters of King Charles II* (1986), 85 (The Declaration of Breda).
- ⁵³ C.R.O. (Kendal), WD/Ry/558.
- ⁵⁴ *C.S.P.D.*, 586.
- ⁵⁵ *Ibid.*, 621.
- ⁵⁶ C.R.O. (Carlisle), D/Lons./L/13/1/10.
- ⁵⁷ C.R.O. (Kendal), WD/Ry/601.
- ⁵⁸ *C.S.P.D.*, 340.
- ⁵⁹ C.R.O. (Kendal), WD/Ry/580d, 580e.
- ⁶⁰ *C.S.P.D.*, 649.
- ⁶¹ A. Bryant, *The Letters of King Charles II* (1986), 155-7.
- ⁶² *Ibid.*, 149.
- ⁶³ C.R.O. (Kendal), WD/Ry/649, 767, 779.
- ⁶⁴ *Ibid.*, 594, 598, 601a, 604, 5698d.
- ⁶⁵ A. Bryant (1986), *op. cit.*, 156.
- ⁶⁶ *Ibid.*, 154. Charles evidently considered the latest rising was a resurgence of Fifth Monarchism: “You may judge by the late treason in the North, for which so many men have been executed, how active the spirits of many of our old enemies still are, notwithstanding all our mercy. I do assure you, we are not yet at the bottom of that business. This much appears manifestly, that this conspiracy was but a branch of that which I discovered as well as I could to you about two years since, and had been than executed much nearer hand, if I had not, by God’s goodness, come to the knowledge of some of the principal contrivers, and so secured them from doing the mischief they intended.”
- ⁶⁷ C.R.O. (Kendal), WD/Ry/5698d: “Wee hear a Report (which wee cannot believe) that Tom Sands of

Kendall is made Receiver-Generall for the great Assessment for this County, which (if true) will I fear do more harm than good: for a Royall Aid should be received by a Loyall hand, which how farr hee can justly pretend to (who hath been all a long very active agt. the King, hath in the time of Rebellion purchased of his lands, hath renounced the whole line of King James and hath not as yet showne any remorse for his by-past actions but doth farr more probably proceed still in the same crooked path) submitt unto more judicious persons: But this I am sure of, that so much money, if it chance to be misemployed may do very much harme, and if wee should have any further orders to secure any suspicious persons in this Countrey, hee would have been one of the first that wee would meddle with, if this employment do not protect him." See also R. S. Ferguson, *History of Cumberland* (1898), 264-6.

