

Sussex Archaeological Society.

THE TEST AND PENAL STATUTES IN 1688, IN RESPECT OF THE DEPUTY LIEUTENANTS AND MAGISTRATES OF SUSSEX;

FROM THE ORIGINAL STATE PAPERS OF THE REIGN OF
JAMES II., IN THE BODLEIAN LIBRARY,
RELATING TO THE ABROGATION OF THOSE LAWS.

BY SIR G. F. DUCKETT, BART.

THE repeal of the Penal Laws and Test Act, which James II. had studied from the commencement of his reign to bring about, was a matter which he primarily resolved to settle and effect, if possible, by virtue of his sole Royal authority, for the "Declaration of Toleration and Liberty of Conscience" to all creeds, proclaimed by him in 1687-8, was issued with that determination; the Judges having, in addition, by their verdict the previous year, confirmed his right to dispense with those statutes.

It was an object with the King, however, under existing circumstances, to impart an air of constitutional authority to this act, and to endeavour to carry their abrogation by means of Parliament, so that, as a preliminary measure of chief importance with regard to the next election, it was deemed desirable to canvass the Magistracy of the different counties and the Corporations, touching their private views and leanings on the subject.

With this object the Lords Lieutenant were instructed

to put certain interrogatories to the Deputy Lieutenants and Magistrates of their respective counties, whilst Secret Agents were sent throughout the country to sound and canvass the constituencies and ascertain their sentiments. It would seem that this task was not altogether one which the greater part of the Lords Lieutenant were disposed to entertain, and nearly the half of the entire number were summarily displaced. At this time, Charles Sackville, Earl of Dorset and Middlesex, was entrusted with the county of Sussex, and was one of the number removed from their Lieutenancies for declining to carry out the King's order,—Lord Montague (of Cowdray), distinguished for inheriting an unwavering attachment as well to the Crown of England as to the Church of Rome, being substituted in his room.

The Questions, when propounded by the Lords Lieutenant, met, as a rule, with no success; neither were the King's Agents' Reports more favourable. Their secret Returns went to prove the discontented and hostile views of the several constituencies to the abrogation of these laws, and in comparing those from Sussex with the returns of other counties, the Answers of the Magistrates were especially negative, and testify plainly, by their language and uniformity of wording, to preconcerted action among them. In this state of feeling of the country, there remained apparently but one remedy to the King—still bent upon the expediency of calling together a Parliament of his own electing, for he had prorogued his last indefinitely as not amenable to his purposes—namely, that of annulling the charters of the different Corporations, and replacing the Deputy Lieutenants and Magistracy from among the Roman Catholic and Dissenting community, favourable to his views.

In these arbitrary and unconstitutional proceedings, there is a remarkable similarity between the acts and resolutions of James II. and his predecessor Queen Mary. Both had in view the abolition of the Reformed Religion, with all laws made in support of the Protestant Faith; the last by power of the ecclesiastical supremacy which she had inherited from Henry VIII., her father, but

afterwards made over to the Pope; the former solely by virtue of his Royal Prerogative. It was evident to them both, that the repeal of these laws constitutionally, could only take place by Act of Parliament; but as there was small likelihood of any Parliament concurring in these measures, as constituted on the accession of these two Sovereigns, the elective element was operated upon by each of them, in order to influence the constituencies, and procure returns favourable to their object.

The circular Questions thus propounded by James II., at that epoch of our history, or rather the Answers of the several Deputy Lieutenants and Magistrates thereto, touching the abrogation of the Penal Laws and Test Act, are embodied, together with the secret and confidential Returns of the King's Agents, in one of the Rawlinson MSS. in the Bodleian, and afford very valuable evidence of the real feeling of the country at that critical juncture of our religious liberties, carried out as the measure was in every part of England and Wales. These latter Reports are apparently wanting for Sussex, so that the Answers handed in by the Magistrates of the county on that occasion are alone available for our purpose. The Memorandum, however, which is given in conclusion of this paper, will shew the nature of the instructions given to the King's Agents to influence the electors.

It is a remarkable fact, taken in close connection with this attempted abrogation of these statutes, that the identical step of eliciting information and canvassing opinion, was taken by the King with the officers and soldiers of his army; indeed, one which seems scarcely credible or possible in these days. The first (and only) regiment on which the experiment was tried, signally, not to say ludicrously, failed, for officers and men being called upon to engage to the utmost of their power to procure the repeal of the Penal Laws and Test, and being commanded, in the event of their not complying with the King's proposition, to lay down their arms, the *whole* regiment, with the exception of two Roman Catholic captains and some few soldiers of the same persuasion, obeyed the order and grounded their arms,—James II.

himself being present at the time. The regiment in question was the one then known as the "Earl of Lichfield's."

We may observe, in conclusion, that this same subject, having already been treated at greater length in the *Archæologia Cambrensis*, and the *Antiquarian Journals* of Yorkshire, Wiltshire, Cumberland and Westmorland, the present paper may be regarded rather in the light of a sequel to the several articles in those publications on the proposed repeal of the Penal Statutes; the whole, it is believed, furnishing an interesting and instructive addition to the historical records of that time. The Returns sent in from Wiltshire are probably of chief interest, that county from its previous history, being looked upon with special suspicion.

The questions put to the Deputy Lieutenants and Justices of the Peace by Francis, Viscount Montague,¹ Lord Lieutenant of the county of Sussex, in succession to Charles, Earl of Dorset and Middlesex,² who declined to put the same:—

1. If in case hee shall be chosen Knight of the Shire, or Burgesse of a towne, when the King shall think fitt to call a Parliament, Whether hee will bee for taking off the Penal Laws and the Tests.

2. Whether he will assist and contribute to the Election of such members, as shall be for taking off the Penal Laws and Tests.

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

His Maiesties Questions proposed to the severall Deputy Lieutenants and Justices of the Peace of the County of Sussex, answered as followeth:

¹ Francis Browne, 4th Viscount Montague of Cowdray and Midhurst. (See *postea*.)

² Charles Sackville, Earl of Dorset and Middlesex, had been Lord Lt. of the county since 1677 (29 Charles II.), but on his refusing to put the Questions

propounded by James II., was removed from the Lieutenancy. On the accession of William of Orange [1 W. & Mary], he was again constituted Lord Lt. and Custos Rotulorum of the county, and retained the office to within two years of his death in 1705 [3 Q. Anne].

CHICHESTER RAPE.

Sir William Morley Kn^t of the Bath,³ Answers to y^e first question : I shall ever keep my loyalty in voting; but am doubtfull what lawes I shall consent to repeale, till I heare the Debates of the House.

To the Second Q.—I shall not assist to elect any person to serve in Parliam^t, but such as have ever been of known Royalty and Monarchicall principels

To y^e 3^d Q. I consent.

Thomas Palmer Esq,⁴ Answers to the first Question, that he will not be either Knight of the shire, or Burgesse of a Towne.

As to the second Q., being unable to Ride Journeys, he shall not be p'sent at the choice of the Knights of y^e Shire.

As to the third Q., he consents.

John Stuart Esq, Answers to y^e first Question, that provided the Church of England be first settled and secured in her just rights and service, as by Law now established, he shall not be against taking off the Penal Laws and Tests.

To the second Q., if he can find a man of his principalls (as all-ready expresst), he will give his vote for his election.

To the third Q., he wholly consents.

Oliver Weekes Esq,⁵ Answers to y^e first Question, that he is for takeing of no laws.

To y^e second Q., That he shall be for the choosing no member of Parliam^t, whose inclination shall be for takeing of the Penal Laws and Tests.

To the third Q. That he will live friendly and peaceably with all his neighbours of what persuasion soever, and will endeavour to serve his Mat^{ie} to y^e utmost of his Power.

John Lewkenor Esq,⁶ Answers to y^e two first Questions, that he shall consent readily to the abrogating of the Penal Laws and Tests, provided that the Church of England may be secured by Act of Parliam^t in her legal rights and possessions.

And to the last Q., he wholly consents.

William Peckham Esq,⁷ Answers to y^e first Question, That provided

³ Sir William Morley, K.B., of Halnaker, near Chichester, represented Midhurst in Parliament, 1 James II., and sat in the Convention Parliament of 1688-9 [Crown Office List]; having sat for the county in 1673. His father was Sir John Morley, Knt., of Halnaker, whose brother, Sir William Morley, was in 1635 seized of the manor of Selsey, and his estate sequestered in 1642. He married 1st, d. of Sir Robert Heath, Chief Justice of the King's Bench; and 2nd, d. of Sir John Denham, K.B. [S.A.C., V. 46; Berry Suss. Ped.]

⁴ Probably grandson (or great-grandson) of Sir Thomas Palmer of Parham. The above magistrate was presumably of Steyning.

⁵ This magistrate was probably ancestor of the family afterwards of Shoreham and Hurstpierpoint; one of whom Carew Weekes of Tortington, represented Arundel in 1702.

⁶ John Lewknor of Westdeane represented Midhurst 1 James II. 1685; and again in the Convention Parliament of 1688-9, for which place he appears to have sat till 1705. He was Knight of the shire in 1679, and ob. 1706. He was son of Sir John Lewknor, K.B.

⁷ To which precise branch of the Peckham family this magistrate belonged is not apparent. There can be no doubt that he was connected with the family, which at one time held Nyton in Aldingbourne. About the date of

the Church of England may be secured in her legall Rights and Possessions, he shall (if chosen a Member of Parliament), freely consent to y^e takeing of all Tests and Penal laws, concerning Religion.

To y^e second Q., that he shall be for y^e choosing of such Parliament men, as shall be for the takeing of both Penal Laws and Tests wth the above mentioned proviso.

To the third Q., he wholly consents.

Thomas Bickley Esqr,⁸ Answers to the two first questions, That provided the Church of England be secured in all her legall rights and possessions, he shall be for abrogating the penal laws and Tests against Recusants.

As to the third Q., he wholly consents.

Thomas Briggs, Doct^r of Lawe,⁹ Answers as to y^e first Question, He shall not sitt for Parliament Man.

As to ye second Q., he shall assist to y^e Election of such member of Parliament as may consent to the takeing of the Penal Laws for not goeing to Church or Serveing God in other manner than according to y^e Church of England out of the church, and not receiveing the Sacram^t.

As to ye third Q., he shall desire to live friendly wth all persuasions.

George Gunter Esqr,¹⁰ To the first Question, Answers, The Bent of my inclination is to serve his Maiesty in all things; But I must begg y^e freedom of suspending my opinion of what I shall or shall not doe, supposing I should be a Member of Parliament, in asmuch as my Yea and Nay there, would certainly follow the conviction of the p[']sent debate had then upon my iudgment and conscience.

To y^e second Q., I shall always endeavour to chuse such Members to serve in Parliament, as I shall iudge to be most likely to doe y^e King and Kingdom y^e best service.

To the third Q., I nott only will, but have & doe live neighbourly and friendly with my neighbours of a contrary persuasion.

Anthony Kempe Esq,¹¹ Consents to all the three Questions.

John Caryll Esq,¹² Absent.

these events we find William Peckham of Laughton; and William Peckham of Rumboldswyke (or weeke), near Chichester; with which last we are inclined to identify the justice here named.

⁸ This was probably Thomas Bickley, of Chidham, in Bosham.

⁹ Thomas Briggs, Doctor of Law; was in 1671 Chancellor of the Bishop's (Consistory) Court, or Ecclesiastical Court before which about that time the Quakers were summoned. He purchased in 1687 Dumford Park, in the parishes of Trotton and Elsted.

¹⁰ George Gunter, of Racton, was the son of the celebrated cavalier Colonel

Gunter (or Gunter), who was instrumental to Charles II's escape from England at New Shoreham after the Battle of Worcester, in October, 1651. [S. Sussex A. Coll. xxvii, 88.] George Gunter, the magistrate (as above), was born 1646, and m. d. of Richard Nicholl of Norbiton, in Surrey, and was M.P. for Chichester in 1685. He died 1718.

¹¹ Anthony Kempe of Slindon. This estate was granted in 2 Phil. and Mary to Anthony, third son of Sir William Kempe of Ollantigh in Kent, Knight. [Rot. Pat. 2 Phil. and Mar.]

¹² John Caryll of Harting and West Grinstead, was one of those who accompanied James II. into exile. Of this

Henry Arrundell Esq, Consents to all y^e three Questions.
Richard Cotton Esqr, Absent.

ARRUNDELL RAPE.

S^r Cecil Bishopp,¹³ Bart, Absent.

S^r John Briskcow,¹⁴ Kn^t, Answers as to y^e first Question, that he cannot be positive in it, his resolution depending upon the debates in Parliam^t.

As to y^e second Q., that he will make choice of such a person for member of Parliam^t, whom he shall believe to be for y^e good, honour, and safety of the King and Kingdom.

As to y^e third Q., he consents.

William Westbrooke Esq,¹⁵ Answers to y^e two first questions, that he shall consent readily to the abrogating of the Penal laws, and Tests, provided that the Church of England may be secured by Act of Parliam^t in her legal rights and possessions.

And as to the last Question, he wholly consents.

John Apsley Esq,¹⁶ Answers to y^e first Question, That in case he should be chosen a member of Parliam^t, his resolutions would wholly depend upon the debates therein, wherefore he cannot at p'sent give any positive resolution.

As to y^e second Q., that he shall be for the choosing members of Parliam^t of his own persuasion.

As to the third Q., he consents.

S^r William Goring, Bart,¹⁷ Consents to all the three Questions.

BRAMBER RAPE.

S^r Henry Goring, Bart,¹⁸ As to the first Question he answers, that he cannot be positive in it, because he must suspend his Judgement till he hears (in case he be a parliam^t man), the case argued in the house, upon w^{ch} he may take his measures.

As to the second Q., that he knows no person of the Church of England, whom he can preferre as being for advancing what the

family was Sir John Caryll of Warnham, olim O'Carroll, Attorney-General to Henry VII. He was Secretary to Mary of Modena, and well-known as the friend of Pope, to whom he is recorded to have suggested the "Rape of the Lock." James II. conferred on him the titles of Baron Caryll, and Earl of Dartford. According to Horsfield (Hist. Suss.), those among Pope's letters addressed to the "Honble. J. C." are to this magistrate.

¹³ Sir Cecil Bisshopp, of Parham; ancestor of Lord Zouche of Harringworth.

¹⁴ Sir John Briscoe (or Briskcow) of Great Harrowden, co. Northampton,

Knt., became possessed of Amberley in 1683. He m. Anne d. of Nicholas, Earl of Banbury, by the d. of Mountjoy, E. of Newport; and died in 1723.

¹⁵ William Westbrooke of Ferring, near Arundel, was M.P. for Arundel in 1685.

¹⁶ Probably of a branch of the Apsleys of Pulborough.

¹⁷ Sir W. Goring, of Burton. Descended from John de Goring, temp. Edw. I.

¹⁸ Sir Henry Goring of Highden (2nd Bart.), m. Frances d. of Sir Thomas Bisshopp of Parham.

King requires, and that he cannot give his assistance for the choosing of any other.

As to the third Q., he wholly consents unto it.

John Alford Esq,¹⁹ Answers, that he cannot be positive as to the first Question, but that he must respite his determination till he heares the debates in Parliam^t., in case he be a member thereof, looking upon Penal laws as in force till they should come to be repealed. As to ye second Q., that he knows no person of the Church of England whom he can preferre as being for advancing what the King requires, and that he cannot give his assistance for the choosing of any other.

And as for the third Q., he wholly consents unto it.

Anthony Eversfield,²⁰ Answers, I must remayne doubtfull untill I have considered of ye debates in the next Parliam^t, the most proper place to decide this question. I can give no positive answer to any of the three Questions.

John Monke, Esqr,²¹ Answers, that at present, he is against the taking of the Penal Laws & Tests.

To ye second Q., that he shall be for choosing members of Parliam^t of the Church of England.

To ye third Q., that he shall live peacibly with all his neighbours of what persuasion soever.

Henry Bisshopp Esqr, My Answer to ye 1st Question propounded to me is this, that by reason of my extream Age I am unable for Knight of ye Shire, or to be Burgesse of any Town, when ye King shall think fit to call a Parliam^t.

My Answer to ye 2^d Question is, that upon ye account of my many Infirmityes & Weaknesses of body, I am not in any capacity to assist or contribute to ye Election of any member to serve in Parliam^t.

My Answer to ye 3^d Question is, that as I have in ye past part of my life (whiles natural ability of Body remained), ever evidenc'd a mind ready to serve my King, and appeared in Arms in defence of ye Royal Cause, according to my Duty, soe shall I for the remaining part of my life endeavour to render ye best services that I can to his Maiesty, as far as ye Laws of God will allow, & live friendly with all my neighbours according to ye rules of Christianity.

John Machell Esqr,²² Answers, that as to ye first and second Questions

¹⁹ John Alford sat in the Convention Parliament of 1688-9. [C. O. List.] The Alford's held Offington, near Worthing, from temp. Eliz. to 1726. John Alford had the manor of Hamsey in 1674. We identify this justice with John, son of William Alford, and nephew to John, who married d. of Sir Thomas Bishop of Parham. [S.A.C. xvii., 82; Berry Suss. Gen., p. 302; Roy. Com. Papers ii, 310.]

²⁰ Anthony Eversfield was M.P. for

Horsham both in 1685 and 1688-9. [C. O. List.]

²¹ John Monke was M.P. for New Shoreham in the Convention Parliament of 1688-9. [C. O. List.]

²² Was M.P. for Horsham in 1680 and 1685; sat also in the Convention Parliament of 1688-9 for the same borough, and continued to represent it up to 1698. In 1660 John Machell, the above magistrate, was one of the intended "Knights of the Royal Oak," and his

he is very willing to consent unto them, provided his religion & property may be secured.

As to y^e third Q., he wholly consents.

S^r John Shelly Bart,²³ Consents to all y^e three Questions.

Richard Caryll Esq^r,²⁴ Consents to all y^e three Questions.

LEWES RAPE.

S^r James Morton Kn^t,²⁵ Answers to y^e first and second Questions, that the Test and Penal Laws being a security established by Law for the Protestant religion, which by Oathes taken he has promised to maintaine, he can in no ways consent to the abrogating of them, or electing any member of Parliam^t for so doing.

As to y^e third Q., he consents.

Peter Courthope Esq^r,²⁶ Answers to y^e first Question, that he at p[']sent does not thinke it safe for y^e government, eyther in Church or State, to consent to y^e abrogating all the penal laws and Tests, & in-consistent with y^e Oathes he has already taken.

To y^e second Q., that he shall be for y^e electing such members of Parliam^t, as shall be of his opinion declared in the first Question.

To y^e third Q., that he does and will submit, as far as by law he may, or ought to doe.

William Board, Esq^r,²⁷ Answers to y^e first Question, that if elected a Parliament-man, he shall not be for taking of the Test and Penal Laws.

To y^e second Q., that he shall not be for y^e electing of any, who shall doe otherwise, than he would doe.

To ye third Q., he consents.

Thomas Beard Esq^r,²⁸ Answers to y^e first Question, that he is not for taking of the Tests, but for mitigating the Penal laws.

estate in Sussex was valued at £1000 per ann. He was of the same family as the Machells of Crackenthorpe, in Westmorland, a branch of which had been settled in Sussex from temp. 2 Mary, at Hills (Hill Place) near Horsham. His d. married Arthur Ingram, 3d Viscount Irvine.

²³ Sir John Shelley of Michelgrove in the parish of Clapham, 3rd Bart. His first wife was Lady Bridget Nevill, daughter of George, 9th Lord Abergavenny; and married as his second wife Mary, daughter and heir of Sir John Gage of Firle. The first Baronet married Jane, sister of Sir George, and grand-aunt of Sir John Resesby of Thrybergh in Yorkshire, whose name is of frequent occurrence in respect of the corresponding questions propounded at that time to the Yorkshire magistrates by James II

²⁴ This justice seems to be Richard Caryll, created Baron Caryll by James

II. at St. Germain's, and son of John Caryll, heavily fined by the Commissioners of Sequestration in 1643.

²⁵ Sir James Morton sat for Steyning in 1680; and again in 1688-9. [C. O. List]

²⁶ Peter Courthope Esq^r of Cranbrook, in Kent, became the owner of Danny in 1652, together with the manors of Hurstpierpoint and Horndean. He was grandfather of the justice here named, who died in 1724 [S.A.C. XI, 69], having married Philadelphia, d. of Sir John Stapley Bt, of Patcham; & was Sheriff of Sussex in 1631 [Berry *Suss. Gen.*]

²⁷ Was of Board Hill, Cuckfield; ob. 1697 [Berry *MS. Gen.*]. The name seems to be written at different times Borde, Boord or Board. The family was of Cuckfield & Lindfield up to 1737.

²⁸ Belonged to the family of the Beards, formerly of Cowfold and Edburton; an old Sussex family, many of

As to y^e second Q., that he is for y^e electing those, that shall act as he would doe.

To y^e third Q., that as he has never been a law-maker, soe shall he not be a law-breaker, but shall always demean himself peacibly and quietly, as becomes a good subject to his Prince.

Nizell Rivers, Esqr,²⁹ Answers to y^e two first Questions, that he dissents from the taking away the Tests and Penal Laws, or the giving his vote for any, that shall do otherwise.

As y^e the third Question, that he shall live quietly & peacibly with men of all persuasions.

Richard Bridger Esqr,³⁰ Answers, that he can give no positive Answer to y^e first Question till he hears the debates in Parliam^t.

To y^e second Q., that he shall give his vote for y^e elections of Members of Parliam^t of a known loyalty.

To y^e third Q., that he will live quietly with all sorts of persons, if he be suffered soe to doe.

Anthony Springett Esqr,³¹ Absent.

George Goring, Esqr, Answers to y^e first Question, that he cannot be for taking of the Penal laws & Tests.

To y^e second Q., that he shall be for y^e choosing of members of Parliam^t of a known loyalty.

To y^e 3^d Q., he consents.

John Smith, Esq, Absent.

PEVENSEY RAPE.

Sr John Pelham, Bart,³² Answers to y^e first Question, that if he should be chosen to serve in Parliam^t either as Knight of y^e Shire, or Burgesse for a Towne, he sees noe reason at p'sent for y^e taking of y^e Penal Laws and Tests.

As to y^e Second Q., that he shall contribute to y^e electing such for members of Parliam^t, whom he shall thinke to be loyall persons & fitt to serve the King & theyre countrey.

whom are buried at Hurstpierpoint. According to Berry [Sussex Gen], he was son of Ralph Beard of Hurstpierpoint; & d. 1705.

²⁹ Nizell (Nisell, or Nigel), Rivers of Offham, was the son of Sir John Rivers of Hamsey and Chafford, Bart. His elder brother, who was M.P. for Lewes 15 C I died in *vitâ patris*, leaving a son Thomas, who succeeded to the title. He seems to have been an active magistrate, and often associated in proceedings against the Quakers at Lewes in 1660 & 1675, with the magistrate next following, Richard Bridger of Coombe. He died in 1694 [S.A.C. XVII, 88].

³⁰ Richard Bridger of Combe Place, near Lewes Esq.; was M.P. for that

borough in 1685; and again in 1688-9 [C.O. List]. He was justice of the peace for the Rape of Lewes, and often concerned in proceedings against the Quakers at that time. He was colonel of the Sussex Militia [S.A.C. XVII, 89], and ancestor of the present Rev^d. Sir Geo Shiffner Bart of Coombe.

³¹ Probably of Plumpton; & grandson of Sir Thomas Springett of Broyle Place, in Ringmer [Berry Sussex Gen.]

³² Sir John Pelham, third Bart, was M.P. for co. Sussex in 1660, 1678, 1679, 1688-9; and ob. 1702. His son, Sir Thomas, was raised to the peerage as Baron Pelham of Laughton t. Queen Anne, and was ancestor of the present Earl of Chichester.

To y^e third Q., that he will live friendly with men of all persuasions, as subjects of y^e same Prince, & good Christians ought to doe.

Sr John Stapeley Knt & Bar^t,³³ Absent.

Sr William Thomas Bar.³⁴ Answers to the first question, that he cannot be for y^e taking of the Penal Laws and Tests.

As to y^e second Q., that he shall be for choosing persons of a known loyalty and integrity.

As to y^e third Q., he consents.

Sr Thomas Dyke Bar^t ³⁵ Absent.

Sr Edward Selwyn Knt,³⁶ Answers to y^e first Question, that if he be chosen a Parliament man, and that y^e King does persist in giving liberty of conscience, provided his Mat^{tie} does give security for maintaining the Church of England, he shall not be against taking of the Penal Laws & Tests.

To y^e second Q., that he shall never oppose the choice of any Member of Parliamt, that shall be for y^e taking of y^e Penal Laws & Tests, during this King's reign.

To the third Q., he consents.

Alexander Staples Esqr, Answers to y^e first Question, that if His Mat^{tie} thinks it fit for y^e maintenance of his royall Prerogative Government, & the Peace of his Kingdome, he shall consent to a free liberty of conscience.

To y^e second Q., that he shall assent to y^e election of such Members of Parliamt, as shall be trewley loyall, and gratefull to His Mat^{tie}.

To y^e third Q., he consents.

John Baker Esqr,³⁷ Answers to y^e first Question, that if chosen a Parliament man, and shall be convinced that y^e King's equivalent proposed for the security of the Protestant Religion may be sufficient, he shall consent to the taking of the penal Laws & Tests.

As to y^e second Q., that he shall endeavour to choose men of known loyalty.

To y^e third Q., he consents.

George Nevil Esqr, Answers, that he dissents to y^e two first Questions.

And as to y^e 3d Q, he assents.

Humphry Fowle, Esqr,³⁸ Answers, that he dissents to y^e two first Questions.

As to y^e third Q, he consents.

³³ Sir John Stapley of Patcham; created Baronet 1660, notwithstanding that his father Anthony had been one of the regicides. He was born in 1628, & ob. 1701, having married Mary, d. of Sir Herbert Springett of Broyle Place, Ringmer.

³⁴ Sir William Thomas of Westdean, and Folkington; o.s.p. 1706; was M.P. for co. of Sussex in 1689.

³⁵ Sir Thomas Dyke, 1st Bart. of Horeham in Waldron parish; M.P. for county of Sussex in 1685; and sat for

East Grinstead in the Convention Parliament of 1688-9.

³⁶ Sir E. Selwyn of Friston Place near Eastbourne; was returned for Seaford in 1685; monument to his memory in Friston Church.

³⁷ Of Mayfield Place.

³⁸ The arms of Humphrey Fowle, of Rotherfield were: Gules, a lion passant guardant between 3 roses or. The family appears to have been of Riverhall, in Fraut, adjoining Rotherfield.

S^r John Gage Bar^t³⁹ consents to all the three Questions.
Richard Biddulph, Esq^r,⁴⁰ Absent.

HASTINGS RAPE.

S^r Denny Ashborneham Bart⁴¹ Absent.

S^r Richard May Knt,⁴² Consents to all y^e three Questions.

Roger Shoyswell Esq^r,⁴³ Answers to y^e first Question, that he does not doubt, but that y^e King will make good his declaration, and therefore that he shall be (if elected to serve in Parliam^t), for taking of Penal Laws & Tests.

And to y^e second Q., he shall be for y^e choosing members of Parliam^t that shall doe y^e same.

To y^e third Q., he consents.

Thomas Frewen Esq^r,⁴⁴ Answers to y^e first Question, that he cannot be for taking of y^e Penal Laws, & the Tests.

And to y^e 2^d Q., that he cannot be for taking of y^e Penal Laws & Tests.

And to y^e third Q., he consents.

John Busbridge Esq^r,⁴⁵ Answers to y^e first two Questions, that he dissents;

To y^e 3^d Q. he assents.

Edward Dyne Esq^r,⁴⁶ Answers to y^e two first Questions, that he shall be for abrogating the Penal Laws & Tests, provided the Church of England may be secured in her legal rights and possessions.

To y^e 3^d Q., he consents.

Henry Apsley Esq^r,⁴⁷ Answers to the first two Questions, that he shall not be for taking of the Penal law & Tests, nor for choosing members of Parliam^t that shall so doe.

To y^e third Q., he consents.

³⁹ Ancestor of the present Viscount Gage.

⁴⁰ The same, probably, who married Anne, d. and eventual heir of Sir Henry Goring of Burton, Bart; and was ancestor of the Biddulphs of Burton.

⁴¹ Sir Denny Ashburnham was M.P. for Hastings in 1661, and created a Baronet the same year; ancestor of the present Sir Anchtel Ashburnham of Broomham. He was the last member returned for Hastings on the nomination of the Lord Warden of the Cinque Ports, who happened to be James II. himself in 1685, having retained the office in his own hands [S. A. C. XIV, 101n].

⁴² Sir Richard May was Recorder of Chichester; and M.P. for that place in 1685 [C. O. List].

⁴³ One of the last of the family who held Shoyswell, in Etchingham, from whence the name was derived. John de Shoyswell held it prior to Edw I.

The family coat was:—Or, on a bend sable, 3 horse shoes ar [Hors. Suss.]

⁴⁴ Of Brickwall, Northiam. He was M.P. for Rye in 1678 and 1685. The monumental inscription in Northiam church to Thomas Frewen, who died 1702, is commemorative of him.

⁴⁵ In Sussex Visitation, 1634, John Busbridge, probably father of the magistrate here named, held Haremare. This place, in Etchingham parish, was the seat of the ancient Kentish family of Busbridge.

⁴⁶ Was of the family of Dyne, of Westfield and Lankhurst. Edward Dyne, probably son (or nephew) of this magistrate, was one of the Cinque Port Barons chosen for Hastings at the coronation of George II. [S. A. C. XV, 201.]

⁴⁷ This justice would seem to have been Henry Apsley, of Picchurst, in the hundred of Shoyswell, Hastings Rape, whose death occurred 1692, æt, 42. [Hors. Hist. Suss.]

Sr Nicholas Pelham Knt,⁴⁸ Answers to y^e first question, that he is not for abrogating the Penal Laws & Tests.

As to y^e 2^d Q., that he will contribute to y^e choosing of such for Members of Parliam^t as he shall thinke loyall, and dewly qualified to serve the King, & theyre countrey.

To y^e third Q., that he will live friendly and quietly with men of all persuasions, as subjects of the same Prince, and good Christians ought to doe.

John Ashburnham Esqr,⁴⁹ Absent.

(Endorsed)

Returne of Sussex
May, 1668.

The names of such as are nominated to be Deputy Lieutenants in y^e warrant sent down.

{ Sr John fflagg of Wiston,
Sr Richard Shirley,
Sr Robert Parker,
Sr John Gage,
Sr John Shelley,
Sr William Goring,
William Garraway (*Garway*) of
fford Esqr⁵⁰

{ Sr Cecyl Bishop,
John Spence of Mawling (*Malling*) Esqr,
Henry Gage of Bently, Esqr,
William Darrell of Scotney, Esqr,
Richard Caryll Esqr,
John Smith Esqr,
John Lewkenor (*Lewknor of West Dean*), Esq .
Anthony Kempe Esq. (*of Slyndon.*)

The names of such as are to be added & inserted in the new warrant to be made for the Deputy Lieutenants of Sussex.

{ Sr William Morley,
Sr John Stapeley (*Stapley, of Patcham*),
olium of *Framfield*),
John Alford, Esqr
Sr Edward Selwyn (*of Friston*),
Richard Cotton Esqr

⁴⁸ Sir Nicholas Pelham, Knt., represented the county of Sussex in 1679; and sat for Seaford in 1688-9; another (or possibly the same) Sir Nicholas was returned for Lewes borough in 1702. He unsuccessfully contested Seaford in 1685, but was returned for the Convention Parliament of 1688-9 on the accession of William III. With regard to his non-election for Seaford in the above year, it appears from "Memorials of Seaford" [S.A.C. VI, 109], that on his

coming to the throne, James II., "recommended by his letter" Sir Edward Selwyn to the Corporation of that borough, who was thereupon returned with Sir W. Thomas, of Westdean, in opposition to Sir Nicholas Pelham.

⁴⁹ M.P. for Hastings from 1679—1688-9 [C. O. List].

⁵⁰ M.P. for Arundel in 1678, 1679, 1680, and 1655; and sat in the Convention Parliament of 1688-9 [C. O. List].

I humbly propose the persons above named to the Deputy Lieutenants for the County of Sussex,

June 22nd, 1688.

(Signed),

MONTAIGU.

[Rawl. MS. A., 139a, ff 244-253, Bibl. Bodl.]

Sussex. { Sr John Fagg of Wiston,⁵¹
 { Sr Richard Shirley,⁵²
 Sr Robert Parker,⁵³
 Sr John Stapley,
 W^m Garoway (*sic*) of Ford, Esq^r.
 John Spence of Mawling (*sic*)⁵⁴
 Henry Gage of Bentley, Esq^r.⁵⁵
 Wm. Darrell of Scotney, Esq^r.⁵⁶
 John Smith of Crabitts (*Crabett*), Esq^r.⁵⁷
 John Braman,⁵⁸
 John Peche,
 Richard Farrington⁵⁹ } of Chichester, Esq^{rs}.
 John Cook of Petworth,⁶⁰
 John Lee (*Leigh*), of Plaistow,⁶¹
 John Gratewake (*Gratwicke*), of Shermanbury,
 John Mitchell of Fillplace (*sic*), (*Micell of Field*
Place) in Warnham p[']ish,
 John Haise of Stansted,
 John Newman of Merrifield,⁶²
 Wm. Blaker of Buckingham,⁶³

⁵¹ Sir John Fagg of Wiston Bart.; M.P. for Steyning in 1685, 1688-9, 1695, & 12 W III. 1700, when he died. He bought Wiston of Sir Thomas Shirley, & was created a Baronet in 1660. He was twice married. The arms of Fagg were: Gules, two bends vair.

⁵² Sir Richard Shirley of Preston, 2nd Bart; created 1665; extinct 1705.

⁵³ Sir Robert Parker of Ratton; created a baronet in 1674; M.P. for Hastings in 1679; title became extinct in 1750. His ancestor Geoffrey Parker of Bexley flourished temp. Edw. I.

⁵⁴ John Spence of Malling House, near Lewes, succeeded his brother, William, in 1677; & ob. 1691. In 1835 Malling House was the property of Henry Hume Spence [Hors. Hist. Lewes].

⁵⁵ Bentley, in Framfield, was formerly the residence of a junior branch of the Gage family [Horsfield].

⁵⁶ Scotney was in the Darrell family for many generations down to 1774.

⁵⁷ Crabbett Park, in Worth, was once

the residence of a branch of the Smiths of Warwick.

⁵⁸ John Braman of Chichester, was M.P. for that borough in 1678, 1679, 1680-1 [C. O. List].

⁵⁹ Created Sir Richard Farrington, Bart. Was M.P. for Chichester in 1680, & again in 1698.

⁶⁰ Was M.P. for Arundel in 1689; and again in 1698; [Commons Journals.]

⁶¹ John Lee (or Leigh) of Plaistow, in Kirdford, m. Elizabeth d. of Thomas Shirley of Preston as his 1st wife; 2ly. d. of Geo. Scot of co. Kent [Berry Suss. Gen.]

⁶² Quere, Newnham of Maresfield?

⁶³ Blaker, of Buckingham House, Old Shoreham. The family of Blaker continued to reside in the neighbouring parish of Portslade for upwards of two centuries, according to Horsfield. This proposed justice was son of Edward Blaker of Portslade, and died in 1703, & was buried at Old Shoreham. [Berry MS. Gen., p. 86.]

Thomas Ellis of Steyning,
 ——— Westerne of Battle,⁶⁴
 Henry Plummer of Wellington (*Willingdon*?),
 Joseph Studley of Linfeild,⁶⁵
 ——— Bates of Dentworth (*Denton*),
 Henry Bulstrode of Newgrove (*in Petworth Parish*).
 Phillip Carryl, dead (*sic*)
 Rob^t fflagg,⁶⁶
 Richard Banks Esq^r,
 Richard Cary Esq^r,
 John Shewman,
 John Marlot (or *Marlott*) of Chichester,
 ——— Hiland of Bodiam,⁶⁷
 John Chaliner (*sic*) (*Chalonor*) of Linfeild,⁶⁸
 ——— Clown of Ffrogfoile (*sic*)⁶⁹
 ——— Baker of Mayfield,⁷⁰
 ——— Barton of Helenley⁷¹
 Robert Ffielding Esq^{rs}.

The names of such as are to be added & put in the Commission for Justice of Peace in the county of Sussex.

S^r William Morley, Knight of the Bath,
 John Alford Esq^r,
 William Westbrooke Esq^r.
 John Lewkenor Esq^r.
 Thomas Bickley Esq^r.
 Captayne William Peckham,⁷²
 John Stewart Esq^r.⁷³
 John Machell Esq^r.
 S^r Edward Selwyn Kn^t
 Thomas Briggs, Doctor at Lawe,
 Alexander Staples Esq^r

⁶⁴ In 1699 Thomas Western is named in a list of benefactors to Battle Workhouse. [Hors. Suss.]

⁶⁵ This proposed justice may be son of Joseph Studley who in 1657 was of Steyning, & concerned in committing a Quaker to prison that year [S. A. C, XVI, 76]; or he may be affiliated to Nathaniel Studley, another magistrate sitting at Lewes in 1659.

⁶⁶ Succeeded to the Baronety in 1700 on the death of Sir John Fagg; & to his seat at Steyning in Parliament in 1701; his election the previous year having been declared void. He m. 1671, d. of Benjamin Culpeper of Lindfield, & ob. 1715.

⁶⁷ In Bodiam Church is a monument to Nathaniel Hiland, in 1694, and others of that name.

⁶⁸ The name is found also as Challenger. The family residence was Kenwards, in Lindfeild. Major Chaloner is well known as one of Cromwell's justices of the peace.

⁶⁹ Chowne of Place House, near Frog Firle, in Alfriston. Probably Thos. Chowne, M.P. for Rye in 1701, grandson of Thomas Chowne, who was one of the Sussex magistrates in 1632. The arms of Chowne were: Sable, three thatcher's hooks barwise ar. [Hors. Hist. Lewes, ii, 7.]

⁷⁰ Monumental inscription to the Baker family in Mayfield Church.

⁷¹ Of Carter's Corner, Hellingly, in Dill.

⁷² See *antea*.

⁷³ Was M.P. for Midhurst in 1661. [C. O. List.]

John Baker Esq^r (*of Mayfield Place*).
 S^r Richard May Kn^t
 Roger Choysewell (*Shoyswell*), Esq^r
 Edward Dyne, Esq^r
 Richard Cotton, Esq^r
 S^r William Goring, Baron^t
 Anthony Kempe, Esq^r
 Richard Caryll, Esq^r
 Henry Arrundell, Esq^r
 Richard Bidolph (*Biddulph*), Esq^r
 John Apsley Esq^r
 S^r John Gage,
 S^r John Shelley,
 S^r Cecyl Bishop.

I humbly p^opose the names of the persons above mentioned to be put into the Commission for the Justice of Peace in Sussex.

(Signed),

MONTAIGU.⁷⁴

⁷⁴ Francis Browne, 4th Viscount Montague had replaced the Earl of Dorset and Middlesex as Lord Lieutenant of Sussex, on the latter declining to put James II's Questions to the magistrates of the county. It would not appear that his appointment as such had been hitherto noted, as a matter of history, though doubtless such exists in the county records, or proper Government Depar^t. In fact the Lords Lt. substituted by James II. had so short a tenure of office, that this is scarcely a matter of much surprise. The above signature is, however (independent of other testimony), quite corroborative of the fact, for it is somewhat remarkable that he alone of all other Viscounts of his name so signed himself. From different letters, ranging from the first to the last Viscount, who was drowned in 1793 at Laufenburg on the Rhine, we find that the spelling "Montague," was uniformly adopted by all, save by the Viscount in question, who wrote his name invariably "Montaigu." This is mentioned by Sir S. Scott in an Article on "Old Papers found in a tower of Cowdray House." [S. A. C. XV, 79.] Like all other offices at that period, the Lieutenantcies of counties were filled by Roman Catholics, and no man seemed more suitable for King James's purpose than Lord

Montague of Cowdray, in a county which numbered more small boroughs than most English counties, with the exception of Cornwall, that of Midhurst being one of them. Whilst he was of course selected for the post chiefly from his creed, it must not be overlooked that the family he represented was remarkable for its unswerving loyalty to the Crown, even when it happened, as in the reign of Q. Elizabeth, that their religious tenets differed. An instance of this occurred at the time of the threatened invasion of England by the Spanish Armada; the circumstances attending it are mentioned in S. A. C. VII, 181. The first Viscount Montague, Sir Anthony Browne, K.G., was so created by Queen Mary in 1554. The peer under notice succeeded in 1682, and died in 1708. He married Mary, daughter of William Herbert, first Marquis of Powys (who died at St. Germain's in 1696), and widow of Richard, eldest son of Caryl, Viscount Molyneux. Of the father of this Lord Montague, whose estate was sequestered in 1643, it was said that he was a "known and professed papist;" and of the parish of Midhurst (Cowdray), that it was "full of Papists and malignants" (S.A.C. XXVIII, 106). That such was true of this place, may be assumed from much that might be quoted, dating

His Mat^{ies} Questions p'posed to such of the Deputy Lieutenants & Justices of the Peace for the county of Sussex, as were absent there, answered as followeth:—

John Ashburnham Esq,⁷⁵ Answers to the first That if he be chosen a member of Parliament, he shall give his Voyce concerning the Penall lawes and Tests upon the debate of the house, and according to his conscience;

Answer 2^d. That he shall be desirous to have such elected to be Members of Parliamt, as he takes to be honest and Loyall men, and such as have a true value of the King's person;

Answer 3^d, That he is desirous to live friendly with all his fellow subjects, as a good Christian ought to doe.

S^r Cycill Bishop Kn^t & Baron^t, Consents to all the 3 questions.

S^r John Stapeley Kn^t, Consents to all the three questions.

Richard Cotton Esqr, Consents to all the three questions.

Thomas Sackvill⁷⁶ Esqr, Answers to the first Question, that he is for Liberty of Conscience, and therefore for taking away all Penall Lawes & Tests that are contrary to it;

Answer 2^d, That he is for choosing such Members of Parliamt, as shall be for p'moting liberty of Conscience;

To the third he consents.

[Rawl. M.S., 139a, ff 245 sq. Bibl. Bodl.]

SECRET INSTRUCTIONS FOR THE KING'S AGENTS.⁷⁷

MEMORANDUM for those that go into the Country to dispose the Corporations to a good Election for members of parliament. To be read by them often.

from time immemorial. After the dethronement of James II., the Jacobites were constantly intriguing against the English Government from St. Germain's. The Historical Records Commission give us some of their intercepted letters in 1696. One of these shows the family at Cowdray were intermediary towards carrying on some of the secret correspondence of the party. It is from the above Lord Powys' servant, John Daniel, to Viscountess Montague, the Earl's daughter, begging that certain enclosed letters may be given to her brother (afterwards second Marquis of Powys). These letters bear fictitious names and signatures; Viscount Montgomery, the said brother of Lady Montagne, being called Mr. Sibson; while the envelope giving cover to them, is actually impressed with the seal of Mary of Modena, James II.'s Queen. These letters (noticed in the *Athenæum* of March, 1880) formed part of the papers of Mr. Ellis, Under Secretary of State from 1695 to 1705. A bequest in the will of a servant of Lord Mon-

tague's in 1634, has lately come to light, directing his executors "to pay £10 yearly to Mr. Drwrey and Mr. Lane of Riverparke for the maintenance of a good ma [priest], to [admi]nister the sacrament to the poore Catholiks of Midhurst, [wi]th obligation to say two masses every weeke for my soule [and] my lords ancestors." This will was found a few years ago, in the chimney of an old house of Miss Othen in that place, when under repair. The testator, John Arismundy, was arrested in 1633, on suspicion of treasonable correspondence with Catholics. [Historical MSS. Com., 1st and 3rd Report.]

⁷⁵ See *antea*.

⁷⁶ Thomas Sackville was M.P. for East Grinstead in 1688-9; again in 2 Phil. and Mary, 1692, when he died. (Crown Office List.) He was one of the Sackvilles of Selscombe (or Sedlescombe); the mural mon^t. in that church commemorates his name.

⁷⁷ Among some uncalendered State Papers in the Record Office.

It's necessary you weigh well the difficulty of your work, and consider that you will meet with all manner of deceit and combination to frustrate your endeavours, the *Clergy*,⁷⁸ will engage the gentry, and both endeavour to render you unacceptable, and your works fruitless, if not top upon you false men under the semblance of real friends.

2. Consider the evil effects that will attend a miscarriage in this matter. 'Tis not only a frustration of the good expected, but ruinous to your own interest, & exposing you to contempt. You must expect that no weakness or inadvertency of yours in this work will pass unobserved, and the best of your actions misrepresented, and every failing magnified, & that hap'ly to the K, or some of his Ministers, which therefore calls for the highest care and circumspection.

4. You have as full an account of the Persons, and things for each Corporation and place, as hath hitherto been collected, which consider from time to time in the respective places as you come at them, and for your guidance in these places, find one or two of the best, prudentest and acceptable person or persons, and engage them to your assistance, and know from them the temper and humour of the respective persons with whom you are to converse, and accordingly endeavour to suit your discourse to their temper and humour.

2 (*sic*). Take from place to place letters recommendatory, for the strengthening your int'rest and acceptance, get fit and acceptable persons to accompany you to such gentlemen as you will have occasion to discourse, for you must expect to meet with discerning men, and men of great parts, and for that purpose be wary in your expressions and conversation, and be not too ready and open in discourse, till such persons become by their own declarations engaged.

5. 'Tis of very great importance to this service, that very good correspondents be settled in each town, to whom letters and papers to be dispersed may be sent, and who shall receive every post such prints and advices, as shall be fit and proper for them, and in this you must consider that the persons, so to be engaged, must be right men, not only by inclination, but also men of prudence and int'rest (if possible).

6. Where the Corporations do fix upon their Members, inform yourselves fully what probability there is of their Election, and what methods will be taken in order thereunto, and when you have fully satisfied yourselves, that such persons are right, and likely to answer the K's expectation, (in which by your Instructions you are not restrained to the persons named in your list, in case there be exceptions to any of them, or fitter persons can be provided). If possibly you can, get the Electors to write Letters of Invitation to such their intended Members, that by subscription under their hands, their election may be ascertained, and where they shall be content to elect such as his Ma^{tie} shall nominate or recommend, that they do in like manner express their desire, that such nomination and appointment be made in order to their election, in which all prudent care is to be had, and the leading persons of such Corporations to be consulted.

⁷⁸ The words in Italics are underlined in the original.

7. You are from time to time, to give an account of all occurrences that are material, and of all suggestions, books, and libels, that are dispersed in prejudice of his Ma^{ties} service.

8. You must be very careful to give a full and distinct account of all the proceedings every post, and therein an impartial account of the sentiments of the persons with whom you converse, their inclinations, and resolutions, and what expedients are necessary to render the Election certain; which account you are to give, from time to time, to *Robert Brent, Esq*: at his Chamber in the *Temple*. The respective Correspondents are in like manner to send their letters to him, and to follow such directions as from time to time they shall receive from him, or *Mr Edward Roberts*, to whom they may write, directing their letters to *Mr Brent's* Chamber; but not to give an account of your proceedings to any other persons whatever.

9. You are likewise to consider the Correspondents in each Corporation, whether they are fitt and proper, and if not, that others more fitt and proper be named, as also to inquire whether the Correspondents do disperse the books and papers according to the directions sent them; and particularly whether they are exposed in coffee-houses, and houses of publick entertainment, for the information of the country, that in case they be defective therein, it may be rectified.

10. You are to send for the persons in the respective counties underwritten, & to desire their help and assistance, in managing the trust committed to you, and to engage them and their Correspondents, that are in the respective Corporations, to manage such matters and things, as upon debate you shall find requisite to promote this service, for inclining and disposing men to elect persons you shall agree upon, and engage them in your absence to keep a constant correspondence with *Mr. Brent* or *Mr. Roberts*, that such advice may be sent from time to time as may be proper.

11. You are also to consider what employments such Correspondents are capable of, that are in the K's disposal, to the end they may be recommended to such employments, as may compensate for the service they have done, or shall do.

12. You are likewise to inspect the present state of each Corporation, with respect to the Magistrates in being, whether there be any in, that are not fitt and proper, or whether any are omitted to be put into the Government, which if placed therein, may be useful and serviceable for promoting and securing good Elections, as also any other methods and expedients that have a tendency thereunto.

13. You are likewise to consider what Mayors and Sheriffs in being, are active in his Ma^{ties} service, and to be depended upon, and which of them are fitt to be removed before the Election, either in order to their being chosen to serve in Parliament, or to promote the Election of others, and to engage the Sheriffs to attend in person at the Election, not only in the Counties, but in each respective Corporation, and to take care of the Returns, and also to give an account of the inclination and behaviour of the respective Town Clerks, Clerks of the Peace, and Sub-Sheriffs, whose places render them capable of his Ma^{ties} service,

in case they be right, but otherwise dangerous and prejudicial thereunto.

14. Inform yourselves what Members each Corporation intend to choose, & if they are contrary to his Mat^{ties} int'rest, and you find the Corporation resolved upon them out of prejudice, consider then how to give a diversion to their intentions, by seeming to promote such persons Election, which they observing may create an aversion to them, and dispose them to elect others, which they are inclyned to, as suspecting those they before designed, to have privately warpt to the K's interest, and thereby room will be made for the electing such as are right.

Persons proposed as Assistants to those that go into the Country, for

Chester	{	<i>Sr Tho Stanly</i> <i>Will Fermer</i> <i>Mr. Manwaring</i>	}	all of Chester		Salop	{	<i>Tim Seymour</i> <i>Rich Newton</i> <i>Christop Morrall</i> <i>of Much-Wenlock.</i>
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INSTRUCTIONS FOR THOSE THAT SHALL GO INTO WALES.

1. You shall make the K's Declaration the chief subject of your discourse with such persons as you shall think fit to speak with, &c.

2. You must make it your principal care to settle the minds of people, especially of those that are designed for Members of Parliament, or such who do, or are likely to come up to the K's measures, in relation to the *Penal Laws & Tests*, against all endeavours, which may be made by the K's adversaries, for diverting the effects of his good intentions, & it being very probable that when the Parliament shall meet, this will be chiefly endeavoured by some indirect means, as by attempting to make some difference between the K. and his two Houses of Parliament, or either of them, or by starting somewhat, which may be a despute between the two Houses, you are particularly to forewarn and caution all persons who are likely to be Members against this artifice.

3. You are to assure those that are of the *Ch. of England*, that his Mat^{tie} will maintain the same according to his word.

4. You are to engage all people of what perswasion whatever, to live friendly together, as becomes fellow Subjects, desposing them to unite their endeavours to render effectual his Mat^{ties} grations intentions, for their ease and advantage, & you are to tell them, that his Mat^{tie} will favour them most as shall be of that peaceable disposition, as to sacrifice all private animosities to the publick good.

5. You are to remove as much as may be, all fears and jealousies out of peoples minds, by telling them his Mat^{tie} only designs the universal happiness of all his People.

6. You are to make acquaintance with the leading, active, and interested men in the country, or in the Towns and Corporations, who are inclinable to abrogate the *Penal Laws* for religion, and the *Tests*, and engage them to improve their int'rest for effecting it.

7. You are to inform yourself, (as privately as may be), whether the persons proposed to be chosen, by the list given you, be rightly principled, and so disposed to part with the laws, as may be depended on.

8. You are to inform yourself whether the regulations made in the respective Corporations have been of proper persons for his Maties service.

9. You are to inform your self, who are the Electors in the respective Corporations and Burroughs, and by what manner Elections are made, who influences them, and who are fittest to be chosen in those places, where none are yet proposed.

10. ——— of the behaviour of the officers of the several branches of his Maties Revenue in relation to elections, whether they promote his Maties int'rest as they ought to do, and further what in them lies, *the Repeal of the Penal Laws and Tests.*

11. To acquaint your selves with the Preachers of the Dissenting Congregations, and encourage them to employ their int'rest, for the abrogating those *Laws & Tests*, and if you find any of them dissatisfied, enquire who they correspond with in *London*, and give notice of it.

12. To inform your self of some fit person in each Corporation, with whom a correspondence may be held for the knowledg(e) of the true state of the same, and to whom books and papers may be sent, to disperse them for the peoples better information.

13. You are from time to time to advise with the Catholick gentlemen.

14. You are likewise to inform those you converse with, that *Liberty of Conscience* hath been the cause of the Hollanders great trade, riches and power, &c.

15. You shall take care to make all persons understand, that the late proceedings against the Bishops⁷⁹ were necessary to support his Maties Declaration for *Liberty of Conscience*, which the King will always maintain, as likewise his Prerogative, on which it is founded.

16. That their disobedience and their Petition, were designed only to obstruct the meeting of Parliament, and to prevent the establishing of what they apprehend, &c. which is so far from discouraging his Matie, that he is more resolved than ever to pursue this great work, not doubting to effect it, whatsoever opposition he may meet with.

[State Papers, Domestic, James II.; Bundle 7, No. 405.]

SUPPLEMENTARY.

The following additional matter, among the State Papers of the reign of James II., now in the Public Record Office, bears so directly on the foregoing subject,

⁷⁹ See Westmorland and Cumberland Test Act Paper; and foot note to p. 22, over leaf.

and shows so unmistakably how general the feeling was that the interests of the Protestant Religion were menaced, and how firmly the King's designs were resisted in his attempt to overthrow the Test and Penal Laws instituted for its security, that it may appropriately supplement the different entries on that head, both in this volume, and the other already quoted Journals.

TEN SEASONABLE Q[UIRIES] (*leaf torn*), proposed by a Protestant, that is for Liberty of Conscience to all perswasions.

I. Whether any real and zealous papist was ever for Liberty of Conscience?, it being a fundamental principle of their religion, that all Christians that do not believe as they do, are hereticks and ought to be destroyed.

II. Whether the King be a real and zealous papist?; if he be, whether he can be truly for Liberty of Conscience.

III. Whether the King, in his brother's reign, did not cause the persecution against the Dissenters to be more violent than otherwise it would have been.

IV. Whether he doth not now make use of the Dissenters to pull down the Church of England, as he did of the Church of England to ruin the Dissenters, that the Papists may be the better enabled, in a short time to destroy them both?

V. Whether any ought to believe he will be for Liberty, any longer than it serves his turn?, and whether his great eagerness to have the Penal Laws and Test repealed, be only in order to the easie establishing of Popery?

VI. Whether if these Penal Laws and Tests were repealed, there would not many turn Papists that now dare not?

VII. Whether the forcing of all that are in offices of profit, or trust, in the nation, to lose their places, or declare they will be for repealing the Penal Laws and Test, be not violating his own Declaration for Liberty of Conscience, and a new Test upon the people?

VIII. Whether the suspending the Bishop of *London*; ⁸⁰ the dispossessing of the Fellows of *Magdalen* Colledge of their Freeholds; ⁸¹ the imprisoning and prosecuting the Seven Bishops for reasoning according to Law; ⁸² are not sufficient instances how well the King intends to repeal

⁸⁰ The suspension, in September 1686, is here alluded to, of Henry Compton, Bishop of London (and uncle to the then Earl of Northampton), for declining to interfere in the case of Dr. Sharp, who in a sermon vindicated the Church of England, in opposition to the errors of Popery; [Kennet; Burnet; Rapin] Dr. Sharp, then Dean of Norwich, became in 1691 Archbishop of York.

⁸¹ This alludes to the attempt of

James II. to force a Roman Catholic President on Magdalen College, Oxford, and the expulsion from the college of the Fellows who resisted it, with the deprivation of their Fellowships.

⁸² These were the seven Bishops who were committed to the Tower, for refusing to allow the King's Declaration for Liberty of Conscience to be read from the pulpit.

his Declaration for Liberty of Conscience, wherein he promiseth to protect and maintain all his bishops and clergy, and all other his subjects of the Church of England, in quiet and full enjoyment of all their possessions, without any molestation or disturbance whatsoever ?

IX. Whether the usage of the Protestants in France and Savoy, for these three years past,⁸³ be not a sufficient warning not to trust to the Declaration, Promises, or Oaths, in the matters of Religion of any Papist whatsoever ?

X. Whether any equivalent whatsoever under a Popish King that hath a standing army, and pretends to a Dispensing Power, can be as equal security as the Penal Laws and Tests, as affairs now stand in England ? [1687-8].

*If any think fit to answer these Queries, they are desired to doe it, as plainly and fairly as they are here put.*⁸⁴

[State Papers, Domestic, James II., B. 7, No. 220.]

THE DECLARATION OF HIS HIGHNESS WILLIAM HENRY

BY THE GRACE OF GOD, PRINCE OF ORANGE, &C.

OF THE REASONS INDUCING HIM,

To appear in arms in the kingdom of England for preserving of the Protestant Religion, and for restoring the laws and liberties of England, Scotland, and Ireland. [1688.]

* * * * *

They have also followed the same methods with relation to civil affairs : for they have procured orders, to examine all Lords Lieutenant, Deputy Lieutenants, Sheriffs, Justices of the Peace, and all others that were in any publike employment, if they would concur with The King in the Repeal of the Test and Penal Laws : and all such, whose consciences did not suffer them to comply with their designs, were turned out : and others were put in their places, who they believed would be more compliant to them in their designs of defeating the intents and execution of those laws, which had been made with so much care and caution, for the security of the Protestant Religion. And in many of these places they have put professed Papists, though the law has disabled them, and warranted the subjects not to have any regard to their orders.

[State Papers, Domestic, James II.; B. 5.]

⁸³ Louis XIV. of France had just revoked the Edict of Nantes, in consequence of which many French Protestants sought refuge in England and Germany. About 50,000 refugees passed over into England, and there can be little doubt (as observed by McCulloch), that their representations of the cruelties

perpetrated by the King of France, tended to excite the suspicions of the English, against their own Roman Catholic sovereign, and in some degree accelerated the Revolution of 1688.

⁸⁴ The words in italics are underlined in the original.

The following are the headings of three other State Papers, bearing on the same subject :—

The Declaration,

Of the Lords Spiritual and Temporal, in and about the Cities of London and Westminster, Assembled at Guildhall, 11 Dec. 1688.

THE PRINCE OF ORANGE.

HIS THIRD DECLARATION.

The Declaration of the Nobility, Gentry, and Commonality at the Rendezvous at Nottingham, Nov. 1688.

[State Papers, Domestic, James II., B. 5.]
