Sir Dudley North: Merchant Politics in the First Age of Party

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SIR DUDLEY NORTH: MERCHANT POLITICS IN THE FIRST AGE OF PARTY

A Dissertation
presented in partial fulfillment of requirements
for the degree of Doctor of Philosophy
in the Department of History
The University of Mississippi

by

JAMIE SUZANNE FARMER

August 2011
ABSTRACT

This dissertation is an examination of Sir Dudley North’s political career and the relationship between his political and economic philosophies and his political actions. In 1682, Dudley North entered the national political sphere in the controversial shrieval election of the City of London. A Tory, North’s entry into politics coincided with the Crown’s attempt to regain control over the City and the nation. During his time as Sheriff of London, North ensured that a staunch Tory was “elected” Lord Mayor and he also selected the panel of jurors that would serve during the Rye House conspiracy trials. After North’s stint as Sheriff, he was rewarded by the Crown and he was able to continue his political career in the Commission of the Treasury and the Commission of the Customs.

After Charles II’s death, James II retained North as a Commissioner of the Customs and North served as an MP in the “Loyalist” Parliament where he lobbied to properly fund James to such an extent that it would have been possible for the Crown to rule without Parliament. North utilized his mercantile experience and his notions about the political economy to illustrate his absolutist tendencies. North reinforced his mercantile interests through his partisanship. By seeking to ensure that James was properly funded, North was also protecting his mercantile interests as he needed a financially stable Crown. During his seven year career, North made decisions that helped to shape the political sphere of the nation and also contributed to an ongoing discussion about the nature of the political economy.
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INTRODUCTION

Throughout the seventeenth century, as England endured revolutions, civil wars, and factionalist strife, the nation also developed into a commercial power. In the early part of the century, trade was primarily centered on the textile and cloth industry; however, as the century progressed, new trade routes were opened up to the Levant, East India, and Africa. From the early-to-mid seventeenth century, the Crown viewed trade merely as a source of revenue, and for this reason, the government did not actively create policy that would either further or protect trade.\(^1\) By the end of Cromwell’s Commonwealth in 1653, this had drastically changed, and commercial policy was a government matter in the late seventeenth century. With the rise of merchant Companies, or monopolies on certain regions or aspects of trade, merchants became very much involved in the government, and throughout the seventeenth century, merchant political power continued to increase.

Merchants, especially London’s elite merchants, were important in providing a crucial service to the state—credit. Without a national bank or another established credit system, the Crown was forced to rely upon the merchants of London for loans even as tensions grew between the Crown and Parliament throughout the 1620s and 1630s, and Company merchants continued to be sources of revenue for the Stuart monarchy throughout the seventeenth century. These merchants were not simply willing to hand money over to the Crown. In exchange, they

expected to be granted certain rights or privileges, especially monopolies of trade. London merchants also stipulated that the Crown pursue a foreign policy that was friendly to their economic goals, and as Lawrence Stone has pointed out, they also required the “dismantling of the . . . corruption-ridden system of economic controls over internal trade, industrial production, land use, and interest rates.”

Mercantile alliances were also beneficial to the Crown as it allowed the king access to much needed income without having to call Parliament, a practice which only escalated existing fears of despotism and arbitrary government.

In 1656, the political theorist James Harrington argued “when no Parliament, then absolute monarchie.” While he espoused an overly simplistic view of absolutism, Harrington articulated the fear of arbitrary government that historian Jonathan Scott argued permeated the seventeenth century, but this fear was especially strong in the late 1670s through 1680s at a time when the Stuart regime was shouldering the burden of a weak military. According to Scott, the fear of an absolutist despot ruling England was not necessarily unjustified as it was a part of a “universal European process”—one that was incredibly successful in Louis XIV’s Catholic France. Along with being Catholic and absolutist, France was also incredibly powerful and expansionist with a large standing army of 300,000 by the 1690s.

More than a military invasion, many feared Charles II’s relationship with his first cousin, Louis XIV. During the Civil Wars, Charles fled England and eventually lived in exile in France for a total of eight years. When Charles arrived in France, Louis was still a boy-king and his mother served as regent. According to historian Ronald Hutton, Charles was treated well as the

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French bestowed up him the “exceptional honors of sitting and walking at the right hand of the boy king, of occupying a chair of the same size, [and] of replacing his hat in the royal presence.” After the Restoration, Charles maintained his friendship with Louis in spite of the fact that many in opposition to him wished to pursue an anti-French foreign and trade policy by the end of the 1660s. The anti-France contingent in England feared the French king’s expansionist ambitions and his Catholic religion. Although the English lost the Second Anglo-Dutch War (1665-1667), Parliament voted in 1668 to ally with the United Provinces against the French.

Despite Parliament’s wishes, Charles continued to hold onto to his French connections. According to John Miller, Charles felt that an alliance with France was the best means through which to secure England’s position against the Dutch as England’s military prowess was lacking. Scott, however, asserted that Charles maintained his alliance with Louis in order to ensure that he was protected from his own people. Charles had not forgotten what had happened to his father in 1649 and he did not feel that he could rely on his own subjects. On the other hand, he had been able to trust Louis since childhood as the French royal family had taken him and his family in during their exile, and his mother and sister still lived in France.

Charles and Louis formalized their alliance against the Dutch in the Treaty of Dover (1670) that contained both public and secret agreements. In order to fight another war with the Dutch, Charles need money to raise an army, but he could not rely on Parliament to grant him the funds. Therefore, he turned to Louis and the agreement reached stated that France and Britain would form an alliance against the Dutch, which would allow Louis to use the Royal Navy in

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8 Scott, *England’s Troubles*, 170, 175.
exchange for £225,000 each year that England was at war with the Dutch. Furthermore in secret provisions, Charles agreed that he was “convinced of the truth of the Roman Catholic religion” and “resolved to declare it and reconcile himself with the Church of Rome as soon as his country’s affairs permit it.” In exchange for Charles’s public conversion, Louis promised him an additional £150,000 each year and aid of French troops if so needed when Charles set about converting his subjects. Had it been known at the time, the secret provisions of the Treaty of Dover would have confirmed the fears of many who had been adamantly against an alliance with France and the Sun King.

Aside from gaining financial stability, Charles also needed to consolidate his authority over his kingdoms. By the late 1670s and early 1680s, the opposition faction was no longer concerned simply with an alliance between Louis and Charles, but rather they feared the accession of Catholic to the throne and from 1679 to 1681, the Exclusion Crisis dominated Parliament and the nation. Prominent members of the opposition faction, the Whigs, tried to pass a bill in three consecutive parliaments that would prevent the succession to the throne of Charles II’s Catholic brother, the Duke of York. In an attempt to gain control of the situation, Charles called for a parliament at Oxford, which was known for its royalist predisposition, as he felt that he could not call a third parliament in London due to its Whiggish leanings. The Oxford Parliament only lasted eight days despite the change in scenery. Charles did not need to call on Parliament again throughout the rest of his reign due to financial assistance from the French and an increase in taxes. Because Exclusion was a parliamentary issue, it died with the Oxford

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10 Ibid, 345-347.
Parliament; however, the fight between the Whig faction and the Court faction was far from resolved as the City of London became the center of national politics in 1682 after years of parliamentary strife.

Without a parliament, the battle turned to the municipalities, especially the City of London. This transfer from Parliament to Guildhall was welcomed by both Charles and the leaders of the opposition faction, such as Anthony Ashley Cooper (1st Earl of Shaftesbury), the duke of Monmouth, and William Lord Russell, who considered the City to be the center of Whig opposition. In the event that the Oxford Parliament was prorogued, the opposition’s plan was to reconvene at Guildhall. Charles sought to quiet the Whig faction in November 1681 by putting one of its most vocal and well-known leaders, Lord Shaftesbury on trial, but the jury, which was returned by Whig sheriffs, had been “packed” with Whiggish sympathizers who produced an ignoramus, or “I do not know” verdict. The message to Charles was clear: to quiet the opposition, he would have to control the Sheriffs of London and Middlesex, the Crown’s legal representatives within the City, who were responsible for constructing juries. By the time of the London shrieval election on June 24, 1682, tensions had reached new heights in the City.

The outcome of the election was far from certain, and the whole nation watched closely. Newspapers followed the event diligently, and both sides published a plethora of pamphlets, treatises, poems, songs, and petitions. The shrieval election of 1682 erupted as a contest between the Tory and Whig factions and symbolized the Crown’s attempt to regain control over the City of London. The actual electoral process lasted from June through September of 1682, and the court cases that ensued lasted into the next year. The repercussions of the election were felt

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12 Ford Lord Grey, The secret history of the Rye-House plot and of Monmouth's rebellion (1754), 6-9; Tim Harris, Restoration, 310.
years later, and the issue of who had the right to stand as Sheriff of London and Middlesex in 1682 would come to light again after the Glorious Revolution in 1688.

In addition to being an intense battle of wills between City Whigs and the Crown, the London shrieval election of 1682 also demonstrated the level of merchant involvement in politics, both at the national and local levels. While merchants were not a coherent group with a comprehensive political agenda, by the mid-seventeenth century they were deeply involved in politics. In the late-seventeenth century, London merchants were active in the formation of both Whig and Tory factions. Several London merchants, both Whig and Tory, were drawn into the controversy that surrounded the shrieval election of 1682. The goals of the merchants involved, however, depended primarily on the individual merchant and his particular factional association. With other avenues of national political participation, such as Parliament, shut down, the shrieval election represented a chance for these merchants to influence national politics.

For Dudley North, the election proved to be an opportunity to enter the political sphere. North seemed a perfect fit for a sheriff who would serve only the Crown’s interest. After twenty years in Turkey, he was a political outsider, but as a merchant he well known in the City.\textsuperscript{13} North had joined the Levant Company as an apprentice to Thomas Davis in 1658.\textsuperscript{14} After North served his three years in London, Davis sent him to Smyrna, a major port on the coast of Turkey, in 1661, and he was granted a license by the Levant Company to serve as a factor for his master

\textsuperscript{13} Bodl. Lib. MS Carte 216, fo. 47, letter, 20 May 1682. Dudley North was bound at the age of seventeen to Davis, a member of the Levant and Russian companies, as well as the Mercers, the most prestigious livery company in London, on May 28, 1658 at Mercers Hall. In exchange for accepting North as an apprentice, Davis required a fee of £350. See Mercers Company Archive (MCA), Registers of Binding, 1650-1659; R. North, The Lives, ii (1826), 299; Richard Grassby, The English Gentleman in Trade (Oxford: Clarendon Press, 1994), 25.

\textsuperscript{14} Dudley North’s parents chose to place him in the Levant trade because it had “glamour, prestige, and a reputation for profitability,” and it was also a popular among the gentry because it was less-regulated than others, such as the East India Company. See Grassby, The English Gentleman in Trade, 23.
where he completed his apprenticeship.\footnote{Grassby, \textit{The English Gentleman in Trade}, 23; R. North, \textit{The Lives}, ii, 300.; The Levant Company only required apprentices to reside with their masters for three years before they were sent to Turkey and could act as independent agents.} After North gained his independence from Davis, he remained in Turkey as a merchant of the Levant Company and built up his mercantile business. North amassed a great deal of wealth although the exact amount is unknown.\footnote{Dudley North did not keep a “proper balance sheet” or record of his capital and although he kept a list of his assets, he never valued them in his ledger books. Grassby estimates that by the time of his death in 1691, North had accrued over £32,058 in assets. See Grassby, \textit{English Gentleman in Trade}, 112-113. North’s estate papers can be found in BL Add. MS 32,512 fo. 163-4.} While in Turkey, North also began to consider to entering into political service as an ambassador after Sir John Finch stepped down.\footnote{R. North, \textit{The Lives}, iii, 34.} However, his brother Montague North intervened and convinced his brother that this perhaps was not the best way to become involved in politics as “[the Turks] knew as little of London, and interest at court here, as we did of Constantinople and the Turkish court there.”\footnote{Ibid, 35.} Thereafter, Roger North stated that the “design never took wind, nor was known to any one upon the Exchange.”\footnote{Ibid.} North’s interest in the ambassadorship in Constantinople suggests that he did have political ambitions and it is believed that he left Turkey for London shortly after the new ambassador was chosen on April 15, 1680.\footnote{Grassby, \textit{The English Gentleman in Trade}, 130.}

Although North himself did not have a political background, he had family connections within the government. His father, the 4th Baron North of Kirtling, had served in the Long Parliament of 1640 for Cambridge, and had supported Parliament against the king. Since the Restoration, however, North’s family had been soundly Loyalist.\footnote{North’s father did not, however, support the trial and execution of the king, and was one of the MPs removed during Pride’s Purge, in which the Long Parliament was purged of its moderate members.} North’s older brother Francis joined Charles’s government in 1679 as a member of the Privy Council, and later the cabinet.\footnote{R. North, \textit{Lives}, i, 393.}
Upon the death of the Earl of Nottingham, Francis North was appointed Lord Keeper of the Great Seal in 1682, and was in a position to suggest his brother as a good candidate who would favor the Crown to hold the shrievalty in 1682.\textsuperscript{23}

Charles II chose Dudley North to stand for the election because he believed that North had “so well an Establish reputation in the Citty that he will carry it at a Common hall by voices.”\textsuperscript{24} The chaos surrounding the election proved just how wrong Charles and his advisors were in thinking the City would allow them to meddle in its affairs. Once Charles signaled his approval, the Lord Keeper Francis North stepped in and worked to convince his brother that he should accept the nomination. Francis went so far as to offer North help financially should he take the office and need it.\textsuperscript{25} The office of Sheriff of London was not necessarily a popular one among those who were qualified to serve in the position due to the expense of the office, but North agreed to hold the shrievalty.

During his stint as Sheriff of London, North proved to be a staunch Tory and in return the Crown granted him knighthood and positions within the Commission of Customs and the Treasury Commission.\textsuperscript{26} By toeing the party line and using the London shrieval election of 1682 as his entry point into a political career, North was able to gain further appointments in government which subsequently allowed him to be involved in the formation and execution of trade policies during the last year of Charles’s reign and throughout the reign of James II.

In order to understand the importance of Dudley North as both a politician and a merchant, an examination is needed of the scholarship of the Restoration, political merchants,

\textsuperscript{23} R. North, \textit{Examen}, 601.
\textsuperscript{24} Bod. MS Carte 216, fo. 47, letter, 20 May 1682; Roger R. North, R. North’s brother and author of Francis and Dudley North’s biographies, asserted that the Record Sir George Jeffries brought North to Charles’s attention in his \textit{Examen}, 601.
\textsuperscript{25} Grassby, \textit{English Gentleman in Trade}, 133.
\textsuperscript{26} R. North, \textit{The Lives}, iii, 122; Grassby, \textit{English Gentleman in Trade}, 157.
and North, himself. Part I will look at the historiography of the Restoration period, part II will define the term “merchant” as it was understood in seventeenth-century England, and part III considers the role of merchants in Revolutionary politics through the Restoration. By the mid-seventeenth century, merchants were intrinsically involved in both London and national politics, and the politics of the merchants of the 1640s and 1650s were influential on Restoration political merchants. Because the City of London was England’s financial center, many merchants chose to enter politics first through the City government. Together, Parts II and III demonstrate a need for more analysis of individual merchants, such as North, as political figures in the late seventeenth century.

Part I: Restoration Historiography

Much of Restoration historiography has sought to explain the crises of the later Restoration, including the Exclusion Crisis and the Glorious Revolution. Early narrative histories, such as Ronald Hutton’s *The Restoration* and Paul Seaward’s *The Cavalier Parliament and the Reconstruction of the Old Regime, 1661-1667* argued that the origins of the crises could be found in the original political and religious settlements that were constructed from 1660-1665. Both Hutton and Seaward make clear that the restoration of the monarchy did not come without tensions and disagreements and that, notwithstanding the Crown and Parliament’s efforts to create political, financial, and religious settlements, the compromises reached did little to solve the problems. Since Hutton and Seaward’s broad works, historians of the Restoration have looked for the causes of the failure in the individual settlements that were created.27

As Tim Harris illustrated, the restoration of the Stuart monarchy in 1660 was largely celebrated but not unanimously accepted, and a consensus could not be reached about what a

restored monarchy would look like. Some wished to see a completely restructured monarchy without many of its old prerogatives, such as control of the militia or the privilege of appointing state officials. On the other hand, “ultra-royalists” wanted to turn the clock back to before the reforms of the Long Parliament in the early 1640s, which had banned prerogative-based taxing, such as Ship Money and forced loans, required that Parliament be called every three years, and abolished prerogative courts, such as Star Chamber and High Commission. Although in the minority, a small group remained tied to the “Good Old Cause” and continued to advocate for a republic. According to Harris, the lack of consensus about what the relationship should be between the Crown and Parliament led to an undefined association in which each side claimed to have prerogative over the other.

In the end, the monarch was restored, and Charles II was assigned powers as they had been reformed by the Long Parliament in 1641. Among his prerogatives were the rights to call out the militia, appoint his own ministers, and summon or dismiss Parliament as long as he still adhered to the Triennial Act. The Convention Parliament also tried to address the issue of finance, a problem that plagued Charles I throughout his reign and would continue to be a problem for Charles II. Harris contends that despite Parliament’s settlement which allocated £1.2 million a year to the Crown from customs and excise duties, the Crown remained underfunded and therefore weak. Charles II kept a larger military force than his father and engaged in two wars with the Dutch, which placed a tremendous strain on his purse as the customs and excise did not yield the amount that Parliament had predicted.28

The new government also had to deal with issues of religion along with the new political and financial settlements. Both Harris and Gary De Krey saw the problem of religion as a

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28 Harris, Restoration, 48-53, 56-67; The First Anglo-Dutch War was fought by Oliver Cromwell from 1652 to 1654. Charles II engaged in two separate Anglo-Dutch Wars in 1655-1667 and 1672-1674, respectively. The fourth Anglo-Dutch War occurred over a century later from 1780 to 1784.
defining feature in Restoration. Throughout the reigns of Charles II and James II, the kingdoms suffered from more than simple tension between Protestants and Catholics. Throughout the reigns of Charles II and James II, the kingdoms suffered from more than simple tension between Protestants and Catholics. Protestants throughout the kingdoms were divided amongst themselves. Initially, Anglicans and Reformed Protestants, or Presbyterians, worked together to shut out dissenter sects, such as Quakers, but eventually the leaders of both the Anglican and Presbyterian Churches also began to deal with one another with apprehension. Anglicans wanted a re-establishment of the Church as it had been in 1640 complete with bishops and the Common Book of Prayer, and they began immediately to act as if the Church was restored before an official settlement was reached. To turn the clock back to 1640 meant that the Church would lose much of its Reformed character. The Anglican leaders also insisted that the Presbyterians conform to the restored Church, which only led to further religious division within the kingdoms.

While Jonathan Scott concurred that the crises that emerged in the late 1670s and early 1680s were the products of the failed Restoration settlements, he also argues that none of these problems were new in the 1660. For Scott, these problems were “almost xerox copies of events, structures, and issues of the early Stuart period.” The restored monarch, Charles II, in 1660 was still faced with all the same issues which had led to the Revolution in 1640/1, and neither the establishment of a republic nor the restoration of the monarchy was able to solve the problems completely. Scott reasoned that this understandably occurred because the Restoration was not simply the task of bringing back the monarchy. Contemporaries were seeking to reinstate the early Stuart government, and therefore, the Restoration was an “aspiration” that sought to end

29 Harris, Restoration, 52-53; De Krey, London and the Restoration, chp. 2.
31 Harris, Restoration, 52.
both “troubles and revolution.”\textsuperscript{33} Although Scott made these bold claims, the Restoration was not an exact copy as the Revolution, Civil Wars, and republicanism of the previous decades also contributed to problems that arose in the Restoration. Despite the hopes of contemporaries, neither troubles nor revolution ended in 1660, and by the late 1670s the monarchy was faced once again with a series of crises.

Restoration historians have placed a great deal of emphasis on the Exclusion Crisis of 1679 to 1681. The scholarship on the Exclusion Crisis has developed into two major arguments. First, some historians question whether or not the Exclusion Crisis was really a crisis at all. In his biography, \textit{Charles II}, Ronald Hutton claimed that “there was no ‘Exclusion Crisis’ at all”; despite the fact that contemporaries thought that the “situation was ‘critical,’” it never became so for Charles himself. Therefore, the overall consequence was “confusion” rather than crisis.\textsuperscript{34} In opposition to Hutton, Scott maintained that a crisis did occur, but that the issue was not limited to exclusion. According to Scott, a general Restoration Crisis occurred that lasted from 1678 to 1683, and was defined by the concerns of “popery and arbitrary government” in the same vein of 1638-42 and therefore, to refer to problems of 1678-1683 as the “Exclusion Crisis” is misleading. Contemporaries referred to the issue of “succession” not “exclusion,” and within the parliamentary realm, exclusion and succession did not garner a particularly inordinate amount of attention. Therefore, the succession issue was not at the cause or heart of the crisis, but rather the crisis was a result of a failure of the government to operate properly.\textsuperscript{35}

Mark Knights also avoided using the term “Exclusion Crisis” to describe the events that occurred between the Popish Plot and the Oxford Parliament.\textsuperscript{36} The Popish Plot, instigated by a

\textsuperscript{33} Scott, \textit{Algernon Sidney and the Restoration Crisis}, 6; Scott, \textit{England’s Troubles}, 6.
\textsuperscript{34} Hutton, \textit{Charles II}, 357, 380.
\textsuperscript{35} Scott, \textit{Algernon Sidney and the Restoration Crisis}, 3, 20.
\textsuperscript{36} Mark Knights, \textit{Politics and Opinion in Crisis, 1678-81} (Cambridge: Cambridge University Press, 1994), 3-5.
former preacher Titus Oates, was believed to be a Catholic conspiracy that sought to bring the English state back into the Catholic fold through the assassination of Charles II, which would result in his Catholic brother James ascending to the throne. Oates also claimed that the French army planned to invade and that Catholics were preparing for uprisings in Ireland and England.\(^{37}\) Although the plot was a fabrication, Knights suggested that it provided an impetus to address fears of popery in the government that included the issue of succession.\(^{38}\) Knights, in agreement with Scott, asserted that succession was only one issue that Parliament dealt with in regard to popery and arbitrary government.

At the center of the second major historical argument about the Exclusion Crisis is whether or not it served as the origin for modern political parties. David Ogg viewed the Exclusion Crisis as the birthplace of political parties with the emergence of two factions, the Tories and the Whigs. The new parties, however, were not so clear cut or as well defined as modern political parties or contemporary political personalities as most men based their loyalty locally rather than nationally.\(^{39}\) J.R. Jones moved beyond Ogg’s argument of personalities and factionalism to argue that the Crown’s opposition formed a coherent and well-organized party under a single leader, the Earl of Shaftesbury.\(^{40}\)

Just as Scott denied the prevalence of a crisis centered on exclusion, he also rejects the notion that the crisis created political parties. According to Scott, political parties did not develop around the issue of exclusion and to claim that they did does not “allow for the fluidity of the real crisis” which was one that was centered on the beliefs of the threat of popery and


\(^{38}\) Knights, Politics and Opinion in Crisis, 4.


arbitrary government. Scott’s provocative dismissal of the notion that modern political parties were born from the crises of 1678-1681 has caused a great deal of backlash from historians. Harris directly addressed Scott’s claims about the lack of party politics in two articles. He conceded that the previously held view that Whigs were a party of anti-Catholic exclusionist Parliamentarians and Tories were believers in a divine-right and absolutist monarchy no longer holds true as both Whigs and Tories used similar rhetoric to achieve different ends. Harris, however, argued that England was very much divided into groups, and these groups were recognized (and recognized themselves) as two separate ideological camps, Whigs and Tories. Accordingly, there is sufficient evidence to show that political parties emerged in the late Stuart age, and specifically during the reign of Charles II. Knights pinpointed the moment as not just the years of the Exclusion Crisis, but as specifically 1681 after the dismissal of the Oxford Parliament when both parties utilized the press to sway public opinion.

In his study of Whiggish political thinkers, Ward also asserted that late-seventeenth-century England gave rise to competing ideologies that were shaped into political parties. While Ward found that party ideologies emerged around the Exclusion Crisis, he does not argue that the Whigs, in particular, ascribed to one coherent ideology. According to Ward, seventeenth century Whig ideology encompassed a spectrum of ideas that ranged from moderate constitutionalism to radical republicanism. Among all the strains of Whiggish political thought, however, was the central critique of divine right monarchy as it was espoused by Sir Robert Filmer, the “most prominent royalist theorist” of the time. Ward identified three main “voices” among the Whig theorists: James Tyrell, John Locke, and Algernon Sidney. Whether a republican or a

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43 Harris, “Party Turns?”, 581, 590.
44 Knights, Politics and Opinions in Crisis, 107-45.
constitutionalist, all three of these men were against an English absolutist monarchy. Ward maintained that the “typical Whig supporters” during Exclusion were conservative as they were “from some of the oldest and most respectable families . . . [and] were not predisposed to political radicalism either by temperament of ideology.” These moderate Whigs called for a limited and constitutional monarchy and their conservatism prevented them from supporting or inciting popular rebellion. A limited monarchy provided protection of “property, established privileges, and traditional liberties” while also upholding the traditional hierarchical political and social structures. Ward argued that Whigs, such as Algernon Sidney and John Locke, were considered radical not simply because they were willing to discuss republicanism as a serious option, but because they were also willing to consider popular uprisings against the monarchy as to prevent despotism.  

According to Ward, Scott was correct to assert that England experienced “troubles” throughout the seventeenth century, but for Ward, these troubles can only be understood by recognizing that Whig ideology did exist and that it was the “complex and multifarious character of Whig political philosophy in the context of the great natural liberty” that provide an explanation for the events of the late seventeenth century. Ward insisted that the English political landscape was fundamentally altered by the emergence of Whig ideology and argued that the ideologies of the respective thinkers could only be understood in their proper “historical context.” Yet, for Ward, the proper historical context was an existing intellectual tradition that was brought to light by the crises of the late seventeenth century. Although Ward sought to explain the spectrum of Whiggish political thought by examining continental influences on the Whiggish thinkers, he does not put them in conversation with contemporary Tories. As Knights

pointed out, Whig and Tory ideology did not develop separately from one another, but rather, both ideologies were the result of the larger conversation and a Whig was defined, in many cases, by the fact that he was not a Tory and visa versa.47

The most comprehensive study to refute Scott’s claim that the Restoration, or Exclusion, Crisis did not result in the birth of modern political parties is De Krey’s London and the Restoration, 1659-1683. In this study, De Krey examined the development of both parties in the context of the crises of the later seventeenth century. De Krey agreed with Scott that historians need to think in more general terms of a Restoration Crisis rather than simply an Exclusion Crisis. For De Krey, the Restoration Crisis encompassed the Popish Plot, the parliamentary battle over the succession issue, the crises within the City of London which included the mayoral and shrieval elections of the early 1680s, and the conspiracies of 1683. De Krey argued that this electoral episode of 1682 was “a turning-point” that was the “climax of the Restoration crisis” rather than the Oxford Parliament. These crises which occurred before the shrieval election of 1682 led to the development of political parties. According to De Krey, by the time of the Oxford Parliament, the opposition faction had fashioned a coherent party that would be known as the Whigs, and in the years of 1681-82, the Tories, or loyalist faction, reacted with a “more vigorous partisanship and ministerial support.” Ward argued that the dissolution of the Oxford Parliament marked the failure of the first Whigs as they lost their platform, however, De Krey disagreed. By the London shrieval election of 1682, political parties were a reality and the contests within the City only further strengthened the new parties and their ideologies as they worked to define themselves in direct opposition to one another. The City of London was the epicenter of party for De Krey, and the crises that erupted in the City throughout the early 1680s

47 Knight, Representation and Misrepresentation, passim.
were proof that Whigs did not see themselves as failures. The contest between Whig and Tory continued as the fight returned to London.

The City also provided the foundation for merchants to participate in politics. De Krey argued that merchants could be found in both parties by the early 1680s. Overall, De Krey was concerned with the emergence of political parties during the crises that emerged in the late 1670s and early 1680s, not with the nature of merchant involvement, and therefore, he also seeks to determine what factors (religious, business affiliations, demographics) converge to make a Whig or Tory. As the crises shifted from the parliamentary sphere to the City, merchants played an increasing role in shaping party politics. It is in this atmosphere that Sir Dudley North entered the national political sphere. Along with debating over whether or not an Exclusion Crisis existed or if it caused the birth of the modern political systems, historians also have questioned the political nature of London’s merchants.

Part II: Merchant Defined

The historiographical debate surrounding merchants and their political activities often centers on the question of whether or not merchants were inherently political or revolutionary. In focusing on this crucial question, historians have failed to reach a consensus on the definition of what constituted a merchant in the seventeenth century. Before the political nature of merchants can even be considered, a clear definition of the term “merchant” is needed. When discussing merchants, some historians choose to apply the term to any dealer of merchandise while others reserve the term “merchant” for an overseas trader. Although seemingly a minor issue, the lack of a consistent definition presents problems of analysis and results in historians talking past one another rather than to one another.

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In *Merchants and Revolutions*, Robert Brenner defined merchants as London overseas traders despite the fact that he did not consider London merchants to be a cohesive group. Brenner maintained that there were two types of merchants in London during the mid-seventeenth century: Company merchants and colonial interlopers, whom he dubs the new merchant leadership. Company merchants were men who joined trading corporations, such as the East India Company or the Merchant Adventurers. These companies regulated trade in a region (such as East India or the Levant) or in a specific commodity. Colonial interlopers, or the new merchant leadership, were shut out of the companies and therefore were independent merchants and did not receive the same trading protections as the Company merchants. While Brenner separated both Company merchants and the new colonial interlopers from the average London businessmen, he acknowledged that the new merchant leadership had “strong and extensive ties to that broad layer of City shopkeepers, mariners, and artisans who largely made up the City radical movement….The majority of new merchants could…in 1640 be properly regarded as belonging to that layer.”

Despite the distinctions between various merchant groups, all these men shared the same profession of overseas trader. While it is clear that overseas traders, whether Company merchants or colonial interlopers, were connected to the businessmen of London, the label “merchant,” served to make clear their occupation. Brenner did not dismiss the idea that other London businessmen participated in politics, but he reserved the term “merchant” for men who dealt in overseas trade. For Brenner, the London merchant had very specific political interests, which were largely determined by whether or not they were members of Companies. Company merchants were more likely to ally with the Crown in hopes that their trade monopolies would be protected. Brenner, however, failed to acknowledge that economic and political interests were

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not just determined by whether or not a merchant was a member of a company, but also by which company and trade one participated in.

Historian Peter Earle also made the same association of merchant and overseas trader in *The Making of the English Middle Class, 1660-1730*. Although he examined a later period than Brenner, Earle noted that by the late seventeenth century the term “merchant” was still reserved for overseas traders, who were a separate and distinct economic and political group from ordinary domestic businessmen. Late seventeenth-century merchants, for Earle, were simply the most successful of the emerging middle class, and by the late seventeenth century, merchants represented a cohesive group that held the same economic and political interests because of their occupations. While he adhered to the idea that merchants were overseas traders, he overlooked the fact that there was not a cohesive economic or political community of the overseas merchant.

Richard Grassby took issue with the limited views of Brenner and Earle of what constituted a merchant in seventeenth-century England. He did not separate merchants from other businessmen and argues that contemporary evidence suggests that the terms were not distinct in the seventeenth century because while the internal and external trades differed, “the word merchant was applied to wholesaling in both. It was usually synonymous with businessman.” Grassby’s use of sources, however, is problematic as two of his sources were not contemporary to the seventeenth century. He based his claim that merchants were those who dealt in wholesaling in both domestic and foreign trades on John Strype’s expanded edition of

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51 Richard Grassby, *The Business Community of Seventeenth-Century England* (Cambridge: Cambridge University Press, 1995), 11. Grassby further defines businessmen as all those who were involved in “full-time active management by self-employed investors, distributors and producers, who had at least £500 of equity and £1000 working capital, in all sectors of the economy except for agricultural production.”
John Stow’s *Survey of London* (1720) and Daniel Defoe’s *The Compleat English Tradesmen* (1727).52 According to Grassby, Defoe divided businessmen into “an ‘upper’ and ‘lower’ class,” but that all were merchants. Although both Strype’s *Survey* and Defoe’s *Compleat English Tradesmen* were published in the eighteenth century, both make a distinction between businessmen or domestic traders and merchants, or overseas traders. According to Strype,

> There is yet another Rank of considerable Traders, whose Traffick and Commerce lieth chiefly abroad, and who employ Shipping: exporting the Products and Manufactures of England into foreign Parts, and importing the Commodities of foreign Growth hither. These we call Merchants.53

Defoe also stated, “some branches of home trade, which necessarily embarks the Inland Tradesman in some parts of foreign business, and so makes a merchant of the shop-keeper almost whether he will or no.”54 Both of these sources directly counter Grassby’s assertion that the term merchant was synonymous with businessman.

Grassby did rely on one source from the seventeenth century—Charles Molloy’s *De Jure Maritimo* (1676). Grassby was correct to claim that Molloy considered “Bankers, and such as deal by Exchange” to be merchants.55 However, a closer look at the *De Jure Maritimo* shows that Molloy reserved the term merchant for overseas traders. According to Molloy, “Every one that buys and sells is not from thence to be denominated a Merchant; but only he who traffiques in the way of Commerce, by importation or exportation.”56 Therefore, while Grassby created his definition of merchant and businessman based on these sources, all three sources appear to refute his claim.

54 Daniel Defoe, *The Compleat English Tradesman* (1727), x.
55 Charles Molloy, *De Jure Maritimo* (1676), 437.
56 Ibid, 436.
Perry Gauci disagreed with Grassby’s terminology and asserts that the terms “merchant” and “businessman” were not identical and argues that contemporaries reserved the term “merchant” for “a businessman whose primary interest lay with overseas trade.” According to Gauci, “in the later medieval period, the title of merchant might have been accorded to any person involved in wholesaling, or used to denote a higher status urban dweller…[but by] the late Stuart age…the term was reserved for overseas traders.” Gauci attributed this shift in definition to the fact that by the early seventeenth century overseas traders held a more powerful position within the English government than their medieval predecessors.

As Gauci has pointed out, works from the period clearly define the term for the seventeenth century. In The Merchant’s Map of Commerce (1638), Lewes Roberts declared that “merchandizing principally consisteth of adventures made abroad into severall regions, and for the most part merchants are found to traffique and negociate into divers parts and countries of the world by the help and benefit of seas and navigation.” Other publications, such as The Character and Qualifications of an Honest, Loyal Merchant (1686) are adamant that while the title of merchants in some parts of the world, is usurp’d by almost all sorts of little people whose business is to buy and sell; but properly (and wholly here in England) it belongs to none but such as drive a forreign trade, whereby they are vastly differenc’d from ordinary shopkeepers and retailers.

Treatises of trade continued to define a merchant as an overseas trader well into the eighteenth century, which calls into questions Grassby’s assertion that the terms businessman and merchant were synonymous. The label of merchant was reserved for those men who dealt solely in overseas trade.

59 The Character and Qualifications of an Honest, Loyal Merchant (1686), 6.
A call for a consistent definition does not ignore the fact that London merchants, much less English merchants, did not form a coherent group with one singular political ideology. London merchants were fragmented in several ways, and for this reason, it is difficult to discuss a merchant community in London, or England as a whole. First, Company merchants lobbied for monopolized charters so that in many ways, they controlled much of the overseas trade of the entire country, which only served to split them from merchants in other English towns, such as Bristol or Liverpool. Merchants within London were also divided into Companies that were either new or entrenched. By the early-to-mid-seventeenth century, the East India Company and Levant Company had pushed out the Merchant Adventurers as the dominant political and trading forces in London. However, the position of the East India Company and Levant Company was also tenuous as they were threatened by new groups of merchants who emerged in the second half of the century.\(^{60}\) Aside from London and Company politics, merchants were also split on the issue of religion. While many merchants remained Anglican, many others were turning to the Presbyterian or Congregational faiths.\(^{61}\) Brenner further extended this argument by contending that the fragmentation, whether economic or religious, among London merchants resulted in a split of support between the Crown and Parliament during the crises of the 1640s.\(^{62}\) There was not a singular factor that determined which institution a merchant would support. This same division continued throughout the Restoration. As political parties emerged, London merchants were once again split into opposing camps of Whig and Tory.

A consistent definition of merchant is crucial due to the fact that much of the debate over the political nature of seventeenth-century merchants has centered on the assumption that

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\(^{60}\) Stone, "The Results of the English Revolutions of the Seventeenth Century," 28; for a discussion on the shifts in Company power within the City of London and England as a whole see, Brenner, Merchants and Revolution, 3-195.


merchants, as a group or even class, acted politically. It is difficult to conceive of merchants as acting as a community or a single political unit due to the various levels of fragmentation. Grassby’s adamant assertions that the majority of merchants did not have a political ideology and merchants were not inherently political during the Revolution and afterwards seem to be based on his inflexible view of what constituted a merchant. Brenner and Gauci are focusing on a specific group of businessmen, the overseas traders, while Grassby includes all London businessmen in his assertion. Grassby’s contention that merchants were only political when it benefited their bottom line may be off base if he is including all businessmen. Perhaps, the average London businessman concerned himself with politics only when he was forced to do so by his bottom-line, but this does not negate the claims of Brenner and Gauci that many overseas traders were inherently political, before, during, and after the Revolution. Therefore, it is necessary to ask the questions: what did it mean for merchants, as overseas traders, to be involved in politics, and why, perhaps, were so many merchants politically active during the late seventeenth century?

Part III: Political Merchants from the Revolution to the Restoration

a. Merchant involvement in the 1640s crisis to the 1650s

Although the most current historical discussion of merchant political activity centers on the activities of English merchants within the emerging political parties of the late seventeenth century, the earlier historical conversation focused on the role of merchants as the foundations for the English Revolution of 1641, and whether or not the rising merchant class in London consciously caused the Revolution. Lawrence Stone maintained that the Revolution was brought about by two emerging social groups, the squirearchy and merchants, and English society was at a loss as to how to “accommodate within the existing political system two new,
As the squirearchy and merchants each vied for political influence and power, the sociopolitical system became unstable and eventually erupted into Revolution. The merchants of London became not only politicized, but revolutionary in their politics during the 1640s. For Stone, one of the major causes of the Revolution of 1641 was the desire for these wealthy socioeconomic groups to find a position for themselves within the traditional society of England as they sought to exert considerable political power that matched the amount of wealth that they had accumulated.

Christopher Hill agreed that the English Revolution was triggered “ultimately, by economic developments which could not be absorbed within the old régime.” There was little room for maneuver for these merchants in the political arena although they were supplying the Crown with a bulk of income. For Hill, the English Revolution was best understood as a bourgeois revolution in the Marxist tradition not because a merchant bourgeoisie actively sought revolution, but because it produced conditions that were more favorable to capitalist and mercantile interests than had been possible under the Stuart regime of the 1620s and 1630s. It is for this reason that the role the London merchants played in the Revolution is important, whether the actual outcome was intended or not.

The arguments of Stone and Hill helped to explain how England’s merchants were able to build a commercial nation by the end of the century, but revisionist scholars took issue with their approach. Conrad Russell adamantly denied that the events of the 1640s were the result of tensions between social groups or the rise of new socioeconomic groups. According to Russell,

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63 Stone, “The Results of the English Revolutions,” 26; The “squirearchy” or “the independent-minded wealthy landed proprietors” were those who oversaw the administration of the counties. It should also be noted that while some merchants were as wealthy as peers, the vast majority of merchants were firmly part of an emerging middle sort by the mid-seventeenth century.

“it [is] painfully clear that it is impossible to interpret the Civil War as the clash of two clearly differentiated social groups or class.”

Instead, Russell argued that several factors, including the problems of ruling the multiple kingdoms of England, Scotland, and Ireland, religious schisms, a collapse in the financial and political system, and finally Charles I’s inability to deal effectively with any of these issues, resulted in a civil war, but not a revolution. J.A. Sharpe also challenged the findings of Stone and Hill. Sharpe conceded that merchants were the wealthiest group among the growing middling sort; but he saw little connection between the vast majority of their wealth and their respective trades as he claimed that their real wealth came from “manipulating money.” Sharpe pointed out that the greater part of wealthy London merchants benefited from an oligarchy rather than climbing the social ladder. For Sharpe, the Civil War was a result of breakdown in the relationship between the Crown and the peers as the latter tried to force Charles to accept a constitutional settlement and therefore, the English Civil Wars were a result of “those struggles between kings and barons” than they were the result of a bourgeois revolution.

Brenner tried to breathe new life into the argument that the Revolution was a result of the emergence of a merchant class by claiming it was the new merchant leadership, who resented the oligarchic tradition in the City and the relationship between the Crown and the Company merchants, whom were instrumental in provoking a revolution in the 1640s. When the radical new merchants rebelled against the Crown and allied with Parliament, they were also rebelling.

65 Although many revisionists disagreed with one another about the causes, they did agree that a “bourgeois revolution” did not occur. See Conrad Russell, The Causes of the English Civil War: The Ford Lectures Delivered in the University of Oxford 1987-1988 (Oxford: Clarendon Press, 1990), 2. In his review of Stone’s Causes of the English Revolution, Russell argues that Stone does not adequately provide evidence to prove that how a rapid increase in social mobility among a certain segment of the population led directly to a Revolution, which he also denies occurred in 1642 as he claims that the truly radical ideas were a response to the Civil Wars rather than a cause. See Conrad Russell, “Review of Lawrence Stone’s The Causes of the English Revolution, 1529-1642,” The English Historical Review 88 no. 349 (Oct. 1973), 856-861; Russell, Causes of the English Civil War, 7-8.
66 Russell, Causes of the English Civil War, 213-215
against the Companies. The new merchants took advantage of the turmoil of the early 1640s to further their own agenda, and as they gained power within the City and the nation, the economic and political power of the Company merchants declined.  

Recent scholarship has resisted Brenner’s claims that the new merchant leadership in London initiated the Revolution. Russell agreed that the majority of the City’s support for Parliament in 1640-42 came from the new merchants; however, Russell took issue with Brenner’s interpretation of what this meant. Russell maintained that the City’s power was a “paper tiger” and argues that Brenner miscalculates the level of parliamentary control over the City. In The Causes of the English Civil War, Ann Hughes pointed out that parliamentary support could also be found among the Company merchants. Therefore, while Hughes concurred that the seventeenth century may have been a “century of social change,” she does not necessarily agree with Brenner that the impetus behind this change was the new merchant leadership. Likewise, David Cressy agreed that the crises of the seventeenth century placed a tremendous amount of pressure and stress on the existing social system; however, he also insisted that “the social fabric was always at risk of fraying,” as society was not quite as well

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68 Brenner, Merchants and Revolution, chapter 7-8, and passim. Brenner congers with Hill’s assertion that the Revolution and Civil War created conditions which were favorable to merchants in general; however, these conditions were not created by a united “community” of merchants, but rather by the most radical element.

69 One point of contention against his hypothesis is that the categories of merchants that he created are too clean-cut. Brenner sought to try to explain a merchant’s political affiliation based on his area of trade, but as De Krey and Ann Hughes, have shown merchants of all trades could be found on either side of any issue. Ann Hughes argues that Brenner’s categories are “overly-schematic” partly due to the fact that he ignores the relationship between of merchants’ religious affiliations and their political allegiances to either the Crown or Parliament. See De Krey, London and Restoration, chp. 6; Ann Hughes, The Causes of the English Civil War, 2nd ed. (New York: St. Martin’s Press, 1998), 116-117; Grassby, The Business Community of Seventeenth-Century England, chp. 7.


72 Hughes, The Causes of the English Civil War, 117, 122.
ordered as Brenner would suggest. The tensions in the social system were demonstrated by a lack of deference and an “upsurge in hostility to established authority.”

Whether or not the Revolution and the Civil Wars were caused by merchants, or specific merchant groups, the economic conditions were far more conducive to merchants after the Revolution and Civil Wars than under Charles I. After Charles’s execution on January 30, 1649, Oliver Cromwell came to the forefront as England’s new leader until his death in 1658. During the Commonwealth, commercial policy was instituted that ensured that England’s commerce would thrive as republican ideas were tied closely to overseas commercial expansion, and the new merchants were directly involved in the development of policy. Despite this fact, it is important to point out that still relatively few London merchants were sitting in the Rump Parliament. Regardless of their small numbers, these men were very effective at instituting commercial policies. Brenner attributed this to two factors: one, these men worked very well together “related in part to the membership of many of them in the same new-merchants’ commercial and political networks;” and two, they also worked closely with the Rump’s leadership.

Due to their ability to work together and with the parliamentary leaders, the new merchants were able to play a chief role in passing “the antiroyalist, antiproprietor, and anti-Dutch colonial policies” at the same time as they were expanding plans for colonial expansion in North America. The anti-Dutch sentiment of the new merchants was codified in the Navigation Act of 1651, and the passage of this Act also signified that “free trade” would not be

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74 This period is often referred to as the Interregnum; but, the period from 1649 to 1653 is known specifically as the Commonwealth as England became a republic after the execution of Charles I.
75 Brenner, *Merchants and Revolution*, 578-579; Parliament, from 1648-1653, was small and consisted of only about 80 or so members due to the political purge, known as Pride’s Purge. The purge of 1648 ridded Parliament of the more moderate elements, and those who were left were responsible for the trial and execution of Charles I in 1649.
76 Ibid, 594.
enacted under the Commonwealth despite the fact that in theory many of the new merchants had
called for free trade practices in response to their exclusion from the big trading companies. 77
Although the trading companies never reached their former levels of power and influence, they
were not abolished and the state allowed and endorsed the activities of the companies trading to
Guinea and the East Indies.

The influence of the new merchants lasted only until Oliver Cromwell dissolved the
Rump Parliament. In May 1653, a petition was presented to Cromwell insisting that the Rump
be restored. Among the forty signatures were many members of the new merchant leadership
who had exerted considerable influence throughout the preceding four years of the
Commonwealth. Cromwell would not be swayed as he intended to maintain full control over the
Commonwealth, and he summarily discharged them from their positions in the government.
Brenner noted that these men were eventually allowed to return and serve in the government, but
they never were able to exercise the same amount of influence. 78

For Brenner, the Commonwealth represented the end of the radical new merchants’
influence in the City and national governments. Perhaps this is due to the fact that once the
monarchy was restored in 1660, the Company merchants regained their old positions of power
within the City as Charles and his government placed their support in the traditional oligarchic
government centered on the Court of Aldermen. As both Brenner and De Krey have claimed, the
Commonwealth collapsed partly due to the inability of the government to restore stability to the

77 The Navigation Act stated that goods could only be transported into the territories of the English Commonwealth
by English ships, or by ships originating from the country of origin of the goods on board. Steven Pincus refutes
Brenner’s view that the new merchant radicals were responsible for the Navigation Acts of 1651 in Protestantism
and Patriotism: Ideologies and the Making of English Foreign Policy, 1650-1668. According to Pincus, religion
lay at the heart of the Navigation Acts, as the vast majority of the English became “Hollandophobe” because they
did not believe the Dutch were good protestants or republicans. He goes on to further argue that the many
merchants “felt the Act ran contrary to their economic interests.” See pages 49-50.
78 Brenner, Merchants and Revolution, 608, 636-637. Oliver Cromwell grew angry when the Rump Parliament
would not abide by an agreement and dissolve itself. Therefore, he staged a military coup and dissolved the Rump.
City, and Charles II was able to resettle his kingdom only after he reasserted control over the capital. The ideas of the new merchants did not simply disappear. Brenner argued that “relative religious toleration . . . [and] . . . the desire…to make law more efficient and progressive” were fundamental ideas of the new merchants and these same ideas would later be absorbed into the Whig faction. While the new merchants may not have remained in the forefront of the City government after the Interregnum, it is possible that some of their ideas about trade and the City’s governance did seep into the factionalist ideas of the Restoration.  

b. Merchants and the Restoration

With the Restoration of Charles II came the reinstallation of the Company merchants as the main source of power within the City. Gary S. De Krey, Perry Gauci, and Steve Pincus extended Brenner’s argument into the Restoration and into the eighteenth century by detailing how Company merchants sought power at both the City and national level. According to De Krey, merchants formed the leadership of the emerging political parties, and he observes their political participation through the lens of City politics. The City of London found itself divided primarily into two factions, Whigs and Tories, as problems arose in Charles’s administrations in the late 1670s. Merchants served as leaders and prominent members for both factions. In the controversial City elections of the 1680s, merchants were at the center of the action on both sides. By approaching the problem from the side of party leadership, he was also able to make some generalizations about the political allegiance of merchants during the Restoration by

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79 Brenner, Merchants and Revolution, chp. 13 and pg. 709; De Krey, London and the Restoration, 6-17. Brenner does not explain what exactly happened to the men who made up the new merchant leadership after the Interregnum, and the names of these men do not appear frequently in the sources describing the activities of the City’s Restoration government.

80 De Krey and Gauci agree with Brenner that there was not a “merchant community” in London even in the Restoration. The Restoration reinstated the Company merchants to power, but it did not mold them into a coherent group with a singular interest.

81 De Krey, London and the Restoration, Appendix III and IV.

82 The same delineation of Company merchant vs. new merchant leadership can not be made for the late 1670s and 1680s, as the merchants who served as leaders for the Whigs and Tories were all members of trading companies.
examining the age, religion, wealth, and occupation of the party leaders for both the Whigs and Tories. Yet, he does not seek to make the connection that the ideologies of the merchants helped to shape the parties as they emerged in the Restoration as he is primarily interested in showing that political parties did in fact develop during Charles’s final years. De Krey’s examination of the leadership of the Whig and Tory parties, however, is useful because he provided data that concretely demonstrated that many of the men who were actively involved in the early parties were merchants.

Rather than examining merchant involvement at the City level, Gauci argued that the late seventeenth century created a special atmosphere that encouraged both political and economic change in the merchant community. He claimed that the Restoration created unprecedented political opportunities for merchants as Parliament and Charles II were dealing with issues of international trade, such as the Navigation Laws, and the taxation of commerce. Also, England fought two wars against the Dutch, their main commercial rival. These issues were political and commercial; and therefore merchants had a particular interest in how the government handled them. From 1660 to 1715, the number of merchant MPs rose significantly but only a small percentage of parliamentarians were merchants. Gauci’s work, unlike that of Brenner and De Krey, focused on merchants who served in Parliament and also analyzed the ways non-office holding merchants could have their voices heard, particularly through petitioning.\footnote{Gauci, \textit{Politics of Trade}, 4-5, 198-199, 210-212.} While he has shown that merchants had unprecedented opportunity to participate at the national level, he did not always make a concrete or even direct conclusion about merchant participation.\footnote{Gauci, like Brenner, was interested in discerning the motivations of political merchants. Gauci argued each merchant who entered Parliament did so as an individual and, therefore factors such as age, social status, and religious convictions, also provided impetus for the desire to serve.} What Gauci did not fully explain is if Restoration politics were transformed due to the increased
merchant political activity or the potential revolutionary nature of their participation. Gauci cautioned historians about making generalizations about merchants as a group with a cohesive political agenda.

Pincus also looked to merchants to explain how England erupted into a second Revolution in 1688. Pincus argued that the rapid economic development of England caused by the colonial trades with the East and West Indies and North America was a cause rather than a consequence of the first modern revolution. For Pincus, overseas trade was politically important because it was “the hot-house of the British economy.” The political sphere changed with the economic landscape as the institutions of trade created new prospects for political participation. By the late seventeenth century, economics could not be separated from politics as both Charles II and James II devoted more time and energy to commercial policy as Charles created parliamentary committees to handle matters of trade and James formed a commerce committee within the Privy Council. In Pincus’s view, the expansion of trade led to the creation of an entirely new economy which subsequently necessitated “a new politics.”

As merchants became involved in the political sphere, ideas about the political economy became intertwined in the ideological debates that developed along with the Whig and Tory parties. According to Pincus, J.G.A. Pocock overly simplified the ideas about the political economy in the late seventeenth century. Pocock asserted that commerce was not a central political issue that led to the Glorious Revolution, but rather the Financial Revolution occurred after 1688 as an unintended consequence of the political revolution. Pocock also concluded that while Whigs and Tories may have differed on political ideology, they did not on the political economy as both saw land as the basis of both political and economic power. For Pocock, all

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Whigs and Tories were essentially mercantilist as they assumed all wealth was finite and advocated for protectionist economic policies.

Pincus argued that two competing theories about the political economy emerged in the 1680s along with the Whig and Tory political parties and these ideas about the political economy became cemented into the factions’ general political philosophies. Pincus stressed that these two models were radically different from each other. According to Pincus, neither political faction wanted an economy free of government interference, but instead wanted the government to support their factional economic program. The Whig faction’s economic plan was based on two main points: first, property was not a natural right but a human invention, and second, the creation of a national bank was crucial to the overall well-being of the nation’s economic security and prosperity. Whiggish political economist Carew Reynell claimed that the future of the nation was dependent upon labor and manufacturing rather than land and raw materials. On the other hand, the Tory faction had a less nebulous idea about property. For Tories, property was land and therefore finite. This view of finite property, or wealth, also translated to trade and led to Tory support of monopolistic companies, especially the East India Company and James’s Royal African Company, instead of a national bank. Child saw the Dutch as a natural enemy to the English and claimed that the interlopers who sought to undermine the monopolies of the East India Company were in direct collusion with the Dutch. Pincus asserted that the Tory notion of how the English economy should function thrived under Charles II and James II until the Glorious Revolution. The 1688 political revolution also brought a revolution in the political economy, and led to the ultimate triumph of the Whig political economy and the creation of a national bank.  

While Pincus made a convincing case that Whigs and Tories had two separate views of  

87 Pincus, 1688, 369, 372, 374, and chp. 12.
the political economy, he failed to take into account that the spectrum of ideologies emerging in
the late seventeenth century about the political economy. Some were arguing over the benefits
of manufacturing versus monopolistic trade companies, but other merchants, such as Dudley
North, Nicholas Barbon, and Charles Davenant were beginning to theorize about the
opportunities that a free trade economy would create. Although North, Barbon, and Davenant
did not advocate eliminating trade companies, they did call for the removal of protectionist
policies which would have prohibited trade with individual nations, such as the United Provinces
and France. Pincus’s argument does much to show the levels that commercial interest were
intertwined with political ideology in the late 1680s, but he is too quick to try to neatly
categorize all merchant’s ideas about trade based on their party affiliations when in reality, there
was a spectrum of political and commercial ideologies.

For this reason, it is important to begin to examine individual merchants as individual
political actors. It is clear that there was not a united merchant community, either in London or
the nation, and also it is clear that merchants could be found on both sides of the political
spectrum throughout the seventeenth century. Therefore, to understand fully the political
activities, or even motivations, of merchants, a step back from the merchant “group” is needed
and more attention on the individual merchants who were acting politically. Because of the high
concentration of merchants in the City of London, its government offered the perfect opportunity
for merchants to participate in politics.

Part IV: Methodology: Case studies and Dudley North

In many ways, case studies can be problematic. The focus is usually a single individual
or event, and one person’s experience or one singular event does not always provide a complete
picture of what happened. For social and cultural historians, individuals are merely part of a
larger group, and it is the development of this group over time that is most significant.

Oftentimes, the individual and his/her actions are discounted as insignificant. In the instance of London merchants involved in politics, case studies are necessary because a coherent community of London merchants did not exist in the seventeenth century. From the 1640s through the Restoration, London’s merchants remained fragmented and factionalized in their political beliefs.

Historians have tried in many ways to discern what exactly made a merchant choose a particular ideology or political path. Despite much of this work by historians, it is still unclear if a pattern of political participation really existed, as there were always merchants who did not fit the pattern. In the end, it seems that each merchant who entered politics did so as an individual, and therefore individual factors, such as age, social status, and religious convictions could also provide impetus for the desire to serve. It is apparent that there was not a single merchant community in London or the nation. Merchants could be found on both sides of the political spectrum throughout the seventeenth century. In order to fully understand the political activities and motivations of merchants, historians must take a step back from the merchant “group” and turn their attention to the individual merchants who were acting politically. Were individual merchants simply involved to secure their commercial interests, or did these men have a more general political ideology that was shaped by the revolutionary period of the mid-seventeenth century? Could merchants become involved in politics to foster both their political ideology and the commercial interests?

Dudley North makes an excellent choice for a case study of a London merchant involved in politics. North’s political career, although short, is fascinating due to its controversial nature. He never fully articulated his political ideology in writing, and historians must therefore rely on the statements that he made as well as his actions in order to try to piece together his ideology.
Due to his family connections and the controversial circumstances surrounding his entrance into politics, a great number of records exist concerning North and his political experiences. Along with the records that exist from the London shrieval election of 1682, North’s personal papers include his own records from his time as Sheriff of London. Further, accounts exist also of the 1689 House of Lords inquiry into his process of jury selection as Sheriff of London. Perhaps the most valuable sources regarding Dudley North, his life, and political career is the works of his brother, Roger North. Roger discussed North’s shrieval election in both his *Examen* and his biographies of both his brothers Francis and Dudley North known as *The Lives*. These works provide valuable information about the North family and the respective careers of Francis and Dudley North.

While any historian interested in the members of the North family will find Roger’s *Examen* and *The Lives* invaluable, they are not without bias. The *Examen* was written to refute Whiggish depictions of the election in both White Kennett’s *A Complete History of England* (volume three) and Lawrence Echard’s *The history of England*, which presented North as a pawn of the Crown. Roger sought to defend his brothers’ actions, but also to keep of a record of their lives. According to Roger, the “whole community indeed has . . . a general concern in the clearing up of the history of any considerable person,” but he felt that he was most qualified to see that the “character of a truly great man, and his almost immediate ancestor, vindicated from obloquy, and set forth in such a light as it justly deserved.” In his account of North’s life, Roger divulges that his information came chiefly from Dudley North. Due to the inherent bias

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88 As Richard Grassby has pointed out, historians cannot tell to what extent Roger’s biographies were based on family records, correspondence, and journals or his own recollections of the events.
90 Ibid, 158.
in a work written by a family member, it is necessary to bolster the account with the other papers and records available.

Not only do historians have access to a great number of resources concerning North’s life and careers as a merchant and politician, but North himself also wrote a treatise, *Discourse on Trade*, in the last years of his life. While he may not have written a political tract explaining his views upon government in the way of Thomas Hobbes or John Locke, he did clearly articulate an ideology in regard to trade. It is possible to better understand the relationship of a merchant’s business with his politics through examining North’s economic treatise in conjunction with his political actions and trade policies while serving the government. North was not hesitant to use his positions within government to implement his own ideas about trade in a manner that benefited the Crown.

Early eighteenth-century histories of England were very interested in the events of the late seventeenth century and often gave Dudley North a prominent position within their histories. Yet, North is only a marginal figure in the history of the Restoration as it has been written and discussed in the last thirty years. Most Restoration studies tend to focus either on events such as the Exclusion Crisis, in which North did not factor, or on the place of the Restoration within a century of crisis. In doing so, historians such as Tim Harris and Jonathan Scott have taken an approach that tends to focus on broader themes but does not always have a place for figures such as North. Other histories that include a discussion of the events of London in 1682 and 1683 may only mention North as a Tory Sheriff, even when discussing the Rye House Plots. Historians have chosen rather to focus on whether or not the plots of the 1680s were in fact threats to the government, an approach which largely leaves North out of the story. Steve Pincus, who studied mercantile influence on the political economy and the Glorious Revolution,
also chose to cut North out of the narrative as his ideas about the political economy did not fit the dichotomous model that he presented. Richard Grassby took a step to reinsert North back into the narrative with his historical biography titled *The English Gentlemen in Trade*, but his approach is largely guided by the same ideas as the early histories of the eighteenth and nineteenth century. In order to situate North properly within the narrative, another look must be taken at how he has been treated as a historical figure and to what extent historians have based their treatment of him on their own preconceived notions of the events in which North was involved.

In many ways, the early histories determine the tone by which historians have written about North and his political choices. The earliest histories that include North focus exclusively on his short but controversial political career, which began with the London shrieval election in 1682. His contributions as a political economist, which modern day historians emphasize, were largely ignored. Furthermore, the earlier histories were concerned not only with discussing his political career but also with assessing North’s character and determining how it influenced his decisions. These historians were trying to determine whether North was a good politician and if he performed his job in the most appropriate manner. While these can be good questions to ask, the answers were often determined by the political leanings of the historian. In 1706, White Kennett published the third volume of *A Complete History of England*, which contained a description of events spanning Charles I to William III. From 1706 to 1720, Laurence Echard published *The History of England*. Both these men approached the events of the Restoration, including the shrieval election, saw the history of the 1680s as a history of Whig persecution and eventually, Whig triumph against an oppressive and arbitrary government. From this point of view, North served as a pawn of the Crown and simply did their bidding.
Roger North took extreme offense to these biased histories, and therefore wrote his own account of his brother’s political career. Roger penned both the *Examen* and *The Lives* in an attempt to correct what he saw as an inaccurate portrayal not only of his brother, but also of the events of the Restoration. While all three of these histories are problematic due to bias, they are important and necessary to understand how North has been treated as a historical figure. In many ways historians still tend to fall into one of these two camps when discussing North and his political career.

Kennett included a brief account of the shrieval election of 1682 and the subsequent trials against Whig leaders that followed. Kennett approached the election from a Whiggish point of view of arbitrary government and persecution. He did not spend a great deal of time discussing North, but in an indirect manner he accuses him of partiality and of packing juries in such a manner that innocent men were found guilty and sentenced to death. Kennett achieved this by emphasizing the importance of the position of sheriff in choosing the juries. In his description of the events leading up the shrieval election of 1682, Kennett emphasized the *ignoramus* trials and the “conditions of the dissenters,” which by this point were not only “Separatists from the Church, but . . . Enemies to the State.” Kennett was careful to make sure his readers knew that the sheriffs were responsible for choosing the juries and that the reason behind the Crown’s interest in choosing the Sheriffs of London and Middlesex so that Charles II might control the juries. In this way, Kennett was able to insinuate that Dudley North and his co-sheriff Rich were responsible for the events that transpired after their election. In referring to the shrieval election, Kennett asserted, “The Court was very solicitous for the choice of new Sheriffs for London and Middlesex, and earnestly recommended Mr. North and Mr. Box; but the Hearts of the Citizens
were for Mr. Papillon and Mr. Dubois.” In essence, both North and his co-sheriff were assumed to be pawns of the Crown and with their tenure came brutal prosecution through treason trials.91

Just as Kennett did not explicitly attack North and his character when discussing the shrieval election, he also avoided directly accusing North of packing the juries. Instead, he made the case that the juries were partial and inclined to find the accused guilty, but this with the understanding that North and his co-sheriff were responsible for choosing these juries. Two of the most prominent trials were that of the Whig leaders William Lord Russell and Algernon Sidney, both accused of plotting to kill the king. Kennett shows a clear allegiance to these two men in his writing. His bias is indicated by the way in which he references the men as “my Lord Russell” and “the Honourable Colonel Algernoon [sic] Sidney.” To help make his case that these men were wrongly convicted by prejudiced juries, Kennett included the last statements of Lord Russell and Algernon Sidney in their entirety. In doing this, Kennett did not need to make a direct attack on the sheriffs, but rather lets his sources make the accusations. Lord Russell contended that his death sentence was not a surprise because “From the Time of chusing Sheriffs, I concluded the Heat in that Matter would produce something of this kind; and I am not much surpriz’d to find it fall upon me . . . But I wish the Rage of hot Men, and the Partiality of Juries, may be stopp’d with my Blood.” According to Sidney, he was a victim of the fact that the jury was “pack’d by the King’s Solicitors” and was composed of men “who are not Freeholders.”92

Laurence Echard also had a similar view of North in the third volume of his The History of England (1718). Echard couched his discussion of the shrieval election as a contest of political parties and described the event as a “the great Time of Struggle between the two

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92 Ibid, 400-405.
Parties.” North’s successful election as the Sheriff of London, along with another staunch Tory as Lord Mayor, signified “a terrible Blow to the disaffected Party, and . . . Many of them found themselves in great Danger.” Echard portrayed North, along with his co-sheriff and Lord Mayor Sir William Pritchard, as “very active and vigilant” in their attempts to maintain control over the City and prevent those who supported and/or led the Whiggish faction from causing chaos and havoc within the City through their “Clubs and Conventicles.” Whereas Kennett described the action of the partisan juries in an insidious light, Echard attached the responsibility directly to North and his co-sheriff, Sir Peter Rich. For Echard, William Lord Russell and Algernon Sidney, along with three other “ordinary criminals,” were found guilty of treason because the trial was heard by “a considerable Jury summon’d by the present Sheriffs, Sir Dudley North, and Sir Peter Rich, and the whole was carry’d on with as much Art and Management.”

For Kennett and Echard, North as an individual politician was irrelevant. What truly mattered was his affiliation with the Crown and its faction. North was dispensable as a politician because the outcome was only possible because he was of the Tory faction. Any Tory could have packed the juries in such a partial manner. For this reason, neither Kennett nor Echard felt the need to pay particular attention to North as an individual, and neither allocated time or space to discuss North’s background, his connections to the government, his merchant career, or his character. None of these factors contributed to any of his decisions because he was the Crown’s pawn. As an agent of the Crown, North simply did what he was told.

Roger North found these portrayals of Dudley North problematic and sought to correct them in both his Examen and in The Lives. For this reason, Roger spent a great deal of time defending North as Sheriff of London and his later political career, as well as the character of all those involved in the affairs of 1682 and 1683. Roger began his vindication of North with his

93 Laurence Echard, The History of England, iii (1707), 660, 663, 685, 691.
defense of Sir John Moore, arguing that “Very much depended on the Character of that single Citizen.” In order to set the record straight about North, Roger felt that it was imperative that he show Moore was “very just and honest in all his Dealings.” For Roger, the establishment of Moore’s character was imperative because it was a direct reflection on North. As Moore had nominated North, it was important for Roger to present Moore as an honest and just man who would not have chosen a man to serve as sheriff who was also not of good and sound character. He also concluded that the factional leanings of the Lord Mayor were of no matter because “his Office did not affect the Return of Juries” and further, he implied that Moore was such an upstanding citizen that he would have only chosen someone qualified for the office, regardless of faction.  

Roger asserts that that Sir John Moore “carried in his Mind a Determination, that neither Public nor Private should suffer through him” and therefore denied that Charles and his advisors were directly involved in the selection of Dudley North as sheriff of London. He criticized Kennett’s statement that “The Court was very solici tous for the Choice of new Sherriffs of London and Middlesex” and contends that “there came no Recommendations from the Court to the City.” Roger maintained that if the Crown had wanted to interfere in the dealings of the City, Charles would have completely barred those with Whiggish sympathies from participating and he would simply have chosen whomever he pleased as sheriff. Roger also refuted the claim that Lord-Keeper Francis North was responsible for suggesting his brother for the shrievalty. Roger insisted that it was the Recorder Sir George Jeffries who suggested the matter to Charles.  

Roger also maintained that it was Charles who approached the Lord-Keeper and inquired if North would accept the nomination should the Lord Mayor drink to him. According to Roger,

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94 R. North, Examen, 596.
95 Ibid, 601, 613.
Francis knew that his brother was reluctant to hold the position because of the expense of office and the responsibilities required by law. In his attempt to convince North to serve, Francis gave his brother £1000 to assist him with shrieval expenses, with the understanding that North might never pay it back. Furthermore, Francis was concerned that both the Crown and the City had put too much emphasis on the shrievalty and argued that “they thought the service much greater than it really was” and claimed the undue emphasis on the position was a result of “a terrible fear . . . artificially raised up in the city, as if this service was the greatest hazard in the world.” 96  North accepted his brother’s argument and decided that he would stand as sheriff if so asked by the Lord Mayor. Regardless of North’s connections to the Crown through his brother, Roger contended that North’s nomination as Sheriff should not have been a problem as he was “every Way qualified to be Sherriff at this Time.”  Roger asserts that North “made Justice the Rule of his Actions,” and further contends that

    He never used Tricks or Subterfuges and hated them in all others, and had a peculiar Antipathy to a false Knave . . . . He was a frank and jolly merchant, familiar, easy, jocose, obliging to all . . . . He had a goodly Person, and Mind capable of sitting at the Helm of any Managery; intelligent and facetious. 97

According to Roger, North was incapable of duplicity, and therefore the circumstances that surrounded his election as Sheriff had to be legitimate or North would have refused the position. Roger made a great deal out of North’s hesitance to hold the office in part to show that North was a responsible citizen of the City who would do nothing that would be perceived as unlawful.

    These same character traits are what Roger used to build his argument concerning North’s actions as Sheriff. Roger chose to spend little time discussing North’s time as sheriff, but rather skipped to his position in the Treasury and in Parliament. One reason for this omission of the trials concerning the Rye House Plot is due to the fact that North was not “much

concerned with the [matter], farther than that the conspirators had taken especial care of Sir Dudley North. For he was one of those who, if they had succeeded, was to have been knocked on the head, and his skin to be stuffed and hung up in Guildhall.” Roger denied that North played any role in the choosing of the juries which tried those involved in the plot, especially William Lord Russell and Algernon Sidney. According to Roger, the juries were chosen by the under-sheriffs, not by North, and he did not even attend the trials or the executions, which were carried out by the under-sheriffs. Roger took as further evidence that North did nothing unlawful as sheriff that he was never found guilty of any charges, even when he was examined by the committees of both the Houses of Parliament. Overall, Roger tried to present his brother as a lawful and upstanding citizen of both the City and his nation who served the Crown when duty called. Roger’s defense of his brother was a direct response to the histories of the time which sought to paint North as a malicious agent of the Crown who helped murder innocent men.  

Despite the clear bias inherent in these two interpretations of North as a politician, historians who have discussed North and his political activities have largely followed suit. In Thomas Babington Macaulay’s The History of England (1849), North is described as “one of the ablest men of his time” due to knowledge of trade and the economy. According to Macaulay, North’s abilities in regards to trade and commerce were what attracted attention from the Crown. Macaulay argued that the Crown found in North “an enlightened adviser and an unscrupulous slave... [with] lax principles and an unfeeling heart.” The evidence for Macaulay is that North’s juries were not hesitant to dole out guilty verdicts and death sentences. Although Macaulay’s history is decidedly old-fashioned and guided by a known Whig bias, his portrayal of North continues along the same lines as those printed in the eighteenth century.

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Macaulay’s short portrayal of North is significant because of its influence on modern-day historian Richard Grassby. Grassby’s *The English Gentlemen in Trade* provides the most comprehensive historical view of Dudley North written since Roger North’s *Examen* and *The Lives*. Grassby’s work focused primarily on North’s activities as merchant, businessman, and political economist. He included a discussion of North’s overall lifestyle, family, and career as a politician. Despite the fact that Grassby sought to provide a historical biography of a businessmen of the seventeenth century, his examination of North’s political career is largely a rebuttal of Macaulay’s statements.

In his account, Grassby fell in line with Roger North’s interpretation of his brother’s political career. He argued that North and his family were not absolutists or believers in the Divine Right theories of monarchy. In fact, according to Grassby, North “was not . . . a political animal and he never articulated a clear political philosophy.” For Grassby, North’s entrance into the City’s political arena, and subsequently the national political sphere, was by a happy accident. While an active participant in the Tory Reaction, North was neither a “doctrinaire partisan” nor an “articulate Tory with strong views on monarchy.” However, North’s lack of fully formed or defined political ideology was hardly a flaw. Rather, it was the very reason he was attractive to the Court as their candidate for Sheriff. Grassby completely bought into Roger North’s portrayal and insisted that North served the Crown to the best of his ability and within the guidelines of the office to which he was appointed. Grassby, however, did concede that the circumstances by which North was brought up to the Crown as a candidate, or those by which he was chosen to be sheriff, might have been suspicious.\(^\text{100}\)

\(^{512}\)

For Grassby, however, this did not necessarily reflect upon North. Grassby portrayed North as a man who simply carried out his duties as sheriff, which were often “conventional and boring,” despite the fact that he “suffered from threats, malicious rumours and lampoons in the press” and “faced a real threat of public disorder.” According to Grassby, North undertook his positions of Alderman and Member of Parliament in the same manner. Grassby did not believe the claim that North purposefully chose the juries during his tenure as Sheriff that would convict and execute the Crown’s opposition. Grassby argued that this type of behavior was simply not in line with North’s character. Grassby concludes his one chapter discussion of North’s political career with several observations. The first was that North was simply a victim of circumstance and that it was his “misfortune to be the instrument of political policies to which he did not subscribe.” Grassby further remarks that North “had accepted the burdens of the Shrievalty as both a duty and a symbol of public recognition. . . . But he neglected to examine his own political convictions and he served to well.”

Overall, Grassby’s treatment of North’s career is very brief and too influenced by both his nearly complete acceptance of Roger North’s view of his brother as merely a loyalist who was doing his job and his attempt to rebut views of those like Macaulay who accuse North of duplicity during his time in office. Like Roger, Grassby sought, in a sense, to clear North’s name and to prove that he was an honorable politician that was only acting out of duty. While for Roger this approach was an attempt to clear his brother’s name, Grassby had a different motive. 

*The English Gentlemen in Trade* was a by-product of Grassby’s larger work, *The Business Community of Seventeenth-Century England.*

As in his biography of North, Grassby devoted a chapter to the relationship between business and politics, and he asked questions about merchants and businessmen such as: “What

101 Ibid, 137, 138, 139, 150.
were the political principles and affiliations of merchants and can they be credited with an independent and coherent agenda?” and “How significant a role did they play in national and regional politics?” Grassby maintained that merchants were not revolutionary or political throughout the seventeenth century. This is partially due to the fact that Grassby insisted that merchants, as a group, did not adopt a political ideology. He claimed that merchants “were to be found on both sides of every controversy and a minority positioned themselves at each extreme of the ideological spectrum.”

Grassby is correct to assert that a community of merchants did not exist with a coherent ideology; but, in his attempt to examine an individual merchant and his political ideology, he refuses to let go of his preconceived notion that merchants as a group were not inherently political. Grassby then translates this claim to Dudley North, one of the few merchants who found himself positioned at an extreme end of the political spectrum. Grassby seems to deny that North was such an ideologue because North himself denied it, and he did not choose to write down his political beliefs. North’s actions suggest just the opposite is true. He stood for office as the Crown’s pick knowing that many in the City opposed his nomination. Once in office, North carried out his duties to such an extent that some who found themselves in opposition to the Charles lost their lives, and he was able to garner further appointments within both the governments of Charles and James that allowed him to influence trade policies with his own ideas about the political economy in mind.

The crucial factor that Grassby seems to ignore in his study of North is his actions. According to Grassby, “North’s intentions and motivations can be documented with confidence and not simply inferred from his behaviour and actions.”

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103 Ibid, 12.
exist which seek to explain North’s motives and intentions are not completely trustworthy. Can historians really rely on North’s own written defense of his actions after he was called to testify before a committee of the House of Lords that sought to investigate his actions as sheriff? Grassby seems to think that this, coupled with Roger’s depiction of North, is enough to determine whether North was politically motivated while ignoring his actions both as sheriff and as a Member of Parliament. The chapters that follow argue that North acted politically, and in the absence of a documented political belief, historians can not ignore actions that suggest he was politically-minded in manner that was illustrated by his ideas about trade and economics.
CHAPTER I
THE CITY GOVERNMENT

The City offered a natural arena for merchants to become involved in politics at both the local and national levels. The City and the Crown were intertwined and this made the City government and its authorities very powerful. It is necessary to discuss the actual structure of the City administration and accurately define the various positions and Courts which functioned as the government in the seventeenth century before one can attempt to understand the way in which North entered the national political sphere and the relationship between the City and the Crown.

As Valerie Pearl pointed out, it can be very difficult to discern exactly how the government actually functioned in the seventeenth century.¹ There is not a shortage of histories of London, or its government, written in the seventeenth, eighteenth, and nineteenth centuries. Yet, these “histories” are problematic. Those written in the seventeenth century were mostly concerned with establishing the “ancient” rights of the City, and as Pearl stated, “the love of tradition and reverence for the law weighed heavily on the minds of men, with the result that lawyers and historians alike described the City constitution as it existed centuries earlier.”²

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² Pearl, 46; See also John Stow, The survey of London (first published in 1598, reprinted in 1618, 1633, and enlarged by John Strype in 1720); Sir Henry Calthrop, The Liberties, Usages and Customs of the City of London (1642); The city-law, or, the course and practice in all manner of juridical proceedings in the hustings in Guild- Hall, London (1647); Thomas De Laune, Angliae metropolis (first published 1681, reprinted 1690); While written in the eighteenth-century, William Bohun’s Privilegia Londinis (3rd ed, 1723) also provides insight into the inner workings of the City’s government in the seventeenth-century.
In fact, many of the treatises, such as *The Liberties, Usages and Customs of the City* and *Angliae Metropolis* were written at times when the City was facing a challenge to its authority whether by an external force, such as Parliament, or internal forces such as during the London shrieval elections in the 1680s. Therefore, these works tend to defend the City’s governmental practices rather than simply describing the constitutional workings of the various branches of government and its Courts. Eighteenth- and nineteenth-century depictions, such as John Noorthouck’s *A New History of London* (1773) or Alexander Pulling’s *A practical Treatise on the Laws and Customs of the City London* (2nd ed, 1849) tend to focus on the City’s government as it stood at the present time. Pearl’s treatment of the City’s government and constitution are immensely helpful, as she combines information from the hundreds of manuscripts that make up the Repertories of the Aldermanic Bench and the Journals of the Court of Common Council in the City’s archives, along with John Strype’s enlargement of John Stow’s *Survay* and William Bohun’s *Privilegia Londonis*, the two works written on the City’s constitution in the eighteenth century that provide the most accurate historical treatment of the City’s government.

**Part I: The Structure of the City Government**

The City government was composed of several parts in the seventeenth-century. Pearl divided these parts into two categories based on their function. The executive head of the City’s government was made up of the Lord Mayor and the Court of Aldermen. The Court of Common Council served the legislative functions. The third major body was Common Hall which held only electoral duties. Within each of these major bodies, there were also several minor courts, including the Lord Mayor’s Court, the Sheriff’s Court, the Court of the Hustings, and many others. These were primarily judicial bodies which handled the various judicial issues of the City. The bulk of the City’s governing, however, was accomplished through the chief officers of

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3 Ibid, 49.
the City and the major bodies of the Lord Mayor and Aldermen, the Court of Common Council, and Common Hall.

a. The Lord Mayor

The Lord Mayor of London was the “chief magistrate” of the City and “the principal officer in the Kingdom.” Elected for one year, the mayoralty was an incredibly powerful and influential position within the City and the Kingdom, and served as the City’s official representative and voice. He was responsible for preserving peace within the City and for calling or dismissing the main assemblies, such as the Court of Aldermen, the Court of Common Council, and Common Hall, the primary electoral body in the City. Within the Court of Aldermen and Common Council, the Lord Mayor was the presiding officer. The Lord Mayor was also responsible until the end of the seventeenth century for choosing one of the City’s two Sheriffs for the year ensuing. The position of Lord Mayor was expensive due to the requirement that he host several state dinners throughout the year along with paying for half of his inauguration dinner at Guildhall on November 9. Despite the expense of the office, the position could be lucrative. In order to compensate for the expenses, the Lord Mayor received several gifts throughout his tenure, including the majority of the fees for offices and a portion of the income of rent farms. Along with monetary gifts, the Lord Mayor also enjoyed the privilege of

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5 John Timbs, *Curiosities of London*, (1855), 474.
6 Pearl, 63; The City held a vast profile of property and traditionally the City claimed a right to “exact fines for buildings on the streets, wastes, and public places within the area of the City’s jurisdiction” (Pearl, 21). Along with a portion of the City’s profits garnered from property, the Lord Mayor also benefited from a “large number of prerequisites including fees of office, contributions exacted from other officers, charges upon particular receipts, and the sale of City offices, freedoms, etc., the amount of which varied somewhat year to year.” See Sidney and Beatrice Webb, *English Local Government from the Revolution to the Municipal Corporations Act: The Manor and the Borough*, Vol. II part i (London: Longmans, Green, and Co., 1908), 673-674, n. 3. S. and B. Webb estimated that by 1697, the Lord Mayor received about £3527 a year in profits.
patronage as he could install his sons, relatives, or friends into profitable offices, such as an Under-Sheriff for the Sheriff’s Court, Town Clerk, or Common Sergeant.⁷

The election for the ensuing year’s Lord Mayor was held every Fall on September 29 (Michaelmas).⁸ Although the City went through the process of an election, the Lord Mayor was actually chosen in a manner outlined by tradition. The final decision was made by the Court of Aldermen, and it was customary since the early fifteenth century to choose the most senior Alderman who had not already served as Lord Mayor. Common Hall played a customary role of picking two Aldermen, one of whom was the most senior, and the final decision between the two was left to the Court of Alderman. On the day of election, the Aldermen’s choice was presented to the Common Hall, who were asked to confirm the nomination.

Although the Lord Mayor was considered to be the chief executive officer of the City of London, he was also considered to be an officer of the Crown. While he enjoyed the same level of status as Privy Councilors, the King’s most trusted advisors, the Lord Mayor was still a servant to the King and could be intimidated to do the Crown’s will, as would be the case in the London shrieval election of 1682. The City of London was incorporated under a royal charter, which meant that the City and its officers were subordinate to the Crown.⁹ The Crown was effectively able to control the position of Lord Mayor from the September 1681 election of Sir John Moore until 1687 under the threat that the charter could be revoked. Sir Patience Ward, the Lord Mayor for the year of 1681, was the last Whig to serve in the position until the 1687

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⁷ Ibid, 63-64.
⁸ For example, the Lord Mayor for 1682, Sir John Moore, was elected on September 29, 1681 and was subsequently inaugurated a month later on October 28.
election of Sir John Shorter. With Crown support, any Whig displeasure with the actions of the Tory Lord Mayors was easily thwarted.

b. The Court of Aldermen

The Court of Aldermen was made up of twenty-six men indirectly elected by the wardmote, or a special meeting led by the Lord Mayor. The wardmote primarily functioned as an electoral body to choose local officials and administrators within the ward, but it also served to nominate each ward’s Alderman and to elect its Common Councilmen. All of the ward’s could not participate in the meeting as the wardmote consisted of Common Councilmen and “others of the livery residing in the respective ward.” From this meeting, four candidates were chosen to recommend to the Court of Aldermen. The Aldermen could then approve one of the four nominees, or reject them all. If the Aldermen rejected the wardmote’s recommendations on three successive occasions, the law allowed the Court of Aldermen to choose its newest member. Therefore, the Court of Aldermen held the ability to restrict its membership.

The Court of Aldermen was the highest judicial power within the City, and it met twice a week (Tuesdays and Thursdays) every month except for August and major holidays. Along with the Lord Mayor, the Court of Aldermen also represented the executive power in the City. Among its duties, the Court of Aldermen chose the Lord Mayor from among its ranks and commanded the City’s militia of more than 10,000 men and the municipality’s charities. The role of the Court was to

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11 Each of the twenty-six wards held a wardmote on the occasion of electing its Aldermen. Pearl, 59.
12 Pearl, 54.
13 Pearl, 59; Strype, Survey of London, IV, 156.
14 Pearl, 59.
treat, determine and discuss . . . the pleas, and matters touching Orphans, apprentices, and other businesses of the same City. And there are redressed and corrected the faults and contempts for those which do against the custom and ordinance of the City, as well at the suit of the parties, as by inquest of Office . . . and there they use to justify . . . and to treat and ordain for the government of the City, and for keeping the King’s peace.16

In some cases, individual Aldermen could also be called to serve as judges in the criminal courts of Oyer and Terminer and Gaol Delivery. As a whole, the Court of Aldermen controlled the City courts, such as the Sheriffs’ Court and the Court of Hustings. The Aldermen also had important veto powers concerning elections within the City. If the Aldermen did not approve of the choice for the City’s officers, they could simply refuse to install the candidate into the office by vetoing the nomination. Along with vetoing the choice of officers, the Aldermanic Court was responsible for settling disputed elections, especially when they pertained to the Court of Common Council. The Aldermen were further able to influence the Court of Common Council as they could veto legislation that the Council passed.17

Within the Court, matters were handled by petition. Citizens of the City could present the Aldermen with a petition and then the Court would reflect on the affair and issue their opinion. The deliberations of the Court were secret and the Court did not have to provide a reason for its particular decisions. Increasingly throughout the seventeenth century, the Court grew unpopular with the citizens of the City due to the secret nature of its proceedings. The Aldermen also enjoyed the privilege of being able to deliver petitions directly to the Crown and through the Sheriffs to the House of Commons.

Elected for life, the Aldermen were some of the wealthiest and most influential citizens of the City. There were several qualifications for the position of Alderman. First, the man must

16 Henry Calthrop, Reports of speciall cases touching severall customs and liberties of the city of London (1655), 153; Pearl, 60.
be a freeman of the City, meaning he was not an apprentice to a trade guild and had taken the oath of freedom. Further, he could not be an alien but had to have been born within the kingdom to an Englishman. As the positions of Alderman and Lord Mayor were so esteemed, these men also often came from the most prestigious livery companies, or trade guilds, in the City. While seventeenth-century London boasted nearly one hundred livery companies, there were Twelve Great Companies, which were the most prominent one could join.\textsuperscript{18} In his \textit{Survey}, Strype claimed that even if an Alderman was from one of the lesser companies, should he be elected Lord Mayor, he had to leave his company and join one of the twelve great companies.\textsuperscript{19} Pearl insisted that this requirement had been “relaxed” by the seventeenth century but that “the majority still belonged to one of the great Twelve.”\textsuperscript{20} Finally, the potential Alderman had to meet a steep property qualification of at least £10,000. While wealth was considered to be one of the determining factors when choosing an Alderman, his reputation and desire to serve the City’s government were also crucial factors. The position of Alderman gave the citizen extensive patronage power not only within the City as a whole, but also within his respective ward. It was not uncommon for the Alderman to control the individual elections to the Common Council within his ward, ensuring that his sphere of influence was further extended. In all, both the Lord Mayor and the Court of Aldermen were responsible for appointing over 140 officeholders.\textsuperscript{21}

The Court of Aldermen was an oligarchy and it represented the elitist and exclusionist nature of the City government. Many of these men enjoyed the support of the Crown. Pearl claimed, “influence at the King’s court often came even without seeking, since the crown and the

\textsuperscript{18} The Twelve Great Companies were the Mercers, The Grocers, Drapers, Fishmongers, Goldsmiths, Skinners, Merchant-Tailors, Haberdashers, Salters, Ironmongers, Vintners, and Clothworkers. For a description of each company see John Strype, \textit{Survey of London} V (1720), 173-200.
\textsuperscript{19} Strype, \textit{Survey} II, v, 173
\textsuperscript{20} Pearl, 60.
\textsuperscript{21} Ibid, 54, 60.
nobility were always in need of aid from the financial circles of the City.”  

In exchange for financial support, the Aldermen gained access to customs farms and monopolies. However, the relationship was also fragile. The Crown expected the Aldermen to be diligent in collecting taxes and providing financial support, and due to the proximity of Whitehall to the City, the Crown kept a watchful eye over the Aldermen.

During the Revolution and Civil War of the 1640s, the oligarchic nature of the Court was challenged by City radicals who were angry about the relationship between the City government and the Crown. The radicals were also upset at their exclusion from the great chartered companies and subsequently, the City’s government. For a brief time during Cromwell’s rule, the oligarchic government of the City was shut down, and these radicals were able to gain control of the City. However, with the Restoration of Charles, the chartered companies and their wealthy members returned to power, and many of these men sought not only to protect their own political and commercial interests, but also to protect the customs of the City, which included the old government structure. In the end, the decision to affiliate oneself with either the Whig or Tory faction was really a decision to stand against either the intrusion of overt royalist and absolutist power in the City, or the threat of radicalism that sought to overthrow the traditional governmental and commercial structure of the City.

Yet, in spite of their political leanings or loyalties, it is also clear that the Aldermen sought to preserve the privileges, rights, and customs of the City first and foremost. Rarely would an Alderman do anything that would jeopardize his position within the City or that would reduce or limit his substantial power or that of the Court. The Aldermen’s desire to preserve the rights and privileges of the City was demonstrated when the members of the Court refused to

22 Ibid, 62.
vote in favor of surrendering their charter in 1683, which would have been an admission that they did not have the right to govern themselves. Rather than vote against the Crown’s request, as the Whiggish Aldermen did, the Tories of the Court simply chose to abstain from voting. Their abstention allowed the Whigs to garner a majority against surrendering the Charter. Even with its close relationship to the Crown, the Court of Aldermen in the end maintained that its first loyalty was to the City.

c. The Court of Common Council

Whereas the Lord Mayor and the Court of Aldermen served as executives of the City, the Court of Common Council served as the legislature. The Common Council was made up of 260 members. As stated earlier, 234 Common Councilmen were elected by their respective wardmote. The Court of Aldermen made up the remaining 26 members. Common Councilmen were not elected for life but most served until they were chosen for a higher office.\(^{24}\) While technically anyone who was a householder and paid his taxes could serve as a Common Councilman, it was customary that the membership of the Council be drawn from the liverymen, the most elite and privileged members of trade guilds, of the ward.\(^{25}\)

In many ways, the Common Council was the City’s equivalent to Parliament’s House of Commons. The Council was responsible for legislation and claimed to have sole power over the City’s finances and taxation, much like the Common’s claim to the kingdom’s finances. Whereas the Commons had to answer to the House of Lords and the King, the Council was constrained by the Lord Mayor and the Court of Aldermen who could exercise veto power on matters regarding general legislation and/or the City’s finances. The Common Council also had the obligation to fill several minor municipal posts when they were not chosen by the Lord

\(^{24}\) Pearl, 54.
Mayor, such as the Common Sergeant, Coroner, Town Clerk, and the judges that served in the Sheriff’s Court.

The Council met only at the initiative or will of the Lord Mayor, and full meetings were generally infrequent. Therefore, much of the business of the Council was carried out through committee work. Along with legislation and finances, the Common Council also administered the municipality’s property through its very prestigious Lands Committee. This committee was commonly composed of the Council’s most prominent and wealthy members who either were soon to be an Alderman or Sheriff, or had declined to hold the positions by paying a fine. The Lands Committee was the most important and influential committee in the City. It was not unheard of for members to meet with senior Aldermen and make decisions affecting the City, completely bypassing the entire Common Council.

The Court of Aldermen dominated the proceedings of the Common Council. The entire Court served within the Council, and the agenda of the Court of Aldermen also became the agenda of the Common Council. As members of the Council, the Aldermen voted separately due to the fact that they had the right to veto any legislation that had already passed Common Council. However, the veto power was not the only way the Court of Aldermen controlled the Council. According to A.G. Smith, as long as the position of Lord Mayor was controlled by the Court of Aldermen, only matters that had first been cleared by the Aldermen could be deliberated before the Council as a whole. The Court of Aldermen and the Lord Mayor were effectively able to keep a tight rein on the proceedings of the Council through their power of veto, their

26 A.G Smith estimates that the Common Council met on average about five or six times a year. However, the frequency of the meeting of Common Council depended upon the Lord Mayor and/or the issues facing the City. Under Tory Lord Mayor Sir John Moore, who served as Lord Mayor from November 1681 to October 1682), the Council only met four times. Yet, under his successor William Pritchard, the Lord Mayor who dealt most directly with the surrender of London’s charter to the King in 1683, the Council met at least ten times. See Smith, 22 n. 20.

27 Pearl, 57.

28 Smith, 23.
strict control of the agenda, and through the Lord Mayor’s ability to call and dismiss the Council at his will.

d. Common Hall

Common Hall was the general legal body that either confirmed nominations for officers of the City or popularly elected them. In order to hold a position or to vote in Common Hall, one had to be a liveryman and a citizen of the City. Residency within the City walls did not constitute citizenship. Rather, one had to join one of the 89 livery companies to be eligible to apply for citizenship.\(^{29}\) Once the period of apprenticeship, which usually lasted seven years, had expired, one could apply for freedom and become a freeman of the City.\(^{30}\) The most prominent and wealthy members of the livery companies were known as liverymen.\(^{31}\) According to Pearl, the liverymen of London numbered around four thousand by the mid-seventeenth century, making Common Hall the largest governmental body in the City.\(^{32}\) By the early 1680s, the number of liverymen in London had doubled with approximately eight thousand liverymen residing within the City.\(^{33}\)

Legally, only the Lord Mayor had the power to call or dissolve the Common Hall, much in the same way the King had the power to call and dissolve Parliament. Once the vote began, it was up to the Common Sergeant to direct those who were not liverymen to depart; however this was not always enforced, and unless a poll was disputed and purposefully examined by the Lord Mayor, Sheriffs, or the Aldermen, there was not a system in place to prevent non-liverymen from voting in Common Halls.\(^{34}\)

\(^{32}\) Pearl, p. 50.
\(^{33}\) Smith, p. 37.
\(^{34}\) Pearl, p. 50-51.
The power of Common Hall did not match its size. Traditionally, the Common Hall played a ceremonial role in the election of the Lord Mayor, and both the recommendations to the Court of Aldermen and the affirmation of the Aldermen’s choice were only formalities. Whereas the election of the Lord Mayor by the Common Hall was only indirect, the Hall did serve as an electoral body for one of the two Sheriffs of London and Middlesex, the “Master Chamberlain, Master Common Sergeant, Master Town Clerk, and the Councillors of the City, and other Officers.”

For these municipal positions, the Hall voted by voice and hand. Along with these offices, the Common Hall was also responsible for electing four Parliamentary representatives from the City.

The Common Hall’s role within the government was a matter for dispute throughout the seventeenth century. Increasingly, the citizens of London were asserting their rights to elect positions, such as the Lord Mayor or Sheriffs, which in previous decades and centuries, they had only formally confirmed. During the 1640s, the Hall sought further powers when “there were attempts to give the assembly . . . the right to consent to the raising of City loans.” Parliament found an ally against the Crown in Common Hall. During the Civil War of the 1640s, Common Hall was consulted by the Lord Mayor on its opinion as to whether or not to grant loans to Parliament.

Despite the continued efforts of the Common Hall to gain more legitimate governing power in the early seventeenth century, it was not necessarily successful. However, Common Hall’s true strength was in its numbers and its members’ ability to sway public opinion within the City.

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35 Pearl, 52.
36 Ibid, 53.
37 Ibid, 52-53.
e. Sheriffs of London and Middlesex

Along with the Lord Mayor, the Sheriffs of London and Middlesex served as executive officers within the City. The Sheriffs were elected every year on June 24 (Midsummer’s Day) and sworn in on September 28. The property requirement for Sheriff was the same as that of the Lord Mayor and Aldermen: £10,000. Traditionally, the new sheriffs were chosen from a pool of Aldermen who had not yet served as Lord Mayor but it was not unusual for a citizen who was in line to become an Alderman to be considered. Custom dictated that the Lord Mayor could choose one of the two Sheriffs, and the second was nominated and elected by Common Hall. While this had been in practice since the fourteenth century, by the mid-seventeenth century, the liverymen of the City were calling this practice into question. The traditional method for the Lord Mayor to nominate one of the sheriffs was to drink to his choice during a public feast before the election. This candidate would then be confirmed in Common Hall on election day.

The sheriff-elect nominated by the Lord Mayor often formally accepted the office by signing bonds or chose to reject the position due to the heavy expense of the office by paying a fine before the actual day of election. By the 1630s, the cost of the shrievalty was estimated to be nearly £3,000, a substantial sum even for a wealthy merchant. A great deal of this expense came from Aldermanic feasts hosted by the sheriffs during the meetings of the Assizes and Quarter Sessions. Unlike the mayoral and Aldermanic offices, the shrieval position did not offer as many opportunities to recover the expenses incurred during the sheriff’s tenure. In return for the high cost of the office, the shrieval benefits included the right to choose the members that served in their household—the Sergeants-at-Mace and the Yeoman. However, these appointees were subject to the confirmation of the Court of Aldermen. Originally, the sheriffs also claimed the prerogative to appoint the municipal offices of the Keepers of the Compters and the Under-
Sheriff; however, by the mid-seventeenth century, the Lord Mayor and Aldermen appropriated this right of appointment for themselves.38

Once in office, the Sheriff had several duties. While only the Lord Mayor could call or dismiss Common Hall, the Sheriffs were responsible for administering the elections of Lord Mayor, the Sheriffs for the year ensuing, and the minor offices. The Sheriffs also served a judicial function as they were judges in the Sheriff’s Court and in the Court of the Hustings, where they were also responsible for carrying out the rulings of the Lord Mayor.39 Although they served within the City and were chosen by either the Lord Mayor or the Common Hall, the Sheriffs were “the king’s officers to execute and resume legal process and . . . are not city of corporation officers.”40 As representatives of the Crown, the Sheriffs served the King’s writs, collected fines, helped to maintain the City’s peace, carried out the Courts’ sentences, and supervised London’s prisons. They ensured that men also appeared in court when summoned. The Sheriffs also had the special privilege of presenting petitions in the House of Commons from the Court of Aldermen and the Common Council.41

Most importantly, and perhaps most controversially, the Sheriffs were responsible for empanelling all grand and petty juries in London. For this reason, the shrievalty was a very strategic and coveted political position especially during times of faction and strife within the City. During the late Restoration, jurors were chosen based on their political affiliation. Through controlling the juries, the Sheriffs could guarantee that the outcome of cases that were tried in the Quarter Sessions of London and Middlesex would be satisfactory to the respective

38 Ibid, 64; The Courts of Assizes were criminal courts that heard the most serious cases or those that could result in the punishment of death or life imprisonment, which were handed over by the Courts of Quarter sessions. The Quarter sessions were county and borough courts that held four times a year during Epiphany, Easter, Midsummer, and Michaelmas.
40 BL Add. MS 32520 Vol. III (ff. 276).
41 Pearl, 65.
faction the Sheriff represented. Throughout the late 1670s, the Whigs utilized the shrievalty in this manner, prompting the Crown to assert its authority not only over the shrievalty, but also over the City and its government. As long as the Whig faction was able to control the juries, they, along with dissenters, escaped prosecution. This safety net ended however with the controversial shrieval election of 1682.

f. Other municipal officers

Along with the major executive municipal offices, there were other municipal officers who assisted the Lord Mayor, Aldermen, Common Council, and Sheriffs in the day-to-day administration of the City. These positions included the Recorder and the City Chamberlain. The Recorder served as “a learned assistant to the mayor, and a sort of prosecutor to the Corporation.” More than a “sort of prosecutor,” the Recorder was the principal legal expert of London. Therefore, he served as an advisor to the Lord Mayor in matters of the law. Chosen for life by the Court of Aldermen, the Recorder was not necessarily someone who had ever served in a legal position within the municipality. The only legal stipulation on the position was that he was to be selected from the “‘old and learned officers’ of the City.” Aside from serving as an advisor to the Lord Mayor, the Recorder also acted as an envoy of the City in negotiations with the Crown and Privy Council. The City Chamberlain was in charge of managing the municipality’s finances. Elected each year at Common Hall, The City Chamberlain was a position for life, and each year’s election served as a confirmation. The Chamberlain collected and distributed the City’s revenues, which was generated by municipal properties and charities.

As of January 1681, the Whig faction maintained tight control over all major City positions. Over the course of the next two years, the Tories usurped power from the Whigs, and

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42 BL Add. MS 32520 Vol. III (ff. 276).
43 Pearl, 66.
for a brief period the Crown and the City operated in concert persecuting dissenting opinions within the City. This was a feat which had never been fully achievable in the seventeenth century, as the relationship between the City and the Crown had always been precarious.

Part II: Context for the 1682 London Shrieval Election

a. Introduction

The London shrieval election of 1682 did not occur in a vacuum. It was not the first attempt by Charles II to gain control of the City, but it was his most successful. In the two previous elections of 1680 and 1681, Charles attempted and failed to embed Tories into the shrievalty. As a result, Charles’s efforts to try and execute prominent opponents, such as the Earl of Shaftesbury, were quashed and he was forced to resort to even more drastic measures, which included implementing a writ of *quo warranto* against the City and his more aggressive strategy of assuring that loyalists would be successful in winning the shrieval seats of London and Middlesex in 1682. While the third and fourth chapters will explore the consequences of Charles’s success, this section will focus on placing the election in context and explaining why it was such a significant event in Charles’s reign. After understanding the context of the election, the next chapter will discuss why the shrieval election presented such an important opportunity for merchant Dudley North to enter the national political arena.

b. The City and the Crown—a tenuous relationship

There has been much discussion about the relationship between the City and the Crown during the mid-to-late seventeenth century. Throughout the seventeenth century, the Company merchants dominated the City, and they received their monopolies from the King. The relationship between the City merchants and the Crown was usually contingent upon both parties

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45 De Krey’s *London and the Restoration*, 239-254.
feeling as if their interests were protected. Yet, traditional Whig scholarship has argued that the City had allied itself with Parliament immediately in the early 1640s, and had remained loyal throughout the Revolution and Civil Wars. However, the works of Valerie Pearl, Robert Ashton and Robert Brenner have dispelled this myth. Pearl argued that the City governors who supported Parliament in 1641 were actually a radical minority, and that the vast majority of the City government supported Charles because they felt it was in their economic interest (and the interest of their monopolies) to do so. Ashton argued that the true break in the relationship in the 1640s was the result of Charles’s bungling of his relationship with those in the City government. While Brenner seemed to take a little of each of Pearl and Ashton’s arguments, he claimed that the break between the Crown and the City was caused by Charles’s early dismissal of the radical colonial interlopers, who would later fashion themselves into the new merchant leadership. Despite the decades of close relationships between the Crown and the City, during the Civil Wars, this connection was broken.

The schism between the Crown and the City in the 1640s did not automatically repair itself with the Restoration in 1660. The City was actively involved in restoring Charles to the throne due to its fear that the kingdom and the City would fall back into the chaos of the 1640s. As Charles tried to resolve and settle the issues of the kingdom, he ran into opposition in the City due to issues pertaining to religion and the Crown’s anti-Dutch policies which had carried over from the Interregnum. The First Anglo-Dutch War, lasting from 1652-1654 during the Interregnum, did not solve the trade rivalry between the two countries, and Charles soon found himself at war again with the Dutch. Prominent merchants in the City, such as Thomas Papillon, John Dubois, and Aldermen Patience Ward, felt that Charles should make peace with the Dutch

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47 Brenner, chps. 1-2.  
48 Pearl, chp. 3-5.  
and focus his energies against the Catholic French. Many merchants also felt that the French trade represented more of a threat than the Dutch as they were not only anti-Catholic, but supremely concerned about the safety of Protestantism, both in England and abroad.\(^{50}\) The opposition in the City grew as Charles continued his war with the Dutch against the wishes of not only prominent anti-French and anti-Catholic merchants, but also major trading companies, such as the East India Company and the Levant Company who felt the wars disrupted their trade. By the mid-to-late 1670s, it was becoming increasingly clear that Charles’s likely successor, the Duke of York, was Catholic, and the City, along with many in the nation, opposed the idea of living under a Catholic monarch.

c. The Exclusion Crisis

From 1679 to 1681, the Exclusion Crisis dominated the political sphere. Prominent Whigs sought to pass a bill in three successive parliaments that would prevent the succession of Charles’s Catholic brother, the Duke of York, to the throne.\(^{51}\) Tim Harris made it clear, however, that the Whig faction never fully reached a consensus, even on an issue such as Exclusion, and both Jonathan Scott’s and Mark Knights’ scholarship challenged the notion that the Whigs were a solid political party under the leadership of the Earl of Shaftesbury or that Exclusion was the central issue. They maintained that the Whig faction was fractured into individual camps with different leaders with diverse solutions to a singular problem, the potential of a Catholic monarch. In one group were the staunchest supporters of Exclusion, Shaftesbury, and his counter-part in the Commons, William Lord Russell. While these men supported Exclusion, they also sought constitutional reforms, whereas Algernon Sidney and the Earl of Essex were far more radical in their pursuit of a republic. Finally, the Duke of Monmouth also

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garnered support from those who sought to place him, the King’s illegitimate son, in the line of succession.\textsuperscript{52} De Krey, however, has shown that despite the lack of consensus or leadership, members of the opposition faction were united in their efforts to prevent a Catholic from acceding to the throne.\textsuperscript{53} According to De Krey, whether the men considered to be leaders of the opposition faction agreed on the solution, partisan divisions were the result not only of the Exclusion Crisis, but of the City crises that dominated the early 1680s.\textsuperscript{54} In the name of Exclusion and later issues pertaining to the City, the Whigs launched a massive propaganda and press campaign that only furthered their cause.

By 1681, Charles felt that he could not call a third parliament in London due to its Whiggish leanings. In an attempt to gain control of the situation, he called for a parliament at Oxford, which was known for its royalist predisposition. In spite of the change of scenery, the Oxford Parliament lasted only eight days before Charles dismissed it. Due to financial assistance from the French and an increase in taxes, Charles did not need to call on Parliament again throughout the rest of his reign. Because Exclusion was a parliamentary issue, it died with the Oxford Parliament; however, the fight between the Whig faction and the Court faction was far from resolved.

d. The Fights Becomes Local: Whig Sheriffs and the \textit{Ignoramus} Juries

Without a parliament, the battle turned to the municipalities, especially the City of London. The shrieval election of 1682 was not the first attempt by Charles to control the City. In fact, he had tried unsuccessfully during the Exclusion Crisis, in 1680 and 1681, to place loyalist supporters in the shrievalty. His efforts were mostly unsuccessful due to the fact that the

\textsuperscript{52} Mark Knights, \textit{Politics and Opinion in Crisis, 1678-81} (Cambridge University Press, 1995), 3-5, 78-107; Harris, \textit{Restoration}, 139-140; Jones, \textit{The First Whigs}, 13-14; Scott, \textit{Algernon Sidney and the Restoration Crisis}; See also Ward, \textit{The Politics of Liberty in England and Revolutionary America}, part 2.

\textsuperscript{53} De Krey, \textit{London and the Restoration}, 272.

\textsuperscript{54} Ibid.
Lord Mayors in 1680 and 1681—Robert Clayton and Sir Patience Ward, respectively—were ardent, if not radical, Whigs. Like the election that would follow in 1682, the election of 1680 also stretched out far longer than was custom. Slingsby Bethel and Henry Cornish, the sheriffs chosen on June 24, 1680, did not qualify to hold office as they were well-known nonconformists. The Court of Aldermen insisted that a new election be held and the new Common Hall took place on June 14. Both Bethel and Cornish, having taken the sacrament, were once again chosen over the Court preferences. Rather than loyalist sheriffs in 1680, Charles was forced to concede that Cornish and Bethel would be sheriffs for the coming year. He did not fully accept them, however, and in October, when Clayton brought them to Charles to be knighted, as was custom, he refused to see them. As De Krey noted, it appeared that Secretary of State Leoline Jenkins and the Court decided rather than risk further damage Charles’s national image by intervening in the 1680 election, they would concede and “learn the arts of political maneuvre from ‘the party’ they opposed.” If Charles was unsatisfied with the election results of the 1680 shrieval election, he was just as displeased in 1681 when Thomas Pilkington and Samuel Shute won the shrievalty. Once again he was faced with the prospect of two Whig sheriffs who would be certain to pack the juries with persons sympathetic to the Whigs and their politics.

With Whigs Pilkington and Shute as the sheriffs of London and Middlesex, Charles was unable to secure convictions in London against, most famously, the Earl of Shaftesbury and Stephen College. College, a supporter of Exclusion, was charged with plotting against Charles and for provoking seditious actions with his words and publications during the Oxford

55 Morrice, 261; A True Account of the Proceedings at the Common Hall . . . 24th of June, 1680. For an in-depth look at the 1680 shrieval election see De Krey, London and the Restoration, 192-199.
56 Hatton Correspondence I, 238; Luttrell, I, 156.
57 De Krey, London and the Restoration, 196.
Parliament.\textsuperscript{58} According to Lord Ford Grey of Warke, he, Shaftesbury, and William Lord Russell deliberated about the possibility of insurrection with Monmouth if Charles attacked those who supported exclusion in Oxford. Grey stated that the plan was for Shaftesbury to remain in London where he could be counted upon to assemble supporters from the City if Charles decided to adjourn Parliament. The Whig MPs were further instructed that in the event that Parliament was dissolved, they were to return to London and reconvene at Guildhall.\textsuperscript{59} Charles, however, was cautious and decided to station a large contingent of royal guards in London during his absence, and Shaftesbury therefore abandoned the plot.

Despite the evidence against him provided in the testimonies given by William Jennings, Stephen Dugdale, John Smith, and others, the grand jury, which had been packed with sympathetic jurors by Cornish and Bethel, issued a verdict of ignoramus, or “we do not know.”\textsuperscript{60} According to De Krey, a jury “more sympathetic to the London joiner could scarcely have been imagined.”\textsuperscript{61} The jury contained no less than twelve nonconformists, and eleven lived near Shaftesbury in Aldersgate Without. While De Krey viewed the London hearing for College as a “trial run” for the Shaftesbury indictment and verdict, College did not get off quite as easily as Shaftesbury would in his trial. After the ignoramus verdict was issued, the Court pursued another indictment against College and this time the trial would be in the loyalist holdout of Oxford, as they argued that the crime had been committed there. This time, College was convicted and sentenced to execution which was carried out on August 31, 1681.\textsuperscript{62}

\textsuperscript{58} Luttrell, I, 108.
\textsuperscript{59} Grey, The Secret History, 6-14.
\textsuperscript{60} Luttrell, I, 108; North, Examen, 587; Morrice, 282; K. H. D. Haley, The First Earl of Shaftesbury (Oxford: Clarendon Press, 1968), 657-659. By stating that the jurors “do not know” of the crimes of the person in question, the jury is unable to convict, and therefore, the trial ends.
\textsuperscript{61} De Krey, London and the Restoration, 233.
\textsuperscript{62} Ibid; Kennett, History, iii, 389-390; Gilbert Burnet, History of his own time, ii, 283-284.
Shaftesbury’s trial for high treason commenced shortly after in November. Just as they had done in College’s trial, Pilkington and Shute handpicked the jury of twenty-one. Former Exclusionist MPs Papillon and Dubois were both chosen to serve as jurors, along with many other wealthy merchants and nonconformists. Once again, a verdict of ignoramus was issued, and Shaftesbury was set free. Charles’s London courts had proved ineffective against what he viewed as his most pubic and paramount enemies.

Shortly after the ignoramus verdict against Shaftesbury, which would be the last of 1681, Charles issued a writ of *quo warranto* against the City of London, forcing them to prove by what warrant, or right, that they existed or to give up their charter to the Crown. Charles contended that London had given up its right to exist when they committed crimes against the monarchy, particularly collecting illegal taxes and “sending a petition to the King charging he had been wrong to dismiss Parliament.” London was not the first or the last city to be issued a writ of *quo warranto*, but it was a symbol to the City that Charles had every intention of regaining control of his capital city.

The *quo warranto* issued against the Corporation of London initiated a new string of propaganda in the City that was prevalent throughout the shrieval election of 1682. The issue of *quo warranto* and the controversy of the 1682 shrievalty were connected. One propagandist argued that despite the argument that “so long as the City chuses the Sheriffs, and they assign Juries, the King’s most excellent Majesty . . . must despair of Justice,” that the dissolution of the

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64 Halliday, *Dismembering the Body Politic*, 203-204..
65 *Reflections on the city-charter and writ of quo warranto together with a vindication of the late sheriffs and juries* (1682); *The city of London's plea to the Quo warranto* (1682); *The Forfeitures of Londons charter* (1682); *The priviledges of the citizens of London contained in the Charters granted to them* (1682); *The replication to the City of London's plea to the quo warranto* (1682).
royal charter “will be succeeded with such a train of Mischiefs and Calamities . . . one might write a large Volume of the evil Effects and Consequences which would probably ensue.”\textsuperscript{66}

At the same time citizens within the City were arguing for their right to elect both sheriffs rather than simply confirming the Lord Mayor’s choice, they were also fighting to maintain the very royal charter which they claimed gave them such a right. The loss of the charter meant that the City would “lose the benefit of chusing out Sheriffs, our Lives, Liberties, Estates.”\textsuperscript{67} While some pamphlets such as \textit{Reflections on the city-charter} sought to strike fear into the citizens about what could happen if the charter was revoked, other tracts took a historical approach of laying out the privileges granted to the City by various monarchs, and once again, the issue of the \textit{quo warranto} was woven into the struggle for the shrievalty. According to one pamphlet, the second charter granted under King John granted the citizens of London the right to “make Sheriffs whom they will” and made no further reference as to the role of the Lord Mayor’s prerogative to choose a sheriff.\textsuperscript{68} Along with pleadings to the King to preserve the charter, other pamphleteers also beseeched Charles to also allow the citizens to “Nominate and Chuse out of themselves two persons to be Sheriffs of the City aforesaid, and County of said City . . . and to make and constitute those persons so Nominated and Elected.”\textsuperscript{69}

According to Harris, Charles’s launch of \textit{quo warranto} proceedings against the City was the beginning of his new tactics of “policy and police.”\textsuperscript{70} The proceedings challenging the charter of the Corporation of London handled the policy aspect of Charles’s new plan, whereas the policing would be taken care of by the shrieval election of 1682 as long as loyalists were

\textsuperscript{66} \textit{Reflections on the city-charter and writ of quo warranto together with a vindication of the late sheriffs and juries.} (1682), 23.
\textsuperscript{67} Ibid.
\textsuperscript{68} \textit{The priviledges of the citizens of London contained in the Charters granted to them} (1682), 5.
\textsuperscript{69} \textit{The replication to the City of London's plea to the quo warranto} (1682), 11.
\textsuperscript{70} Harris, \textit{Restoration}, 213.
embedded into the shrievalty. However, the proceedings also opened a debate about sovereignty. According to historian Paul Halliday, the *quo warranto* proceedings issued against London and the other municipalities of England were truly a “legal contest to determine where sovereignty lay in the growing national state: as a singular power located in the monarchy or a power divided between national and local jurisdictions.” Although the writ had been issued in December of 1681, the proceedings did not conclude until 1683, and in the meantime, Charles focused on gaining control of key governmental positions within the City, primarily the Lord Mayor and the Sheriffs. In doing so, he would be able to police the Whig and dissenter opposition.

e. The Tory Lord Mayor

Charles was fortunate that Sir John Moore was the next aldermen in line to become Lord Mayor. Moore was a former nonconformist, and it was believed at the time that he had only conformed to the Church in an effort to hold office in the City. However, he was “still looked on as one that in his heart favoured the sectaries.” He was able to defeat the Whig candidates, Sir John Shorter and Sir Thomas Gold due to two factors: the significant number of dissenter votes he was able to collect, and the fact that the Whig faction had such a difficult time rallying around one candidate, rather than two, which resulted in a split voting base. The fact that a poll even occurred for Lord Mayor seemed to confirm that the Whig faction was concerned about the possibility that he may be a Court puppet. Even Papillon admitted that “it was a strange thing to poll for a Lord Mayor—a thing never heard of, and that if it was not against his Lordship it would not have been put up so.”

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71 Halliday, *Dismembering the Body Politic*, 205.
Yet Moore did not garner the full support of the Whigs despite his nonconformist past because he was believed to be “a flexible and faint-hearted man” whereas the Court saw him as one they “could easily manage.” Charles was extremely pleased with the choice of Lord Mayor, and Secretary Jenkins stated in a letter to the Earl of Conway, “it is infinitely to the satisfaction of all good men that Sir John Moore is Lord Mayor.” Roger North later argued that the Whigs were not “very averse” to him as “his office did not affect the Return of Juries, what was their Palladium; therefore they did not unite as one to exclude him.”

They certainly did not expect him to exercise his prerogative to appoint one of the sheriffs or that his choice would ever be confirmed. This privilege to appoint one sheriff was enjoyed by the Lord Mayor each year from 1347 until 1638. For the next three years, the Lord Mayor did not make use of his right. In 1641, the Lord Mayor attempted to appoint one sheriff but was prevented by the House of Commons, which claimed that the Common Hall should elect both sheriffs. The House of Commons sided with the liverymen of the City because its members argued that the Lord Mayor had been negligent. From 1642 to 1674, the prerogative was exercised sporadically. Although during the Commonwealth the City underwent a measure of constitutional reform, the prerogative of the Lord Mayor to nominate a sheriff was not undermined. For periods of time, such as 1642 to 1651, the Lord Mayor each year nominated a candidate for sheriff, whereas no Lord Mayor utilized the privilege from 1652 to 1661.

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76 'October 1681', *CSPD Charles II, 1680-1*, 483-543.
77 North, *Examen*, 596.
78 The prerogative of the Lord Mayor to appoint one sheriff, and the other to be elected by Common Hall has been traced to as early as 1347. See Reginald R. Sharpe, *London and the Kingdom*, ii (London: Longmans, Green & Co., 1894), 193.
79 Pearl, 246-250.
Nonetheless, later Lord Mayors would claim their right to nominate one of the sheriffs each year, and did so without challenge until 1674.\textsuperscript{80}

It is clear therefore that the privilege of the Lord Mayor to nominate one of the sheriffs was not an unchallenged prerogative even before the 1680s. In fact when the Lord Mayor’s right was challenged in 1674, the Court of Common Council issued a statement that it had decided to examine the matter in order “to finde out some expedient for ye reconciling ye same.”\textsuperscript{81} However, no record of a final settlement can be determined from the court records. The right to nominate one of the sheriffs had been utilized by the Whig Lord Mayor Sir Patience Ward in 1681, when he drank to Thomas Pilkington as his choice for sheriff at the bridge-house feast. As De Krey pointed out, this was peculiar behavior from a Whig Lord Mayor but he suggested that perhaps this “had…been a party ruse intended to draw…loyalist supporters of magisterial privilege.”\textsuperscript{82} Whatever the reasoning behind Ward’s nomination, it confirmed a precedent that the Tory Lord Mayor John Moore could follow by nominating his own, or rather the king’s, choice for sheriff.

The ignoramus juries were never far from the minds of either the Court or Whig faction in the spring of 1682 as they led Charles to seek Tory sheriffs. In April, after it was rumored that Moore would drink to North, Papillon visited Moore at home to try and persuade him to “drink to such a person as would fine, and then the City would be left to their free choice.”\textsuperscript{83} On the surface, Papillon argued that he was concerned that if Moore were to choose a sheriff that the Common Hall would not confirm that the City would lose their charter.\textsuperscript{84} However, Papillon was just as concerned about the possibility of a Tory sheriff returning a Tory jury. When Moore

\textsuperscript{80} Sharpe, \textit{London and the Kingdom}, ii, 193.
\textsuperscript{81} Journal, 48 fo. 72; Sharpe also discusses this meeting in his \textit{London and the Kingdom}, Vol. II., 193.
\textsuperscript{82} De Krey, \textit{London and the Restoration}, 228.
\textsuperscript{83} NA PRO 30/24/6A/379; Papillon, \textit{Memoirs}, 208.
\textsuperscript{84} Ibid.
challenged Papillon by asking, “what great matter can there be as to one Sheriff,” Papillon replied that “His Lordship did know there was a great matter in it, the Sheriffs being to return the Juries; and it was great moment to have good and indifferent Juries.” After the “riotous” conditions surrounding the original election for the sheriffs of London and Middlesex on June 24, Secretary Jenkins noted that the Whigs desired

> to divest the Lord Mayor of his prerogative—to set up two *Ignoramus* jurymen for sheriffs.—To keep up the same spirit of sedition in the City, that has laboured all this while not only to render the government uneasy to his Majesty, but to overturn the monarchy.

This concern was ever present throughout the election process that lasted months. The day after the new election called on July 14, Moore and several Aldermen met with the king-in-council to discuss the events that had transpired during the election. It was reported that while the election was talked about for a great length of time, the conversation also turned the ignoramus juries. One Alderman even stated, “come brothers, this will never do the Earl of S----'s business; and that of the man that was shot long since at the head of his company, may put you in mind of your Ignoramus men.”

Moore’s election on Michaelmas of 1681 was part of the initial process through which Charles sought to gain control of the City, as well as to end the ignoramus verdict against dissenters and those who enjoyed Whiggish sympathies. After Moore was inaugurated as Lord Mayor, the Crown implemented another phase of the plan by insisting that Moore use his prerogative to nominate one of the two candidates for sheriff for the upcoming election. Whether Moore was “flexible and faint-hearted” or “easily managed,” the Court, or Tory, faction was able to convince him to exercise his right and assured him that they would support him.

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85 Ibid.
87 *Loyal Protestant* 181 (15 July 1682).
Moore not only nominated a fellow Tory, Dudley North, as Sheriff of London, he also finagled the election so that another Tory was “elected” as North’s co-sheriff. With two Tory sheriffs sworn in September, Charles was guaranteed that he would have juries biased in his favor, and therefore, he would not have to worry about any more ignoramus juries. The situation looked so dire for Shaftesbury that after it was assured that the Tories North and Box would be sheriffs of London and Middlesex that he fled, with fellow Whigs, to Holland in exile. He would die shortly after due to natural causes.  

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88 Haley, Shaftesbury, 728-33.
CHAPTER II
THE LONDON SHRIEVAL ELECTION OF 1682

The story of the London shrieval election of 1682 is well-known, but to understand fully the implications and repercussions of the election, it is important to revisit the events. Due to the controversial and tumultuous nature of the shrieval election, numerous sources exist from the period. The vast majority of these sources are partisan, but historians, such as Gary S. De Krey and A.G. Smith tend to rely on these sources. The newspapers and treatises, however partisan, followed the events surrounding the election closely. From June to September, the newspapers, both Tory and Whig, reported daily on the events. Although there is a degree of agreement between the Tory and Whig newspapers about what was taking place at Guildhall, these sources had a clear bias. The Tory newspapers had a vested interest in portraying the Whig City officials and liverymen as unruly, riotous, and unlawful in their actions throughout the election. Furthermore, these newspapers spent more time arguing that it was the Tory Lord Mayor Sir John Moore’s prerogative to choose one of the two sheriffs was legitimate. On the other hand, Whig newspapers were most interested in portraying Lord Mayor Moore as infringing upon the “ancient” rights of London’s citizens. The Whig newspapers did not try to justify any actions or

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1 The narrative of the London shrieval election has been described in numerous histories since the seventeenth century. One of the most famous explanations of the election was White Kennett’s *A complete History of England*, Vol. III (1706), 395-396; 398-399. Roger North countered Kennett’s Whig-centric version in his, *Examen, or an Enquiry into the Credit and Veracity of a pretended complete History* (1740), 595-618. A multitude of nineteenth-century histories used these two narratives to reconstruct the events of 1682. Gary S. De Krey’s *London and the Restoration*, utilized archival sources to produce one of the most comprehensive descriptions of the election in modern histories. See pages 254-271.
reactions by Whigs present at Guildhall throughout the four-month election period. In fact, they implied that the actions of both the current Sheriffs and the Sheriffs-elect Thomas Papillon and John Dubois were natural responses to the positions they were put in by Lord Mayor Moore’s refusal to concede his prerogative. Partisan newsbooks, memoirs, and historical accounts of the election also followed the same pattern as the newspapers and treatises and recount the same events. With a careful eye toward bias and over-exaggeration of the events by the writers, it is nonetheless possible to piece together what happened during those crucial months of June to September in 1682, especially when paired with the City’s own records.

City records do exist and while they may appear to be more reliable sources than the partisan newspapers, treatises, newsbooks, or memoirs, these records present their own problems. The most extensive and important records from the City are the Repertories of the Aldermanic Bench and the Journals of the Court of Common Councils. The Repertories are much more extensive than the Journals of the Court of Common Councils, including almost 300 folios per year. Despite their numbers, the Repertories in many cases are just as brief as the Journals. The Aldermen were not required to record any of their debates nor the reasons for their decisions. In many cases, therefore, the Repertories only include the final decision on a matter. The Journals, while helpful, are also brief and also include discussion on the day-to-day administrations of the City’s charities or issues pertaining to the orphans. As the London shrieval election of 1682 was a fairly significant event, decisions of the Aldermen and Common Council regarding the election appear in the records although they are brief. Coupled with the sources mentioned above, it is possible to discern the process by which Tories Dudley North and

Peter Rich were able to best Whigs Thomas Papillon and John Dubois in the London shrival election of 1682.

a. Moore’s Choice of Sheriff

On May 20, 1682, Tory Lord Mayor John Moore nominated Dudley North as his choice for sheriff of London by drinking to him at the bridge-house feast. In the early seventeenth century, feasting occurred as religious activity and was usually accompanied by a sermon, but by the 1650s feasting in London took on a distinctly political connotation. Factional leaders, such as Shaftesbury or the Duke of Monmouth, often hosted elaborate feasts in order to demonstrate their power to recruit supporters among apprentices and the liverymen. In the 1680s alone, fifty-nine feasts, Tory and Whig, were hosted. The bridge-house feast was held every year by the Lord Mayor a few days before the Midsummer elections on June 24. If the Lord Mayor exercised his right to choose one of the two Sheriffs, he customarily did so at this feast. The candidate did not have to be present, and Dudley North did not attend the bridge-house feast in 1682. Custom dictated that the cup was then to be sent in the Lord Mayor’s coach, along with City officials, to the house of the potential candidate. If the nomination was accepted, the sheriff-elect was then to appear before the Lord Mayor and Aldermen to sign his bond. As stated earlier, it was not uncommon for the newly chosen sheriff to complete this process before the June 24 election.

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3 True Protestant Mercury, 143 (17-20 May 1682); An impartial account of the proceedings of the Common-hall of the city of London, at Guildhall, June the 24th 1682: For electing of sheriffs (1682); North, Examen, 598.
4 Newton Key, “The Localism of the County Feast in Late-Stuart Political Culture” Huntington Library Quarterly 58, no. 2 (1995); 218-219. See also Newton Key “‘High feeding and smart Drinking’ Associating Hedge-Lane Lords in Exclusion Crisis London” in Fear, Exclusion and Revolution: Roger Morrice and Britain in the 1680s ed. Jason McElligott (London: Ashgate Publishing Ltd., 2006), 154-173.
6 Woolrych, Memoirs of the Life of Judge Jeffrys, 94; R. North, Examen, 598; Bagford and Ebsworth, The Bagford ballads, 487.
Officially one sheriff was chosen by the Lord Mayor, and Dudley North was Charles II’s preferred candidate. Seeking to regain control of the City and to preclude any further ignorant jury, Charles considered North an ideal candidate. Charles hoped that North “could be prevailed with to stand.” While North was the Crown’s candidate, Thomas Papillon and John Dubois were believed to be the favorites of the City Whigs, including leaders such as Shaftesbury, William Lord Russell, and the liverymen with Whig sympathies. If Charles’s ultimate goal was to control the city, Papillon and Dubois were his last choice for sheriffs of London and Middlesex. These two men were quite radical in their politics. Both men were former Exclusionist MPs, supported the petition for a 1681 Parliament, and had served on the ignorant jury that had acquitted Shaftesbury. If Papillon and Dubois were to stand as sheriffs of London and Middlesex, Charles would be faced with another year of a radical Whig agenda in the City, and his success at gaining a Tory Lord Mayor in Moore would be less of a victory. But, there was strong precedent for the Lord Mayor’s right to choose one of the sheriffs, and Charles expected the City to abide by this tradition.

Months before Moore drank to North, rumors circulated that the Lord Mayor planned to pick fellow Tory North as sheriff. Papillon, an active and radical Whig, was nervous about Moore’s choice of North and visited Moore in April to discuss the matter. Papillon hoped to convince Moore to select a person who would be willing to fine out and then the citizens of London could elect his replacement. The Lord Mayor could save face, and the liverymen would be allowed to elect both sheriffs. Papillon’s meeting with Moore did not go as he hoped, and it was clear when he left that the Lord Mayor would be pursuing his own course. After Moore drank to North in mid-May and North subsequently signed his bond, the City began official

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preparations for the Midsummer’s Day election. Moore issued his official precept to the livery companies, but it was worded to stress the confirmation of his choice rather simply announcing the election:

By the mayor.
These are to require you, that on Midsummer-day next, being the day appointed as well for confirmation of the person who hath been by me chosen, according to the ancient custom and constitution of this city, to be one of the sheriffs of this city and county of Middlesex for the year ensuing, as for the election of the other of the said sheriffs, and other officers, you cause the livery of your company to meet together at your common hall early in the morning, and from thence to come together decently and orderly in their gowns to Guildhall, there to make the said confirmation and election. Given the 19th of June, 1682. JOHN MOOR.

Even more unorthodox, Moore instructed each company to present him with a list of their liverymen. Moore expected that the Whigs would try to fill the Hall with illegal voters in their attempt to ensure that North was not confirmed. By requesting the list of liverymen, he was hoping to stave off any such illegal activity. By June 23, the night before the election, the City was abuzz with activity and the Whigs had already begun to dispute Moore’s right to choose one of the two sheriffs. The Whigs argued that “half their Choyce is cut off, and the Freemen are only to Confirm whom the Lord Mayor his pleased to Chuse so that ‘tis no free Election but a Implicit Confirmation of My Lord Mryors Choyce if the Electors please so easily to give up and part with their Liberties and Freedoms (sic).”

The Whig faction made it clear from the beginning that no candidate of the Lord Mayor’s, especially not a Tory, would simply be confirmed without an objection. While the Lord Mayor’s prerogative was almost always challenged during times of factionalism, it was common

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10 *Domestick Intelligence* 108 (1-5 June 1682).
11 Ibid.
12 Ibid.
13 Despite the requested list of liverymen, and the numerous polls that were taken over the summer, the polling data for the election did not survive, and so therefore, the most accurate polling data that exists is that which was reported in the various newspapers of the time.
14 *True Protestant Mercury* 154 (21-24 June, 1682).
for Lord Mayors to choose a sheriff each year throughout the Restoration. The Whig presses rolled out several pamphlets and treatises that made legal arguments for their rights to elect their own sheriffs based on the 1641 challenge to the Lord Mayor’s authority.\textsuperscript{15} These pamphlets explicitly stated that the right to elect the sheriffs remained with the Common Hall as was the ancient custom of the City. Despite their attempts to challenge Moore before the election, there was not a sitting Parliament with which to turn to, as had been the case in 1641. Therefore, it was clear that the Whigs would have to appear in large numbers at Guildhall on election day in order to exercise the right to elect the sheriffs. For this reason, at crucial junctures throughout the electoral process that lasted several months, key figures of the Court faction, such as Secretary of State Sir Leoline Jenkins, the Attorney General Richard Sawyer, and Lord-Keeper of the Great Seal Francis North among others, would be present at Guildhall during the polling in order to support Moore.\textsuperscript{16} In the same vein, Whig leaders Robert Clayton, Sir Patience Ward, Shaftesbury, and William Lord Russell were known to be rallying the members of their own faction in a concerted effort to be prepared to refuse a confirmation of North.\textsuperscript{17}

Despite the turmoil in the City over the upcoming shrieval election, Charles did not doubt that North would stand as Sheriff of London. In order to show his satisfaction just days before the election, Charles “signifying his . . . pleasure” at Moore’s resilience invited the Lord Mayor along with his own choice of aldermen to “attend him that evening at 7 . . . [and] to come as privately as he pleases.”\textsuperscript{18} Regardless of Charles’s confidence in Moore and North, the outcome of the election was far from decided previous to June 24. In fact, for months, it was unclear

\textsuperscript{15} The Right of electing sheriffs of London and Middlesex, briefly stated and declared (1682); A Modest Enquiry Concerning the Election of the Sheriffs (1682); The Prerogative of the Right Honorable The Lord Mayor of London asserted (1682); The Case of the sheriffs for the year 1682 (1682).
\textsuperscript{16} Papillon, Memoirs, 213.
\textsuperscript{17} De Krey, London and the Restoration, 262, 264; Papillon, Memoirs, 223-224.
\textsuperscript{18} June 1682’, CSPD: Charles II, 1682, 224-279.
exactly who would preside as Sheriffs of London and Middlesex, North and his Tory counterpart (Box, then Rich) or Papillon and Dubois.

b. The Midsummer’s Day Election

By Midsummer’s Day, the Whiggish citizens of London were in a frenzy to prevent the confirmation of the Lord Mayor’s choice and the election of the other Tory candidate as it was clear that Charles was trying to control the shrievalty. By 1682, Common Hall was composed of around 8,000 liverymen from 89 livery companies. According to A.G. Smith, the Whiggish faction had a clear majority of liverymen in the City and within the electoral body of Common Hall, 62 to 65 percent of the liverymen were loyal to the opposition faction. Smith argues that while the Tory liverymen often complained that the Whiggish faction swelled Common Hall with men who were loyal to them by placing them in the smaller guilds, that the percentages of Whigs and Tories within the Twelve Great Companies were the same as Whigs to Tories in Common Hall as a whole.¹⁹

Fearing that a riot would occur during the election proceedings, Moore called in the trained bands, or London’s militia, to remain in Guildhall throughout the day. Three thousand liverymen, majority Whigs, attended Common Hall, and according to reports were shouting “A Hall, A Hall” along with imploring “no confirmation of Mr. North.”²⁰ Many of the liverymen were incensed upon seeing the militia.²¹ The Recorder Sir George Treby opened with a speech

reproaching the liverymen and calling on them to “cease all Fewdes or making of Partys.”

Following his speech, the Common Cryer announced that North was put up for confirmation, and Papillon, Dubois, and Box for election. Moore, along with his aldermen, withdrew to their chambers. He later asserted that “he was nearly ‘trampled under’ after being assaulted in a scuffle, and his dislodged hat was ‘kickt up & down ye hall’ by electors who ridiculed him as a ‘Rogue Papist Torie.’”

The acting sheriffs, Thomas Pilkington and Samuel Shute, proceeded to conduct the election by voices and hands. According to those members of the Whig faction present, Papillon and Dubois had the majority of votes. However, the Tory faction demanded a proper poll to determine the election. The poll was reported to have lasted for over 6 hours. At this point, Moored informed the crowd that anyone who had the right to vote and had not done so, should cast their ballot within half an hour as the books would be closed. The liverymen, however, continued to cast their ballots for well over an hour.

Throughout the poll, Moore and the aldermen received multiple complaints of irregularities and that any Tories who tried to confirm North were being turned away. Furthermore, others who were not even present were sending their names through their fellow liverymen to cast a vote for Papillon and Dubois. After hearing such grievances, Moore ordered the sheriffs to close the books and bring them in for examination. After a discussion with the

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22 *Domestick Intelligence* 114 (22-26 June 1682).
23 *Loyal Protestant* 173 (27 June 1682); *Domestick Intelligence* 114 (22-26 June 1682); *An impartial account of the proceedings of the Common-hall of the city of London, at Guildhall, June the 24th 1682* (1682); *Some account of the proceedings at Guild-Hall, London, on Saturday, the 24th of June, being Midsummer-Day* (1682).
26 *Loyal Protestant* 173 (27 June 1682); *Domestick Intelligence* 114 (22-26 June 1682); *An impartial account of the proceedings of the Common-hall of the city of London, at Guildhall, June the 24th 1682* (1682); *Some account of the proceedings at Guild-Hall, London, on Saturday, the 24th of June, being Midsummer-Day* (1682); Smith, *London and the Crown*, 190.
27 Ibid.
aldermen, Moore went to the hustings and “ordered [the Town-Clerk] to dismiss the Court and
desire their appearance on Tuesday morning at 9 a clock.”

Moore left the Hall and the Whig faction erupted, shouting once again, “A Hall, A Hall” and hissing at the Lord Mayor.

Rather than disputing the results of the poll, the Whig liverymen were challenging the Lord Mayor’s right to close the poll books and adjourn the common hall instead of declaring the election. They felt that was duty of the presiding Sheriffs Sir Thomas Pilkington and Samuel Shute. After Moore left the hall, the liverymen proceeded to poll for another two hours while Pilkington and Shute conferred with one another about the situation. The vast majority of the liverymen left were Whigs, as many of the loyalists had gone home because they opposed the poll. Finally, the presiding sheriffs went to the hustings to address the liverymen and stated the following:

Gentlemen,
According to the desire of many here, we do, in His Majesty’s Name, by whose gift we enjoy this Privilege confirmed to us [and may do, if our Disobedience already has not forfeited them] adjourn this Court; and do declare, that the adjournment of the Lord Mayor is contrary to our Rights and Privileges [that is to say, our wills and Desires] and so we desire to meet on Tuesday accordingly.

The Election Unresolved

Sunday June 25, the day following the election, the Lord Mayor met with King Charles to discuss the events of the preceding day. Following this meeting, Charles summoned Sheriffs Pilkington and Shute, along with Moore and the Court of Aldermen to a Privy Council meeting at Whitehall on the 26th. At this meeting, Pilkington and Shute were informed that they would

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30 Ibid.
31 *Loyal Protestant* 173 (27 June 1682); De Krey, *London and the Restoration*, 259; The hustings was a platform or elevated part of the Guildhall where the Lord Mayor, Aldermen, Sheriffs, and the Recorder sat or where they issued pronouncements during meetings of the Hall. See Royal Commission on London Government, *City of London: statement as to the origin, position, powers, duties, and finance of the Corporation of London*. (London, 1893), 96.
32 CSPD 1682, 272. *Domestick Intelligence* 115 (26-29 June 1682); Luttrell, I, 197.
be held responsible for the “ryot and other disturbances that was committed at the time of the election.” After the discussion, a warrant was issued for the sheriffs, ordering them to be sent to the Tower immediately. The charge against Pilkington and Shute was that they “did not hinder the Riot, nor seize those persons who insolence led them so high, as violently to assault the Right Honourable the Lord Mayor, when he adjourn’d the Court of Hustings.” They were also found at fault for the fact that the poll did not stop after the adjournment. By July 1, both men were on trial at the Court of King’s Bench and pled not guilty. They were given bail and dismissed. It was reported that Pilkington and Shute had sent Moore a letter requesting that he not continue with the election process until they had gained their “Liberty.”

John Moore adjourned the poll and meeting at Guildhall until Wednesday, July 5, as requested by the jailed sheriffs. By doing this, he hoped to appear fair, but this also provided him time to stall before calling another Common Hall. When the Common Hall finally commenced, the liverymen were informed by Recorder George Treby that Moore was “very sick and gone to bed.” Moore then issued the order that the Common Hall meet again on the following Friday. Instead of abiding by Moore’s orders, Sheriffs Pilkington and Shute asked the liverymen if they preferred to adjourn or to continue with the polling. The majority of the Common Hall refused to postpone the balloting, and requested that the poll books be opened so

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33 *True Protestant Mercury* 154 (24-28 June 1682); Newdigate L.c. 1234 (27 June 1682).
34 *Loyal Protestant* 173 (27 June 1682); *True Protestant Mercury* 154 (24-28 June 1682); Morrice, 338.
35 *Loyal Protestant* 173 (27 June 1682).
36 The Court of King’s Bench was a criminal court that primarily dealt with cases between citizens and the King. It also dealt with civil issues and also was utilized to reprimand public officials who committed a crime.
37 *Domestick Intelligence* 116 (29 June – 3 July 1682).
38 *Domestick Intelligence* 115 (26-29 June 1682). Luttrell I, 200; Newdigate L.c. 1236 1238 (1, 6 July 1682). For more information on the trial of Pilkington and Shute see the *Loyal Protestant* 175 (1 July 1682); *The tryal of Tho. Pilkington, Esq., Samuel Shute, Esq., sheriffs, for the riot at Guild-Hall, on Midsommer-Day, (1682) The case of Sir Thomas Pilkington, Kt. . . Samuel Shute, Esq; deceas’d . . . as to the riot pretended to be committed by them in the election of sheriffs (1682).
39 GHL MS 507/36 Sir John Moore Papers; *Loyal Protestant* 174 (29 June 1682).
40 *True Protestant Mercury* 157 (5-8 July 1682); *Loyal Protestant* 177 (6 July 1682); Papillon, *Memoirs*, 217.
41 *Domestick Intelligence* 117 (3-6 July 1682) Newdigate L.c. 1240 (11 July 1682).
that voting could commence and allow “those that had a right and had not done it before.”

Voting once again continued for six hours, and afterwards Pilkington and Shute reviewed the poll books. They determined that Papillon and Dubois were the duly elected sheriffs for the year ensuing. According to their calculations, the voting results were Papillon 2754, Dubois 2709, Box 1609, and North 1557. Pilkington and Shute then asked the hall whether or not they would like the proceedings of the day recorded by the town clerk, and the hall answered “yes, yes, Record it, Record it.”

Moore and his supporters later argued that this poll was problematic and did not count towards the election as the Hall had been dismissed. The issue caused Moore to meet with his Court of Aldermen the following day in order to determine if the Hall had actually been adjourned or not. According to the Whig faction, the Recorder did not have the authority to adjourn the Hall in the name of the Lord Mayor. In the end, both sides debated for so long that they had to bring in outside council to settle the matter. Sir George Jeffreys and Attorney General Sir Robert Sawyer represented Moore and the aldermen, while Mr. Williams, the Speaker for the House of Commons, and Henry Pollexfen spoke for Pilkington and Shute. The attorneys continued to argue for such a length of time that the Lord Mayor, along with some aldermen, ordered everyone to disperse for the evening and to return to Guildhall the next day.

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42 True Protestant Mercury 157 (5-8 July 1682); Domestick Intelligence 117 (3-6 July 1682).
43 True Protestant Mercury 157 (5-8 1682); Loyal Protestant 177 (6 July 1682); Domestick Intelligence 117 (3-6 July 1682); Luttrell I, 203.
44 The Domestick Intelligence 117 (3-6 July 1682); Luttrell I, 203; Newdigate L.c. 1238 (6 July 1682); De Krey, London and the Restoration, 260.
45 Luttrell I, 204. In his account, Luttrell refers to Sawyer as “Mr. Sanders.” De Krey, London and the Restoration, 260; Newdigate L.c. 1239 (8 July 1682); Papillon, Memoirs, 218. Henry Pollexfen was a prominent Whig judge who frequently acted as a lawyer in high profile cases, including Stephen College and Algernon Sidney.
46 True Protestant Mercury 157 (5-8 July 1682); Loyal Protestant 177 (6 July 1682); The Domestick Intelligence 118 (6-10 July 1682); Luttrell I, 204, 205.
The debate was to be continued. Counsel for both sides was to present their opinions on the matter as well as discuss the issue of fraudulent polling.\(^{47}\)

Once again, King Charles stepped in and demanded a meeting at Whitehall with Moore, the Court of Aldermen, and the Sheriffs.\(^ {48}\) Charles maintained that he had no intention of making “entrenchments on their priviledges.”\(^ {49}\) Despite his protestations, Charles insisted that Moore provide information to him regarding the poll and surrounding events at Guildhall.\(^ {50}\) Moore and his supporters argued that the Lord Mayor “were not in the least contrary to his Priviledge.”\(^ {51}\) Members of the Whig faction were also present along with Moore and his supporters. Former Lord Mayor Sir Patience Ward and sheriffs Pilkington and Shute all gave a report as to the proceedings of the shrieval election poll. While the members of the Whig faction sought to justify their actions, Charles dismissed them from the meeting as he was not interested in hearing their point of view about what had occurred in Guildhall. Concerned that Moore might fold under the mounting pressure in the City, Charles instructed Moore that he should “stand his right and maintain the Priviledges of the City.”\(^ {52}\) After issuing this order to Moore, Charles called the Whigs back in and told that as result of the chaos surrounding the election that an Order of Council was made that stated that the proceedings were to begin “anew and carried on in the usual manner, as they ought to have been upon the Twenty Fourth day of June last”.\(^ {53}\)

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\(^{47}\) *Domestick Intelligence* 119 (10-13 July 1682); *Hatton Correspondence* II, 16.

\(^{48}\) Repertory 87 fo. 209b; CSPD July 1682 as viewed through *British History Online*; Luttrell I, 204.

\(^{49}\) *True Protestant Mercury* 159 (12-15 July 1682).

\(^{50}\) Ibid.

\(^{51}\) *Loyal Protestant* 181 (15 July 1682).

\(^{52}\) Ibid.

\(^{53}\) *Loyal Protestant* 181 (15 July 1682); *True Protestant Mercury* 159 (12-15 July 1682); Newdigate L.c. 1240 (11 July 1682); LC MS 18. 124 VIII 77-82, 208 (1, 4, 6, 8, 11 July 1682); *Hatton Correspondence* II, 11, 16; Papillon, *Memoirs*, 218-219; De Krey, *London and the Restoration*, 260.
d. Election de novo

Therefore, in accordance with the new order, the Common Hall met again on July 14 at Guildhall. Moore and the Court of Aldermen appeared on the hustings and read the Order in Council. Once again, the liverymen erupted in objection to the orders read, shouting “Burn It, Burn It. No Confirmation. No Confirmation.” Moore continued despite the noise and reiterated his choice of electing Dudley North as sheriff. At this point, he retired to his chambers, and then Sheriff Shute came out and told the Court that they should poll for all four candidates until four in the afternoon. In preparation the sheriffs opened the poll books with five columns. The first column was labeled “Confirmation” and the other four were reserved for “Election.” However, in large letters “NO CONFIRMATION” was written over the top. The Whiggish liverymen were refusing to even allow a vote on confirmation. Upon seeing this, the Lord Mayor determined that once again poll proceedings would be irregular.

As the sheriffs prepared to open the poll, Moore, on horseback, entered Guildhall and dismissed the Court again until the next day. Once again, the sheriffs and Whiggish liverymen ignored the order to disperse and began to poll instead, and the sheriffs insisted that they had been commanded by “His Majesty to decide this business.” Aside from the continuation of the poll despite adjournment, other irregularities occurred. According to one witness, one liveryman said to another, “Come Brother, poll at the Sheriff’s Book; and let us go and drink and then come and poll again; for I have done it 4 times my self.” The final figures for the poll were Dubois 1487, Papillon 1481, and “against Confirmation 1000 and odd.” After the books were closed,

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54 Loyal Protestant 182 (18 July 1682); Luttrell I, 206.
55 Ibid.
56 True Protestant Mercury 159 (12-15 July 1682).
57 Loyal Protestant 182 (18 July 1682).
58 Ibid.
59 Loyal Protestant 182 (18 July 1682); Once again, the figures reported by The Domestick Intelligence 120 (13-17 July 1682) were different. The figures reported in this newspaper are as follows: Thomas Papillon 2487; John
Moore and the aldermen examined the books and then announced on the hustings that Dudley North and Ralph Box were elected as sheriffs for London and Middlesex for the year ensuing. As the Whigs had “boycotted” the official poll and created their own, Moore was able to determine that Box had won through election. However, after Moore made his announcement and departed with the aldermen, Pilkington and Shute recited the numbers they had recorded for each candidate and declared that Papillon and Dubois had won by the majority and therefore were the duly elected sheriffs. 60

As the election continued to drag out, many felt that the only way that the election could be settled was if North would remove himself from the poll. Several tactics were employed to remove North from the election. First, North received an offer of a bribe worth £4,000. 61 Peter Rich reported to Secretary Jenkins that the bribe required North to reject Moore’s nomination, and the Common Hall would then elect him as Sheriff for the coming year. 62 North, however, refused and remained loyal to Charles, Moore, and the entire Tory faction. When North refused, some liverymen resorted to threats of violence upon North’s person if he did not step down from the nomination. North, once again, refused to give in to intimidation. 63

The Court of Aldermen met on July 18 to determine the outcome of the election. They confirmed and declared the election of Dudley North and Ralph Box as Sheriffs Elect for the year ensuing. According to custom, North and Box would be sworn in as sheriffs of London and

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60 The Domestick Intelligence 120 (13-17 July 1682); Newdigate L.c. 1242 (15 July 1682); De Krey, London and the Restoration, 261.
61 'June 1682', CSPD: Charles II, 1682, 224-279; Smith, London and the Crown, 191-192. There is no record as to who specifically offered North the bribe.
62 'June 1682', CSPD Charles II, 1682, 224-279.
Middlesex. Moore contended that at the poll on Saturday, Box had actually acquired a majority of votes. He determined the votes were Box 1244 and Papillon and Dubois 60 each because he chose to ignore the votes against North’s confirmation. The plans in motion to swear in North and Box were not a secret, and it was reported that both Papillon and Dubois would also appear to take their oaths as the new sheriffs. The Whigs disputed the poll results as they were interpreted by Moore. According to the Whigs, “the Lord Mayor sent an Eminent Merchant his former servant to the Sheriffs and gave them Liberty to Poll for all 4 candidates.”

The Whigs further threatened Moore with “a thousand actions.” They argued that the liverymen, not the Lord Mayor, had the right to choose the sheriffs of London and Middlesex. In this vein, they presented a petition addressed to the Lord Mayor and the Court of Aldermen requesting that Papillon and Dubois be declared sheriffs. The petition further requested that these men be “sent for, and give Bond, or fine for the said office, as legally chosen.” The petition was not signed, and it was therefore rejected.

Twenty liverymen signed and presented another petition, which Moore and the Court answered that they would read and consider. Along with the petition, Moore was also informed by Sheriff Pilkington “that there was a great number of Writs . . . entered against his Lordship; Some of which were at the suit of the persons whose names are as followeth.”

Moore reported to the crowd that he was aware of the seventeen writs that had been brought

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64 The Domestick Intelligence 121 (17-20 July 1682); Luttrell I, 208; LC MS 18, 124 VIII 1243 (18 July 1682); Sharpe, London and the Kingdom II, 198.
65 Luttrell I, 206.
66 The Domestick Intelligence 121 (17-20 July 1682).
67 True Protestant Mercury 160 (15-19 July 1682).
68 Ibid.
69 Loyal Protestant 183 (20 July 1682); A paper subscribed and delivered by divers eminent and worthy citizens to the Right Honourable the Lord Mayor and court of aldermen, at Guild-hall, July the 20th 1682 (1682); A caveat enter’d by divers eminent citizens...(1682); GHL MS 507/36 Sir John Moore Papers; The petitions are noted in Repertory 87, fo. 212, 214.
70 Loyal Protestant 183 (20 July 1682); True Protestant Mercury 161 (19-22 July 1682).
71 Ibid.
against him, but he would not address them this particular evening or “till such time he is out of his office,” as his office precluded him from having to answer to such writs.\textsuperscript{72} The Court of Aldermen then adjourned and agreed to meet the next Thursday and it was believed that a decision would be made at that point about the sheriffs.\textsuperscript{73}

The scenario repeated itself on July 21. Under-Sheriff Richard Goodenough visited with John Moore once again to address the seventeen warrants that had been issued against him along with forty new writs, advising Moore to choose council. While Moore acknowledged that he might to do so, he sent the under-sheriff away. On Thursday, while Moore, along with a handful of Aldermen, were at Guildhall, “several of the Livery-men” insisted that the Court proclaim Dubois and Papillon as Sheriffs; “they being chosen according to Law.”\textsuperscript{74} Moore and the Aldermen continued to meet for an hour and then came out and notified the liverymen that they would consider their request. However, the liverymen were not satisfied as they “desired it might be suddenly, and that THEIR Elect Sheriffs might give their bonds.”\textsuperscript{75} Moore, however, would not give in and insisted that the Court had given them an answer in their own time. When the liverymen did not get the answer they wanted, they then “came to push his Lordship . . . telling him, they desired appearances to their several Actions.”\textsuperscript{76} Once again, Moore told them they would have an answer in time. Without the desired response, the liverymen were forced to leave.

The Lord Mayor, the Court of Aldermen, and the Court of Lieutenancy\textsuperscript{77} met again at Guildhall on July 27, and were once again confronted by liverymen who were expecting an

\textsuperscript{72} True Protestant Mercury 161 (19-22 July 1682).
\textsuperscript{73} True Protestant Mercury 161 (19-22 July 1682); Loyal Protestant 186 (27 July 1682); De Krey, London and the Restoration, 262.
\textsuperscript{74} Loyal Protestant 184 (22 July 1682); L.c. Newdigate 1248-49 (27 July 1682).
\textsuperscript{75} Ibid; Repertory 87, fo. 216b.
\textsuperscript{76} Loyal Protestant 184 (22 July 1682); L.c. Newdigate 1248-49 (27 July 1682).
\textsuperscript{77} The Court of Lieutenancy was a minor court of the Common Council and was responsible for the trained bands.
answer to their petitions to confirm Papillon and Dubois. At this juncture, Moore issued a statement which assured the liverymen that that the Court had contemplated their petitions and the “persons [who] shall take the Office of Sheriffs upon them as are duly elected according to Law and the Ancient Customs of the City.” He also stressed to them that it was his and the Court’s position to ensure that that “Rights and Priviledges of the Chair and of the whole City” were upheld. Despite the Lord Mayor’s answer, the liverymen were not satisfied and sent Sheriff Pilkington to talk to Moore and the Court. The message Pilkington was to deliver was that “the Livery-men without did not judge what my Lord Mayor had said to be a sufficient answer.” Moore then commanded the sheriff to disperse the crowd in the King’s name. Rather than taking the message to the liverymen, Pilkington instructed the Court of Lieutenancy to leave. The Court responded that “They sate there by the King’s Authority, and judged Mr. Sheriff might be under a mistake, or in the wrong Box.” Pilkington returned to the Court of Aldermen and was once again ordered to disperse the crowd, and on this occasion he did so. After the crowd left the hall, Moore decided to adjourn and meet again after the festival celebrated on August 24 in honor of St. Bartholomew.

e. A New Co-Sheriff

By early September, the matter had not been settled. The Whig faction was scheming an alternative way to seat Papillon and Dubois as sheriffs. If Papillon and Dubois were not sworn in, the Whigs had developed two possible options. The first was to wait until the Michaelmas election of the new Lord Mayor, and then revoke Moore’s ruling. If this did not work, then they planned to challenge Moore’s decision at the Court of King’s Bench and have a mandamus

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78 *The Domestick Intelligence* 123 (24-27 July 1682); Luttrell I, 210.
79 *Loyal Protestant* 187 (29 July 1682).
80 Ibid.
81 Ibid.
82 Ibid.
issued that challenged North and Box’s right to serve as sheriffs of London and Middlesex.83 Rumors abounded and as late as August, the possibility still existed that Papillon and Dubois could be sworn in as sheriffs for the year ensuing.84 However, it did not happen.

The liverymen presented Moore and the Court of Aldermen with a third paper that argued that Papillon and Dubois were elected as sheriffs and requested that the men be summoned so they could either take office or pay their fines.85 Further, Ralph Box decided he no longer wanted to be involved in the controversy and chose not to be sworn in as sheriff and instead paid the fine of £400, which meant that another Common Hall would have to be held in order to choose another sheriff to serve with Dudley North.86 Although North did not step down, Box withdrew his name from the election.87 The liverymen and citizens of the City disputed this new development, and contended that there should not be another Common Hall as the choice of Papillon and Dubois should be honored. The proliferation of tracts, treatises, and pamphlets continued as the Whig press sought to establish the “ancient” custom of the common hall to elect both sheriffs, while the Tory press sought to defend the Lord Mayor and his prerogative to choose one of the sheriffs.88 The battles in the press only heightened the tensions.

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83 Luttrell I, 207. A writ of mandamus is special order from a court that legally requires officials to perform their duties as prescribed by the law, not by the discretion of the official. Papillon and Dubois considered themselves to be duly elected Sheriffs, and therefore they were trying to force legally the new Lord Mayor Sir William Pritchard to recognize this and swear them into office.
84 True Protestant Mercury 171 (23-26 August 1682).
85 The Case of the sheriffs for the year 1682 (1682).
86 True Protestant Mercury 174 (2-6 September 1682); Loyal Protestant 205 (8 September 1682); Luttrell I, 217.
87 Smith, London and the Crown, 192.
88 Repertory 87 fo. 221b, 222. A Modest Enquiry Concerning the Election of the Sheriffs (1682); A New song being a dialogue between a Whigg and Tory concerning the election of sheriffs (1682); A word for the city in a dialogue between Civicus and Rusticus, touching the choice of sheriffs (1682); An humble address to the livery-men of London relating to the election of sheriffs / by a lover of his King and country (1682); The Advice of Tory to Whigg . . . setting forth their miscarriages, in the present contest for sheriffs (1682); The Charge of a Tory plot maintain'd in a dialogue (1682); The Matters of fact in the present election of sheriffs, for the year ensuing (1682); The Observator in a dilemma (1682); The rights of the city farther unfolded and the manifold miscarriages of my Lord Mayor (1682). Further dialogue in the press can be seen in the June 24-September 28 editions of the following newspapers, which were in constant dialogue with one another: Loyal Protestant, True Protestant Mercury, The Domestick Intelligence, Observator, Loyal London Mercury, Moderate Intelligencer, and The Impartial Protestant.
Rather than prepare for another Common Hall, an “abundance of Liverymen” presented
themselves at a meeting of the Lord Mayor and Court of Aldermen at Guildhall on September
5.\(^{89}\) They gave another petition to the Lord Mayor, and asked that he proclaim Papillon and
Dubois as Sheriffs Elect for the year ensuing so that both men could take their oaths and be
sworn into office.\(^ {90}\) The petition was read in the council chamber, and after deliberation the Lord
Mayor summoned “several Worthy citizens” into the chamber to hear the answer to the
petition.\(^ {91}\) He responded to the petition by announcing to the liverymen that Box “hath
submitted a Fine; and therefore this Court desires you to meet again and choose another Sheriff
to joyn Mr. North.”\(^ {92}\) He informed them that they would be privy to the time and date of the new
Common Hall shortly. Once again, the liverymen exploded in anger and began to cry “no” and
caused such chaos that Moore was forced to tell them that if they continued, he would have to
indict them for inciting a riot, and told them to leave the chamber.\(^ {93}\) Upon their exit, the
Whiggish liverymen declared that “Our Priviledges are Infringed” and reiterated that not only
did they not want another poll for sheriff, but that they “[WOULD] NOT admit of any other to
be Sheriffs.”\(^ {94}\) However, Moore did have a few supporters of “loyal and worthy gentlemen” in
the crowd as well, and they responded to the speech by the other liverymen, declaring that that
they would “stand by his Lordships determination.” Moore finally commanded everyone “to
depart upon pain of Imprisonment.”\(^ {95}\)

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\(^{89}\) Repertory 87, fo. 230; LC MS 18,124 VIII 110-111 (5, 9 September 1682).

\(^{90}\) A paper presented by divers citizens of the city of London, Sept. 5. 1682. to the Right Honourable the Lord Mayor
and Court of Aldermen” (1682); Luttrell I, 217.

\(^{91}\) Loyal Protestant 204 (7 September 1682).

\(^{92}\) Loyal Protestant 204 (7 September 1682); Newdigate L.c. 1272 (9 September 1682); De Krey, London and the
Restoration, 265).

\(^{93}\) Ibid.

\(^{94}\) Ibid; Repertory 87 fo. 230b-231.

\(^{95}\) Ibid. De Krey, London and the Restoration, 264. This episode is also discussed in The True Protestant Mercury
176 (9-13 September 1682). However, this account claims that once the petition was read, the Lord Mayor “took up
the sword and dissolved the Court without returning the Citizens an answer”; Papillon, Memoirs, 228.
Despite continual petitions and protests in the City, by mid-September, many were becoming resigned to the fact that Lord Mayor was not going to surrender his right to appoint one of the two sheriffs. Further, the liverymen had to resign themselves to another election. Neither Papillon nor Dubois would simply be allowed to step in and hold the slot vacated by Box. The City’s citizens commenced in the taking of the sacrament so that they would be allowed to participate in the poll, or stand for nomination for Lord Mayor or sheriff. The Corporation Act of 1661 required those interested in holding a public office to receive the sacrament of the Lord’s Supper and to take the oaths of Allegiance and Supremacy, which recognized the monarch as the head of the Church. While the preparations were made, the Court of Aldermen held a meeting at Guildhall in which a petition from Tory supporters was read that recognized Moore’s “proceedings to be Just and Right” and objected to Papillon and Dubois serving as sheriffs. Once again the liverymen lost their tempers and declared that “from the time of King John’s Reign it had been the undoubted Right of the Commons of London to choose Sheriffs,” and reiterated their desire that Papillon and Dubois stand as sheriffs.

Moore ordered all liverymen to disperse after he acknowledged their appeal as the same as their previous petition. Once the liverymen left Guildhall, “several worthy and Loyal Gentlemen” from the County of Middlesex were called in before the Court and another petition was read about the choice of sheriffs. Moore continued to insist that he had not done anything that was illegal or not within his rights as Lord Mayor. He once again stated that Dudley North would serve as sheriff and that a new Common Hall would be called to elect his co-sheriff. When

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96 *Loyal Protestant* 207 (14 September 1682).
97 *Loyal Protestant* 208 (16 September 1682).
98 Ibid.
the gentlemen began to protest in the same vein as the liverymen, Moore commanded them to leave, and subsequently, he and the Aldermen also left Guildhall.\textsuperscript{99}

In the midst of this tension, the Crown grew concerned that North was planning to step away from the shrievalty. Secretary Jenkins wrote to Lord Keeper Francis North asking for reassurance that North would serve as sheriff. According to Jenkins, “a surmise blown about the City. . . that Sheriff North is gone on the sudden out of town to take advice from you how to get off from his sheriffwick.”\textsuperscript{100} Jenkins assured Francis North that Charles nor any of his minister’s believed that North had decided to back away from the shrievalty, but at the same time he requested that either that the Lord Keeper or North write to confirm that the rumor was false. In reply, the Lord Keeper promised Jenkins and Charles that North had left London only to visit him on a personal matter and gave his word that his brother was “a very honest man and can be hardly deceived or frightened out of the principles he has taken up to serve the King and the City.”\textsuperscript{101} He also reassured him that North knew him too well to think that he would “expect assistance in anything dishonest or dishonourable.”\textsuperscript{102} Despite the frenzy surrounding the election, North planned to serve as sheriff and he had no intention of stepping aside.

The Common Hall to elect North’s co-sheriff was set for September 19. On this day, the Lord Mayor and the Aldermen arrived at Guildhall at 9 and the hall was already full of “both of the Livery and others.”\textsuperscript{103} When Moore mounted the hustings to announce the purpose of the Hall was to elect another sheriff to stand with North, the crowd made “such a hideous noise” that the Lord Mayor retired into Council Chambers. After the Lord Mayor left, the standing sheriffs

\textsuperscript{99} \textit{Loyal Protestant} 208 (16 September 1682); Luttrell I, 219-220.
\textsuperscript{100} ‘September 1682’, \textit{CSPD Charles II}, 1682, 362-448.
\textsuperscript{101} Ibid.
\textsuperscript{102} Ibid.
\textsuperscript{103} \textit{Loyal Protestant} 210 (21 September 1682); \textit{The Domestick Intelligence} 139 (18-21 1682); \textit{The Account of the proceedings at Guild-Hall on the 19th instant, 1682, for the election of a sheriff to stand with Mr. North for the insuing year} (1682); Luttrell I, 220; Papillon, \textit{Memoirs}, 221-222; GHL MS 507/36 Sir John Moore’s Papers; De Krey, \textit{London and the Restoration}, 265.
Pilkington and Shute went to the hustings and asked, “Gentlemen of the Livery, Will you stand by your Old Choice, or have a New Poll?” The response by the crowd was to stand by the old choice. The chaos that ensued caused Moore to return to the Hall and postponed the poll until the afternoon. When the voting began, one of the current sheriffs appeared on the hustings and declared both Papillon and Dubois to be elected sheriffs. Despite the insistence that Papillon and Dubois stand as sheriffs, Moore proclaimed another Tory, Peter Rich, as sheriff for the year ensuing. After making this announcement, Moore ordered the liverymen to vacate, but they continued to insist that Papillon and Dubois were duly elected according to the City’s charter, and that they ought to be sworn in. The Court of Aldermen, however, refused to reply.

f. The Confirmation of Dudley North and Peter Rich

On September 28, both Rich and North were sworn as sheriffs in time for the coming election for the new Lord Mayor. As Moore did not expect that the swearing would proceed smoothly, the trained bands were ready at the entrance of Guildhall and at the hustings to protect the Lord Mayor, North, and Rich during the swearing ceremony. Not only were the trained bands present to keep the peace but they were also instructed by Moore to “keep such from entering who were judged to have no business there.” It was popular belief that both Papillon

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104 Ibid.
105 Ibid.
106 True Protestant Mercury 178 (16-20 September 1682); Journal, 49, fo. 347.
108 Loyal Protestant 215 (3 October 1682); Domestick Intelligence 141 142 (25-28 September, 28 September-2 October 1682); Thomas Papillon, A true account of the irregular proceedings at Guild-Hall, about the swearing the two pretended sheriffs Mr. North and Mr. Rich, September 28, 1682 (1682); A true account of the irregular proceedings at Guild-Hall, in relation both to the election and swearing Dudley North, and Peter Rich, esquires, sheriffs of London and Middlesex, in the year 1682 (1689); Luttrell I, 224-225; Newdigate L.c. 1280-1281(28, 30 September 1682); GHL MS 507/36 Sir John Moore’s Paper.
109 Moderate Intelligencer 299 (28 September-2 October 1682); Thomas Papillon, A true account of the irregular proceedings at Guild-Hall, about the swearing the two pretended sheriffs Mr. North and Mr. Rich, September 28, 1682; A true account of the irregular proceedings at Guild-Hall, in relation both to the election and swearing Dudley North, and Peter Rich, esquires, sheriffs of London and Middlesex, in the year 1682. (1689); Luttrell I, 224-225; HMC House of Lords 1690-91, 49.
110 Ibid.
and Dubois would also present themselves for the swearing, and the Lord Mayor expected their supporters to cause the type of chaos that ensued during the previous elections.\textsuperscript{111}

Among those turned away by the trained bands were the Mercers Company, the livery company of both Papillon and North. Traditionally, any member of a company chosen to stand as a sheriff or alderman was also elected as master of the respective company on the next election day.\textsuperscript{112} The election for the new Master Warden occurred on September 5 and Papillon was nominated instead of North.\textsuperscript{113} In spite of tradition, the Mercers voted Papillon as master of the company for the coming year.\textsuperscript{114} In supporting Papillon, the Mercers were choosing to support the Whiggish faction’s position in regards to the election as well as rejecting the Crown’s interference in City politics.\textsuperscript{115}

Throughout September, Papillon continued to receive support from the Mercers over North. Closer to his swearing-in ceremony, North sent a request to the Mercers for the traditional sixteen assistants and officers of the company to escort him to Guildhall for his inauguration. The Court of Assistants met on September 25, 1682 to discuss the matter. The final decision was that “Officers of this Company’s shall not waite upon the hon. Dudley North to Guildhall on Thursday next.”\textsuperscript{116} The Mercers had not only refused to comply, but formally voted against the matter. Furthermore, the Court also decided that the Assistants were to “meet

\begin{footnotes}
\item[111]\textit{The Domestick Intelligence} 141 (25-28 September 1682); Luttrell I, 224; Smith, \textit{London and the Crown}, 196.
\item[112]Sharpe, \textit{London and the Kingdom} II, 200.
\item[113]Mercers Company Acts of Court 1681-1687, fo. 16.
\item[114]Ibid; \textit{True Protestant Mercury} 175 (6-9 September 1682); Luttrell I, 218.
\item[115]Despite these contemporary reports, the official history of the Mercers written by Ian Doolittle contends that while individual members of the company may have chosen to support one side over the other depending upon their affiliation with the Whig or Tory factions, it is difficult to ascertain the actual stance of the Company as a whole. Doolittle denies that North was refused his attendants for the day of his swearing, and that he was given the traditional monetary award. Further, Doolittle states, “it is most likely that the Company simply waited on events, neither wishing nor daring to play any positive part in the dangerous political game which threatened to destroy its corporate integrity.” See Ian Doolittle, \textit{The Mercers’ Company 1579-1959} (1994), 84-85. Despite this official history, it is clear that it was believed by contemporaries that the Mercers had chosen to support Papillon over North, even after his official swearing. For many liverymen within the City, the fight was still not over.
\end{footnotes}
at the hall in their Gowns upon Thursday morning next . . . [and] to waite upon the Master of the Company. “Instead of escorting North, the Assistants chose to accompany Papillon to Guildhall. Contemporaries took this to mean that Mercers would be attending Guildhall in order to present Papillon to be sworn in as one of the duly elected sheriffs of London and Middlesex. Further, the £100 that was traditionally presented to a sheriff elected from their company would not be given to North.

While it appeared during the last months of 1682 that the Mercers had completely ignored the fact that North, not Papillon, was the acting sheriff, the following year the Court nominated and unanimously elected North as Master Warden. After North was installed as Master Warden, the Court also decided to retroactively award him the £100 to put “towards the charge of beautifying his house in the last year in the time of his Sherriffalty (sic) of this City.”

While the official history of the Company written by Ian Doolittle claimed that the Mercers decided not to get involved and did not choose sides between North and Papillon, the evidence from the Acts of Courts suggests otherwise. Initially, the Company supported Papillon and in doing so, they were taking a stand against North as the Crown’s preferred candidate for sheriff. When the Company chose to support Papillon, the outcome was still not clear, and many Whiggish liverymen in the City were holding hope that Papillon and Dubois would be sworn in as Sheriffs of London and Middlesex.

After the Lord Mayor arrived at Guildhall for the swearing of the two sheriffs, thousands of liverymen who had been refused entrance were able to force their way into the hall, but the

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117 Ibid.
118 True Protestant Mercury 180 (23-27 September 1682).
120 Mercers Acts of Court 1681-1687, fo. 41.
121 Ibid, fo. 50a. While the Mercers did eventually allow North to serve as Master Warden, after the Glorious Revolution, his name was struck from the Court of Assistants as he was charged with aiding the Crown in trying to restrict the Company’s membership through the quo warranto proceedings.
trained bands did manage to keep them away from the hustings. A short while after entering the hall, the Lord Mayor, the aldermen, and the sheriffs appeared on the hustings for the swearing ceremony. As Moore held out the book for North and Rich to swear upon, Papillon and Dubois appeared and also placed their hands on the book. When Moore informed them that this was irregular, Papillon presented him with a petition. Papillon then proceeded to read it to all the liverymen. The petition declared that Papillon and Dubois were the duly elected sheriffs of London and Middlesex and that both men were ready and willing to take the office. Moore rejected their petition and ordered them to leave the hall. After Papillon and Dubois left, accompanied by several aldermen, the ceremony continued and Dudley North and Peter Rich were sworn in as sheriffs of London and Middlesex.  

After the swearing-in ceremony, the Whig faction hoped to put a plan into action to have North and Rich removed as sheriffs. The first course of action was to win the election for a new Lord Mayor. However, after a confused election and a review of the poll books in which it was decided that many had polled who had not sworn the Oath of Allegiance and Supremacy or were excommunicated, their chance for winning the election did not appear likely. Once the votes were counted and legitimized, Moore announced that Sir William Pritchard was elected as the new Lord Mayor. Many of the members of the Whig faction charged that Pritchard’s victory was the result of the Tories with allowing people to poll who had no legitimate right to do so. Subsequently, however, Moore presented Prichard as Lord Mayor elect to King Charles. He approved of Pritchard stating, that he was “truly qualified to the Established Government and a

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122 Sharpe, London and the Kingdom, 200; Moderate Intelligencer 299 (28 September-2 October 1682); A true account of the irregular proceedings . . . about the swearing the two pretended sheriffs Mr. North and Mr. Rich (1682); Thomas Papillon, A true account of the irregular proceedings at Gvild-Hall, about the swearing the two pretended sheriffs Mr. North and Mr. Rich, September 28, 1682 (1682); A true account of the irregular proceedings at Guild-Hall, in relation both to the election and swearing Dudley North, and Peter Rich, esquires, sheriffs of London and Middlesex, in the year 1682 (1689). Luttrell I, 224-225; Papillon, Memoirs, 224-227.

123 Loyal Protestant 217, 222, 223, 225 (7, 19, 21, 26 October 1682); Repertory 87 fo. 258.

124 Journal 49 fo. 349; Morrice, 339.
person as truly Loyal to His Majesty’s Service.” On October 30, with a ceremonial swearing and feasting, Sir William Pritchard was sworn in as Lord Mayor of the City of London. Officially, Charles and the Tory faction had regained control of the City.

Although North and Rich were sworn in as sheriffs of London and Middlesex and a new Tory Lord Mayor was in place, Papillon and Dubois continued to argue that they were rightly elected the sheriffs. On October 23, a motion was made at the Court of King’s Bench for a mandamus to both the Lord Mayor and the Court of Aldermen to swear in Papillon and Dubois as sheriffs. An order was issued that Pritchard and the Court of Aldermen were to demonstrate why Papillon and Dubois should not be sworn. Despite this ruling, “by reasons of many weighty Affairs that then happened,” the hearing was postponed. After several postponements, it was expected that a decision would be reached by November 14. By this date, the Court contended that Lord Mayor and Court of Aldermen had to provide their reasons as to why the mandamus must not be approved. On the date of the trial, the mandamus was not discussed, and it died in the courts. North and Rich were the Sheriffs of London and Middlesex, and although Papillon and Dubois continued to proclaim themselves as the rightly elected sheriffs, they did not win their case. The Tories and Charles had won.

Conclusion:

The London shrieval election of 1682 was a highly contentious event. With the hopes of a parliament closed off, national politics were forced into a smaller and more local arena, the

125 Loyal Protestant 226 (28 October 1682).
126 A congratulatory poem to the Right Honourable Sir William Pritchard, Lord Mayor of the City of London (1682); Londons joy and triumph on the installment of Sir William Pritchard Lord Mayor for the ensuing year to the tune of Tangier march (1682); The Lord Mayor's show being a description of the solemnity at the inauguration of the truly loyal and Right Honourable Sir William Prichard, Kt., Lord Mayor of the city of London (1682).
127 Morrice, 339; Loyal Protestant 229 (November 4, 1682).
128 Loyal Protestant 229 (November 4, 1682).
129 Morrice, 343.
130 Loyal Protestant (November 14, 1682); Morrice, 344.
City. The outcome was far from certain throughout the whole process, and none of the Whig faction expected Charles or the Court faction to prevail. In the end, Charles defeated the Whigs and was able to gain control over the City and the dissenters who resided there. While technically a local election and a local victory, the results of the election of 1682 had national implications. The Crown’s triumph only caused the Whig leadership, such as Shaftesbury, William Lord Russell, and the duke of Monmouth, to grow increasingly more radical throughout the rest of the 1680s, and some of the Whig leadership lost their lives due to the fear of their plots and schemes. For North, the victory would later come at a steep price—his chance at an extended political career—as the London shrieval election of 1682 served as a means for him to enter the national political sphere and his actions as sheriff would ensure that his political career was brief.

The shrieval election of 1682 proved to be a turning point in Charles’s II reign. He was able to secure two Tories as sheriffs of London and Middlesex, effectively controlling the juries. By the end of the year, a Tory far stauncher than Moore would become Lord Mayor. By 1683, the *quo warranto* had been settled against the Corporation of London and Charles had fully solidified his hold over the City. Aside from Charles gaining control over a rebellious city, he had also effectively shut down Parliament and was able to institute his own period of personal rule that would last throughout the remainder of his reign. Without a Parliament, both the Tory and Whig factions were forced to find a new forum to further their agendas. In 1682, the City of London served this purpose and allowed the issues of the day to remain in the national political sphere. The treatises, pamphlets, songs, and poems that were written by both sides about the shrieval election of 1682 were widely read throughout the City and even in the countryside. This propaganda not only furthered each side’s agenda in the election, the writings helped to shape the
rhetoric of emerging political parties.\textsuperscript{131} Without Parliament, the City of London became the new forum in which Whigs sought to fight against “arbitrary” government, and the Tories continued their agenda of loyalty to the monarch.

The politics of the City, whether through juries or the shrieval elections, also provided an arena through which wealthy merchants, such Bethel, Dubois, Papillon, Pilkington, North, Moore, Rich, Shute, and Ward could participate and influence national politics. Each of these men was considered a leader of his respective faction.\textsuperscript{132} Without the benefit of a parliament, these men were able to return to the City where it was only natural that they would retain leadership roles in the City’s government. Effectively, the English Civil Wars and the Commonwealth politicized the City in an unprecedented way. Once the Commonwealth fell, however, the City continued to be political on a national scale. It surprised no one that when Charles prorogued Parliament national attention would turn to the City as a means of continuing the political agenda of the opposition and the Court faction.

Once North was established as sheriff of London and Middlesex, he served the Court as promised. He was responsible for handpicking the juries that would try, convict, and sentence to death William Lord Russell, a prominent Whig leader, along with four other conspirators involved in the Rye House plot to assassinate the King and his brother as well as incite rebellions in London and the English countryside. North also delved deeper into national politics as an MP under James II. However, his controversial actions as sheriff forced him out of government once the Revolution of 1688 occurred. He was only able to maintain his political career only as long as the loyalist party was at the helm. Once the Whig faction was able to oust James and replace


\textsuperscript{132} See Appendices III and IV in De Krey, \textit{London and the Restoration}.
him with a friendlier monarch, North’s political career effectively ended and he turned his energies to becoming a political economist. Regardless of the brevity of his political career, North’s actions, particularly as sheriff, caused a great impact in the national sphere.
CHAPTER III
DUDLEY NORTH AS SHERIFF

For Dudley North, the London shrieval election of 1682 was an opportunity to enter into the London political arena as the national political sphere. The election served as a battleground in which political ideologies were defined nationally. The chaos and tensions surrounding the election only served to help harden emerging party lines. After months of tensions and factionalism within the City, North and his co-sheriff, Peter Rich, were sworn in as Sheriffs of London and Middlesex on September 28, 1682. Just as the election had not proceeded smoothly, neither did the swearing-in ceremony. In fact, as De Krey has pointed out, the election of the North and Peter Rich as sheriffs was not a complete victory for the Tories but rather resulted in “a contest for legitimacy between pairs of Tory and Whig sheriffs.”¹ After North’s inauguration as sheriff had concluded, the loyalist aldermen left the hustings and Thomas Papillion and John Dubois were sworn in as sheriffs by aldermen with Whiggish sympathies.² Papillon and Dubois claimed to be the true sheriffs of London and Middlesex through a mandate of the people. They contended, as did their Whig supporters, that the City’s electoral rights had been usurped by the Crown and his loyalist agents within the City, including the trained bands. Therefore, both pairs claimed the right to serve as sheriffs.

¹ De Krey, London and the Restoration, 268.
² Newdigate L.c. 1281 (30 September 1682); LC MS 18,124, VIII, 121, 123 (28, 30 September 1682); De Krey London and the Restoration, 268-269.
Amidst this chaos and factionalism, North and Peter Rich began to carry out their duties as sheriffs while their opponents continued to decry the illegality of their election.\(^3\) Although North was sheriff, the threats and attacks in the press continued as they had during the election process. North was touted as a “zealous sham-sheriff” who “walk[s] hand-in-hand” with the Crown.\(^4\) The City Whigs expected that once North assumed the office of Sheriff of London that he would be a pawn or tool of the Crown within the City and the trials of dissenters and Whig leaders would continue. Printers who supported the Tory cause published tracts that assured those with Whiggish leanings that their fears regarding Tory sheriffs were real. Tory printer Nathaniel Thompson published a poem, *Loyalty Triumphant*, which taunted Whigs by declaring that they “need not despair; If Rich find Timber (give them scope)/ Brave North will never grudge the Rope.”\(^5\) The Tory faction assumed much the same as the Whigs; however, in their case, they felt that if the Whig leaders committed acts of treason then they should be rightly prosecuted. The Tories believed that North would carry out his duties in a way that not only would *ignoramus* juries be a thing of the past, but that the Whigs could be expected to be found guilty of their crimes if North chose the juries.

According to Roger North, his brother Dudley was of a peculiar temperament that allowed him to function and carry out his duties in the face of such opposition and for this he earned a nickname, “blind Bayard,” throughout the City.\(^6\) Roger contended that North “went about his business, and walked the streets to and fro” during “a time when his name was broiling upon the coals.”\(^7\) Just as the threats and bribes had not affected him during the election, North

\(^3\) See pages 102-103.


\(^5\) *The Roxburghe Ballads* v, 272; Charles MacKay, *A Collection Of Songs And Ballads Relative to the London Prentices And Trades; And To The Affairs Of London Generally* (2008), 111.


\(^7\) Ibid, 115.
did not let the continued negative, or positive, press affect him as sheriff. He continued to carry out his duties despite the fact that obvious segment of the City held a great deal of ill-will towards him.

By accepting the position of sheriff, North began a political career in which he would have to make controversial decisions, such as selecting jurors for high profile trials. Ultimately, the choices North made during his tenure as sheriff would end his short political career. In his actions as sheriff, North proved to be a staunch Tory who was far more politically conscious than either he or Grassby claimed. A good number of the liverymen opposed North’s confirmation as Sheriff of London and yet, North refused to step down even when his person was threatened with violence. North also accepted the nomination well-aware of the controversy surrounding the selection of juries as well as the Crown’s desire to end the possibility of any ignoramus juries. Once in office, North carried out his duties in line with the Crown’s expectations and while some Whig leaders, including William Lord Russell, lost their lives, others such as Shaftesbury and Papillon were forced to flee into exile. In an attempt to show North’s political nature, this chapter will examine the two most controversial actions North carried out during his shrievalty: the mayoral election of Sir William Pritchard and his involvement in the jury selection for the trials of the Rye House conspirators

a. The mayoral election of Sir William Pritchard

Charles and his ministers had already begun to prepare for the election of the new Lord Mayor well before September as Charles’s plan to secure his power within the City included the election of a Tory as Lord Mayor. During the tumultuous shrieval election process of July, Secretary of State Sir Leoline Jenkins began to inquire as to whether Charles could ask Moore to extend his time as Lord Mayor for another year rather than face the possibility of another Lord

8 State Trials, ix, 966.
Mayor who identified with the Whig faction. Jenkins hoped that if need be Charles could “continue this Lord Mayor for another year” as “Such things have been done by the Usurpers” as to make it difficult to know how a mayoral election in the City so soon after the shrieval election would turn out. Jenkins also investigated if “any Lord Mayor has on being presented been refused by the Lord Chancellor, the Constable of the Tower, or the King.” Both Charles and Secretary Jenkins were hoping that if a Whig won the election that they would be able to hold up the inauguration or prevent the new mayor from taking office by refusing to acknowledge him.

In the face of animosity in the City, North’s most immediate responsibility as the new sheriff was to assist in the election of the new Lord Mayor. According to tradition, the Court of Aldermen met and nominated Sir William Pritchard and Sir Thomas Gold for the office of Lord Mayor. Pritchard was a far stauncher Tory than Sir John Moore. The liverymen who tended to vote with the Whig faction were just as desperate to prevent another Tory victory within the City, and a poll was demanded that would include Sir Henry Tulse and Alderman Henry Cornish, along with Pritchard and Gold. The Court of Aldermen agreed. North and his fellow sheriff were responsible for conducting the election. When it became clear that another election would take place to determine a new Lord Mayor, Secretary Jenkins sent Lord Mayor Moore and the Aldermen a letter which reminded them that they were expected to “present all new elect mayors to [Charles] before they were sworn or admitted” and reminded them that they “should do their duty herein and accordingly required them to present to [the king] the person chosen to be Mayor.” Papillon and Dubois still claimed the shrievalty and accordingly they also

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10 Ibid.
11 Ibid.
12 An Exact Account of the Proceedings at Guildhall upon the Election of the Right Honourable Sir William Pritchard (1682).
attended the election as if they were the sheriffs so that they might be able to help influence the outcome of the election. De Krey argues that this had been the plan of the Whigs all along and had been the motivation of the Whig aldermen when they swore Papillon and Dubois as sheriff.\footnote{De Krey, \textit{London and the Restoration}, 269.}

Immediately after the poll in Common Hall, North took the results to the incumbent Lord Mayor Sir John Moore and the aldermen and called the election for Pritchard to the dismay of those of the Whig faction. Papillon and Dubois were present as “acting” sheriffs and accused North of ignoring the polls for the Whig candidates, Cornish and Gold, and demanded another poll be taken for all four candidates. Moore ordered North and Rich to conduct the poll for all four candidates on October 4. It lasted for two hours before it was adjourned until the following Monday.\footnote{‘September 1682’, \textit{CSPD: Charles II, 1682}, 362-448.} Before the poll books were to be closed, “a scrutiny” of the books was demanded and the votes were Pritchard 2233, Tulse 236, Gold 2289, Cornish, 2258.\footnote{An \textit{Exact Account of the Proceedings at Guildhall upon the Election of the Right Honourable Sir William Pritchard} (1682).}

The high number of votes for the Whig candidates was enough to raise suspicion about the legality of a great number of the votes. Combined, both Whig candidates received 4547. In July, two separate polls were conducted for the shrievalty. In that election, a far more contentious election than that of the Lord Mayor, Papillon (2754) and Dubois (2709) received a combined vote of 5463 in early July. Two weeks later, the combined Whig vote was 2968: 1481 for Papillon and 1487 for Dubois. In the shrieval election, the liverymen with Whiggish sympathies were polling for two candidates to serve as sheriff, and therefore, their vote was not necessarily split, as it would have been in the election for the new Lord Mayor in which those who supported the Whig faction had to choose between two candidates. Historian A.G. Smith estimated that perhaps the City contained about 5000 liverymen who tended to vote for Whig
Therefore, the number of combined votes for Gold and Cornish fell within the realm of possibility of the number of liverymen who might have voted for a Whig candidate, but compared to the turn out for the shrieval election, the high number of votes seemed unlikely. After the initial votes were revealed the presiding Lord Mayor, Sir John Moore, agreed to an examination of the poll books against the company’s lists of their members. Moore also announced that after the inspection had been approved by the aldermen, the new Lord Mayor would be declared.

As sheriff, North had the added task of maintaining the lists of liverymen within the City. These rolls contained the names of the prominent members of each livery company who were allowed to vote in Common Hall. Moore ordered all the livery companies to produce a new list of all their members to be compared to the poll books. The sheriffs, along with a group of inspectors, were to determine that only true liverymen had voted in the poll and that they had also taken the oath of allegiance to the Crown and their corporation and livery oaths. Each faction, Tory and Whig, chose six inspectors to help conduct the scrutiny.

North drew up a detailed list of the “objections” to the polls for Pritchard, Gold, and Cornish as well as a list of “errors” in the polls. In regards to Pritchard, North’s main protests were centered on those who had voted but had not paid their fees as liverymen to their respective company. In the case of Sir Benjamin Newland, North invalidated Newland’s vote because he was “charged not to be free of the City he appeared and declared himself a freeman of about 30 years standing, but produced no

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17 Smith, 321-323.
18 Journal, 49 fo. 348.
19 ‘October 1682’, CSPD: Charles II, 1682, 448-521; The Tory inspectors, along with Dudley North, were Sir Edward Wiseman, Sir William Dodson, Cradocke, Thomas Amy, Goslinge and Griffith. The Whig faction chose Sir Thomas Player, Leonard Robinson, Jenkes, John Ellis, Peter Houblon, and Nelson.
21 SRO HA 49/C6/1/2 (331/770)
Copy of his freedoms, saying it was burnt.” Other objections included those who were pensioners, did not live within the confines of the City, were not members of a Livery Company, or had not been legally sworn into their respective companies by the date of the poll. According to North’s tally, a total of ninety-five men had erroneously polled for Pritchard, which reduced his total from 2233 to 2138.

For Gold and Cornish, the objections were more numerous and varied. North was far more meticulous in his examination of the poll books for Gold and Cornish. Just as in the poll for Pritchard, one of North’s most common notations was that the respective men were not legally members of livery companies because they had not taken the oath required or had been “made free of other Companys” but had not legally “translated” their membership to the livery company that they were voting with on the day of the election. Due to these problems, two companies, the Haberdashers and the Merchant Taylors had more men vote than they could account for among their members. The second most common objection was against men who were Quakers, a radical sect that had emerged during the revolution and civil wars of the 1640s. In 1661, the Quakers officially declared their principle of “absolute pacifism,” which, Christopher Hill explains, was meant to “protect Quakers against charges of sedition.” This assertion of absolute pacifism was also coupled with “an absolute refusal to accept civil or military office.”

In practice, these beliefs prohibited Quakers from taking civil oaths, such as the oath of allegiance or the oaths of the respective livery companies. Within the City, Quakers as

22 Ibid.
23 Ibid.
24 Ibid.
25 SRO HA 49/C6/1/2 (331/770); A List of the Poll of the Companies for Lord Mayor (1682); Repertory 87 fo. 38v.
27 Ibid.
dissenters, tended to ally themselves with the Whig faction. Without taking these oaths, Quakers were ineligible to vote in any City election as they were not considered true liverymen. In all, North asserted that twenty-four of the one hundred sixty-five erroneous votes for Gold and Cornish were cast by Quakers and therefore did not count towards their final tallies. The Whig faction took issue with this assertion and contended that “the elected, not electors, are obliged to take the oaths” as were required by the Corporation Act of 1661. This Act was intended to ensure that only members of the Church of England held public offices. In answer to North and the inspectors’ complaints that the men had not taken their livery oaths, the Whig faction contended that these oaths were voluntary and completely dependent upon the individual company. In the end, because the Court of Aldermen was dominated by Tories, these arguments were ignored.

Aside from these two complaints, North also took exception to those who had voted and did not “have the Cloathing” or would not “own that he ever wore a Gowns.” It was customary during elections at the Guildhall for the livery men to wear the ceremonial dress associated with their companies. During the 1682 London shrieval election, Sir John Moore had required the livery companies to appear in their gowns on election day due to the number of men who were trying to vote who were not actually members of any livery company. North objected to both the voting of “an alms man,” as well as a man who could not remember the day he had voted nor if he had voted “in the hall or the yard.” After tallying up his final objections, North considered one hundred sixty-five of the votes to be invalid.

Yet, he did not separate the polls for Gold and Cornish. Instead, he subtracted the entire one hundred sixty-five votes from each of their totals, which left Gold with 2124 and Cornish

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29 SRO HA 49/C6/1/2 (331/770)
30 SRO HA 49/C6/1/2/(331/770)
with 2093. By combining their votes into one pool and calculating one set of objections, North was able to ensure that Pritchard received the largest number of legitimate votes. The Court of Aldermen, which was dominated by members with allegiances to the loyal faction, chose to accept North’s calculations and discount those presented by the Whig faction. Upon hearing that the loyalist Sir William Pritchard was to be sworn in as the new Lord Mayor for the year ensuring, the King’s brother, James, the Duke of York wrote to his son-in-law, William the Prince of Orange and exclaimed that “we shall have a good and loyal Lord Mayor as well as two sheriffs of the same stamp, which is a mighty mortification to the Whigs.”

North’s actions during the mayoral election of Pritchard set the tone for his shrievalty. He acted in line with the Crown’s expectations that he would be an ally in the City and he carried out his duties accordingly. North’s actions as a new sheriff suggest that he bought into ideas of his faction. Historian Richard Grassby contends that North’s conduct as sheriff was “exemplary” and that he was “scrupulous” in carrying out his duties. However, this interpretation is too clouded by the debate ignited by the historians of the eighteenth and nineteenth centuries which sought to paint North as either an honest or corrupt politician/sheriff rather than examining whether or not he was acting within his own political ideology. Grassby further denies that North was an ideologue like his brother Francis, yet an examination of his first actions as sheriff suggests otherwise.

North was loyal to the Crown and his interpretation of the Corporation Act ensured that a staunch Tory would be elected Lord Mayor. North toed his faction’s ideological line by invalidating the votes of dissenters. As historian Mark Knights has shown, political ideologies and parties were formed as a result of the bitter conflicts that often played out in the elections of

the later Stuart period. The first election North participated in was a bitter contest that emphasized the differences between the two factions. Upon his return from Turkey, North might not have fully formed his political ideas in the same manner as had his brother Francis, who worked closely with and for Charles, be that as it may, Grassby admitted that North was ambitious and loyal to the Crown. This sense of loyalty, which was the basis of Tory ideology, was already present in North, and it was the guiding factor in his politics at the outset of his tenure as sheriff.

b. The Rye House Intrigues

The election of Sir William Pritchard as Lord Mayor was not the most controversial matter North dealt with throughout his shrievalty, nor would it be the last time he would be able to display his ideological leanings. With Tories filling the positions of Lord Mayor and sheriffs of London and Middlesex, the Whigs leaders began to shift gears from trying to work within the government to trying to replace the existing one. As loyalists now held both the mayoralty and shrievalty in the City, many of the Whig leaders, such as the earl of Shaftesbury and William Lord Russell, were not only concerned about the Crown policies in the City and the nation, but also about their own security. In October, while the City was involved in deciding the election of the new Lord Mayor, North and Peter Rich were also responsible for choosing the new grand juries which would replace those chosen by the former Whig sheriffs.

The new jurors chosen by North and Peter Rich were staunchly loyal to the Crown rather than the Whig faction. In their presentments, or official reports, the new grand juries made it clear that they would actively prosecute dissenters who they believed were “destructive to the

32 Knights, Representation and Misrepresentation, passim.
33 Grassby, English Gentleman in Trade, 134.
Interest of the Kingdom.”

Dissenters were not the only target. The grand juries insisted that all groups that were larger in number than allowed by laws who met in “Conventicles, Clubs, or Cabals” or “who go from County to County and Associate in Numbers to do Unlawful Acts” were a threat to the nation and should be prosecuted to the fullest extent of the law.

Prosecution of Whig leaders and dissenters, who tended to ally with the Whigs, pushed the Whig leadership into a corner and even the more moderate leaders, such as William Lord Russell, began to entertain more radical ideas than before. De Krey contends that it was the highly contentious City elections of 1682 that “seemingly marked a transition from occasional Whig resort to rhetorical violence and physical force to the rationalization and legitimization of such behaviour as instruments in Whig party warfare.”

Crown persecution of Whig leaders and conspirators was pursued in the years leading up to the shrieval election, but Charles had been hindered by the Whig stronghold on the City. Further, after the election of William Pritchard was concluded, Charles began actively pursuing the quo warranto proceedings against the Corporation of London. With new loyalist grand juries in place and the charter of the City under attack, the Whig leaders felt that they were backed into a corner. In various meetings, the more radical of the Whig leaders began to plot the overthrow of the government by assassinating Charles and his brother James and fomenting insurrection throughout London, the countryside, Scotland, and Ireland.

Historians for centuries have denied the reality of the plots and conspiracies that transpired in the latter months of 1682 and into 1683, insisting that the plot was a myth concocted by the Court and its party in an effort to purge the Whig faction of its leaders. In this

34 Presentments of the Grand Jury for the Town and Borough of Southwark . . . 4 December 1682 (1682).
37 Grey, Secret History, 4.
vein, historian Barry Coward maintains that “it did not matter that the evidence for a conspiracy was so circumstantial, vague, and contradictory that one wonders whether there was a Rye House Plot at all.”

Further, any evidence regarding the plots and conspiracies revolve around confessions and trial testimonies that contradict one another. Conspirators often tried to exaggerate the role of others while downplaying their own. However, recent scholarship refutes this traditional interpretation, and historians such as Richard Ashcraft, Richard L. Greaves, and Tim Harris have shown that the conspiracy was indeed a real threat, and that after the radical Whigs failed to push the Exclusion bill through Parliament and lost the 1682 City election, the elite Whig leaders made a concerted effort to mobilize the Crown’s discontented subjects throughout the kingdoms in order to achieve radical reforms in the government and the Church through extra-legal means.

Greaves argued that government agents carefully gathered evidence before issuing the arrest warrants, but that the prosecution botched the handling of the trials by introducing the alleged suicide of the earl of Essex, a conspirator, as evidence of guilt of the other parties involved. Torture was also used in gathering confessions of some of the witnesses. In doing so, the trials themselves were viewed by many Whig supporters as arbitrary, and led many to question if the plots were real. By careful examination of the confessions and descriptions of the events, historians have nonetheless been able to discern where the testimonies overlap and have been able to piece the events together based on the conspirators’ accounts.

North’s role in the prosecution of these conspiracies not only defined his tenure as sheriff, but would be the determining factor in how he has been portrayed by historians. While

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39 Harris, *Restoration*, 310.
North’s biographer, Richard Grassby, has asserted that it was North’s misfortune that the plots and conspiracies directed at the King, his brother, and those in high positions of government were discovered during North’s tenure as sheriff, the reality was that Whig plots to incite rebellion and to assassinate the king were well underway in the years before North took office.\textsuperscript{41}

Twice in 1681, Charles had thwarted Shaftesbury and the other Whig leaders from carrying out their plans for action against the government. During the Oxford Parliament, Charles ordered a large number of his royal guard to remain in London to prevent any uprisings in his absence. In July of the same year, Charles also arrested and unsuccessf ully tried the Earl due to the juries packed with Whiggish sympathizers. In May of 1682, Charles unexpectedly fell ill, and the prospect of his brother, James, the duke of York, succeeding Charles pushed the Whigs into action. Once again, Shaftesbury met with Lord Grey, Lord Russell, the duke of Monmouth, and Thomas Armstrong at Shaftesbury’s London home, Thanet House, to discuss their contingency plan should the king die. They decided that the immediate course of action should be to call Parliament into session and the first order of business would be the unprecedented move of choosing a successor in place of James. After the initial conversation, Shaftesbury agreed to confer with other “leading men in the city” and get their feedback.\textsuperscript{42} Later that evening the group reconvened and Shaftesbury assured his cohorts that they would receive support as long as he, Monmouth, and Lord Russell would “assist in the city with them.”\textsuperscript{43} These plans all came to naught as Charles recovered and the Whig leaders turned their attention to securing the London sheriffal election.

\textsuperscript{41}The following account of the Rye House plot and the surrounding conspiracies has been synthesized from the works of Ashcraft, Greaves, and Harris, unless otherwise stated. Richard L. Greaves, \textit{Secrets of the Kingdom}, chapters 4, 5, and 6; Richard Ashcraft \textit{Revolutionary Politics & Locke’s Two Treatises of Government} (Princeton: Princeton University Press, 1986), chapter 8; Harris, \textit{Restoration}, chapter 5.
\textsuperscript{42}Grey, \textit{Secret History}, 4.
\textsuperscript{43}Ibid.
The leaders of the Whig faction had a great deal riding on the shrieval election. Shaftesbury had already been arrested once and tried for treason, and his neck had been saved only by the acquittal of the ignoramus jury despite the large amount of evidence against been him. When North and Rich were sworn in as Sheriffs in September, Charles fully controlled the shrievalty and the juries. Shaftesbury, along with the other Whig leaders and dissenters, began to fear that the outcome of subsequent trials might not be so favorable. Shaftesbury assembled Grey, Lord Russell, and Monmouth at his London house to design their next course of action. According to Grey, these men feared “their necks were in danger” and therefore felt that, if need be, they should resort to “arms, if they would save themselves.” After this initial meeting, the men, along with other Whigs who were disenchanted with the City’s current administration, continued to meet at Thanet House where they devised a plan of multiple and simultaneous rebellions throughout the country and determined who would lead each revolt. Shaftesbury was in charge of raising support in London, while Lord Russell was responsible for meeting with Whig supporters in the West Country. Grey was to take charge of Essex county and Monmouth planned to ride up to Cheshire in the North to attend horse-races so that he could rally support among Whig sympathizers.

In the end, the task of organizing the multiple uprisings became impossible due to the unreliability of the men who were in charge of gathering the support needed. Monmouth arrived in Cheshire with an entourage of between 120 to 200 men, including co-conspirator Thomas Armstrong. In Cheshire, Monmouth found a great many supporters, but a successful uprising was doubtful due to a lack of organization and money. Charles and Secretary Jenkins kept a close watch on the Duke and those who traveled with him. The Crown received several reports of his activities as Monmouth traveled to and arrived in Cheshire, including a description of a

44 Grey, Secret History, 15.
“great riot here, 500 men . . . throwing stones . . . have broken St. Peter’s Church windows to ring the bells.”

By September, the plan seemed to be falling apart. On September 20, Monmouth was arrested on order of the king for inciting the riot. Thomas Armstrong was sent ahead to London by Monmouth in order to obtain a writ of habeas corpus for the Duke and to try to meet with Shaftesbury and the other conspirators to determine if they wanted the uprising to be carried out. However, Russell had reported back that the West Country was not amicable at that moment to a rebellion, and he was hesitant to act without their support. Further, Grey refused to take the matter to Essex because he did not believe that the Whigs there could be trusted. Therefore, the plans for the multiple insurrections fell through and Monmouth returned to London where he was arrested again. This time, the Duke was able to acquire a writ of habeas corpus, but Charles remained suspicious and continued to monitor Monmouth’s activities.

The plotting further made clear that the members of the Whig faction were far from cohesive in their ideals and goals; as they became increasingly more radical in the latter months of 1682, these divisions became even clearer. At the same time that Shaftesbury and his cohorts were trying to incite a country-wide rebellion against Charles, a separate group of Whigs was plotting a far more radical plan—to assassinate the king and his brother as they were returning to London from the October horse races in Newmarket. The conspirators also discussed the possibility of assassinating the royal brothers as they dined with Sir William Pritchard, the Lord Mayor-elect. After Monmouth failed to act in Cheshire, Shaftesbury was disappointed and distrustful of the Duke and became increasingly intrigued with the idea of assassinating Charles and James.

Shaftesbury gained less support from his monarchist friends, such as Russell and Monmouth. Russell would not accept any plan which would restore England back to a republic, which he abhorred, and Monmouth would not agree to any plan that would endanger the life of his father. Therefore, Monmouth decided to keep an eye on Shaftesbury and those plotting the assassination and he asked Shaftesbury’s chaplain, Robert Ferguson to act as an “agent provocateur” so that he could find out as much information about the assassination conspiracy as possible with the hope that Monmouth would be able to stop it. As well as working as an agent for Shaftesbury to get information on Monmouth’s plans, Ferguson was also a liaison between Shaftesbury and Monmouth.

Despite all the planning, the assassination attempt did not happen in October, and Shaftesbury once again turned his attention to instigating revolts throughout the country. Monmouth, Russell, and Grey met with Ferguson who was acting in place of Shaftesbury’s stead, who had gone into hiding. At this meeting, Ferguson informed his co-conspirators that if they decided not to act, the Earl would likely act without them. When Ferguson assured Monmouth, Russell, and Grey that Shaftesbury had garnered the support of armed men within the City, they agreed to act and chose Sunday, November 19, as the date the insurrections would begin. The hope was that thousands of men within London and in the countryside would rally to the cause of the Whig leaders. With this large contingent of supporters, the conspirators planned to seize key locations in the City while Shaftesbury’s promised one thousand foot soldiers to deal with the king’s guard.

Shaftesbury and the conspirators decided upon this particular day because of its proximity to Gunpowder Treason Day on November 5 and the anniversary of Elizabeth’s accession on November 17. The Gunpowder Plot was a failed attempt by English Catholics to assassinate King James I in 1605 by blowing up the House of Lords. November 19 was also chosen because it was a Sunday, and the conspirators reasoned that since shops would be closed for the holy day, enough people would be out in the streets to provide a cover for their comings and goings as they set the plan in motion.
Yet, once again, the plan was impeded by Charles. In preparation for the celebrations of the anniversary of Elizabeth I’s accession to the throne on November 17, Charles decided to be extra cautious and had Lord Mayor Pritchard issue an Order of Council which prohibited any person from “making any Bonfire, or other Publick Fire-Works upon any Festival-Day, or any other Time or Times whatsoever, without particular Direction or Order first had from His MAJESTY.”47 By banning the bonfires, Charles hoped to prevent “the Evil Designs of Persons disaffected to the Government, who commonly make use of such Occasions to turn those Meetings into Riots and Tumults.”48 Rather than the traditional burning of the pope, celebrants were encouraged to “hang or drown him.”49 As sheriffs, North and Peter Rich were responsible for ensuring that the king’s orders were obeyed and that no bonfires were lit in London.

Without the cover of the November 17 celebrations, Shaftesbury and the conspirators decided to reschedule their uprisings. While the conspirators of both the rebellions and the assassination plot were planning to continue on a different date, Shaftesbury felt that his time had run out. With two Tory sheriffs, he felt that it was only a matter of time before he would be arrested and tried again. Therefore, he decided to flee the country in an effort to save himself. The earl was able to take advantage of a major fire in Wapping where he was hiding. Shaftesbury, along with Ferguson and another fellow co-conspirator, Thomas Walcott, fled England on November 28 for the Netherlands where he died in Amsterdam on January 28, 1683.

Shaftesbury’s death did not prevent the remaining radicals from continuing with their plans for rebellion. Monmouth, Russell, Essex, Lord Howard of Escrick, Algernon Sidney, and John Hamden formed what was known as the “Council” of Six and they began to form another

47 City of London. By the Mayor to the aldermen . . . for the preventing tumultuous disorders which may happen hereafter upon pretence of assembling to make bonfires or publick fireworks (1682).
48 Ibid.
plan for rebellion. However, the Council of Six decided to extend the rebellion to include Scotland as well as London, the West Country, and Cheshire. Another radical group, led by Robert West, also kept the assassination plot alive. Before Shaftesbury decided to flee, he had tried to communicate with West through Walcott about drafting a manifesto that laid out a revolutionary agenda; however, West refused to participate in the creation of a manifesto. He had moved beyond the point of accepting a monarchical government. West revived the old plan to kill the king and his brother en route to London from the races in Newmarket, but this time the plan would be carried out in the spring rather than October. The strategy was to kill the pair as they passed the Rye House in Hoddesdon in Hertfordshire. Before he escaped with Shaftesbury, Ferguson continued to go between both groups. The two plots could not successfully combine their efforts, however, as only three—Essex, Sidney, and Hampden—advocated a commonwealth, while the other three remained monarchists who believed that they could convince Charles to hear them out in the wake of the mass rebellion. The split Council of Six did less to prevent the assassination attempt than the one at Newmarket that forced Charles and James to leave earlier than they had originally intended.

With Charles and James still alive, the Council of Six did not give up on their plan to carry out their simultaneous rebellions. They reached an agreement on their intended goals and drew up a declaration that established several provisions. The militia would be maintained by Parliament. Sheriffs would be elected by the counties not by appointment. All nobles who had not acted in the best interest of the people were to be “degraded.” Also, the declaration provided for toleration of dissenting beliefs and practices. Despite numerous plans and defined course of action after the assassination and rebellions, in the end, the conspiracies became too large and encompassed too many conspirators to be successful.

50 Sprat, Copies, 77.
On June 12, the government received information regarding both plots from Baptist Josiah Keeling, and he agreed to testify on the treason of Whig leaders. Charles and his ministers acted quickly and ordered the immediate arrests of those who had been involved in plotting the deaths of the King and his brother as well as the rebellions throughout the kingdoms. On the same day, Charles announced that the matter of the charter of the Corporation of London was decided and that “the franchise and liberty of London be taken into the King’s hand.”\(^{51}\) Officially, the charter of the City of London was not dissolved, but only seized by the Crown. Therefore all of the City’s liberties and properties were maintained, but would be subject to the King’s will.\(^{52}\) With the charter securely under Charles’s control, he could carry on with the trials against the conspirators without fear that once North and Peter Rich’s terms were up in September of 1683, the City would undergo another hotly contested shrieval election.

c. The Trials of the Rye House Conspirators

The first trials proceeded just as quickly as the arrests. On July 12 and 13, 1683, the commoners Thomas Walcott, William Hone, John Rouse, and William Blague were tried, as well as Lord Russell. The same day, the government issued further indictments against the other major conspirators who had already fled, including Monmouth, Ferguson, Armstrong, Grey, Richard Goodenough and his brother Francis, and a slew of minor persons in the plot. Walcott, Hone, Rouse, and Blague were all arraigned on July 12. All four were charged with “Conspiring against the Life of the King, and endeavouring the Subversion of the Government,” and they all plead not guilty.\(^{53}\) According to Ashcraft and Greaves, the charges of treason against these men were justified based on the laws of the time. During Shaftesbury’s trial, Lord Chief Justice Francis Pemberton made clear exactly what the Crown constituted as treason and informed the

\(^{51}\) *State Trials*, viii, 1266.

\(^{52}\) Paul Halliday, *Dismembering the Body Politic*, 209.

\(^{53}\) *Proceedings of the Old Bailey*, 12th July 1683.
jury and Shaftesbury that since the statute 25 Edw. 3., treason had been defined as “any one to compass, imagine, or intend the Death of the King, and to declare it by Overt-Act, or to levy War against the King.” 54

The law had been altered in the reign of Charles II by the statute 13 Car. 2, st. 1, c. 1. The new law determined that “compassing the King’s death,” without declaring it through an overt act, as treason. Furthermore, the law also stated that “the very Design, if it be but utter’d or spoken, and any ways signify’d by any Discourse” was now considered treason. 55 Only two witnesses were needed to prove that treason had been committed, and it was not uncommon for the state to call accomplices to testify against their co-conspirators. The person accused of treason had limited rights, which did not include a written indictment or consultation with counsel before the trial. Moreover, the defendant was forced to admit to certain facts during the trial before he could obtain counsel’s advice on the matter, and he did not have the right to challenge the authenticity of the testimonies given against him. The defendant could call his own witnesses to testify to his strength of character and was allowed thirty-five challenges to the jury to prevent the seating of unacceptable jurors. The jurors, however, were not required to be freeholders, or those who held the right to a piece of property, a point which Lord Russell challenged during his trials.

The first trial, that of Captain Thomas Walcott, took place on July 12, the same afternoon as the arraignment. Greaves maintained that Walcott’s trial was first for strategic reasons as the state could connect him to both plots: Shaftesbury’s plan for multiple and simultaneous

55 Ibid.
insurrection and West’s cabal’s plot to assassinate the royal brothers. Before Walcott’s imminent arrest, he sent Secretary Jenkins a letter in which he offered to provide the Crown with a confession that would provide even more information than Keeling had provided, if Charles would grant him a pardon. On July 8, just days before his trial, Walcott gave his confession to Charles. In Walcott’s confession, he implicated Shaftesbury, Russell, Monmouth, Howard of Escrick, and Colonel Rumsey in the plot to command an insurrection in the entire country. Walcott insisted that he had always opposed any plans for assassination of either the King or his brother.

The government did not really need Walcott’s confession, as many others had come forward, including West and Colonel Rumsey, who served as witnesses for the state against Walcott. Along with West and Rumsey, the state also called two more conspirators, Zachary Bourne and Josiah Keeling. Along with prosecuting Walcott, the government also intended to lay out the details of the conspiracy for the jurors, and the four witnesses spent the majority of their testimony doing so. In their discussion of the general plot, the witnesses placed Walcott at key meetings in which the insurrections and assassination plots were discussed. Both West and Rumsey not only contended that Walcott was lying about his role in the assassination plot, they also asserted that he had agreed to lead the very armed guards who would attack the King. The jury retired briefly to deliberate and returned a verdict of guilty, setting the tone for the rest of the trials.

The very next day, on July 13, Hone, Lord Russell, Rouse, and Blague faced their trials. Hone, Rouse, and Blague were all tried by the same jury that had convicted Walcott. Hone’s

56 Greaves, Secrets of the Kingdom, 208
57 Sprat, Copies, 129.
58 State Trials, ix, 519-570.
60 Ibid.
trial was the first of the morning, and once again the state called West and Keeling as witnesses, along with two other men, Sir Nicholas Butler and Captain William Richardson.\textsuperscript{61} Hone, who did not challenge any of the jurors’ right to sit, was accused of involvement in the conspiracy to kill the royal brothers. The prosecution also alleged that he had agreed to supply arms. Hone admitted that he was guilty of the conspiracy but denied that he had agreed to provide the arms for the plot.\textsuperscript{62} Unlike Walcott, the jury did not need to retire in order to come to a verdict, and found Hone guilty immediately after the testimonies of the state’s witnesses.

Immediately following Hone’s trial, Lord Russell was brought before the court at nine o’clock in the morning to be arraigned and then tried. According to Greaves, by the standards of the time, Russell’s trial was quite fair due to the wishes of King Charles. Russell was assisted in his defense by four barristers, Sir Henry Holt, Henry Pollexfen, Edward Ward, and Mr. Dodsworth, as well as by Mr. Shaw, a solicitor chosen by Russell’s wife.\textsuperscript{63} Along with his defense team, Russell was allowed to call eleven character witnesses, and he was prepared for the types of questions he would be asked at his trial as the Privy Council had interrogated him in advance of the trial. Finally, the court provided a list of over one hundred potential jurors. Russell tried to delay the trial by denying that he had been given such a list of potential jury members, but Lord Chief Justice Pemberton determined that his counsel had received the list and had failed to give it to Russell.\textsuperscript{64} Therefore, Pemberton refused to delay the trial and proceeded to prepare for the selection of the jurors who would ultimately preside over the trial. Once jury selection was underway, Russell was allowed to challenge up to thirty-five jury members who

\textsuperscript{61} Ibid, 571-578
\textsuperscript{62} Ibid, 572.
\textsuperscript{63} Greaves, Secrets of the Kingdom, 212, 399 n. 13; Barristers were lawyers who presented the actual case in court on behalf of the defendant. Solicitors, also lawyers, prepared the case for the barristers prior to the court date. See Sir William Holdsworth, History of English Law Chapter, VIII.
\textsuperscript{64} State-Trials, iii, 630-631.
were called. He challenged thirty-one jurors before the final twelve were selected. One of the jurors accepted was Thomas Short, who had sat on the juries of Walcott and Hone.65

With the jury chosen and seated, the trial began and lasted into the afternoon. The state called four witnesses—West, Rumsey, Thomas Shepherd, and Lord Howard of Escrick—to testify that Russell had conspired against the King. Basing his defense on technicalities, Russell did not deny that he had attended the meetings but maintained that he had not heard anything or participated in any discourse against the Crown. He was careful not to admit to even a misprision of treason as Walcott had done during his trial.66 The line between treason and misprision was considered too hazy and Russell was hesitant to enter into that discussion.

Russell also tried to claim that the government did not have the requisite two witnesses needed to convict a man of treason. Russell argued that the two witnesses, Rumsey and Shepherd, had attested to two separate acts of treason. Rumsey testified that Russell was involved in the design of the treason, whereas Shepherd could only confirm that Russell attended a meeting. According to Russell, “this is tacking of two Treasons together.”67 Russell called eleven witnesses, but none could combat the testimony of the witnesses, attesting that Russell was an upright man.

After the closing arguments, the jury retired to deliberate. At four o’clock, the jury returned to the court and gave a verdict of guilty.

Russell’s trial was an ordeal, but it was not the last trial of the day. The trials of Rouse and Blague took place that same afternoon. Although they were tried separately, both men were tried by the same jury, which was not identical to Hone and Walcott’s as Rouse challenged

65 State Trials, iii, 635. For the lists of jurors for both trials and the potential jury list sent to Lord Russell prior to his trial see: State Trials, ix, 653; HMC Lords 1689-1690 (12th Report, Appendix vi), 283-286. 66 Misprision is the knowledge of plotting or treasonous activities but the failure to report them. Walcott claimed that he was in proximity to conspiracy and treason but that he never participated actively in any plotting. Therefore, he asserted that he was guilty of misprision of treason rather than just treason. 67 State Trials, ix, 616.
several of the jurors and his trial was the first of the afternoon. In the end, Rouse and Blague’s jury contained six of the men who had sat for Walcott and Hone, and were therefore familiar with the conspiracy. Two witnesses, Thomas and Mate Lee, were produced and after their testimonies, Rouse was unable to produce any witnesses on his behalf and the jury convicted him of treason. Blague’s trial followed immediately afterwards, and he did not contest the jury. In the case of Blague, the jury did not have enough evidence to convict, and they returned a verdict of not guilty.

In two days, the state was able to secure four guilty verdicts against Walcott, Russell, Hone, and Rouse. On Saturday, July 14, the four men were brought before the court and sentenced to “be Hanged by the Necks, then cut down alive, their Privy-Members cut off, and Bowels taken out to be burnt before their Faces, their Heads to be severed from their Bodies, and their Bodies divided into four parts, to be disposed of as the King should think fit.” The executions of Walcott, Rouse and Hone took place on July 20, and were presided over by North and Peter Rich as part of their duties as sheriffs of London and Middlesex. Walcott and Rouse asserted that they blamed neither the judges nor the juries for their fates. In his final speech as his execution, Walcott stated, “I do neither blame the judges, nor the jury, nor the king’s council.” Rouse expressed the same sentiment as Walcott, except he extended his statement to include those who had acted as witnesses against him. Hone stated that he had “nothing further to say, but that I have been guilty of the crime” of which he had been convicted.

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68 Ibid, 639. The jurors were Robert Beddingfield, John Pelling, William Winbury, Theophilus Man, John Short, Senior, Thomas Nicholls, Richard Hoare, Thomas Barnes, Henry Robbins, Henry Kemp, Edward Reddish, and Edward Kemp.
69 Ibid, 656, 666.
70 Proceedings of the Old Bailey, 12th July 1683; State Trials, ix, 667.
71 State Trials, ix, 670, 680.
72 State Trials, ix, 670.
73 Ibid, 680.
74 Ibid, 674-675.
Russell was executed the following day despite his pleas and petitions to Charles. Charles refused to pardon the sentence or delay the execution but did remit “the parts of the sentence which were to follow the beheading.” In his last written statement, which Russell presented to the sheriffs, he stated that he was innocent of the crime which he was accused of and was guilty only of misprision. He also asserted his hatred for popery and established his opinion that the Exclusion bill had been correct in its intentions. Lord Russell contended that his death sentence was not a surprise because “From the Time of chusing Sheriffs, I concluded the Heat in that Matter would produce something of this kind; and I am not much surpriz’d to find it fall upon me . . . . But I wish the Rage of hot Men, and the Partiality of Juries, may be stopp’d with my Blood.”

For Russell, North and Rich were directly responsible for the guilty verdicts and the death sentences. While the trials of the Rye House conspirators provided the Crown an opportunity to purge the Whig faction of some of its radical members, the trials also supplied North with another occasion to express his loyalty to the King. North and his co-sheriff had already chosen the grand juries, but these trials did not require the entire grand jury. Rather, each man was tried by a jury of twelve. The first trials against the Rye House conspirators were not necessarily arbitrary, and the government had amassed a great deal of evidence against many of the main plotters, and even some of their lesser counterparts. Be that as it may, even with the evidence that the government had amassed and the witnesses it had summoned, the outcomes of these trials were in many ways predicated on the jury that sat for the trials. This had become clear in the 1681 trials of the earl of Shaftesbury and Stephen College, and for this reason

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75 Ibid, 684.
76 Ibid, 693-694.
Charles was driven to ensure that the sheriffs elected in 1682 were loyal to the government, not the Whig faction.

The panel of jurors, which was broken down by ward, provides a great deal of evidence that North shied away from wards that tended to lean the most towards the Whig faction. The City of London was comprised of 26 wards in the seventeenth century. These wards were more than administrative divisions of the City of London. According to De Krey, faction was a “neighborhood affair” and in his research, he has been able to delineate between what he terms Whig space, Tory space, and contested space. De Krey maintained that while freemen of the City from all social groups and occupations could be found on both sides of every issue, the City can be divided into distinct spaces in which different political and religious ideas flourished. In order to determine if a ward was a Whig or Tory space, De Krey examined the elections of common councilmen from each ward from the years 1680 to 1683. If more than 55 percent of their common councilmen elected in the three year period were Whig or opposition candidates, then De Krey considered the ward to be a Whig space. In wards where 40 to 55 percent of the common councilmen were Whig, De Krey delineated the areas as “contested” space. In order for De Krey to demarcate a ward as “Tory-inclined,” the ward had to elect loyalist candidates for more than 60 percent of their common councilmen. In total, De Krey asserted that Whig space

77 Strype, *Survey*, I, ii, 2-3. The wards were as follows: Portsoken, Tower Street, Aldgate, Lime Street, Bishopsgate Within and Without, Broad Street, Cornhill, Langbourn, Billingsgate, Bridge Ward within, Candlewick Street, Walbrook, Dowgate, Vintry, Cordwainer, Cheap, Coleman Street, Bassishaw, Cripplegate Within and Without, Aldersgate Within and Without, Farringdon Within, Bread Street, Queenhithe, Castle Baynard, Farringdon Without. The terms “within” and “without” refer to whether or not the ward is within or outside of the ancient London Wall built by the Romans around Londinium. While the wards Cripplegate, Aldersgate, and Bishopsgate fall both inside and outside the walls, they are not split into separate wards.
78 De Krey, *London and the Restoration*, 272, 279
comprised 10 of the City’s wards, whereas the Tory’s space covered 12 wards. The contested areas encompassed the remaining 6 wards.\textsuperscript{80}

Through a close examination of De Krey’s division of wards based on political and religious inclinations, North’s logic regarding the juries becomes more apparent as he sought to avoid pulling jurors from wards that were inclined toward the Whig faction. Therefore, it was more likely that the jurors would return a verdict that the Crown preferred. The panel of jurors that North constructed for the first series of Rye House conspiracy trials contained a total of 122 men from the following 18 wards: Coleman Street, Aldgate, Billingsgate, Broad Street, Dowgate, Bishopsgate Within, Bridge, Candlewick, Lime Street, Walbrook, Langbourn, Cripplegate, Farringdon Within, Farringdon Without, Aldersgate Within and Without, Cordwainer, Vintry, and Castle Baynard. Of these wards, six were included in the Whig space, as defined by De Krey, of the City. Three of these six Whig-inclined wards were among the most populous in the City: Aldersgate Without, Cripplegate Without, and Aldgate. De Krey noted that these wards were also among the poorest in the City, despite the fact that at least 100 wealthy merchants lived in Aldgate. Dissent also flourished in these wards partly due to lack of clergy.\textsuperscript{81}

North drew 11 jurors from the Whiggish wards of Candlewick (4), Cordwainer (1), Walbrook (4), and Vintry (2). The first three wards listed, along with Bread Street, were home to about seven percent of the City’s population, yet these wards were among the wealthiest. Further, Walbrook and Candlewick housed the largest concentration of merchants of any other ward in the City. While North did not completely avoid choosing jurors from Whig wards, he

\textsuperscript{80} Ibid, 277, 279, 284.
\textsuperscript{81} Ibid, 279. De Krey calculates a total of 28 wards rather than 26 because he does not count Aldersgate Within and Without, Cripplegate Within and Without, and Bishopsgate Within and Without as singular wards, but rather he splits them into separate spaces. For example, he considers Aldersgate Without a Whig space, but Aldersgate Within a Tory space.
included a minimum of 18 in his panel of 122. This is not to say that these 18 men were Whigs. As De Krey makes clear through his analysis of the political and religious make-up of each ward, men who associated themselves with the Whig faction lived within Tory-inclined wards, and vice-versa. The City wards were not perfectly divided by the Tory and Whig factions.\textsuperscript{82} However, in order for North to increase the likelihood that jury would not be disposed to issuing a verdict of not guilty, or worse, of _ignoramus_, he was careful not to draw too heavily from wards that tended to lean towards the Whiggish faction.

While only a sixth of the panel was chosen from Whig-leaning wards, almost half the jury panel was selected from eight wards with Tory sympathies, specifically Castle Baynard (8), Farringdon Without (17), Billingsgate (4), Broad Street (11), Bishopsgate Within (3), Lime Street (9), Dowgate (4), and Aldersgate Within (1).\textsuperscript{83} Whereas a dissenting tradition tended to dominate the religious and political culture of the Whig-leaning spaces in the City, Church and loyalist institutions dominated within the boundaries of the Tory sympathetic wards.\textsuperscript{84} Farringdon Without, the Tory ward from which North drew the most potential jurors, stood out as a ward that was influenced by the royal institutions, such as Bridewell and Fleet prisons, the Inns of Court, and the Sessions House of the Old Bailey. The institutions, along with a prevalent Court culture and prominent churchmen residing within the ward, promoted a strong sense of loyalty to both the Crown. However, at least three dissenting meetings occurred within the borders of Farringdon Without, and it was also home to the Green Ribbon Club, a political group that included members of the radical Whig faction that had been involved in the Rye House Plot. Despite this, De Krey contends that Farringdon Without remained a Tory space in that in

\textsuperscript{82} De Krey, _London and the Restoration_, 281.
\textsuperscript{83} HMC, _Lords_ 1689-90 (12\textsuperscript{th} Report, Appendix vi), 283-286; HMC _Lords_ 1690-91 (13\textsuperscript{th} Report, Appendix, Part V), 60-61; De Krey, _London and the Restoration_, 279.
\textsuperscript{84} De Krey, _London and the Restoration_, 285.
December 1682, just after the hotly contested shrieval and Lord Mayor elections, the Whigs failed to gain a single common council seat from the ward.

Jurors from Broad Street and Lime Street also made up a significant portion of North’s list. Broad Street and Billingsgate were home to a large number of merchants with a considerable amount of wealth who tended to sympathize with Tory faction due to the number who held government offices. Broad Street was home to the Royal Exchange, the Hearth Office, and the Excise Office. The home offices of the East India Company, the most important joint-stock company of the Restoration, were located in Lime Street and Bishopsgate Within, which also served as the home base for the Royal Society. Overall, throughout these wards, prominent Church and government institutions, as well as officeholders, encouraged a strong Tory tradition, and therefore, jurors from these wards would have been strongly-inclined to produce a verdict that would please the Crown, especially in trials of men who suspected of trying to assassinate Charles and his brother.\footnote{Ibid, 287-289.}

The remaining forty-seven jurors resided in the following “contested” wards: Bridge (3), Langbourn (8), Coleman Street (17), Cripplegate (9), and Farringdon Within (10). According to De Krey, this meant that these wards faced contradictory political and religious impulses, partly due to the fact that these wards bordered on wards that were solidly Whig and Tory. These wards also housed a great deal of men who were middling and tended toward the Whig tradition. Wards such as Langbourn and Bridge were home to Quaker merchants and shopkeepers and dissenting meetings, but at the same time, Langbourn was one of the wealthiest wards in the City with a large number of influential and wealthy merchants and bankers who were mostly loyal to the Crown. The same held true of the Coleman Street, Cripplegate, and Farringdon Within. A strong dissenting tradition was present in these wards, much of it dating back to the 1640s, but
institutions such as the Royal College of Physicians and professional groups with royal charters promoted loyalty to the Crown. While North may have avoided choosing potential jurors from known Whig wards, he did not hesitate to include those from wards that were divided in their loyalties. However, as his actions during the mayoral election of Sir William Pritchard suggest, he would have avoided including a known dissenter, especially, a Quaker, on the juries as he did not have considered them qualified to either vote in City elections or to sit on the juries.

North never denied that he had chosen the jury for Russell despite the fact that “so far as he remembers, the juries before were returned by the secondaries.” He maintained that because Russell’s trial was “very extraordinary business, he thought it requisite to take care of it himself,” whereas in the trials of the other conspirators, he left the task up to his deputies. North’s claim about the juries for the commoners involved in the plot was disingenuous as he instructed his Secondaries Edward Trotman and Mr. Normansell to use the list of names he compiled of potential jurors and to ensure that the jury was composed of men from several wards.

By the time the juries were chosen for the first trials of the Rye House conspirators, North had vetted the list. Even though three of the accused exercised the right to challenge the jurors presented to be sworn, their replacements were drawn from the list North provided to the

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87 SRO HA 49/C6/1/12 (331/780)
88 State Trials, ix, 970.
89 Ibid, 969-970. Roger North insincerely claimed in Lives that Dudley was “passive” and that his deputies handled all of the affairs concerning the trials. His claim directly contradicts Dudley’s own statements. R. North, Lives, iii, 124-125.
90 CJ, x, 321-323; State Trials, ix, 962-63
North had worked to make it as likely as possible that the juries would be made up of men who were loyal first to the Crown, and therefore would not issue *ignoramus* verdicts.

In the end, the jury that convicted Captain Thomas Walcott and William Hone contained seven men from the Tory wards Castle Baynard and Broad Street collectively. Five of the jurors were men from the wards of Coleman Street and Bridge, which De Krey labels as divided in their factional loyalties. There was not a single juror from a ward that tended to support the Whig faction. The jury of John Rouse and William Blague was dominated by men from the “contested” wards, with eight men from Coleman Street, Bridge, and Farringdon Within, while only four men were sworn who were from the Tory wards of Castle Baynard, Broad Street, and Farringdon Without. Once again, no Whiggish wards were represented among the jurors.

Despite this, Walcott, Hone, and Rouse did not blame a “pack’d” jury for the sentences.

The make-up of Lord Russell’s jury was quite different from the juries of his fellow conspirators. Since he used thirty-one of his potential thirty-five challenges of the selected jury, Russell’s jury consisted of only two men from Tory-leaning wards, while three were from Whiggish wards, and seven were from the “contested” wards. The remaining three men resided within a ward that tended to support the Whig faction. In theory, Russell’s jury was far more diverse than the juries of Walcott, Hone, Rouse, and Blague. Unlike his co-conspirators, Russell directly blamed his jury for his conviction in his final speech and insisted that he knew that when

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North was chosen as sheriff that the persecution of the Whig leaders would soon follow. While he would later admit misprision of treason, at the very minimum, in a letter to Charles just before his death, Russell firmly believed that he was found guilty not because of evidence but because the jury had been “pack’d” against him.

Regardless of his protestations, the evidence of North’s shrieval papers and the lists of potential jury members that he created show that he did seek to create a jury that would be more likely to issue a verdict that would please the Crown than those of the previous two years. Although North never wrote a political treatise, his actions as sheriff indicate that he was a staunch Tory and he sought to carry out his duties as sheriff with his loyalty to the Crown in mind. By interpreting laws through his loyalist lens, North was able to ensure that Sir William Pritchard, a staunch Tory, won the position of Lord Mayor for 1683. The laws in place at the time did not necessarily prohibit dissenters, and more specifically Quakers, from voting in City elections, but through his own loyalist interpretation, North was able to make certain that those votes would not be counted.

North approached creating a list of potential jurors in the same manner. By avoiding wards that tended to heavily lean towards the Whig faction as much as possible, he was able to create a jury that would be more inclined to be loyal to the Crown than the Whiggish faction. Grassby, North’s historical biographer, has argued that North was simply a victim of circumstance and the time in which he served in political office. He simply had the “misfortune to be the instrument of political policies that he did not subscribe.” Yet, North could have refused to serve as sheriff and Peter Rich’s testimony before the Murder committee suggests that North and Rich were well aware of the controversy surrounding the shrievalty and the juries.

95 *State Trials*, ix, 693-694.
96 Ibid, 688; NA PRO SP 29/428/202; 29/429/40.
before they were sworn into office. A member of loyalist family, North demonstrated his loyalty
to the Crown throughout his tenure as sheriff, and in return the Crown granted him the customary
knighthood and found additional positions for him within the government.98

Russell’s last wish for prosecution of Whigs did not materialize. The trials of the Rye
House conspirators stopped for a short period, only until November. Greaves asserts that the gap
was necessary in order for the government to gather witnesses against Sidney and Hampden as
they had been implicated by Howard during Russell’s trial.99 Monmouth seemed the most
obvious choice as he was the King’s son and perhaps could be convinced to turn witness in
return for a guarantee of his safety. In reality, he was one of their only hopes for a second
witness. Russell and Essex were both dead, whereas Ferguson, Grey, and Armstrong were living
in exile. Even with a “packed” jury, without a second witness the government could not pursue
treason charges against Hampden and Sidney.

By the time Charles and his son worked out a deal by which Monmouth would be
pardoned in return for his testimony against Sidney and Hampden, Dudley North and Peter Rich
were no longer sheriffs of London. While traditionally the election for new sheriffs occurred
every year on June 24 with a swearing-in ceremony in September, Charles had continually
postponed the election of new sheriffs and a few other City officials in 1683, perhaps because the
Crown’s attention was focused primarily on the trials of the Rye house conspirators. During this
time, it remained unclear if North and Peter’s terms would simply be extended in the same
manner that Charles had tried to prolong Sir John Moore’s tenure as Lord Mayor. As Charles
had seized the City’s charter, in a show of submission the Common Council granted the Court of
Aldermen, which was dominated by a Tory majority, powers of nomination in regards to

98 R. North, Lives, iii, 122.
99 Greaves, Secrets of the Kingdom, 230.
According to historian A.G. Smith, the Court of Aldermen, with this new power, was able to ensure that only “suitable” candidates sympathetic to the Tory faction would be chosen for City offices. On September 5, the shrieval election was held for the liverymen to confirm the Lord Mayor’s choice of Aldermen Peter Daniel and to elect his co-sheriff. The liverymen who tended to ally themselves with the Whig faction did not appear at the Common Hall, and Samuel Dashwood was chosen to serve along with Daniel.

After the election, Secretary Jenkins marveled to the Duke of Beaufort that “what was most remarkable was that the whole proceedings were without noise or clamour,” but “with that good order and gravity as equaled the examples of the best times.” Therefore, neither North nor Rich was responsible for compiling new jury rolls for the trials of Algernon Sidney and John Hampden. Yet, Charles had two new Tory sheriffs and North had served him well as sheriff, and had carried out his duties exactly in the manner expected of him. North performed his duties so well that his career as sheriff ultimately dominated his political and historical legacy. Only in recent historiography have North’s contributions to the development of a political economy centered around free trade been discussed. For North and his contemporaries, his actions as sheriff defined him as a loyalist politician who the Crown could trust and call upon again and again to carry out his duty.

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100 Repertory 88 fo. 171b
101 Smith, 306.
103 Luttrell, State Affairs, i, 278; ‘September 1-10, 1683’, CSPD: Charles II, 1683, 346-386.
104 ‘September 1-10, 1683’, CSPD: Charles II, 1683, 346-386.
CHAPTER IV
NORTH’S POST SHRIEVALTY POLITICAL CAREER

The new Sheriffs of London and Middlesex were sworn into office on September 5, 1683 and North was able to pursue other offices. North accepted the customary honor of knighthood from Charles and continued to serve in the City government as he was elected as aldermen of Bassishaw.\(^1\) Charles also wished to reward North further for the loyalty he had shown during the shrievalty and he consulted with North’s brother, the Lord Keeper, as to what position would be best suited. The Lord Keeper encouraged Charles to appoint North to the Commission of the Customs, just as he had persuade the Crown that North was an ideal choice for sheriff. According to the Lord Keeper, if North was appointed as a Commissioner then he believed revenue from the Customs would increase by £50,000.\(^2\) Charles accordingly appointed North to be one of the six Commissioners of the Customs, and North served in that function from March 26 to July 1684 and from March 1685 to April 1689.\(^3\) In between his two tenures as Commissioner of the Customs, he served in the Treasury Commission from July 1684 until it

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\(^1\) R. North, *Lives*, iii, 125; In Alfred P. Beaven’s *The Aldermen of the City of London: Temp. Henry III-1912* (1908), North is listed in “Appendix II: Sheriffs chosen as aldermen” as being elected alderman for Farringdon Within in 1682. Henry Benjamin Wheatley, however, also claims that North served as alderman for Bassishaw in his *London Past and Present*, i, (1891), 122.

\(^2\) BL Add. MS 32523, fo. 30v.

was dissolved on February 16 1685.⁴ Roger North also suggests that Charles believed that Dudley North would be a nice counterpart to Nicholas Butler, “who came in by the Duke of York; and the king did not like him.”⁵

North accepted the position, and along with his stint in the 1685 “Loyal Parliament,” he turned his attention to matters of trade and revenue. In the remaining years of his political career, North was able to influence trade and customs policies in a manner that was befitting his loyalist ideology, but he continued to be involved in controversy that pitted him against not only old Whig nemeses, such as Thomas Papillon and Sir Patience Ward, but also other merchants. North carried out his duty as a Commissioner and MP zealously and almost always to the benefit of the Crown, which also coincided with his own interest as a merchant. This chapter examines North’s post-shrieval political career as a Commissioner of the Customs and Treasury and as an MP in Parliament in 1685. In these posts, North was able to use his extensive experience as a merchant to create policy. North, however, was not only guided by his expertise as a merchant but also by his political ideology. North continued to act as a Tory in all his posts for the remainder of his political career. As suggested in the previous chapter, despite North’s own assertions, he was political in his actions, but he was also a merchant. He acted consistently in line with his loyalist ideology, but he also was able to introduce policy which would benefit both the Crown and himself. Taken together, both North’s political allegiances and his occupation as merchant provide a better understanding of his role in the overall political process of late seventeenth-century England.

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⁵ R. North, Lives, iii, 133.
a. Treasury Commissioner under Charles II

During North’s short tenure in the Treasury, he was called on as an expert in trade and taxation. Charles requested that North consider the possibility of a tax on beer and paper, as well as examine the Crown’s debt. Along with his regular duties as a Lord Treasurer, Charles, however, asked North to perform a more specific and unusual task for him. Lord Rochester, Lord President of the Council, was feuding with Lord Halifax, Lord Privy Seal, over a farm of the revenues from the Hearth and Excise taxes. A revenue farm was created when the Crown leased a tax out to private contractors, which could be an individual, a group, or a corporate body, for a number of years in which the farm paid a fixed sum for the year and any remaining profits were kept by the farmer. The Hearth Tax had been a response to Charles’s lack of money in the early years of his reign. Upon his Restoration in 1660, Parliament estimated that the King required an annual income equal to £1,200,000, but in reality, the revenues apportioned to him totaled only about half that amount in the first two years. To fix the matter, Parliament voted a Hearth Tax in 1662 which placed a tax of one shilling on every “firehearth and stove” due twice a year on September 29 (Michaelmas) and March 25 (Lady Day). The Hearth Tax, along with the excise tax, or taxes on consumer goods, helped bring the King’s annual income up to estimated sum.

According to Halifax, the treasury books regarding the Hearth and Excise taxes were doctored and several pages were missing from the books. Furthermore, Halifax charged that contractors who were collecting the taxes were amassing large profits while the King was

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suffering a great loss. Halifax estimated that £40,000 of the King’s revenues from the hearth tax was pocketed by the contractors and that Lord Rochester knew of the deceit and had taken a share of the money as a bribe.¹⁰ At Halifax’s insistence, Charles agreed to have the books examined by an Auditor, William Aldworth, who “answered nothing but doubts, and was very shy of saying anything at all.”¹¹ Unsatisfied with Aldworth’s report, Charles requested that North take the books and study them as well to determine if the King had been cheated out of revenue.¹² Once again, North was in a position to prove his political loyalty to the Crown. Charles knew he could trust North to examine the books and give an accurate report as to whether or not any money was missing. North agreed to investigate the matter and Charles also ordered Aldworth to aid North in his examination.

According to Roger North, the behavior of the auditor only further deepened North’s suspicions that something was awry. When Aldworth was questioned by North about any entry, “the auditor hummed and hawed, as if he had lost his utterance.”¹³ North, therefore, felt that Aldworth was purposefully vague and untrustworthy. After a careful scrutiny of the books, North found an entire column of false entries that had been written after the investigation of the farm had begun. North believed that this column was an attempt to hide the true profits of the revenue farm. Once North made this discovery, he sent Aldworth back to report to Charles, but the King refused to believe it until he held an audience with North and they went over the books together. With North’s confirmation that the report was true and that the Crown had been cheated out of profits, Charles dissolved the farm and placed it under the direct management of the Exchequer. It is likely that Charles would have pursued further actions against those who

¹¹ R. North, Lives, iii, 149.
¹² BL Add. MS 32512 fo. 108; R. North, Lives, iii, 149.
¹³ R. North, Lives, iii, 150.
had cheated him out of his rightful revenue, but before any further actions could be taken against Lord Rochester or the contractors who had profited at the King’s loss, Charles died on February 6, 1685 and the whole affair was dropped as James II ascended to the throne.\textsuperscript{14}

b. James II ascends the throne

The transition from Charles to James was far smoother than had been anticipated. Charles’s illegitimate son, the Duke of Monmouth, still found support among those who were hesitant to welcome a Catholic king. After Charles fell ill in early February, the government administration began to prepare for the worst as Charles’s Catholic brother James was set to take the throne. In case of a rebellion or uprising, the government readied troops, closed ports, and even arrested those they felt were acting in a suspicious manner.\textsuperscript{15}  James’s accession was met with popular loyalist support, and he gave a speech to his Privy Council promising

I will endeavour to follow [Charles’s] example . . . . I shall make it my endeavour to preserve the government in Church and State as it is by Law established, I know the principles of the Church of England are for Monarchy, and that the Members of it, have shewn themselves good and Loyall Subjects . . . I know likewise that the Laws of England are sufficient to make the King as great a Monarch as I can wish.\textsuperscript{16}

James also made it known that all officials should retain their posts for the time being to prevent any disturbances in governmental operations. James was initially concerned over the matter of finance and national security. Charles had been granted revenue from customs and excise for the duration of his life, but there had been no provision for the continuation of these taxes for any period of time for Charles’s successor. Therefore, James issued another proclamation on February 9, just three days after Charles’s death, which allowed for the Crown to continue

\textsuperscript{14} Ibid.
\textsuperscript{15} Harris, Revolution: The Great Crisis of the British Monarchy, 1685-1720 (London: Penguin Books, 2006), 40, 63-64.
\textsuperscript{16} Clarke, The life of James II, 3.
collecting customs and tonnage and poundage, but also promised that Parliament would be called soon so that a satisfactory income could be determined for his reign.

James claimed that the immediate concern was that of national security which required funding for the Navy and the protection of trade. Therefore, for the immediate time being, the Commissioners of the Customs that Charles had appointed retained their positions so that the collection of the customs and tonnage and poundage was not disrupted. Tim Harris noted that while the arbitrary collection of taxes would become a central issue for those involved in the Glorious Revolution, at the time of James’s ascension to the throne, there was “little difficulty” in collecting the revenue.\footnote{Harris, Revolution, 43-45.} England’s merchants did not resist James’s attempt to extend these taxes because they understood that in order to protect their respective trades the Crown needed to fund the Navy which meant the continual collection of revenue. Any interruption in the collection of revenue had the potential to also interrupt trade. Even the most “fanatical” of the English merchant companies were concerned that if James was unable to raise the necessary money to maintain the Navy, then “the Dutch, who are always ready to take all advantages . . . will immediately pour in upon us . . . all sort of commodities, that the trade would not be recovered again in two or three years.”\footnote{HMC Ormonde, vii, 322.} With this in mind, many of the merchants in London agreed that “the necessity of trade requires that there be no intermission of payments.”\footnote{Ibid.}

Therefore, the “General merchants of London” formally and publicly yielded to James’s proclamation in a printed address published by the London Gazette in March 1685. In this statement, the merchants stated their support of the Crown and assured that they understood the continued collection of the customs was needed for the “maintenance of the Navy, as well as for defence of the Nation, and the Security of Trade.” The petitioners agreed to “submit to the

\footnote{Harris, Revolution, 43-45.}
\footnote{HMC Ormonde, vii, 322.}
\footnote{Ibid.}
payment of our Customs according to your Majesties Royal Proclamation of the month past."\(^{20}\)

In order to ensure that the James was able to receive the income from customs, he also needed the Commission of the Customs to remain in working order, and therefore, he did not immediately replace the Commissioners and Dudley North retained his post.

Although the government dropped the matter regarding the Hearth and Excise tax farmers after the death of Charles, Roger North insists that North was never forgiven by Lord Rochester for what he felt had been a slight against his person. Roger North claimed that Dudley North had not necessarily believed that Rochester was involved in actively stealing from Charles, but rather that Rochester had done a poor job and not caught the inconsistencies written in the books by the tax farmers. Nevertheless, Rochester took the investigation to be a charge against him of “corruption and treachery,” and while he continued to work with North under the new regime of James, Rochester never again considered North a friend.\(^{21}\)

North had proven, once again, that he was loyal, trustworthy, and dependable when it came to the Crown. By revealing the duplicity of the farmers and perhaps that of one of the Treasury officials under Charles’s regime, North was able to ensure that the Crown under James retained more of its money. Initially, upon the death of Charles, North retained his post for a short time. Yet, after James reshuffled his ministers, Rochester replaced Sidney Godolphin as First Lord of the Treasury, and North lost his post.\(^{22}\) Rochester and James were close, as Rochester was the brother of James’s first wife, and James believed that “no one [had] served his Majesty with more fidelitie and affection.”\(^{23}\)

\(^{20}\) London Gazette, no. 2018 (19-23 March, 1685); Harris, Revolution, 49.
\(^{21}\) R. North, Lives, iii, 151.
\(^{22}\) Ibid, 158.
\(^{23}\) Harris, Revolution, 43; Clarke, Life of James II, ii, 8.
James not only gave Rochester the head position within the Treasury, but also promoted Rochester’s brother, the earl of Clarendon, to the Lord Privy Seal.\textsuperscript{24} Despite James’s close relationship with his brother-in-law, he did not have the same feelings of ill-will towards North as did Rochester. James was aware of how useful North had been to Charles. James also trusted that with North’s knowledge of trade and his sense of loyalty to the Crown that he could be of service. James ordered Rochester to find a place for North as a Commissioner of the Customs so that his extensive mercantile experience could be utilized. James also appointed North as a Commissioner of Lieutenancy for the City of London, which served as the militia force for the City.\textsuperscript{25}

c. The Commission of the Customs

Under Charles, North served only about five months in the Customs, but during James’s reign, North worked in the Customs for about four years. Before 1671, the Customs had been managed through revenue farms. During the reign of Charles II, however, the Crown sought greater authority over the Customs in an effort to increase the income and efficiency, and the Customs were therefore taken out of farm.\textsuperscript{26} Through the Commission of the Customs, the government sought to collect the maximum revenues in the most efficient manner possible without hindering trade. The Commissioners of the Customs, along with several accountants, a Secretary, a Comptroller-General, and three Surveyors-General, a Receiver-General, and at least one solicitor, were responsible for reporting to the Exchequer, the government arm used to manage and/or directly collect revenues, as well as ensuring that the Exchequer received the revenues. The Customs was a large operation and maintained sixty-eight customs-houses, twenty of which were in London. In London alone, two hundred forty-four customs officials

\textsuperscript{24} Ibid.  
\textsuperscript{25} \textit{CTB}, 1669-1672, iii, 935; \textit{CTB} 1672-1675, iv, 643; Grassby, \textit{English Gentlemen in Trade}, 159.  
\textsuperscript{26} \textit{CTB}, 1665-1669, viii, 10-11; 'March 1665', \textit{CSPD: James II, 1665, 60-118}.  

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worked to prevent fraud and to ensure that the goods that were imported and exported were properly recorded and the proper duties were imposed.\textsuperscript{27}

The Commissioners of the Customs held many responsibilities. One of the most important tasks was to collect tonnage and poundage, a tax imposed of “5 per cent on the value” upon every ton of imported wine and vinegar and every pound of “all merchandise except wine, fresh fish, and ‘bestial’ inward, and exported wool, fells, and leather.”\textsuperscript{28} From the reign of Edward II until that of Charles I, tonnage and poundage was granted to the king for life by Parliament and was considered a major source of income for the Crown.\textsuperscript{29} Along with the set duties imposed upon goods, individual imports or exports could also be taxed at higher rates. The Commissioners were also responsible for enforcing the Navigation Acts, confiscating contraband, prohibiting smuggling, maintaining order in the ports, and traveling to the outer ports and colonies to ensure that the Customs laws were enforced. At the same time, the ultimate goal was to encourage trade and generate as much revenue as possible for the government. The vast majority of the Commissioner’s time in office was spent attending meetings, managing junior officials, maintaining the accounts and port reports, and preparing reports for the Treasury.\textsuperscript{30}

Due to the overwhelming responsibilities of the Commissioners, the Customs was plagued with problems of inefficiency and corruption. The Commissioners fought a constant battle against merchants who sought to avoid the duties that were imposed through falsely identifying their goods with fake packaging or seals. Whereas merchandise such as wine, vinegar, and cloth were taxed according to their weight, the duties of other goods were

\textsuperscript{27} Grassby, \textit{English Gentlemen in Trade}, 159-161.
\textsuperscript{28} Grassby, \textit{English Gentlemen in Trade}, 161; Henry Atton and Henry Hurst Holland, \textit{The king’s customs} (J. Murray, 1908), 23.
\textsuperscript{29} Atton and Holland, \textit{The king’s customs}, 2 vols, passim.
\textsuperscript{30} Grassby, \textit{English Gentleman in Trade}, 161.
determined by a revised version of the Book of Rates which had been approved by 12 Car. II, c. 4. One such commodity was sugar, the tax on which varied depending on its “category,” which was determined by the color and fineness of the grain. Therefore, it was not uncommon for merchants to add artificial dyes to their sugar in an attempt to lower the duty. Further complicating matters was the fact that the duties imposed did not always reflect the actual market price. If the price of sugar fell, the duty did not. Finally, the sheer number of goods that was transported into the ports prevented the outnumbered port officials from always correctly identifying or levying the accurate tax in a timely manner. Delays were not uncommon and in the event that goods were confiscated, the process for the merchant to regain them was slow.31 Despite the problems, the Crown benefited from new system, and in the 1680s, the Customs generated far more revenue for the Crown than Parliament had estimated, including £330,000 from tonnage alone.32

North was a vigorous and committed Commissioner and he sought to ensure that every duty that was owed was paid. Determining North’s specific influence on the decisions of the Commissioners can be difficult as the records from the Customs House from his tenure did not survive. Furthermore, in the records that do exist, individual arguments, negotiations, or decisions are not mentioned. Often, only the collective decision of all six Commissioners was recorded and issued. Despite this, the decisions recorded by the Commissioners fall into line with North’s belief that all revenues owed to the Crown should be collected and his methodical nature that leaned towards efficiency.

According to North, the revenues generated by the Customs required a great deal of attention to detail. In order to collect the revenues properly, one must understand that “the

customs was made up of little particulars; and that a neglect of the least thing is an immense loss.”

North believed that the strict adherence to the outlined tax regulations was needed in order to collect the revenues due to the Crown. Therefore, North would not abide by “a fraud in any man,” however small. He insisted, “the revenue (as I said) was made up of small things swept together; and if not strictly conserved, the whole, like sand, would slip through their fingers.”

In order to prevent the loss of revenues from customs, North and his fellow Commissioners sought to discourage and stop any merchant from trying to commit fraud as well as to close any potential loopholes, especially those pertaining to sugar, despite the protestations from the New World colonies.

d. The “Loyal” Parliament and New Impositions

Along with serving James as a Commissioner of the Customs, North was also able to serve in the “Loyal” Parliament of 1685. As a Commissioner, North could have been elected as an MP for one of the port cities, but he made the decision to serve for the corporation of Banbury, which was only three miles from the late Francis North’s home in Wroxton, which North frequented to check on his ward, the young Lord Guildford. According to Roger North, Dudley North made this choice so he could “make room for another of the king’s friends” and he could also continue to manage his ward’s trust.

By serving in both the Customs and Parliament, North was not only responsible for enforcing the customs laws and collecting revenues for the Crown but was also able to influence and create new trade and customs policies. In his service as an MP, North once again proved to

33 R. North, Lives, iii, 144.
34 Ibid, 146.
35 ‘December 1685’, Calendar of State Papers Colonial, America and West Indies (CSPC), 1685-1688, xii, and Addenda 1653-1687, 123-135.
be a loyal servant to the Crown and worked diligently to pass legislation that not only benefited
the Crown but also ensured that the King’s reign was funded for the duration. Upon his
accession to the throne, James promised to call a Parliament, and after the burial of his brother,
parliamentary elections were held for both the Scottish and English Parliaments. The Scottish
Parliament planned to meet in April, whereas the English Parliament was scheduled to meet on
May 19 after James’s April coronation.38

James wanted the Scottish Parliament to meet first as he felt that it would set an example
of loyalty for the English Parliament as the Scots had “zealously” supported James when the
English had “contended so vehemently to deprive him of his right.”39 The Scottish Parliament,
in fact, met one month before the English and passed a new Excise Act on April 28.40 In 1661,
the Scots had granted Charles revenues from “inland and foreign commodities” for life and had
extended the taxes for five years beyond his lifetime.41 In 1685, the Scots decided unanimously
that the “their present monarch, and . . . his lawful heirs and successors” should collect the excise
“forever.”42 On May 13, shortly after the English Parliament met for the first time, the Scottish
Parliament granted James additional revenues with an Act of Supply which provided £216,000
yearly for James’s lifetime.43 The Scottish Parliament performed just as James hoped it would
by granting him revenues and pledging loyalty to his reign.

While James counted on the Scottish Parliament to set an example for the English
Parliament, he also planned to ensure that the May Parliament was decidedly loyal to the Crown.
The government took an active interest as to who was elected to the new Parliament. James’s

38 HMC Ormonde, vii, 323.
39 Clarke, Life of James II, ii, 12.
40 Harris, Revolution, 69.
41 RPS, 23 April, [1685/4/16].
42 Ibid.
43 RPS, 13 May [1685/4/33].
Secretary of State, the Earl of Sunderland, took care to send letters to various constituencies. To the Earl of Plymouth, Sunderland wrote that Plymouth should “employ all [his] interest as Governor of Hull . . . to secure the election of good members for the Parliament, but not to engage [himself] to any particular person” until James could decide whom he wanted to support.\textsuperscript{44} To the Deputy Lieutenants of Warwickshire, Sunderland urged that they “employ all [their] interests that persons of approved loyalty and affection to the Government be chosen,” but also that they “use [their] utmost endeavour for preventing intrigues and disorders.”\textsuperscript{45}

Particularly, James did not want the Whig faction to use the opportunity of his brother’s death to strengthen their cause after Charles had spent the last few years of his life trying to stamp them out. Whiggism had not died completely during Charles’s reign but his iron grip on the corporations, trade companies, and press had severely crippled the cause. Exclusion of James from the throne had been a primary concern of the Whigs in the early 1680s and James was understandably cautious and concerned that his ascension to the throne might spark a revival in the Whig faction.

James and his government felt that it was important that they “oppose the election of any person that was for the bill of exclusion.”\textsuperscript{46} Many of the recipients of such letters responded that they would work hard to ensure that “none be chosen but persons of approved loyalty.”\textsuperscript{47} Along with James’s own efforts, Charles’s \textit{quo warranto} campaign that had been carried out against corporations in the last years of his life also strengthened Tory positions within the local governments. As in the case in London, the seizures and dissolutions of corporation charters allowed the government to purge the townships and their governments of the undesirable Whig

\textsuperscript{44} ‘February 1685’, \textit{CSPD: James II, 1685}, 1-60.
\textsuperscript{45} Ibid.
\textsuperscript{46} Ibid.
\textsuperscript{47} Ibid.
element. After the purges, the government bodies of the corporations were solidly Tory. The local governmental purges carried out by Charles only further helped James to ensure that the elections throughout the country were primarily manned and controlled by the loyalist faction. Tory sheriffs manned the elections and in many cases prevented those who would support Whig candidates from voting. In some instances, the Tory sheriffs went further and prevented Whig candidates from standing for election.48

The government’s tremendous efforts paid off. Only fifty-seven total known Whigs were elected out of the five hundred thirteen total seats.49 One of the new Tory majority was Sir Dudley North who gained the seat from Banbury, his family’s constituency. The election results in England prompted Rochester to brag to James’s son-in-law, the Prince of Orange, that “the elections for Parliament men are generally so good that there is all the reason in the world to believe it will be a very happy meeting between the King and them.”50 During the Crown’s campaign to elect as many Tory MPs as possible, the government also wanted to make certain that the MPs that would sit for Parliament were amiable to James collecting “all customs as in the last King’s reign.”51 James needed money to finance his reign and he expected Parliament to provide it.

In his opening speech to the English Parliament, James promised “to preserve this Government both in Church and State, as it is now by Law Established” but he requested that both Houses work “to the settling of my Revenue, and continuing it, during my Life, as it was in the Life-time of my Brother.”52 James insisted that he needed the lifetime revenues “for the Benefit of Trade, the Support of the Navy, the Necessity of the Crown, and the Well-being of the

48 Harris, Revolution, 55-56.
49 Ibid, 55; Hennings, House of Commons, i, 40, 47.
50 'March 1685', CSPD: James II, 1685, 60-118.
51 'February 1685', CSPD: James II, 1685, 1-60.
52 CPHE, iv, 1352-1353.
Government it self.” James also discouraged the MPs from “feeding me from time to time” by granting short-term revenues with the hopes that he would then be forced to call Parliament more frequently. Rather, James argued that this “would be a very improper Method to take with me, and that the best way to engage me to meet you often, is always to use me well.” Shortly after the King’s speech, Parliament agreed “that the Revenue which was settled on his late majesty for his life be settled on his present majesty during his life.” Neither House addressed James’s earlier extension of tonnage and poundage without calling Parliament.

Yet, James required more money than his brother had been granted as he was now responsible for his brother’s debts, the Navy was depleted, and perhaps most serious, James was now fighting a rebellion in Scotland led by Monmouth and Archibald Campbell, ninth earl of Argyll. Within days of the parliamentary approval of James’s lifetime supply, he once again addressed both Houses and requested additional funds. James assured Parliament that he “would not call upon you unnecessarily for an extraordinary Supply,” but he needed more revenue to counter Monmouth’s rebellion. Despite his illegitimacy, Monmouth argued that as Charles’s eldest son he was the rightful heir to the throne and should have succeeded him rather than James. Monmouth retained the support of the radicals who had fled the country after Charles’s prosecution of Rye House Plotters. Argyll, a former ally of James in Scotland, had been charged with treason and sentenced to death in 1681 for his written objections against the Scottish Test Act which required officeholders to swear that both Jesus and the monarchy were the head of the Church.

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53 Ibid, 1353.
54 Ibid.
55 Ibid, 1354.
56 Ibid, 1359-1360.
After Argyll’s escape from Edinburgh, he fled into exile and he was courted by radical Whigs as a potential candidate for leading the rebellions in Scotland in 1683. In 1685, as the English and Scottish Parliaments were meeting, Argyll and Monmouth decided to act and they revived the plan of 1683 for coordinated rebellions in Scotland and England. Argyll would set the plan in motion with an uprising in Scotland that would divert the King’s attention and military forces, while Monmouth would then lead a rebellion in the West Country, which would set off a chain of rebellions in London and Cheshire. Initially, the rebellions were planned for May, but delays due to weather slowed down the uprisings, and allowed James to petition Parliament for the necessary revenue to bolster his forces. The rebellions were quelled with the capture of Argyll on June 18 in Scotland and the defeat of Monmouth’s army at Sedgemoor on July 6. Argyll had already been tried of treason and sentenced to death in 1681, and twelve days after his capture, he was executed under the same judgment. Monmouth suffered the same fate and he was beheaded on July 15, only a week after his capture.

Due to the threat to the Crown that such an uprising had posed, especially with a diminished Navy, James requested that Parliament “oblige me to a considerable Expence extraordinary” to combat all the unexpected costs that had risen. James pledged that he would use the funds only for the reasons he had outlined. Parliament granted James the supply he had requested to put “towards his extraordinary expence for suppressing the Rebellion of the late duke of Monmouth, and the pretended earl of Argyle.” However, Parliament restricted the amount and resolved that the extraordinary supply could not exceed £400,000. While James’s

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57 Harris, Revolution, 73-75.
58 Greaves, Secrets of the Kingdom, 291-292.
59 CPHE, iv, 1359-1360.
60 Ibid, 1360.
61 Ibid, 1365.
62 Ibid, 1366.
Parliament was loyal, the members were careful not to “overdo in giving in an increase in revenue, for fear ill use might be made of it for Popish designs.” The Loyal Parliament knew that it was absolutely crucial to provide James with enough income to defend the nation and its trade, but they were also cautious about overfunding the new Catholic King. There was also a great deal of debate about how the additional £400,000 should be raised, and several taxes, including those on houses and land, were considered. In the end, the vast majority was more comfortable with increasing indirect taxes on imports.

As a Commissioner of the Customs and a prominent merchant, North was very knowledgeable not only of trade but also of customs laws. He was in a good position as an MP to play an integral role in securing the Crown revenues from the taxation of imports. North served on several committees in the Commons that dealt with economic policies, which included “those to inspect the accounts of the disbandment commissioners, to amend bankruptcy laws, and to encourage shipbuilding.” Along with his work on these committees, North also acted as the chairman of the Committee of Ways and Means. According to Roger, North “took the place of manager for the crown, in all matters of revenue stirring in the House of Commons.”

Once the issue of James’s extraordinary revenue had been settled, Parliament decided that the next most urgent order of business was to address the issue of how to raise funds for desperately needed naval repairs. The committee assigned to investigate the best method of raising the taxes reported back to the Commons that an “Imposition be laid on all Wines and Vinegars.” The committee also suggested that the tax be the same as “that was laid . . . by an

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64 Grey, Debates, viii, 368-369; The History and Proceedings of the House of Commons, 1680-1695, ii, (1742), 164-199.
65 Henning, The House of Commons, i, 150.
66 Ibid.
68 Grey, Debates, viii, 348.
Act of Parliament, 22 Charles II in 1670. The bill drawn up specified that the imposition last from June 24, 1685 to June 24, 1693. The Commons passed the bill on June 3 and the Lords followed suit two days later.69

In an effort to raise even more revenue, North also decided to examine the books of the Customs-houses. He “took a strict account of all the commodities in trade . . . and considered which would best bear a farther imposition.”70 North’s conclusion was that a “tax of one farthing upon sugars and one half-penny upon tobacco imported, to lie upon the English consumption only” for a period of eight years would provide the needed revenue. North argued that a tax such as this was preferable as it “would scarce be any burthen sensible to the people.”71

North took particular interest in the passing of the new impositions on sugar and tobacco. As a Commissioner of the Customs, he was familiar not only with the Book of Rates but also with the Custom-house books. As the bill was reviewed in the committee and in the Commons, North went over the bill “paragraph by paragraph . . . dictating amendments in numerous instances.”72 The Commons agreed to the new impositions, a bill was drawn up and passed the Commons on 15 June after multiple readings.73 The Lords passed the bill on June 16.74 Finally on June 20, the Commons considered new taxes on “French Linnen, all Brandies imported, all home-made Spirits and strong Waters, all Callicoes, and all other Linnen imported from the East-Indies . . . . Silks imported from the East Indies, or manufactured in France, and all other foreign . . . Silks imported.”75 By July 1, both Houses passed the new impositions on linens,

69 Ibid; LJ, xiv, 32; 1 Jac. II, c. 3.
70 R. North, Lives, iii, 161.
71 Ibid.
72 Ibid, 164.
73 Grey, Debates, viii, 348, 350.
75 Ibid, 351.
silks, and foreign and domestic liquors. In all, MP Sir Thomas Clarges estimated that the extra taxes would yield total revenue of £3,400,000, and combined with the lifetime supply, James had received “in all six Millions.”

The new impositions on sugar and tobacco were met with a great deal of opposition, specifically from grocers who sold the products and the merchants who transported them from the colonies. The Merchant Adventurers of Bristol petitioned the Commons to reconsider the imposition on tobacco and sugar. The traders, retailers, and merchants who dealt in tobacco and sugar argued that the new taxes would mean “the utter ruin of all the plantations . . . and all trading from thence, and all dealing whatever in those commodities, were to be confounded at one single stroke.” They argued that the new duties were so complicated that “men would rather quit, than lose their time about it: and then, a rise of the commodity at home would lessen the trade.”

Along with the petitions to the House of Commons, the Commission of the Customs also dealt with protests, as “a parcel of grocers, sugar-bakers, and tobacconists” came to argue to the Lord Treasurer Rochester that if such a bill passed that the duties would force them to stop selling the goods. Rochester requested that the protesters come back the next day when they would be able to speak to North, who was still serving as a Commissioner of the Customs. Rochester was also present the following day when even more tradesmen appeared to question North and once again claimed that they would not deal in sugars or tobacco if the new duties

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76 1 Jac. II, c. 5 in Statutes of the Realm, 1685-94, vi.
77 Grey, Debates, viii, 363; the additional revenue from the duty on wines equaled £150,000 a year for eight years, or £1,200,000. The tax on tobacco and sugar suggested by North yielded £200,000 yearly for eight years, or £1,600,000. Finally, the taxes on linens, brandies, liquors, and silks (French and East Indian) provided for £120,000 yearly for five years, or £600,000
78 CJ, ix, 733-734.
79 R. North, Lives, iii, 162.
80 Ibid.
81 Ibid, 162-163.
were imposed. In response to their protestations, North asked the men that “if one comes to your shop to buy sugar, will you sell any?” to which they replied “yes.” North then answered “if you will sell, I’m sure you’ll buy.” In the end, Rochester sent the retailers away as he was satisfied that North had answered their questions.

North’s knowledge of customs and trade allowed him to pinpoint the commodities that could withstand a new and higher tax. All the commodities chosen by North were either luxury items or goods that were low in price because they were not being dealt in large quantities. Overall, James received far more revenue from the duties imposed on wine and vinegar than he did on sugar and tobacco. As a supporter of the monarchy, North did not question James’s request for revenue. He simply sought to pinpoint the commodities that would yield the highest income without damaging the trade. By providing James with the revenues he requested, North only helped James to become independent of Parliament.

Along with aiding the Crown, North was also acting in his own best mercantile interest. As a businessman and a merchant, North needed a stable government and a funded navy to help protect his shipments of overseas goods. Further, many of the debts that Charles II had incurred, and subsequently passed down to James, were loans that had been given to the Crown by merchants, particularly by the East India Company and the City of London. The East India Company had initially refused Charles a loan of £20,000 or £30,000 in 1662. When the time came for the Crown to grant a new charter on October 15, 1677, the Company and the Crown were on far better terms. The East India Company granted Charles an advance loan of £40,000

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82 Ibid, 163.
83 Ibid.
84 Grassby, English Gentleman in Trade, 147.
85 Brian Weiser, Charles II and the Politics of Access (New York, The Boydell Press, 2003), 157-165. The members of the East India Company were upset with Charles for granting a charter to the Royal African Company which granted them sole rights to trade on the west African coast as this monopoly infringed upon privileges that were previously enjoyed by the East India Company. Therefore, the Company initially refused to give funding to the Crown.
in 1676 and after the charter was issued, gave him another loan of £50,000 in 1677.\textsuperscript{86} These were not one-time loans. Both Charles and James continued to receive loans, or “consideration money” from the East India Company whenever the charter came up for renewal.\textsuperscript{87} Although North was primarily a Levant Company merchant, he did branch out after 1680 and joined the Russian Company as well as the Royal African Company. Along with his membership in these companies, North also invested in the diamond trade with was regulated by the East India Company.\textsuperscript{88} North never formally joined the East India Company as it was the main rival to the Levant Company, but his investment in the diamond trade allowed him to gain access to the vast profits of the East India Company.

Along with investing into different trades and companies, North also provided small short term loans. Although he was an Assistant in the Levant Company, a direct competitor of the East India Company, North loaned £1,500 to the East India Company.\textsuperscript{89} The initial loan was for six months, but he renewed it.\textsuperscript{90} While he would loan money to the large mercantile companies, North chose not to provide credit for the City of London or to the Livery Companies. North also did not provide any loans for Charles, but he extended a six-month loan of £1,000 to James II in 1685.\textsuperscript{91} With money invested in both the East India Company and in the Crown, it was in North’s best interest for the James to receive adequate funding. Without sufficient funding, James could not hope to pay back the loans he took from the East India Company, or any other trading company, and therefore, North was less likely to also regain his investment.

\textsuperscript{87} Langford Lovell Price, \textit{A Short History of English Commerce and Industry}, (London, 1900), 172.
\textsuperscript{88} Grassby, \textit{The English Gentleman in Trade}, 59-60.
\textsuperscript{89} GHL MS 11741/1 fo. 72; Grassby, \textit{The English Gentleman in Trade}, 78.
\textsuperscript{90} Ibid.
\textsuperscript{91} Grassby, \textit{The English Gentleman in Trade}, 78-79.
On November 9, the Loyal Parliament met for its second session and was starting to show signs of resistance against James. In his attempt to combat Monmouth’s rebellion, James significantly increased the size of the standing army from 8,565 to 19,778. The size of the army was less of a problem than the behavior of the soldiers throughout the countryside. The soldiers were stationed in and around London as well as in a number of areas in the west, such as Plymouth, Exeter, Taunton, and Bridgewater, where Monmouth had sought to raise his rebellion. The government fielded complaints of soldiers demanding free quarter and committing “very great outrages,” which forced James to issue a declaration that all troops were to pay for their quarters and “use no violence or threatening” and to avoid taking “quarter in any private house whatsoever.” Along with the disturbances caused by the troops throughout the country, James’s ministers were primarily concerned with his decision to appoint Catholics as officers in the army and to retain them after the rebellion was crushed. James viewed adherence to the Test Acts as an “affront” as the intent of the laws had been to pave the way for Exclusion and therefore “were made on design against himself.”

Halifax, once an ally to James during the Exclusion crisis, was Lord President of the Privy Council. During the Exclusion Crisis of the late 1670s and early 1680s, Halifax was “almost the sole person, in the House of Peers, who first choaked and opposed the Bill of Seclusion of the present King.” Halifax, however, was appalled at James’s blatant defiance of the 1673 Test Act, which required all government officeholders to take sacrament in the Anglican Church. In Council, Halifax spoke out against the appointments and insisted that “an

92 Harris, *Revolution*, 96.
93 Luttrell, I, 356.
95 Burnet, *HOT*, iii, 62-63.
96 Ibid, 63.
97 Fountainhall, *Historical Observes*, 222.
order should be given to examine, whether all the officers in commission had taken the test, or not." 

While Halifax had friends on the Council who supported him, none seconded his motion. In return, James dismissed Halifax from the Council and replaced him with the Earl of Sunderland. A few of his cohorts—the Duke of Ormonde, the Earl of Bridgewater, Viscount Falconbridge, and Bishop Compton of London—decided to retire from the Privy Council, although they had not spoken out as Halifax had done, as they believed that “ther presence was not very gracious to the King, nor to Rochester the Treasurer, nor to the Popish party.” Along with Halifax’s release, the Earls of Devonshire, Dover, and Thanet resigned their commissions as Colonels in the King’s army “because, it was said, they saw Popish officers mainly trusted in the army.”

James continued to face opposition for granting officer’s commissions to Catholics when his Parliament met again on November 9. In his speech to both houses, James once again asked them to grant him additional supply to maintain his army “which is now more than double what it was” because “there is nothing but a good force of well-disciplined troops in constant pay that can defend us, from such as either at home or abroad.” While James wanted Parliament to grant him additional revenues to support his new militia, he was unwilling to budge on the issue of the new Catholic officers. He contended that the men he had chosen were “well known to me, and having formerly served me on several occasions, and always approved the loyalty of their principles by their practices, I think them now fit to be employed under me.”

98 Burnet, *HOT*, iii, 64.
100 Fountainhall, *Historical Observes*, 226.
101 Ibid, 223.
102 *CPHE*, iv, 1369.
103 Ibid, 1370-1371.
speech, a debate arose on several points, including if a standing army was necessary or
dangerous if Catholic officers could legally serve in the King’s army.

On November 16, the Commons issued a formal address to James that informed him
“that those Officers cannot by law be capable of their Employments, and that the Incapacities
that they bring upon themselves that way, can no way be taken off but by an act of
parliament.” The Commons did assure James that they would prepare a bill that would
“indemnify [Catholic officers] from the Penalties they have now incurred” in light of the fact that
they had aided the Crown during the rebellions. The address from the Commons infuriated
James, and he promptly replied on November 18 that he did “not expect such an Address.”

Despite the refusal to accept James’s Catholic officers, the Commons set about
considering James’s request for supply on November 17. The debate about the supply centered
on two issues: the need of additional supply and the amounts required, ranging from £1,200,000
to £200,000. While Sir John Ernly argued that the Commons should grant £1,200,000 because it
was “needful,” others, such as Sir Thomas Clarges, raised objections that such a sum was too
much. Those in opposition to the large sum argued that they should vote a “little now, to have
opportunity to give more another time.” This was the type of argument that James had
anticipated and warned against in his first speech to the new Parliament in May. After a long
debate, the Commons settled on a supply of £700,000 “and no more” to be given to James, and
they once again set out to determine how to raise the sum.

John Ernly moved to place an additional duty on wines that would yield a sum of
£400,000 with the support of North who was serving as the Chair of the Ways and Means

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104 Ibid, 1373-1374.
105 Ibid, 1379.
106 Ibid, 1385.
107 Ibid, 1379.
108 Ibid, 1382.
Committee. Ernly and North contended that the remaining sums could be made up by raising rates on such goods as soap, “planks and other boards,” raisins, prunes, iron, copper, and drugs and spices from Holland, as well as by extending the impositions on French linens and East Indian silks. North supported Ernly’s proposal and concurred that the Book of Rates suggested that these “goods are capable of bearing the duties proposed.”

North argued in his only recorded parliamentary speech that if James “took 40l. per tun on French wine at 20,000l. yearly, he would be a loser by it.” Once again, North used his authority as a Commissioner of Customs to push through the new impositions on wine, just as he had done to raise duties on tobacco and sugar. North believed that if the Crown requested revenues then the revenues should be raised. He was prepared to use his abilities to the benefit of the Crown. The Commons then sought to establish the number of years the new impositions should last, but determined that the Custom-House books needed to be examined to verify how many tons of wine were imported yearly. On November 19, the Committee reported that based on the Custom-House books a duty of £4 per ton of wine would result in a sum of £350,000 yearly. The Commons concluded that the duty should be placed on wine for nine and half years beginning on December 1, 1685, and agreed to draw up a bill.

While the Commons debated the terms of the new supply for the James, the House of Lords decided on November 19 to examine the King’s speech given ten days earlier. Bishop Compton of London and Halifax both rejected “the compliment of giving Thanks for a Speech,

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109 Ibid, 1383.
110 Ibid.
111 Ibid, 1384.
113 Ibid.
114 Ibid.
when there was no special reason for it.”

Halifax and Compton maintained that “the Test was now the best fense (sic) they had for their religion; if they gave up so great a point, all the rest would soon follow.”

They further argued that if James was allowed “by his authority [to] supersede such a law, fortified with so many clauses . . . it was in vain to think of law any more.”

Halifax and his supporters accused James of seeking arbitrary and absolute rule.

James was present for the debate in the Lords, and he was once again outraged at the defiance of his Parliament. On November 20, he sent a command to the Commons to join him in the Lords, and he prorogued the Parliament until February 10, 1686. James would never again call a Parliament during his reign.

By dissolving Parliament before both Houses could vote on the new supply bill, James lost the potential £700,000 in revenue which North had worked so hard to procure for him. The “Loyal” Parliament, as it was called, was loyal to the monarchy and to the Anglican Church. James misunderstood their reaction against his Catholicism and his attempts to install Catholics into the government and army as a reaction against himself and his reign. Despite the disagreements over Catholic appointments, North and his fellow Tories sought to help James gain even more revenues than they had initially granted in the first Parliamentary session.

James’s temper prevented him from understanding the exact allegiance of those whom he should have counted among his staunched supporters, and he was thus unable to gain access to the new income which could have potentially allowed him to rule comfortably for the duration of his reign without having to call Parliament again to request a new supply.

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115 Ibid, 1386.
116 CPHE, iv, 1386.
117 Ibid, 1387.
c. North’s Last Years in Government

In the coming years, James did not need to call a Parliament. Despite the fact that he did not receive the £700,000 the Commons wished to grant him, he was able to rule without that sum and still maintain his large standing army. Along with the supply granted by the first session of the Loyal Parliament, James also retained a close relationship with trading companies, primarily the East India Company and the Royal African Company. Josiah Child, the Governor of the East India Company, had turned Tory in 1682 in an attempt to preserve his standing within the Company and to ensure Charles’s continued support of the company’s charter. Along with yearly loans, Child bestowed a gift of £10,000 on Charles. After the death of Charles, Child remained loyal to the Crown and provided James with same gift of £10,000, which prompted James to become a stockholder in the East India Company. In return for his generosity, Child served as James’s primary economic adviser. Aside from the large one-time gifts given to each monarch, the East India Company also remained one of the largest loan providers for the Crown throughout both Charles and James’s reigns. These types of loans from chartered companies, such as the East India Company, helped to make it possible for both Charles and James to rule without a Parliament.

While the East India Company maintained a close relationship with the Crown, the Company did not have a monopoly on James’s support. Since the inception of the Royal African Company in September 1672, James had served as the company’s governor and largest

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120 Ibid.
121 Pincus, 1688, 372.
stockholder.\textsuperscript{123} Josiah Child, the Earl of Shaftesbury, and John Locke were all also original stockholders in the company, though during the Exclusion Crisis of the late 1670s both Shaftesbury and Locke sold their stock in the Company. This signaled a widespread exodus of Whiggish sympathizers from the Royal African Company, and by the 1680s, the company’s members were overwhelmingly loyal to the Crown and to James.\textsuperscript{124} In October 1681, North bought 500 shares in the Royal African Company.\textsuperscript{125} According to Roger, North found “the great trading companies in credit, and himself a stranger to that sort of dealing.”\textsuperscript{126} Roger North claimed his brother wanted to learn about the management of joint-stock companies and therefore, he bought enough shares to guarantee that he would “qualify . . . to be of the committee for direction of trade.”\textsuperscript{127} With his shares, North was able to serve the Royal African Company as an Assistant in 1681 and from 1685 to 1686, as Deputy Governor from 1682 to 1683, and as Sub-Governor in 1684.\textsuperscript{128}

The Royal African Company was profitable for James, North, and the other shareholders. The Company dealt in goods from Africa, such as ivory, elephant teeth, copper, and cotton cloth.\textsuperscript{129} These products, however, generated only about two-fifths of the Company’s total income.\textsuperscript{130} The main commodities that the company dealt in were gold and slaves from the Gold Coast in West Africa.\textsuperscript{131} With the funds that he earned from the East India Company, the Royal African Company, and other mercantile companies that loaned money to the Crown, James did not need Parliament in order to raise money. Further, North remained a Commissioner of the

\textsuperscript{123} September 1672’, \textit{CSPC, 1669-1674}, vii, 404-417.
\textsuperscript{124} Pincus, \textit{1688}, 373, 375.
\textsuperscript{125} Grassby, \textit{English Gentleman in Trades}, 80.
\textsuperscript{126} R. North, \textit{Lives}, iii, 106.
\textsuperscript{127} Ibid, 106.
\textsuperscript{129} September 1672’, \textit{CSPC, 1669-1674}, vii, 404-417.
\textsuperscript{130} Canny et al., \textit{The Oxford History of the British Empire} (Oxford University Press US, 1999), 257.
\textsuperscript{131} September 1672’, \textit{CSPC, 1669-1674}, vii, 404-417.
Customs throughout the rest of James’s reign and continued to be vigilant in collecting all customs that were owed to the Crown.

After James prorogued Parliament in November 1685, he continued to maintain his large standing army, to appoint Catholics to public office through individual dispensations, and to rule by prerogative rather than through Parliament. While James did not need Parliament to gain access to money, he did need Parliament to repeal the Test Acts. James’s religious toleration fostered a peace that allowed trade to flourish which resulted in relative prosperity. As James sought toleration for his fellow Catholics, he found natural allies in dissenters and members of the Whig faction. Throughout 1686, James worked to gain the trust of dissenters. In March, James pardoned those who had been charged with participating in conventicles or with not attending church. He also freed 1200 Quakers, and announced that they could hold meetings. When the Baptist sect expressed gratitude to James, he made the same concessions to them as long as they remained loyal.132

James’s concessions to Catholics and various dissenting groups only angered the one group, Tory Anglicans, who had shown him support even prior to his reign. These were the same men who had made up his first parliament in 1685. James hoped that he would be able to recall the parliament that he had prorogued in November. Starting in December 1686, over a year since Parliament had met, James began to personally interview, otherwise known as closeting, the current MPs in both houses. James hoped that he would be able to exert enough pressure on the MPs that he would not have to completely dissolve the Parliament and call for new elections.133 James put the most pressure on those men who were also in positions that were controlled by royal patronage, such as North’s appointment as a Commissioner of the Customs.

132 Harris, Revolution, 205-211.
As North enjoyed his position at the Crown’s pleasure, he could also lose his appointment if he acted in such a way that the Crown was offended. North answered during his interview that he “was always a faithful subject and servant to his majesty, and would do all he could for his majesty’s service.”

Roger North, however, claimed that when North was asked if he would vote to repeal the Test Act in front of James, he replied that he “could not, and therefore, would not, pretend to tell what he should do upon any question proposed in parliament . . . till he had heard the debate.” North was pressed further during the interview but he did not give any other answer. Roger North contended that James had “valued himself for securing Sir Dudley North,” yet he did not show any “tokens of his displeasure.” Roger North’s depiction of the interview, however, must be taken with a grain of salt as he was seeking to defend the actions of his brother as well as convince readers that North was not an absolutist. Tim Harris contended that many Tories gave answers much like Roger North described. James was frustrated and angry at the response he received from those who had claimed to be so loyal to him at the beginning of his reign. Despite his alleged answer to the king, North did not lose his commission in the Customs, but Roger North claims that James was quite disillusioned with North, and “resented it sufficiently; for he never was well with him, nor ever showed him a fair countenance after that.”

Realizing that he would not be able to ensure completely that the prorogued Parliament would vote in the manner he wanted concerning the Test Acts, James decided that he would have to call an entirely new Parliament. But, first, he decided to “suspend their operation” until a

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135 Ibid.
136 Ibid, 182.
137 Harris, *Revolution*, 211.
Parliament could be elected that would fully repeal the Acts.\textsuperscript{139} On April 4, 1687, James issued The Declaration of Indulgence, which stated that he “could not but heartily wish, that all his subjects were members of the Catholic Church: yet he had always declared, That conscience ought not to be constrained nor people forced in matters of mere Religion.”\textsuperscript{140} James, therefore, “gave his free leave to all his loving subjects to serve God their own way either in public or private” and further assured his subjects that no one would be required to take the Oaths of Allegiance or Supremacy as required by the Test Acts.\textsuperscript{141}

Further, James insisted that the Declaration be read from the pulpits in the following months. This request caused a widespread bucking among the clergy, and seven bishops, including the Archbishop of Canterbury, signed a petition that directly questioned the king’s authority to suspend parliamentary acts with a blanket dispensation. James was outraged that the bishops had contested his prerogative and he had them charged and arrested for seditious libel.\textsuperscript{142}

The trial took place at Westminster hall on June 29 and 30, 1688. The defense argued that “it could not be a Libel, being done from a conviction of Conscience by such Persons in such a humble modest manner.”\textsuperscript{143} The trial lasted for one day and on the next day, the jury found the bishops not guilty.\textsuperscript{144}

After publicly issuing the Declaration of Indulgence and battling the Church, James sought to create a Parliament that was even more “loyal” than the last. James this time hoped to sit a Parliament with “members chosen that would comply and take those troublesome tests out

\textsuperscript{139} Ibid.
\textsuperscript{140} CPHE, iv, 1388.
\textsuperscript{141} Ibid.
\textsuperscript{142} Harris, Revolution, 260-261, 264.
\textsuperscript{143} An Account of the proceedings at Westminster-Hall, on the 29th and 30th of June, 1688 relating to the tryal and discharge of the Archbishop of Canterbury, the Bishop of S. Asaph, Bishop of Chichester, Bishop of Ely, Bishop of Bath and Wells, Bishop of Peterborough, and the Bishop of Bristol (London, 1688).
\textsuperscript{144} Ibid.
of the way.” He dissolved Parliament on July 2, 1687 and began to prepare for new elections by “regulating, or rather corrupting, corporations, that had right of election, by putting out and in, mayors, recorders, burgesses &c.; and where they were stiff, by coming upon them with quo warrants, and the terror of charges.” James began to carry out purges of the local municipalities in the same vein as his brother in an attempt to assure that the most loyal men possible were elected. James announced in Council on August 24, 1688 that the next Parliament would be called to meet on November 27. James, however, never got the chance to issue the writs due to the “advice of the prince of Orange’s designs.”

While many Tory-Anglicans had become disillusioned with James and his pro-Catholic policies, the final straw came with the birth of his son, James Francis Edward, later known as the Prince of Wales, on June 10, 1688. James issued a royal proclamation appointing “a time of public thanksgiving to Almighty God throughout this kingdom for so great a blessing.” Although James and his wife were celebrating the birth of the new heir to the throne, the rest of the country was not so enthused. One reason why James’s aforementioned pro-Catholic antics had been bearable was the fact that the king was in his early fifties, presumably near the end of his life, and those who were loyal first and foremost to the Anglican Church, as well as those angry at James’s seemingly arbitrary rule, were hopeful that his Protestant daughter, Mary, wife of the Prince of Orange, would succeed James upon his death.

Rumors abounded that the new baby was an imposter as some claimed the Queen was not actually pregnant and others believed that she had given birth to a still-born baby. These

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145 R. North, Lives, iii, 179.
146 Ibid, 180.
147 CPHE, iv, 1390.
148 Harris, Revolution, 269.
150 Harris, Revolution, 269-271
rumors were only further fostered by the fact that the Protestant peers who had attended the birth had turned their heads away as the child was born and thus they were able to claim that they had not actually seen the Queen give birth to a legitimate heir. The reality was that James saw the child as his legitimate heir that meant that England would see another Catholic on the throne, and not the Protestant Queen they were hoping for throughout James’s reign.

The reaction to the birth of the Prince of Wales coupled with the verdict vindicating the seven bishops attested to the less than amiable climate in the country towards James. On June 30, the same day the of the acquittal of the seven bishops, the earls of Shrewsbury, Devonshire and Danby, Henry Sidney, Edward Russell, Lord Lumley, and Bishop Compton of London wrote a letter to William of Orange and stated that “the people are so generally dissatisfied with the present conduct of the government, in relation to their religion, liberties, and properties. The letter also informed William that “not one in a thousand” believed the new Prince of Wales to be son of the Queen. The men gave William a guarantee that “at your first landing,” he would “be able to draw great numbers” of men in support of his cause. The letter served as formal invitation for William to intervene against James. Along with protecting his and his wife’s rights to rule England, William wanted to protect the Dutch interest against the French. William’s reign would combine the Dutch and English commercial interests and put an end to the rivalry that had resulted in warfare since the days of the Commonwealth.

William made preparations for invasion throughout the summer. By September, James was aware of William’s intentions and began to abandon many of his pro-Catholic policies. He disbanded the Ecclesiastical Commission, a body of oversight for the Anglican clergy. He

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continued, however, with his plans to call a new Parliament with men who were as loyal to him as possible, though he also restored the old city charters.\textsuperscript{154} Despite James’s seeming capitulation to his subjects’ demands, William was not turning back and he hoped to invade in the south in October, but bad weather prevented him from doing so until November 5, when he landed in Tor Bay off the coast.

Within a short time, William gained tens of thousands of English supporters, and while the revolution was not bloodless, James could not match William’s military strength and grew increasingly disillusioned when a number of his closest friends, advisors, and even his own daughter openly supported William.\textsuperscript{155} Facing defeat, James deserted his army and decided to flee to London to attempt to smuggle his wife and infant son out of the country and to safety in France on December 10. The following night, he threw the Great Seal in the Thames and made his first attempt to escape disguised as a fisherman but he was discovered and returned to London.\textsuperscript{156}

Riots had erupted throughout London upon the departure of the King, and when James returned to London, celebrations broke out in the forms of bell-ringing and bonfires. William, however, would not accept this show of support, and he sent troops to the palace at Whitehall where James was staying. On the 18\textsuperscript{th}, William sent a message to James requesting that in order to prohibit disorder in London that James retire to Ham House in the countryside. James resisted but eventually agreed to go with the guards. With James out of London, William was able to enter the city in triumph, and on December 23, James fled for France.\textsuperscript{157}

\textsuperscript{154} ‘September 1688’, CSPD: James II, 1687-9, 261-291; Harris, Revolution, 276-277.
\textsuperscript{155} Harris, Revolution, 274, 276-285.
\textsuperscript{156} Ibid, 286, 303; ‘December 1688’, CSPD: James II, 1687-9, 369-385.
\textsuperscript{157} Harris, Revolution, 303-305.
The invasion of William of Orange and James’s abdication had direct ramifications on
the political career of North. After William of Orange assumed the throne of England as
William III, North’s career as a politician and civil servant came to an end. North tried to hedge
his bets by donating £1,000 to a loan to William. In spite his financial commitment to the new
king, North did not sign the address from the Lord Mayor and Aldermen of the City of London
thanking William “for communicating your gracious purposes to this City and for the assurance
of your kindness and protection to us.”\textsuperscript{158} North did not intend to sign the address, but he also
did not want to cause a scene by not signing it and therefore he “walks round about the chair as If
he sought Corner to creep in at and he came about and joining with those that had signed came
off together with him.”\textsuperscript{159} In do so, “No Mortall could tell that he had not signed.”\textsuperscript{160} Roger
North claimed that North told him with great glee about how he had tricked the Lord Mayor and
Aldermen into thinking he had signed the document when in fact, he had not. Roger noted that if
North did sign the “declaration for William of Orange” then “he is Not the Man I took him
for.”\textsuperscript{161}

Those who had served in the Loyal Parliament of 1685 were not eligible to sit in the
Convention Parliament in 1688 and North never again served in Parliament. He did retain his
commission at the Customs for a short period after the Revolution, because “that collection was
not to be disturbed till the main was safe.”\textsuperscript{162} In the few remaining months of his tenure as
Commissioner, North and his fellow Commissioners were ordered to enforce the embargo order
against France issued by William on January 29.\textsuperscript{163} North did as ordered until he was relieved of

\textsuperscript{158} ‘December 1688’, \textit{CSPD: James II, 1687-9}, 369-385; Repertory 92 fo. 496; GHL MS 12158.
\textsuperscript{159} BL Add. MS 32512
\textsuperscript{160} Ibid.
\textsuperscript{161} Ibid.
\textsuperscript{163} \textit{CTB}, viii, 2159-2162.
his duties as Commissioner. Once William had time to appoint his own Commissioners, North was removed from his post. After North left the Commission of the Customs, he never again served in political office. His political career was over.
CHAPTER V
NORTH OUT OF OFFICE

Sir Dudley North remained in the Customs for a short period after the Prince of Orange assumed the throne, but the Glorious Revolution essentially ended North’s political career. Along with his post as Commissioner of the Customs, North lost his Aldermanic seat in the City of London when Parliament passed a bill in May 1690 that reversed the judgment of quo warranto against the City and restored its “ancient Rights and Privileges.”1 With the passage of this bill, the City “was put in a state referring to a time before he was chosen.”2 That same month, King William III issued a bill of indemnity known as the Act of Grace, which forgave those who had followed James, as he was not pleased with the attempts by the Whigs in Parliament to punish those who had supported both Charles and James.3 The Act of Grace named thirty-one specific followers who were exempted and could therefore face repercussions for their actions, including the deceased Lord Chief Justice George Jeffreys, former Commissioner of the Customs Sir Nicholas Butler, and the Tory publisher Roger L’Estrange.4 Although North was not specifically named as exempted from the Act of Grace, he worried that he would be added due to his role in the Rye House trials. If William or Parliament added his

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1 CJ, 1688-1693, x, 407.
2 North, Lives, iii, 186.
name to those who were exempt then he would be open to prosecution for his actions as sheriff and as a Commissioner of the Customs and Treasury.

While no longer a politician, North resorted to his first occupation: merchant. According to Roger, North began to trade once again in cloth as he detested being idle.\(^5\) North was still a member of the Levant, Royal African, and Russian Companies.\(^6\) He had worked with others to build three ships that were better defensible against pirates, and this “engaged him deeper in adventure than otherwise he had been.”\(^7\) Although North’s attention was now almost solely focused on business, the war with France that followed after the Glorious Revolution cost his estate an estimated £10,000.\(^8\) North was also in charge of the late Francis North’s estate and he took on an apprentice, Fairclough, whom he stationed at his home in Constantinople to manage his interests.\(^9\) At home in England, North began to investigate procuring an estate in the country where he could “employ himself . . . by ploughing and sowing.”\(^10\) He placed bids on multiple estates but was unable to secure one before he fell ill.

Although North was retired from politics and seeking a life in the country, he continued to articulate his ideas about trade and the economy. As Grassby pointed out, North did not plan to become an economic theorist and never expected his ideas to be published. However, he did intend for them to be heard. North prepared two speeches regarding trade and money while the 1685 Parliament was still in session. When James dissolved Parliament, North lost his chance to express his ideas in that particular forum. After North’s death, his brother Roger North took his brother’s notes from the two intended parliamentary speeches and published them with a preface

\(^5\) North, \textit{Lives}, iii, 186.
\(^6\) Grassby, \textit{The English Gentleman in Trade}, 30, 80, 151.
\(^7\) North, \textit{Lives}, iii, 186.
\(^8\) Ibid.
\(^9\) Ibid, 187.
\(^10\) Ibid.
and postscript in 1692 as *Discourses Upon Trade*. ¹¹ Although these theories did not come to light until after North’s death, the *Discourses* provides insight into his ideas about the role of the government in trade and help to explain why North, who claimed he was not a partisan politician or an absolutist, was able to introduce policy that would have enabled James II to be financially independent and rule without a parliament as an absolutist monarch.

The parliamentary investigations of North were in many ways an attempt by the Whiggish faction to right what they had perceived as wrongs committed against them during the Tory Reaction of the early-to-mid-1680s. The House of Lords Murder Committee provided an official platform by which to question the legality of not only North’s shrieval actions his holding of the shrievalty itself. Thomas Papillon and John Dubois had asked for such an inquiry during the shrieval election and had tried to force the matter after both North and Rich were sworn in to no avail. As Papillon sat in the Commons, the inquiry into customs and excise collection gave him a direct opportunity to question North. In the end, neither committee recommended any action be taken against North, but the investigation into his shrievalty, in particular, offers insight into North’s mentality and rationale during his shrievalty.

¹¹ Grassby, *The English Gentleman in Trade*, 231; In 1825, John McCulloch published the *Principles of Political Economy* in which he argued that Sir Dudley North’s *Discourses* were “a far more able statement of the true principles of commerce than any that had appeared. He is throughout the intelligent and consistent advocate of commercial freedom” (42). McCulloch hoped to establish North as the premier economic philosopher of free trade but he claimed that North suppressed his own work. This line of thought was picked up in W.J. Ashley’s article, “The Tory Origins of Free Trade Policy,” published in *The Quarterly Journal of Economics* (1897). Ashley also believed that North was a pre-Smithian free trade philosopher. While there are passages from North’s *Discourses* that support this argument, these early historians used passages from the Preface of the work on which to base their argument. In 1951, William Letwin investigated the authorship of North *Discourses* and concluded that while the body of the work may have been written by Sir Dudley North, the Preface was written by his brother, Roger. This is further illustrated by the fact that original preface and post-script exist only in Roger’s hand, whereas the body of the *Discourses* can be found in North’s own notes to his parliamentary speeches, and North also included notations on the copies that Roger took down during their conversations. Therefore, while the preface and postscript were Roger’s summations of North’s theories, the *Discourses* themselves were North’s articulated economic theory.
a. North’s Economic Theories

North’s theories regarding trade were developed during his time in Parliament, and these theories directly influenced the type of policy that he introduced. Before James dissolved Parliament, North had prepared to give speeches concerning issues of money, and in his notes he included a discussion of general trade as well as his ideas about the trade in money. North was alarmed at the consistent devaluation of the money that was circulating in the nation due to clipping of silver from coins.\footnote{12} Clipped money was actually worth less than it was valued, and North argued that clipped money should be taken off the market, melted down, and re-coined.\footnote{13} Roger North maintained that, according to his brother, “debasing the Coyn is defrauding one another, and to the Publick there is no sort of Advantage from it.”\footnote{14} For North, money was the same as all other commodities. Money was “taken from them who have Plenty, and carried to them who want, or desired them, with a good profit as other Merchandizes.”\footnote{15} For North, money should be valued at what it was worth.

In his notes regarding money, North also included his observations about trade in general. North did not subscribe to the traditional economic theories of mercantilism or the theory of balance of trade. Mercantilists believed in a finite supply of money and for a nation to acquire wealth, it had to export more than it imported.\footnote{16} A precursor to Adam Smith, North advocated free trade without the restrictions of monopolies or isolationist policies which sought to restrict trade with individual nations. According to North, if a

\footnote{12} Roger North, \textit{Lives}, iii, 168.  
\footnote{13} Dudley North, \textit{Discourses upon Trade}, 19-23.  
\footnote{14} Ibid, Preface.  
\footnote{15} Ibid, 13.  
\footnote{16} Jacob Viner, “English Theories of Foreign Trade before Adam Smith” \textit{The Journal of Political Economy} 38, no. 3 (Jun., 1930), 252.
Town, or County were cut off from the rest of the Nation; and no Man would dare to come to Market with his Money there . . . Now would such a Constitution as this, soon bring a Town or County to a miserable Condition, with respect to their Neighbors, who have free Commerce? The Case is the same, if you extend your thought from a particular Nation, and the several Divisions, and Cities . . . to the whole World, and the several Nations, and Governments in it.\textsuperscript{17}

For North, trade between nations was the same as trade between individuals and should not be overly regulated. In the preface, Roger North summarized North’s theory most famously stating, “the whole World as to Trade, is but as one Nation or People, and therein Nations are as Persons.”\textsuperscript{18} North envisioned a truly global economy, and therefore to refuse to trade with one nation meant that “so much of the Trade of the World rescinded and lost, for all is combined together.”\textsuperscript{19} North did not believe that any trade with any country was inherently unprofitable.

For this reason, while in Parliament, North did not advocate banning trade with the Dutch, England’s main trade competitor, a policy that was supported by other Tories. Steve Pincus maintains that most Tories believed the Dutch to be seeking “universal dominion through commercial hegemony.”\textsuperscript{20} For Pincus, the Tories also feared the Dutch political model as they revolted against Spain and established a republic.\textsuperscript{21} Although North was a partisan Tory, he did not believe that taxes should be used to discourage trade; but rather taxes were simply to raise revenue, which is why he chose to tax only those commodities that he felt could bear the burden of higher taxes. North believed that the greater danger came from banning trade with specific countries as it meant that the nation would experience great losses in revenue.

\textsuperscript{17} North, \textit{Discourses upon Trade}, 14.
\textsuperscript{18} North, \textit{Discourses upon Trade}, Preface.
\textsuperscript{19} Ibid.
\textsuperscript{20} Pincus, \textit{1688}, 311.
\textsuperscript{21} Ibid, 311-312.
Pincus has argued that the Whigs and Tories were competing for the hegemony of their respective political economies. The Whiggish political economy emphasized manufacturing and raw materials over land and advocated for the creation of a national bank. Many Whigs also promoted an embargo against Catholic and absolutist France. The Tory political economy was land-based and supported the monopolistic trade companies instead of the notion of a national bank. Where the Whigs sought to exclude the French trade, the Tories sought to restrict trade with the Dutch. As the two parties developed, their respective notions of the political economy became embedded and intertwined with their respective political philosophies.

North’s view of the political economy does not fit neatly into the two categories that Pincus has created. North disagreed with other members of his faction about restricting trade with the Dutch and he did oppose government interference in trade. According to North,

Countries which have sumptuary Laws, are generally poor; for when Men by those Laws are confin’d to narrower Expence that otherwise they should be, they are at the same time discouraged from the Industry and Ingenuity which they would have imploied in obtaining wherewithal to support them.\(^{22}\)

While he acquiesced that it was not impossible to make money with such laws in place, he believed that “the growth of Wealth in the Nation is hindered.”\(^{23}\) North’s model of a political economy based on unregulated trade resides outside of the Tory political economic model.

Although North’s theory of the political economy was significantly different from that of Tories like Sir Josiah Child, he did not completely disagree with Child’s notion that monopolistic companies chartered by the Crown should be the center of the economy. Sir Josiah Child, James’s economic adviser and the Governor of the East India Company, argued that monopolies protected English economic interests because it was detrimental for English merchants to

\(^{22}\) North, *Discourses upon Trade*, 15.
\(^{23}\) Ibid.
compete with one another in the same trade.\textsuperscript{24} North himself was a member of three trade companies and he never wrote any treatise against the use of monopolies. This suggests that perhaps North felt that trade companies, rather than Parliament, would be the guiding force of the economy. For North, Parliament was supposed to raise revenue not to regulate trade.

While North’s free trade policy may seem to be antithetical to the Tory philosophy of restricting trade with the Dutch, his free trade ideas aligned nicely with his political philosophy. As an MP in 1685, North actively campaigned for customs duties that would have allowed James to rule without Parliament and would have created a financially independent monarch. James saw himself as an absolutist monarch, but in order to rule as such, he needed to secure adequate funds for a reign in which Parliament would not be necessary. North found a way to make this a possibility before the 1685 Parliament was dissolved. North chose not to restrict trade with any particular country. Rather, he proposed raising the duties on individual commodities that could support the tax, and as a Commissioner of the Customs, he was in a position to know exactly which goods to raise taxes on. He was in a position both as an MP and a Commissioner of the Customs to aid James in his goals of creating an absolutist state as he worked to ensure that the Crown could be sufficiently funded so that Parliament would be rendered obsolete.

North was not the only advocate of free trade in the seventeenth century. Nicholas Barbon argued against mercantilist notions of wealth as he claimed that “the Stock of a Nation” was “Infinite, and can never be consumed.”\textsuperscript{25} Therefore, Barbon claimed that men who “commends Parsimony, Frugality, and Sumptuary Laws” were mistaken, and trade should be encouraged because it “Increaseth the Revenue of the Government.”\textsuperscript{26} The greater threat was not Dutch republicanism or French (or Spanish) absolutism and Catholicism. If England placed

\textsuperscript{24} Pincus, 1688, 374.
\textsuperscript{25} Nicholas Barbon, \textit{A Discourse of Trade}, (1690).
\textsuperscript{26} Ibid.
embargos on countries with which it had ideological or religious disagreements, then England would suffer because of a loss of revenue and this would be the greatest injury. Whereas profit drove trade, Barbon argued that “many Prohibitions” would result in the “Decay of Trade.”

By the late seventeenth century, England’s economy was driven by trade and to cause trade to deteriorate would also cause the overall decline in the nation’s welfare.

Another economic theorist, Charles Davenant agreed with Barbon that too many restrictions and regulations on trade would lead to decline of the nation’s economy. Davenant was also concerned about English merchants as he saw them as the backbone of the English economy. According to Davenant, too many trade regulations would result in “the body of our merchants [to] lie under general discouragement,” which would cause to them to “neglect looking after the national gain, which English merchants have perhaps heretofore as much considered in their dealings.”

Like North, both Barbon and Davenant were advocating for a freer system of trade. North would have been engaged in this debate about a free trade economy, but he was also in a unique position to put into practice his notions about trade and taxation. North, as a Commissioner of the Customs, had access to the Book of Rates, which allowed him to determine specific commodities that could accept higher taxes without overburdening merchants or the goods. As a member of several parliamentary committees that dealt with economic affairs, he could introduce policy which directly reflected his own ideas.

North’s theories of trade were significant in his time because he employed them to try to aid James to become a financially independent entity. North ignored the common political economy associated with the Tory party and instead advocated for minor tax increases on

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27 Ibid.
mercantile goods. Few in his time likely noticed that North was even practically applying his ideas about the political economy as his theories were not published during his lifetime. Even after his death, and after his brother published the *Discourses*, North did not receive any recognition for his ideas. Grassby contends that North’s ideas and manner of delivery were not accessible to most and had he been more “bookish and urbane,” he might have been more influential. Nonetheless, it is likely that he discussed his ideas regarding trade with his fellow MPs, as well as his brother. Both Roger North and Grassby claim that the reason why North’s *Discourses* were not widely received or read was simply because his ideas were lost in the “flood of pamphlets provoked by the financial issues of the 1690s.” Yet the reality is that North’s theories were most likely ignored because they were tainted with the scandals surrounding his political career as he was brought before multiple parliamentary committees in retaliation for his actions during his short political career.

b. House of Lords Murder Committee

The last years of North’s life were clouded by the parliamentary investigations of his actions as Sheriff of London and as a Commissioner of the Customs. Even as North had turned his attention away from the political sphere and back to business, he had made many enemies who were determined to right the “wrongs” committed during his time as Sheriff of London and Commissioner of the Customs. Although William had issued the Act of Grace which had prevented prosecution of those who had supported the policies of Charles and James, the Whigs in Parliament continued to investigate the grievances they had outlined at the beginning of the regime. Although North was technically covered by the Act of Grace, he was called to testify before both houses of Parliament to defend his actions under both Charles and James. The

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30 Grassby, *The English Gentleman in Trade*, 256; North, *Lives*, iii,
Murder Committee of the House of Lords investigated North’s role in choosing the juries of the Rye House conspirators. The Commons addressed the legality of North serving as sheriff in 1682 and determined that Sir John Moore and North were both “Authors of the Invasion made upon the Rights of the City of London” due to their role in the shrieval election of 1682.\(^{31}\) The Lords Murder Committee continued the enquiry into North’s legality as sheriff and his manner of choosing the jury of Lord Russell. Because North served in the Treasury and the Customs, the Commons also planned to investigate if North was involved in illegally collecting revenue immediately after the death of Charles II.

Within months of William of Orange’s arrival in London, the new Parliament had already begun to address grievances of the Whigs in a declaration against the “oppressive and illegal Measures of the late King,” as well as those they felt had been committed by Charles.\(^{32}\) The House of Lords accused James of “[endeavouring] to subvert and extirpate the Protestant Religion, and the Laws and Liberties of this Kingdom.”\(^{33}\) The declaration also charged James with circumventing Parliament to impose taxes in order to gain revenue and also claimed that “of late Years, partial, corrupt, and unqualified Persons, have been returned and served on Juries in Trials; particularly divers Jurors in Trials for High Treason, which were not freeholders.”\(^{34}\) According to the declaration, William and Mary, Prince and Princess of Orange, were to be King and Queen of England, France, and Ireland, and that regular meetings of Parliament should be held “for Redress of all Grievances.”\(^{35}\)

On March 5, 1689, the House of Commons appointed a Grand Committee of Grievances to investigate what they believed to be injustices committed under both Charles and James’s

\(^{31}\) *CJ*, x, 156-160.  
\(^{32}\) *LJ*, xiv, 124-127.  
\(^{33}\) Ibid.  
\(^{34}\) Ibid.  
\(^{35}\) Ibid.
reigns. The first grievance addressed on the report from the Committee concerned “the Rights of the City of London, in the Election of Sheriffs in the Year 1682, were invaded; and that such Invasion was illegal.”

By May 29, a report was created that sought to determine the “authors and advisors of the . . . Grievances . . . relating to the City of London.” The Committee drew up a list of names of people who had been involved in the election and they were called to testify before the Commons to defend their actions.

Among those called was the former Lord Mayor, Sir John Moore. Moore was questioned on several occasions in order to determine by what prerogative he had sworn Sir Dudley North as sheriff, and Moore argued that he “did nothing therein, but by the Advice of the Court of Aldermen.” According to Roger North, the examinations of those called were public and the galleries “and every Corner were filled” on the day his brother testified as “some sport was expected.”

Moore maintained that it was the Lord Mayor’s right to elect one of the sheriffs. The Committee countered that

from the Twenty-first of Edward the IIId unto the Year 1641, the Way of making Sheriffs was, That the Lord Mayor named One to be Sheriff and presented him to the Common Hall, who did confirm him, and choose another to act with him; except in Three or Four Years within that Time, when the Common Hall chose both the Sheriffs.

The Committee further argued that the ceremony of the Lord Mayor nominating one sheriff had become a mere formality and that it had become tradition that the nominated sheriff would only accept the post only if the Common Hall confirmed him. Recorder Sir George Treby only bolstered this argument when he told the committee that he had conversed with Lord Keeper Francis North in 1682 who had assured Treby that “the Common Hall was not bound to confirm

36 CJ, x, 41.
37 CJ, x, 155-160.
38 Ibid.
39 Roger North, Examen, 619; North, Lives, iii, 189.
40 CJ, x, 155-160.
41 Ibid.
the Person named by the Lord Mayor; but might reject him . . . and . . . His Brother should not hold, unless the Common Hall did confirm him." Although Treby made this claim, it is clear that North was aware that his nomination of sheriff was not welcomed by the Common Hall and he refused to step down and paid his bond to serve as sheriff before he was officially elected. Also, Lord Keeper North expressed with absolute certainty to Secretary Jenkins that his brother would not be scared off by the threats and violence in the City and would hold the office despite his unpopularity as the Crown’s choice.

After Moore’s testimony, North was called to testify. MP Paul Foley asked North to state by what authority he held the office of Sheriff of London, “which did not belong to [him]?” North argued that he believed that the Lord Mayor had the right “to choose One of the Sheriffs; and he being drunk unto by Sir John Moore . . . He thought it was lawful” to serve as sheriff. Roger North suggested that the members of the Committee were aware of North’s temper and therefore did not ask him about the role his brother, Lord Keeper North, had played in his accepting the position as they knew he “would not have borne it.” However, the Committee did ask him to “point to” the members of the Court of Aldermen who had “unanimously required him to serve.” North obliged and then MP Dutton Colt, another committee member, asked the Chair, “since this gentleman is so tender that he must not be asked questions concerning himself, we will let that go, and presume him guilty of all that has been alleged against him. But I hope I may ask him a question concerning somebody else.”

42 Ibid.
44 *CJ*, 155-160.
46 Ibid.
47 Ibid.
At which point, Dutton inquired if Secretary Jenkins “did not come to the city, persuade him to take the office of sheriff?” According to Roger North, his brother yelled a pronounced “NO” that was both “violent and unexpected.” Roger North contended that the Committee had hoped that their investigation would result in either Moore or North “nam[ing] the King, or some of the Ministry, particularly the Lord Chief Justice North and Secretary Jenkins,” however, both refused to admit that the Crown had been involved in installing sheriffs in the City of London with the purpose of “packing” juries. After his response, North was dismissed and he was not called again to testify before the House of Commons. Although in the end, the Committee’s official decision was that both Sir John Moore and Sir Dudley North were “the Authors of the Invasion made upon the Rights of the City of London” during the London shrieval election of 1682, no further action was taken by the House of Commons against North.

In March before the House of Commons Grand Committee of Grievances finished its report, both houses of Parliament agreed to pass a bill entitled, “An Act for annulling and making void the Attainder of William Russell, Esquire, commonly called Lord Russell” which sought vindication for the late Lord. The act called for the “conviction, judgment, and attainder” of Russell to be “repealed, reversed . . . and declared null and void” due to the “illegal return of jurors . . . and by partial and unjust constructions of the law.” By November 1689, an investigation was initiated by the House of Lords under the Murder Committee, which not only continued the inquiry instigated by the House of Commons Committee of Grievances into the

48 Ibid.
49 Ibid, 192.
50 North, Examen, 619.
51 CJ, 155-160.
52 LJ, xiv, 145-146.
53 State Trials, ix, 696.
legitimacy of North and Peter Rich as Sheriffs of London and Middlesex, but also only inquired into the selection of the jury for Russell’s trial.\textsuperscript{54}

The Murder Committee called both North and his co-sheriff, Sir Peter Rich and their secondaries Edward Trotman and Mr. Normansell to testify about the process by which William Lord Russell’s jury was chosen. Normansell asserted that the jury was returned by North and that “sir Dudley had the books from him and from his brother secondary; and . . . he chose the jury out of several wards and sent the names of them” to the secondaries with orders that they should summon those he had chosen.\textsuperscript{55} Trotman confirmed Normansell’s account in his testimony, but both asserted that they did not “know” whether North had packed the juries, and argued that it was not unprecedented for a sitting Sheriff of London to choose juries rather than delegating the job to the secondaries.\textsuperscript{56}

When questioned about his role in the jury selection process, Sir Peter Rich claimed that he had “never empanelled any jury, or signed any panel” throughout his time in the shrievalty.\textsuperscript{57} Rich argued that he had been aware of the controversy surrounding the empanelling of juries even prior to his term as sheriff, and because he did not wish to become involved in the “packing of juries,” he had “resolved he would not return any juries in his year.”\textsuperscript{58} He then indicated that he believed that either North or the Secondaries of the Compter, the sheriff of London’s deputies, were responsible for returning the juries in London and the county of Middlesex; the task was usually given to the under-sheriffs.\textsuperscript{59}

\textsuperscript{54} The proceedings of the investigation can be found in the following: \textit{LJ}, xiv, 331, 345, 377-94, 402; \textit{HMC, Lords} 1689-90 (12\textsuperscript{th} Report, Appendix vi), 283-290, 297; \textit{HMC Lords} 1690-91 (13\textsuperscript{th} Report, Appendix, Part V), 60-66; \textit{State Trials}, ix, 951-1000.
\textsuperscript{55} \textit{State Trials}, ix, 964.
\textsuperscript{56} Ibid.
\textsuperscript{57} \textit{State Trials}, ix, 966.
\textsuperscript{58} Ibid.
\textsuperscript{59} Ibid. In London, the sheriffs’ deputies are known as secondaries, whereas for Middlesex, they are known as undersheriffs.
Once Rich denied any involvement in the selection of jury members for the trials, attention turned to North, who was subsequently questioned numerous times about his criteria for choosing juries. He admitted that he had chosen the jury for Russell despite the fact that “so far as he remembers, the juries before were returned by the secondaries.” He maintained that because Russell’s trial was “very extraordinary business, he thought it requisite to take care of it himself,” whereas in the trials of the other conspirators, he left the task up to his deputies.

While North contended that he had not chosen the juries for Walcott, Hone, Rouse, and Blague, he was involved in the impaneling of those juries as well. According to his secondaries, Edward Trotman and Mr. Normansell, the jury for Walcott, which provided the foundation for the juries of Hone, Rouse, and Blague, was chosen from the same panel of jurors that North used for Russell’s trial. North instructed his Secondaries to use this particular list of names when deciding the jurors and to ensure that jury was composed of men from several wards.

Both Trotman and Normansell were questioned as to whether such instructions were common, and they answered that “formerly the Sheriffs themselves did not intermeddle in the Return of Juries, but left it to their Secondaries; until about Two Years before that time it had been otherwise; and that it began in Bethell and Cornishe’s Time.” Trotman and Normansell also testified that the trend of returning juries from several wards began under the shrievalty of Bethel and Cornish. Once again, the Whig faction set the precedents that would later be utilized by the Crown and Tory faction to defend their actions. Since the previous Whig sheriffs for

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60 Ibid, 970.
61 Ibid, 969-970. Roger North insincerely claims in Lives that North was “passive” and that his deputies handled all of the affairs concerning the trials. His claim directly contradicts North’s own statements. North, Lives, iii, 124-125.
62 CJ, x, 321-323.
63 Ibid; State Trials, ix, 962-63
64 CJ, x, 322-323.
1680 had set the precedent of the sheriff choosing the juries, rather than delegating the task to his deputies, Normansell stated that he did not believe that “Sir Dudley North packt the jury.”

North denied the notion that he had acted alone, and without the approval of Rich. North insisted that he had shown Rich the list of jurors and that he had agreed with the choices. Further, North argued that if Rich had not approved of the jury, then “he should not have done it.” Upon admitting that he returned Russell’s jury, North was questioned as to what his criteria were in determining who was eligible to sit on the juries for the Rye House conspirators’ trials as he had been accused of returning only jurors who were sympathetic to the Tory faction. North contended that he “took no care of what opinion the jury were, but only that they were substantial men.” Even in his own written defense, North insisted that he had carried out the duties of his office by trying to return a “good” jury. However, North never defined what he had considered to be a “good” or “substantial” jury in his oral or written testimony. He did not present any of the criteria that he used to determine which men were either good or substantial. He also denied the notion that he had been pressured to choose the jury by the Crown or by Russell’s prosecutors, stating that he had “no orders nor directions from any man alive to take of this business.” In the same vein, the committee inquired as to whether North believed that he held his position of sheriff legally and if he had been coerced to accept the office. North answered that he had spoken only with the Lord

65 *State Trials*, ix, 963.

66 *State Trials*, ix, 970.

67 Ibid.

68 SRO HA 49/C6/1/12 (331/780); Historian Richard Grassby argues that Roger helped North draw up this written defense entitled *The Case of Sir Dudley North*, which Grassby believes might have been intended for publication, but certainly to be given to the members of the committee who were investigating North. 

69 *State Trials*, ix, 970; SRO HA 49/ C6/1/12 (331/780).
Mayor and the Aldermen about the shrievalty, and that he believed himself to be a “legal sheriff.”

While there is no evidence that North conversed with anyone other than Rich about the panel of jurors, the expectation of Charles that he return a loyal jury would have been clear to North, as control over the juries was one of the main reasons that the Crown was so persistent in pursuing the shrievalty. Rich’s testimony confirmed this as he acknowledged that leading into that he knew when accepted the position that the matter of choosing juries was at the heart of the push for Tory sheriffs. Furthermore, in the months leading up to the shrieval election of 1682, the matter of juries and jury verdicts were of major concern to Charles and his ministers, and primarily his Secretary of State Jenkins. In February, the grand jury produced several ignoramus verdicts against Protestant dissenters and issued two ignoramus verdicts against Secretary Jenkins for “committing a person” to prison and the second was for sending another person to “another prison than the county gaol.”

Coupled with the ignoramus verdicts in the trials of Stephen College and Shaftesbury in 1681, the Crown began to look into a way to stop the ignoramus verdicts, which led them to consider revoking the charters of corporations, specifically the charter of the City of London. In his “Observations concerning charters to corporations,” Jenkins argued that issuing writs of quo warranto was worth dealing with the backlash from the opposition because “it will be enough to have it in the King’s power within one month after election and before the swearing to disapprove the election of any Mayor or sheriffs.” Jenkins maintained that if after three elections the King was not pleased, then he would have the power to appoint the officers himself. Quo warranto, therefore, was the best tool the

70 Ibid.
Crown could use to ensure that the opposition did not win any more shrieval elections as the
King could refuse to approve of their elections.

North insisted that he had only tried to return a “substantial” jury and that he had not
taken council from anyone other than Rich in determining the jury, but he did not define what he
meant by substantial. North kept a complete list of all the wards and those who were qualified
for jury duty among his papers, but just as he did not define the term “substantial” or “good” to
the committee, the lists do not include those he would not consider for the juries or why.
However, based on the trial of the earl of Shaftesbury in 1681 and the arguments used by Russell
in his own defense, it is clear that what the Whig faction considered a “substantial” jury was
quite different from the view of the government. Grassby, who was adamant that North was not
guided by political ideas and carried out his shrieval duties as honorably as possible, admitted
that although the evidence was inconclusive, North was unlikely to have simply picked jurors
randomly and to have ensured that they were distributed evenly over the wards.\footnote{Grassby, \textit{The English Gentlemen in Trade}, 143.} For Grassby,
the most conclusive evidence that North was conscious of his choice of jurors was that three of
the men on the panel list, Thomas Povey, Nathaniel Hornsby, and John Kempthorne, were
personal acquaintances of North.

Both parliamentary committees believed North was guilty of illegally holding the
shrievalty. The committees also held him directly responsible for the death of William Lord
Russell and the other Rye House conspirators who were tried in July 1683. Despite their beliefs,
no legal actions were taken against him. North was brought before both committees and he
tested in public that he had held the shrievalty because he believed that the method by which
he was chosen was legal. He admitted that he had participated in the selection of the jury for
William Lord Russell, but denied that he had “packed” the jury with men who were predisposed to give a verdict one way or the other.

c. House of Commons Committee of Inquiry

While both the Commons and the Lords were investigating North for his actions during his shrievalty, the Commons also opened an inquest into the collection of customs and excise duties immediately after Charles II’s death and North’s career as a Commissioner of Customs was also scrutinized by a Committee of Inquiry in July 1689. Thomas Papillon, North’s main opponent in the shrieval election of 1682, was on the Committee, as well as the radical Whig Sir Patience Ward. The Committee’s primary order of concern was the “collected Customs from the Death of King Charles the Second to the Time of the Parliament held in the Reign of King James the Second.”\(^74\) While many of the merchants of London and others throughout the country had accepted James’s collection of the customs and excise by proclamation in 1685, the Committee now deemed the act illegal and sought to investigate the Commissioners’ actions from February 6, 1685, the day Charles died, to May 19, when the first session of the new Parliament convened.\(^75\)

The Committee of Grievances determined that the collection of customs and excise duties after Charles II’s death before Parliament could meet was also illegal.\(^76\) Roger North claimed that North “was then in the Treasury, and not in the Customs.”\(^77\) However, as has been shown, at the time of Charles’s death, North was in the Treasury, but he returned to the Customs in March, and he would have been responsible for collecting customs by proclamation for James for that two month period. After examining the books and the information provided by the

\(^{74}\) CJ, x, 221.

\(^{75}\) Ibid, 224.

\(^{76}\) CJ, x, 41.

\(^{77}\) North, Lives, iii, 197.
former Commissioners, the Committee came to the conclusion that the proclamation issued by James regarding customs and excise “requires all Commissioners and Sub Commissioners of Excise, and all Officers to be aiding and assisting in the collecting and levying the said Duties.”

Therefore, the Committee determined that “the Report do lie upon the Table, to be considered when the Heads of Exceptions out of the Bill of Indemnity shall come again to be considered.”

Aside from challenging the legality of collecting customs and excise by proclamation rather than through a parliamentary bill of supply, North also faced accusations from fellow merchants that he had dealt unfairly with them in his position as Commissioner by cursing at them and refusing to accept appraisals of goods other than his own, especially those such as sugar and tobacco which held additional duties. Although North spent a great deal of time defending himself in both houses of Parliament for his time as both sheriff and Commissioner of Customs, Roger North claimed that these inquires caused North “no great anxiety.” North kept meticulous records of his testimonies and he never waivered from whatever account he gave. Roger North felt that North was the victim a “factious party” who were keen to find “faults with former administrations” and had a “stronger inclination to fasten upon Sir Dudley North than upon any other minister or agent.” The Committee never formally found North at fault or that he had acted in a manner that was inappropriate to his station, but for the rest of his life, North feared that he would be prosecuted.

North posed a threat to the Whigs but it was a greater threat than he had demonstrated by his actions during the shrievalty in which he created a panel of jurors that led to the execution of William Lord Russell and his fellow conspirators. North was in a position in which he was able

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78 CJ, x, 238.
79 Ibid.
80 Grassby, English Gentleman in Trade, 166.
81 North, Lives, iii, 196.
82 Ibid.
to influence trade policy in a manner that suggested that he supported a financially independent monarch. North was the exact type of man that both Charles II and James II needed in order to make their dreams of an absolutist England a reality. Politically and economically savvy, he was able to demonstrate his loyalty to the Crown early in his career, which garnered him further appointments in the government. In his later political career, North’s talents as a merchant and businessman had the potential to be infinitely useful to the Crown. Using both his positions as a Commissioner of the Customs and as an MP, North was able to put his notions of the political economy to use.

The political economy, as North envisioned it, would have only bolstered James’s dream of an absolutist state. According to Tim Harris, Whigs and many Protestants in England already believed that James had set up an absolutist state and the “worst predictions of the Exclusionists had come true.” An openly Catholic monarch was sitting on the throne and was maintaining a large standing army that was populated by Catholic officers despite that fact that England was not at war. He had dissolved Parliament in 1685 and when he considered calling the body again, he worked tirelessly to pack it with loyalists to the point that it could hardly have been considered a free assembly. Without a Parliament, James ruled through his own prerogative and issued religious toleration, not only to Catholics but also to Protestant dissenters. Harris contended that James was the most religiously tolerant English monarch to date.

North’s political economy model and his work in the last days of the 1685 Parliament provide a glimpse into what later Stuart absolutism could have looked like. There would be no need for a Parliament as the Crown would have been properly funded through the collection of taxes by customs officials. Merchants already did well under James’s regime as they operated in

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83 Tim Harris, Revolution, 183.
84 Ibid, 182-183.
a peacetime economy, but they would have had more profits as trade with individual nations would not have been restricted. The trading companies would have served as the regulatory bodies of the merchants and their industry. Although North was investigated by several parliamentary committees for his actions as Sheriff of London and as a member of the Commission, it is possible that the Whigs he faced in Parliament knew that North posed an even greater threat than they were acknowledging. North was a merchant and politician who had quietly advocated for an absolutist monarchy in the last years of the Stuart regime and his plan likely could have succeeded had James not dissolved Parliament.
CONCLUSION

North died on December 31, 1691, just two years after he was investigated by both Houses of Parliament.\(^1\) At North’s death, he was “reduced to his first principles, a mere merchant,” as he was no longer involved in either the government of the City of London or any post of the national government.\(^2\) Although he was never formally prosecuted for his actions during his shrievalty or later political career, he lived under the constant threat that charges would be brought against him for his role in the Rye House conspirators’ trials, or worse, that his political enemies would harm or kill him as they had been threatening since 1682.

North was involved in politics and government for a short time, only seven years combined under Charles and James. In those seven years, he remained loyal and dedicated to the Crown. He also was not a man with undefined political ideas or a merchant simply concerned with the bottom line. North was a loyalist and an absolutist Tory. Throughout his political and governmental career, North melded his partisanship with his mercantile interest and in this manner, he was able to work on policy that benefited not only himself but also the Crown.

The first year of his political career was devoted to his duties as Sheriff of London, and he carried them out in the manner that the Crown expected. He sought to carry out his duties as sheriff with his loyalty to his faction and his King in mind. By interpreting laws through his loyalist lens, North was able to ensure that Sir William Pritchard, a staunch Tory, won the position of Lord Mayor for 1683. The laws in place at the time did not necessarily prohibit

\(^1\)North, *The Lives*, iii, 231.
\(^2\) Ibid, 186.
dissenters, and more specifically Quakers, from voting in City elections, but through his own interpretation, North was able to keep those votes from being counted. North approached creating a list of potential jurors in the same manner. By avoiding wards that tended to lean heavily towards the Whig faction as much as possible, he created a panel that would be more inclined to be loyal to the Crown than to the Whiggish faction.

Once North’s shrievalty was over, he was appointed to positions within the Commissioner of the Customs and the Treasury. While in these positions, he continued to show his dedication to the Crown, by investigating customs farms that were cheating Charles from his rightful revenues, even when it meant implicating someone whom he had considered a friend. After Charles’s death, North continued in the government and he had the opportunity to serve in Parliament. Here, North worked to ensure that James had enough revenue to rule without Parliament. Although James dissolved the Parliament before he could receive this revenue, North once again proved that he was not just a staunch Tory, but he was an absolutist who supported the Crown’s attempts to create an absolutist monarchy.

North was not a “reluctant” politician as Grassby has portrayed him. North’s entrance into the City’s political arena, much less the national political sphere, was not by a happy accident. Grassby maintained that North was not a “political animal” with a fully defined political ideology because North denied it himself. As evidence, Grassby also pointed out that North never wrote a specifically political treatise. Grassby further claimed that North did not subscribe to theories of absolutism. However, North’s actions suggest the opposite is true. North aided Charles in his attempts to establish an absolutist state by helping him to crush temporarily the opposition’s leadership, forcing them to flee the country. With financial assistance from France, Charles was able to rule with Parliament and maintained an iron grip on

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the corporations. North’s time as Sheriff was significant for two reasons: the historical acts that he carried out that had a direct impact on the national political sphere and the shrievalty was an opportunity to prove himself useful to the Crown. Once in the shrievalty if North was successful and pleased the Crown, it was likely he would then be appointed to other positions in the government. By carrying out his duties in a manner that the Crown approved of and expected, North was able to prove himself to the Crown as a loyal and dutiful servant. His loyalty then won him further positions within the government where he could have a greater impact on national policy.

Grassby has argued that North was a victim of circumstance and the time in which he served in political office. He simply had the “misfortune to be the instrument of political policies to which he did not subscribe.”4 The crucial factor that Grassby ignores in his study of North is his actions, because he contends that North’s overall intentions can be “documented with confidence.”5 Yet, the majority of the records that exist which explain North’s motives and intentions are not trustworthy. Grassby seemed to think that North’s statement written during his parliamentary investigations, coupled with the biography written by his brother Roger, was enough to determine whether North was politically motivated. By relying on these sources, Grassby ignored North’s actions. Once North was sworn in and officially began acting as sheriff, he made controversial decisions that were based on a Tory ideology that upheld the Crown’s prerogative and sought to protect the Church of England.6 After his shrievalty ended, North, in all his post-shrieval posts, continued to advocate for policies that strengthened the Crown’s power at the expense of Parliament.

4 Ibid, 150.
5 Ibid, 12.
While Grassby argued that North was not ideologically or politically motivated, other historians, such as Macaulay, tend to see North as the Crown’s pawn. However, this is also an inaccurate representation. North was not a passive participant in either Charles’s or James’s absolutist experiments. To suggest this is to remove North’s agency. He knew exactly what was expected of him when he accepted the shrievalty and the other posts within the government. He was expected to demonstrate loyalty to the Crown first, and to carry out whatever task the Crown requested with this in mind, and North met these expectations.

In the later years of his political career, North’s loyalty to the Crown resulted in his creating policy that would have resulted in the creation of an absolutist state. North supported a model of the political economy which called for free trade between nations and no regulation by Parliament. For North, the only regulatory bodies necessary were the trading companies that could serve to guide the individual regional trades. However, he saw no reason for trade to be restricted with any particular country as he saw this as potentially devastating to the national economy. While in Parliament, North worked on and helped to introduce legislation which would have raised taxes on individual commodities that could sustain a tax, and in doing so, he found a way to provide an additional £700,000 to the Crown. This money would have allowed James to rule effectively without a Parliament and would have established him as a financially secure monarch.

Historian Steve Pincus has argued that in the late Stuart era, two models of political economy existed which helped to form the foundation of the Whig and Tory parties. In the Whig model, labor and manufacturing formed the basis of the economy, property was viewed as a human invention rather than a natural right; and the legal exclusion of trade with the Catholic French was favored. The Whigs also hoped to establish a national bank. On the other hand, in
the Tory model, land was the foundation of the economy and ownership of land was considered a natural right and because land was finite so was wealth. This view of finite wealth was also extended to trade and Tories supported monopolistic trade companies rather than a national bank. The Tories did not view the French as the dire economic threat, and they favored excluding the Dutch, who they believed were a natural enemy to the English with their republican ideals and their vast trading empire.

Although it is true that many Whigs and Tories may have subscribed to these two models of the political economy, North’s theories show that the notions of a political economy were far more complicated than two models allow. Pincus contends that neither Whigs nor Tories supported a model of government nonintervention in the economy, but that is exactly North’s idea. North was a Tory and, according to De Krey, he was leader in the Tory faction, yet he did not subscribe to the model that Pincus suggests. Because of his Tory ideology, North was comfortable envisioning an economy that was based on free trade and an England without a Parliament.

North’s short political career and his ideas about the political economy help to shed new light into the relationship between politics and the economy in the late Stuart era. By the late seventeenth century, politics and the economy could not be separated. To espouse a certain view of the economy was to make a political statement. Ideas about the economy helped to influence the formation of the political parties. This is not to say, however, that just because one identified as a Whig or Tory that he also adhered to the Pincus’s models of the Whig and Tory political economies. North was a Tory politician with very definite ideas about how politics and trade functioned, and it did not mesh with a Tory model of the economy. North used his ideas to support national policies that would have supported not only a free trade economy but also an
absolutist monarch. In his work on the English Revolution and Civil Wars, Robert Brenner tried to categorize merchants into political camps based on their occupations, and Perry Gauci has worked to determine the demographics, i.e., age, religious affiliation, and occupation of merchants who served in politics. However, what is more relevant is to look at individual merchants such as North and to examine how their political philosophies and/or ideas about trade led them to push through legislation or national policy. Political merchants such as North had definite trade and political agendas, and political careers allowed them an opportunity to apply their ideas.

Although North was always expected to put the Crown first, this does not mean that he did not also have his own interest at heart as well. Throughout his political and governmental career, North melded his partisanship with his mercantile interest. By advocating policies that ensured the Crown was properly funded, North was also securing his own financial interests. As a merchant, he needed the Crown to be financially stable and to pay back its loans so he would not lose money on his own investments. Grassby asserted that this indicates that North was concerned only with his own bottom line, but North supported policies that went beyond securing his own financial interest. If Parliament had not been dissolved in 1685, North would have worked to push through legislation that would have made James financially independent of Parliament. North did not follow blindly, as he was aware of the actions he was carrying out, and they were in line with his own political beliefs.
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