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Cultures of Metropolitan Toryism: Politics and the Crown in Charterless London (1683-88)

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Abstract

This article discusses the relationship between the City of London Tories and their King. It looks at a crucial period of British history, towards the end of Charles II's reign until the Glorious Revolution of 1688. It is also a noteworthy period as London's royal charter was revoked and people perceived that Charles and James II were beginning to wield their power increasingly arbitrarily. Tories have been known as 'loyalists', those who looked to the 'rule of law' and a powerful monarchy as the best way to achieve a stable and affluent nation. They felt this would lead to prosperity and avoid the pitfalls of anarchy and civil war. This article, however, discusses London's Tories and finds that we should be wary of discussing them as a coherent group. Within the metropolitan environment, Tories had many different opinions on different subjects and each individual's

relationship with the crown would depend on multiple factors. This meant that a Tory might support the crown on one issue but would not be averse to opposing the crown on another. This article seeks to explore the thoughts of late 17th century Londoners by studying diaries, state papers and newsletters to uncover the ideas and themes, which dictated a Tory's relationship with the crown. Ultimately, this is an interesting topic because of the atypicality of self-interested London Tories with their particular concerns over corporate rights and their position within the metropolis. The article calls into question whether we can really speak of a Tory 'party' or 'faction' in London.

CONTENTS

ABBREVIATIONS

CSPD	*Calendar of State Papers, Domestic*
EHR	*English Historical Review*
Luttrell	Narcissus Luttrell, *A brief historical relation of state affairs from September 1678 to April 1714* (6 Vols, Oxford, 1857).
Morrice	Roger Morrice, *The entring book of Roger Morrice, 1677-1691*, ed. Mark Goldie (6 Vols, Woodbridge, 2007).
ODNB	*Oxford Dictionary of National Biography*

All sources published in London unless otherwise stated.

Introduction

1680s London

London was a key player during the Civil War, Interregnum and in the restoration of the monarchy and one should bear in mind that political action took place in the shadow of these turbulent times.[1] Importantly, London was England's political and commercial capital.[2] The monarchy recognised London's significance as a centre for conspiracy, intrigue and instability and it was a model, which the rest of England would follow. Literacy rates were higher than elsewhere and Tim Harris has shown how ordinary people had a greater political role than has been previously suggested.[3] Moreover, the majority of pamphlets and newsletters circulated in this period emanated from London printing presses. This article will explore a small period of London's history whilst appreciating that, as a central arena for political action and debate, it was an 'enigma', as J.H. Plumb suggests.[4]

The period 1683-8 has seen a relative lack of historiographical focus on London. A.G. Smith's doctoral thesis, written in 1967, is still one of the most authoritative accounts of this period and details London's relationship with Charles between 1681-5 but stops short of James's reign.[5] Mark Knights has studied the remodelling of livery companies and its effect on economic life, whilst Perry

[1] For London's political situation before civil war, see Valerie Pearl, *London and the outbreak of the Puritan revolution: city government and national politics, 1625-43* (1961).
[2] For the importance of London see A.L. Beier and R. Finlay (eds.), *London 1500-1700: The Making of the Metropolis* (1986), esp. pp. 1-59; C.G.A. Clay, *Economic expansion and social change: England 1500-1700* (2 vols, Cambridge, 1984), pp. 197-213; J. Boulton, 'London 1540-1700', in Peter Clark (ed.), *The Cambridge Urban History of Britain, vol. II: 1540-1840* (Cambridge, 2000), pp. 315-46.
[3] Tim Harris, *London crowds in the reign of Charles II: propaganda and politics from the Restoration until the exclusion crisis* (Cambridge, 1987), esp. pp. 14-35.
[4] J.H. Plumb, *The growth of political stability in England, 1675-1725* (1967), pp. 18, 24.
[5] A.G. Smith, 'London and the Crown, 1681-1685' (University of Wisconsin Ph.D. thesis, 1967).

Gauci's work on merchants and overseas traders adds another dimension to our study of London, as he describes the impact of merchants on the City.[6] A further area of research has been that of Tim Harris who discusses the political views of those labelled the 'mob' and London's divided political culture.[7] There is, however, a lack of research into the Corporation of London during this period, which was important as it administered London's government and brought together large numbers to debate key issues. Gary De Krey's influential works focus on political conflict within London but, as his books' titles suggest, he largely omits the period 1683-88.[8] De Krey's focus is largely on Whig ideas, motivations and action whilst the loyalist 'Tories' are given a smaller role to play as counter-party to the Whigs. During the battle for control over London that De Krey discusses, two 'parties' are said to have emerged, which historians came to know as 'Whig' and 'Tory'. Historians' initial focus on these parties was on groups within parliament, such as Sir Keith Feiling's account of the Tory party between 1640-1714.[9] J.R. Jones' work on the *First Whigs* identified disparate groups of Whigs that made up this first 'party', whilst Harris has suggested that many of the works used to study Restoration politics are derived from a series of biographies of important men.[10] This thesis, however, will discuss a different issue, as to whether a 'Tory party' emerges in Restoration London.

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[6] Mark Knights, 'A City Revolution: The Remodelling of the London Livery Companies in the 1680s', *EHR*, 112 (2000), pp.1141-78; Perry Gauci, *The politics of trade: the overseas merchant in state and society, 1660-1720* (Oxford, 2001), esp. chs. 2-4; Perry Gauci, *Emporium of the world: the merchants of London, 1660-1800* (2007), esp. chs. 5, 6 & 8.
[7] Harris, *London Crowds of Charles II*.
[8] De Krey, *London and the Restoration, 1659-1683 (Cambridge, 2005)*; Gary De Krey, *A fractured society: the politics of London in the first age of party, 1688-1715* (Oxford, 1985).
[9] Keith Feiling, *A history of the Tory party, 1640-1714* (Oxford, 1924), esp. pp. 97-244.
[10] J.R. Jones, *The first Whigs: the politics of the exclusion crisis, 1678-1683* (1961), esp. Introduction; Examples of biographies include K.H.D Haley, *The first Earl of Shaftesbury* (Oxford, 1968); J.P. Kenyon, *Robert Spencer, Earl of Sunderland, 1641-1702* (1958); G.W. Keeton, *Lord Chancellor Jeffreys and the Stuart cause* (1965).

Primarily, we will study Tory members of the Court of Aldermen and the Court of Common Council. We will decide whether there was an actual coherent group of people within London's Corporation who held similar beliefs and ideas, which translated into political action, or whether a Tory party did not exist but instead comprised a disparate group of people, brought together and led by government ministers to oppose the Whigs. J.R. Jones described those deemed 'Tories' after the exclusion crisis to be 'never more than royal auxiliaries' whilst Harris refers to them as the Crown's 'Tory allies'.[11] It will be argued, however, that being labelled a 'Tory' in London did not necessitate being an 'ally' of the Crown. There has been recognition that Tories were driven by the individual concerns of their leaders, such as Halifax, Jenkins and Sunderland who represented different strands on the spectrum of Tory opinion within parliament, but limited acknowledgement of different Tory groups in other areas, such as the City.[12] Jones described how London's unique semi-independent government and mercantile interests meant that 'opponents of the Court received the support of the dominant interests in the City' but he referred only to Whigs.[13] We will argue that this statement could equally be applicable to metropolitan Tories and will explore the idea that a group of 'moderate' Tories existed, as Smith and Pickavance have suggested.[14] London 'Tories' were an eclectic mix of people, influenced by their metropolitan surroundings, and to group them together can be misleading.

[11] Jones, *The First Whigs*, p. 6; Tim Harris, *Restoration: Charles II and his Kingdoms, 1660-1685* (2005), p. 212.
[12] Historians have queried Halifax' political identity. See M.N. Brown, 'Trimmers and Moderates in the Reign of Charles II', *Huntington Library Quarterly*, 37 (1974), pp. 329-31; M.N. Brown, *The works of George Savile Marquis of Halifax* (3 vols, Oxford, 1989), I, 43-6.
[13] Jones, *The First Whigs*, p. 198.
[14] See Smith, 'London and the Crown', esp. ch. 2 and pt. III; Robert Pickavance, 'The English boroughs and the King's government: a study of the Tory reaction, 1681-85' (University of Oxford D.Phil. thesis, 1976), p. 189.

Historiography has tended to see Tories in terms of a series of beliefs that they held. For example, a belief in the importance of the Church of England as established by law, or a belief in the succession and absolute monarchy as a means for stability and prosperity. More recent historiography has suggested that Whigs and Tories actually had more in common as they both wanted to achieve unity and were afraid of arbitrary rule. Grant Tapsell has also argued that Tories saw their political identity as inseparable from a commitment to the Church of England and that they wished to uphold England's laws.[15] Tim Harris' work has explained how Tories took up a legal constitutionalist position and were committed to the rule of law. He also defines Tories as 'Cavalier Anglican' and as those who opposed the exclusion of James II.[16] In his discussion of Restoration political thought, Goldie reinforces this idea as he argued that Tories thought a monarch was absolute and limited, not arbitrary, whilst loyalists were 'sometimes more a church party than the king's party'.[17] It has been generally accepted that Tories supported Charles II in the wake of the Exclusion Crisis as they saw it as the best way of protecting both Church and State.[18]

This article will challenge perceptions of what constitutes a London Tory and discuss the difficulty of maintaining a good relationship with the crown. Those considered City Tories included former dissenters not committed to the Church of England, as by law established. Furthermore, metropolitan Tories were concerned

[15] Grant Tapsell, *The personal rule of Charles II, 1681-85* (Woodbridge, 2007), esp. chs. 1 & 3.
[16] Tim Harris, 'Tories and the Rule of Law in The Reign of Charles II', *The Seventeenth Century*, 8 (1993), pp. 9-27.
[17] Mark Goldie, 'Restoration Political Thought', in Glassey (ed.), *Reigns of Charles II and James VII & II* (Basingstoke, 1997), pp. 12-35; Mark Goldie, 'Danby, the Bishops and the Whigs', in Tim Harris, Paul Seaward & Mark Goldie (eds.), *The Politics of Religion in Restoration England* (Oxford, 1990), esp. pp. 75-81.
[18]John Miller, 'The Potential for 'Absolutism' in Later Stuart England', *History*, 69 (1984), p. 203; Tim Harris: 'Introduction: Revising the Restoration', in Harris, Seaward & Goldie, *Politics of Religion*, pp. 1-28.

with their personal advancement and profit and those within the Corporation were responsible for maintaining the ancient rights and privileges of the City. Gauci suggested that 'in order to understand the public merchant, you have to understand the private man, and appreciate how his activity was inseparably linked to business and personal associations.'[19] We will attempt to substitute the word Tory for public merchant and discuss how the pressures of being a powerful man within the unique metropolitan context of London's Corporation affected one's actions.

As well as looking at Aldermen and Common Councilmen in this period we will study the portrayal of Tories, Whigs and Trimmers by London writers. Use of these terms was often derogatory and the actions of London Tories did not necessarily fit with their description in print. The figure of Roger L'Estrange was key because of his connections to the court and his role in the battle for control over London's media. Much historiography surrounding L'Estrange, however, focuses on press censorship whilst other works detail his relationship with Oates's 'Popish Plot'.[20] The selfish priorities of 'Tories' meant that many did not proactively support the crown, which was one reason for the loyalist propaganda campaign in London by L'Estrange and others.

It is crucial to study the period surrounding the loss of London's charter because we can see how Tory ideas became conflicted and made Corporation men wary of allying themselves with Charles. If Tories accepted using the law against enemies

[19] Gauci, *Politics of Trade*, p. 105.
[20] G.W. Kitchin, *Sir Roger L'Estrange: a contribution to the history of the press in the seventeenth century* (1913); Mark Goldie, 'Roger L'Estrange's *Observator* and the Exorcism of the Plot', in Anne Dunan-Page and Beth Lynch (eds.), *Roger L'Estrange and the making of Restoration culture* (Aldershot 2008), pp. 67-88; Peter Hinds, *The horrid Popish plot: Roger L'Estrange and the circulation of political discourse in late seventeenth-century London* (Oxford, 2010).

of church and state, all men within London's Corporation were affected when the king brought *Quo Warranto* proceedings against the City. The battle for London in the wake of the Exclusion crisis was important for Charles, as he sought to achieve political and social stability. Traditional interpretations of why he used *Quo Warranto* proceedings, a court order intended to force the forfeiture or surrender of borough charters, have focussed on his desire to control borough personnel and government. Jennifer Levin and others have explained Charles's particular interest in attacking London's charter by his desire to persuade other boroughs to surrender their charters, to control parliament and the magistracy or to curb London's independence as a stronghold for opposition.[21] Recent work by Paul Halliday particularly emphasised the impact of local Tories who sought to increase their political control by receiving new charters.[22] London was unique, however, as it refused to surrender, whilst the charter policies that Halliday describes occurred before or after London's charter was forfeited. This article argues that Charles risked losing a court case and appearing to act arbitrarily through his use of *Quo Warranto* because he could not trust London Tories to maintain order, whilst the risk was justified by potential benefits to the crown.

We will start by looking at the years preceding 1683 to understand that a London 'Tory party' contained self-interested men with different aims who therefore had an inconsistent and unreliable relationship with Charles. In chapter two, we will look at the charter issue and why many Tories went against Charles's wishes and refused to surrender their charter. Finally in chapter three and the conclusion, we

[21] Jennifer Levin, *The Charter controversy in the City of London, 1660-1688, and its consequences* (1969), esp. chs. 1-2; Jones, *The First Whigs*, p. 200; John Miller, 'The Crown and the Borough charters in the reign of Charles II', *EHR*, 100 (1985), pp. 74-5.
[22] Paul D. Halliday, *Dismembering the body politic: partisan politics in England's towns, 1650-1730* (Cambridge, 1998), esp. ch. 6.

will study the relationship between Tories and London in James's reign. We will attempt to understand why London was relatively stable in this period and look at London's role in the revolution of 1688. Throughout, we will be using personal papers such as Reresby's *Memoirs*, Morrice's *Entring Book* and Luttrell's *State Affairs* and public records such as the *CSPD* to enhance our appreciation of the narrative of the period. We will also be using newssheets and pamphlets, such as those produced by L'Estrange, to understand the political issues that concerned the wider population within London. It is important to stress that each 'Tory' was an individual, with different interests and motivations, and that this thesis seeks to challenge the use of the word 'Tory' by historians to describe a party within London between 1683-88.

1

The Crown-Tory Association

> The Party has exerted its utmost vigour and diligence and ours has been slack as they use to be
> **Secretary Jenkins in 1680**[1]

Secretary Jenkins was known for his commitment to the rule of law as established and as a lawyer who was often cautious when advising the king. Here, however, he expressed frustrations about the royal party's weakness in London after two Whig sheriffs were elected in 1680. The traditional story of events that followed argues that over the next three years, Charles II became more involved in London and the Tory party became increasingly active. This culminated in the Whig defeat in mayoral and shrieval elections and the loss of London's charter. It will be shown, however, that the supposedly natural alliance between crown and Tory was more complex. In order to understand how London Tories behaved as their charter was taken away and why the crown faced little opposition between 1683-88, we need to study the development of a Tory 'party' in the years immediately preceding 1683.

In the early 1680s, contemporaries did not like the idea of 'party'. As Roger North suggested, 'the Words Party and Faction, in common speech, are not taken in the former, but in the latter and worse Sense'.[2] North wrote his *Examen* to justify the actions of his family who were involved in the legal, mercantile and political professions and he saw 'party' and 'faction' as a big problem.[3] Men known as

[1] *CSPD 1679-80*, p. 573: Secretary Jenkins to Bevil Skelton, 26 July 1680.
[2] Roger North, *Examen: or, An enquiry into the credit and veracity of a pretended complete history*…(1740), p. iv.
[3] For more on North, see Mary Chan, 'North, Roger (1651–1734)', *ODNB*.

'Tory', however, had to unite and forge a relationship with the crown to defeat the Whig threat of disorder. This 'party' contained many individuals with different aims. Even contemporaries described the triumph of the 'court', the division between dissenters and 'church of England men', the '*Crown* and *Church-Party*' and the 'Loyal' and 'Kings' Party amongst other names, and despite the dislike of 'party' politics.[4] It will be shown, however, that self-interested 'Tories' might fit any of these descriptions, or none of them, depending on the circumstances.

i) London & the need for Quo Warranto

Sir Roger L'Estrange was an important figure in Restoration London, as a censor, spy and writer. In *Citt and Bumpkin*, he argued that 'We have the *Heads* of all the *Protestant Dissenters* in the *Nation* here in this Town.'[5] This pamphlet was designed to appeal to the wider political nation within London, who he wanted to turn against dissenters. This pamphlet's title, involving a 'dialogue' and 'a pot of ale' was symbolic of his appeal to those men who discussed political issues in London's taverns and coffee houses. Indeed, L'Estrange claimed in his regular newsletter, *The Observator*, that his work was intended for the 'disabusing of the Multitude'.[6] L'Estrange resented the fact that he was stooping into an area of media, which catered to the masses and seemed ungentlemanly. He recognised, however, the importance of a group outside the upper echelons of society who were concerned with politics and who would be an explosive source of unrest if

[4] Gilbert Burnet, *Burnet's History of my own time. Part 1: The reign of Charles the Second*, ed. Osmund Airy (2 vols, Oxford, 1897-1900), II, 333; Luttrell, I, 124; Sir Roger L'Estrange, *Citt and Bumpkin, the second part. Or, A learned discourse upon swearing and lying* (1681), p. 5; Sir Roger L'Estrange, *The Observator in Dialogue* (1681-1687), I, 423 (20 Oct. 1683).
[5] Sir Roger L'Estrange, *Citt and Bumpkin in a dialogue over a pot of ale concerning matters of religion and government* (1680), p. 3.
[6] *Observator*, II, 15 (13 Feb. 1684).

not pacified.[7] Before 1683, and without fear of prosecution from Whig sheriffs, London was a hotbed for anti-court pamphlets and newsletters, especially when the Licensing Act lapsed between 1679-85. L'Estrange's work was reactionary and, in effect, he wrote to silence the voice of political opponents within London. It is difficult to ascertain the exact reception to L'Estrange's work, but he sold well and produced many *Observators* between 1681-7. Moreover, the fact that Whigs sought so hard to attack L'Estrange's work and caricature him in print, as 'Towzer' the bloodhound, points to how he was both hated and of great importance.[8] London acted as an arena for political action by men of different classes and the City hierarchy was always aware that it was under scrutiny from fellow citizens. That is why L'Estrange went to such lengths to convince the 'multitude' of the need to proactively support the crown against threats from Whigs and dissenters.

London's image of being a home for dissenters and a source of resistance was exacerbated by Charles's inability to control London's justice system. London's Whiggish sheriffs in the early 1680s chose Grand Juries, which made it impossible for the king to prosecute leading Whigs. Indeed, Reresby wrote that Charles lamented, 'it is a hard case that I am the last man to have law and justice in the whole nation.'[9] The jury issue did not simply affect London, however, but the entire realm with L'Estrange's character Bumpkin suggesting those in the country 'stood all gaping for London to lead the way'.[10] L'Estrange may have

[7] For the political activity of London's middle class see Peter Earle, *The making of the English middle class: business, society and family life in London, 1660-1730* (1989), pp. 240-68.
[8] See Helen Pierce, 'The Devil's Bloodhound: Roger L'Estrange Caricatured', in Michael Hunter (ed.), *Printed images in early modern Britain:* (Farnham, 2010), pp. 237-54.
[9] John Reresby, *Memoirs of Sir John Reresby*, ed. Mary K. Geiter and W.A. Speck (1991), p. 234.
[10] L'Estrange, *Citt and Bumpkin*, p. 4.

exaggerated the city's role in his parody of the simple country folk but the crown's actions support this point. For example, James II decided that he wished for his clergy in London to read the Declaration of Indulgence in London churches before anywhere else. This decision would backfire when most London clergy refused and the rest of England followed.[11] Attacking London's charter was important, if risky, because no other corporation would dare defend itself against the crown if the City submitted. Edmund Warcup, the zealous Tory magistrate who was known to have manipulated evidence in favour of the crown, wrote in October 1683 that the proceedings against London's charter 'influence this city as I fear it will most other corporations' as 'great opposition was made to the election of loyal, well-affected men'.[12] Even the loyal Warcup was concerned about the crown's use of the courts and Charles's attack on London's charter was abnormal because the king was forced to appear to act arbitrarily. Indeed, at the conclusion of the trial against London's charter, Chief Justice Saunders stated that 'I do believe [that] nobody here wishes this case should come to judgment.'[13]

It is important to see how London's case differed from that of Worcester. The *Quo Warranto* against the Worcester Corporation, which occurred before London and also went to judgement, attacked individual members within the corporation whereas in London, the entire corporate body was attacked. Furthermore, in Worcester, local Tories keen to recapture control instigated proceedings, whereas

[11] For thoughts of the clergy at this time, see Roger Thomas, 'The Seven Bishops and their Petition, 18 May 1688', *The Journal of Ecclesiastical History*, 12 (1961), pp 56-70.
[12] *CSPD 1683-4*, p. 4: Edmond Warcupp to Secretary Jenkins, 2 October 1683; For more on Warcup, see Keith Feiling and F.R.D Needham (ed.), 'The Journals of Edmund Warcup, 1676–84', *EHR*, 40 (1925), pp. 235-60.
[13] T.B. Howell, *A Complete Collection of State Trials* (34 vols, 1816), VIII, p. 1266n.

in London the crown held the initiative. We will find that London's case differed because Charles could not rely on London's metropolitan Tories.[14]

ii) Tories and Whigs

But the question remains as to who London 'Tories' were and what they stood for? Firstly, Tories saw themselves as defenders of the monarchy and law as established but contemporaries often described them in comparison to Whigs. John Crowne pursued this point in his play *City Politiques,* which satirised the London Whig party.[15] One of the characters, a bricklayer, stated that 'I care not a Farthing for Reason, Law, nor Scripture, if they side with the *Tories.* I prefer *Whigg-Nonsence,* before *Tory-Reason'.*[16] Writers played on the idea that Whigs were seen as law-breakers in comparison to law-abiding Tories who had an interest in supporting the crown. The fact that the Whig character was a bricklayer of lowly social status emphasised this point. Events such as the riotous Guildhall elections of sheriffs and Lord Mayors were particularly worrying for Tory citizens. Indeed, one Tory who testified in the trial against those responsible for the chaotic shrieval elections in 1682, stated that others had cast aspersions 'upon a Gentleman that loves the Church and the Government established by Law.'[17] As he stood in court and was a witness on behalf of the crown, Mr. Farrington emphasised his loyalty and belief in the law as established.

[14] See ch. 2.
[15] For more on Crowne, see Susan J. Owen, *Restoration theatre and crisis* (Oxford, 1996), esp. ch. 3.
[16] John Crowne, *City politiques: a comedy* (1683), p. 43.
[17] *The tryal of Tho. Pilkington,… for the riot at Guild-Hall…*(1683), p. 32.

London Tories were in a better position than most to appreciate how an alliance with Charles would increase stability because of the disorder in London during the early 1680s. There had been riots in Guildhall, dissenters taking part in processions and Whig plotting from leaders such as Shaftesbury. Indeed, Nathaniel Thompson, in his introduction to a collection of 86 loyal poems suggested that 'under the Umbrage of Bethelite Sheriffs, and Barnardiston Juries' the Whigs were 'almost got up the old Perch again of mounting Rebels upon Thrones and Monarchs upon Scaffolds.'[18] The Catholic printer, Thompson, was trying to defend himself from those who attacked his work by referring to men like Slingsby Bethel, the Whig sheriff, and Samuel Barnardiston, the foreman of the jury who famously acquitted the Earl of Shaftesbury, as he sought to capture the worries of loyal Londoners about instability and a threat of renewed civil war.[19] Furthermore, L'Estrange's Citt described how Whigs controlled London's Common Council and 'planted our *Committees*…from *Algate* to *Temple-barr*…some few of them in *Taverns* but most at *Coffee-houses*'.[20] L'Estrange played on Londoners' ability to recognise that coffee houses and committees were seditious arenas where Whigs connived against church and state.

iii) Inconsistent Tories

London's subversive coffee houses, taverns and Common Hall meant that one would have thought London Tories very willing to form an alliance with the

[18] Nathaniel Thompson, *A collection of 86 loyal poems all of them written upon the two late plots* (1685), preface.
[19] For Thompson's role as a Catholic printer, see Thomas C. Faulkner, 'Halifax's "The Character of a Trimmer" and L'Estrange's Attack on Trimmers in "The Observator"', *Huntington Library Quarterly*, 37 (1973), pp. 71-81.
[20] L'Estrange, *Citt and Bumpkin*, p. 1.

crown, and yet they proved unreliable supporters, such that Charles had no option other than to remove London's charter to ensure the City's lasting subordination. One example of the shaky alliance between crown and Tory was that despite Charles's desire to not call parliament during the Exclusion Crisis, Roger Morrice reported that even the supposedly Tory John Moore had presented a petition thanking Charles for a new parliament in 1680.[21] The relationship between king and London Tories was, however, improving and Leoline Jenkins met with Tories including Sir Thomas Bludworth, Sir William Turner, Sir James Smith and Jeffreys to discuss Tory attempts to thwart Whig petitions in May 1681.[22] Charles was concerned, however, that 'some of the Aldermen have been extremely diligent and watchful with design to carry things unreasonable and dangerous in a thin Court'.[23] He worried that Tories were self-interested and would turn up when issues arose that were important to them, and not necessarily to the crown, thus creating a Whig majority in the Court of Aldermen on some matters.

We can find further examples of inconsistent Tory behaviour. On 7 July 1681, the Lord Chancellor rebuked the Whig Lord Mayor and sheriffs for bringing a petition to Hampton Court where he remarked that 'the king takes notice here are no aldermen'.[24] This might seem a clever ploy by the Tories to avoid accompanying the petition but only two months earlier, and before counter-petitions in support of Charles presented by Bludworth and George Jeffreys, Sir Henry Tulse (Tory Lord Mayor 1683-4) accompanied the Lord Mayor in an

[21] *Morrice*, II, p. 247.
[22] *CSPD 1680-1*, pp. 269: Secretary Jenkins to the Earl of Conway, 9 May 1681.
[23] *Ibid*., p. 669: The King to the Lord Mayor, [1681?].
[24] Luttrell, I, 107.

attempt to present Charles with an address.[25] This demonstrates that Tories were not one coherent party with a consistent ideology but were a group of men who shared opinions on some things, and differed on others. This was further exemplified by divisions that occurred in the Court of Aldermen over whether to disturb conventicles with James Edwards and William Turner on opposing sides.[26] Indeed, William Pritchard, who would become a staunchly loyal Tory Lord Mayor, reportedly refused to kiss the Duke of York's hand in 1679.[27] So what prompted these inconsistencies in London Tory action? The answer lies in the selfish motivations of Tories within the City hierarchy. For example, it was not necessarily supporters of the Church of England as by law established who became London Tories. Sir William Turner, one of the main correspondents with Jenkins, reportedly allowed dissenters to hold 'frequent consultations' at his home during his mayoralty.[28] This explains the argument that he had with Edwards in the Court of Aldermen. John Moore was also a former dissenter and it was suggested that he 'was chosen Lord Mayor by the Dissenters not by the strength of the other party'.[29] The interests of the 'Church of England men' did not necessarily correspond with those of London's Tory elite.

A different, and more consistent, motivation for London Tories was that of commerce. Bishop Burnet argued that Moore 'had been a nonconformist himself, till he grew so rich that he had a mind to go through the dignities of the city'.[30] Burnet was a Scottish cleric associated with the Whig party who heavily disliked

[25] *Ibid*., pp. 84, 87-8.
[26] Morrice, II, 360.
[27] *CSPD 1679-80*, p. 244: Newsletter to Mr. Cooke at Ragley (18 September 1679).
[28] *Gentleman's Magazine and Historical Review*, 39 (1769), p. 515.
[29] Morrice, II, 287.
[30] Burnet, *History of my own time*, II, 335.

Tories and was likely to try and tarnish their leaders' reputations but it was true that Moore stopped being a dissenter in order to enter the Corporation.[31] Moore's main aim, however, was to improve his prospects and this meant that although labelled a Tory, he would not support crown policy if it was not in his interest. It explains his inconsistent actions and why he delivered a petition in January 1682 to which Charles replied 'My Lord Mayor, how longe since you turned Presbyterian?'[32] Previously, James Edwards (Lord Mayor 1678-9), later labelled as 'Tory', petitioned Charles for the calling of parliament, despite the fact that parliament was hostile to the crown and pro-exclusion, because 'otherwise there will be utter decay of trade.'[33] Edwards subscribed to the view that a meeting of parliament would lead to concord between Charles and his people, which might improve the prospects for commerce, a key concern. Indeed, contemporary pamphlets played with the idea that metropolitan merchants were focussed on their own advancement. One asked whether 'any *Tory* desired any trust from the People, for any other end than that by Betraying them he might make up his Market, and purchase to himself some place of Preferment?'[34]

De Krey has shown that over 65% of Tory leaders between 1679-82 were either overseas merchants or domestic merchants and traders.[35] Although the figure was higher for Whigs, one could argue that it was a more important determinant of the crown-Tory relationship. Whigs had a real cause to support, the exclusion of the monarchy, which determined their relationship with the king whereas Tories were more concerned with wanting peace and stability. This initially meant opposition

[31] For more on Burnet, see Martin Greig, 'Burnet, Gilbert (1643–1715)', *ODNB*.
[32] Charles II quoted in Harris, *London Crowds of Charles II*, p. 184.
[33] *CSPD 1679-80*, p. 24: Paper headed "Dicunt", [13 January?] 1679.
[34] *A new-years-gift to the Tories…By an honest trimmer* (1683).
[35] De Krey, *London and the Restoration*, p. 317.

to the Whigs and support for the succession, but not unconditional support for Charles's policies. Of course, the fact that Tories relied on commerce could mean that their bond with the king was strengthened and one poem suggested that

> You know that *Trade* doth still most profit bring,
> To them are true to *God*, and to their *King*[36]

Furthermore, many merchants gave financial backing to Charles II and saw a stable monarchy as a good investment. Even taking office within the City hierarchy would have helped merchants increase their connections with the court. Thus, it is unsurprising that men like Moore and Pritchard gave up their outward religious identity to enter London's Corporation.

When we study why Charles attacked London's charter, he clearly felt London Tories incapable of controlling the City without heavy royal intervention. Throughout this period, the king's agents, such as Jenkins, had to manage and coordinate London Tories whilst one Whig sheriff, Thomas Papillon, described how Charles personally intervened with a 'promise to stand by [John Moore]' during one of the election crises.[37] Charles recognised that he did not wish to repeat the situation of 1648 where 'men of loose and dangerous principles…intruded themselves into the Common Councel'.[38] The royalists within London's Corporation had not been able to stop the parliamentarians in the 1640s, and Charles wished to thwart any possibility of the situation recurring. Tories supported the king because the events of the Civil War gave them more reason to fear arbitrary rule from Whigs than from Charles. This is, however, why

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[36] Thompson, *86 Poems*, p. 152.
[37] Burnet, *History of my own time*, II, 339; A.F. Papillon, *Memoirs of Thomas Papillon, of London, Merchant* (Reading, 1887), p. 211.
[38] *A declaration and vindication of the Lord Mayor, aldermen, and commons of the city of London…* (1660), p. 3.

the charter controversy of 1683 was important because it tested Tory loyalty, as the king attacked their corporation and appeared to act arbitrarily. It is impossible to understand why Charles ended up pursuing the case to judgement without having studied the period immediately preceding 1683 where we have found that a coherent, substantial and consistently loyal body of metropolitan Tories did not exist.

2

Attacking London's Charter: Conflicts of Interest

Despite the fact that Tories were an eclectic mix of self-interested people drawn to support the crown for a variety of reasons, the first part of this chapter will explore reasons why it was expected that Tories would 'surrender' London's charter to Charles in 1683. It will then explain why this did not occur, before studying the reaction to London's loss of its charter. We will find that, naturally, Tories blamed Whigs and Whigs blamed Tories with both sides finding it necessary to justify themselves within a volatile metropolitan political environment. Above all, however, we will see how the attack on London's charter led to hesitancy and further inconsistency in 'Tory' action.

i) Tories victorious & Crown optimistic

As 1683 began, Charles and his ministers were optimistic. Reporting on the Common Council election results, the ever-cautious Secretary Jenkins wrote that there was now less threat from 'seditious motions and petitions nor of Acts of Common Council'.[1] Indeed, Smith has shown how after a concerted effort in the months preceding the elections at the end of 1682, 145 Tories were elected compared to 88 Whigs and 30 considered indifferent.[2] This optimism was justified, as by the time of the September 1683 elections, L'Estrange commented that we could 'see how Quietly, how Regularly…Matters are now Order'd, since

[1] *CSPD 1683 January-June*, p. 5: Secretary Jenkins to the Lord Deputy, 6 January 1683.
[2] Smith, 'London and the Crown', p. 213.

the Management of Affairs is fall'n again into Right Hands.'[3] By this time, the Corporation had lost the *Quo Warranto* case and L'Estrange gleefully pointed out the absence of Whig spirit in Common Hall. The lieutenancy and magistracy were now in Tory hands and trials against Whigs, such as those who had 'rioted' during the previous shrieval election became more frequent.[4] Bishop Burnet, however, suggested that Charles was still concerned for the future and 'because they would not be at this trouble, nor run this hazard, every year, it was resolved that the charter of the city must either be given up or be adjudged to the king'.[5] This formed part of Burnet's broader view of Charles as a tyrant, in the mould of Tiberius. Naturally it would be tyrants who had most to fear from their subjects, as they are hated, and thus they vindictively pre-empt any opposition by suppressing their people's liberties. Burnet therefore suggested that Charles could not trust his Tory allies to maintain control over London into the long-term, for they were not loving subjects who would support Charles unconditionally, but this does echo inconsistent Tory action.

The Tories were initially expected to 'give up' their charter. Burnet suggests that the Common Council elections were managed 'so that they might be tractable in this point' and Luttrell argued that a majority of Tory Common Council and Aldermen would 'surrender the charter of the citty of London'.[6] Indeed, Thomas Hunt, the Whig pamphleteer who was frequently attacked by L'Estrange in *The Observator*, wrote *A defence of the charter*, which attacked Tories for helping the

[3] *The Observator*, I, 401 (10 Sept. 1683); See also Luttrell, I, 278.
[4] *CSPD 1683 January-June*, p. 53: Secretary Jenkins to the Attorney General, 13 February 1683; Luttrell, I, 257.
[5] Burnet, *History of my own time*, II, 338.
[6] *Ibid.*, p. 338; Luttrell, I, 242.

king and suggested they practised 'to get the Government over another part'.[7] He proposed, as fits with Halliday's argument for the rest of England, that local Tories proactively supported the removal of London's charter as they sought to wrestle control from Whigs. Hunt also wrote that 'As many as are for destroying the Charter, are for no parliament, or for the new designed Constitution of Parliaments'.[8] Hunt's pamphlet played on the idea that Tories not only supported the arbitrary destruction of their charter but also desired that no parliament would meet again, despite persistent rumours that Charles would recall parliament.[9] It was designed to persuade moderate Tories that their actions would ultimately lead to popery, a view echoed in other pamphlets.[10]

Thomas Papillon suggested that the charter's legality was initially questioned because of people 'giving misinformation, and aggravating matters'.[11] His position as a Whig within the City hierarchy, however, naturally caused him to exaggerate the Tories' role in London's subordination, the effect of which meant he was forced into exile. 'Tory' action in London during this period was, contrary to Papillon's opinion, largely reactionary to the Whig threat, inconsistent and often apathetic to Charles's aims unless it coincided with an individual's interests. Although Tories did not initially help to defend their charter from prosecution, a majority did not welcome the charter proceedings. The discovery of the Rye House Plot, however, led to a change in the political landscape, as those

[7] Thomas Hunt, *A defence of the charter, and municipal rights of the city of London…*(1683), p. 6; For more on Hunt see Melinda Zook, 'Hunt, Thomas (1626/7–1688)', *ODNB*.
[8] Hunt, *defence of the charter*, p. 11.
[9] For more on the 'parliamentary' dimension between 1681-5, see Grant Tapsell, 'Parliament and Political Division in the Last Years of Charles II, 1681–5', *Parliamentary History*, 22 (2003), pp. 243-62.
[10] For example, *The Whigs in mourning for the loss of their charter* (1683).
[11] Papillon and Papillon, *Memoirs of Thomas Papillon*, p. 209.

sympathetic to Whigs and dissenters were horrified to find that royal propagandists were right about Whig intentions to overthrow the king and split the kingdom.[12] The attempted arrest of the Tory Lord Mayor in 1683 further suggested to London Tories that acting in accordance with Charles's wishes was the best way to achieve stability. Thus, in June, the Tory Common Council voted to surrender their charter by a majority of 104-68.[13]

A further reason why Tories might have wanted to surrender their charter was because of their concern to maintain the hierarchy within London's Corporation, and their place within it. In one Whig tract, which sought to describe the travesty that would occur if the charter were forfeited, it was argued that 'Aldermen…will be levelled with the meanest commoner.'[14] The writer recognised that 'levelling' brought back memories of the 1640s, an idea abhorrent to Tories who he wanted to oppose any removal of the charter. Tories felt, however, that the hierarchical order was more threatened by City Whigs than by the removal of their charter. One previous issue had arisen over the Lord Mayor's right to confirm someone in the position of sheriff. When, in 1682, Papillon suggested to Lord Mayor Moore that no Common Hall confirmation of the Lord Mayor's nomination might lead to the loss of the charter, Moore replied, 'Why should he not have his freedom, as well as others?'[15] Furthermore, in the trial of the Whig rioters during the 1682 shrieval election, the Lord Chief Justice declared, 'I have not heard before this time that ever the Sheriffs did quarrel with the Mayor, or continue a Common-

[12] For the impact of the Rye House plot on contemporary political opinion, see Tapsell, *Personal Rule*, pp. 34, 41-2, 86-7, 102-6.
[13] *CSPD 1683 January-June*, p. 329: The proceedings of the Common Council, 20 June 1683; Luttrell, I, pp. 261-2.
[14] *Reflections on the city-charter and writ of quo warranto* (1682), p. 24.
[15] Papillon and Papillon, *Memoirs of Thomas Papillon*, p. 208.

Hall after the Mayor had Adjourn'd it…and one said they would have no Tory Mayor to be Mayor'.[16] In the years preceding the judgement of the charter, the Whigs had attacked the fabric of City government and advocated for the removal of the aldermanic veto and of the Lord Mayor's right to choose a sheriff, both of which were subsequently confirmed by Acts of the Tory Common Council in 1683. The Tories were afraid that Whigs desired to destroy the oligarchical structure of London's Corporation and replace it with a 'popular' system of government, which would ruin Tory interests. As Pearl has shown, the last time the aldermanic veto had been removed was in 1642, as the City royalists lost control of London.[17] Tories were so committed to the oligarchic structure of government in London that many voted for the Whig Lord Mayor Patience Ward in 1680, at the height of the exclusion crisis, as custom dictated he was next in line. They thought that the re-issuing or surrendering of their charter would ensure the survival of this hierarchical structure, and also that they might rely on the king maintaining them within their offices.

As we have seen, however, Tories were largely committed to the 'rule of law', so we should ask how Charles's attack on the charter affected their position? L'Estrange argued that England's laws and statutes would 'secure us on all sides from the slavish yoke of Arbitrary Power.'[18] He was refuting Hunt's *Defence of the Charter* and trying to show how the loss of London's charter could not, and would not, lead to arbitrary monarchy. Indeed, the king's attack on the charter was entirely lawful, whilst Tory pamphlet writers portrayed the charter as a source of

[16] *The tryal of Pilkington,* p. 56.
[17] Pearl, *London and outbreak of revolution*, p. 281.
[18] Sir Roger L'Estrange, *The lawyer outlaw'd, or, A brief answer to Mr. Hunts Defence of the charter* (1683), p. 16.

unlawful Whig behaviour.[19] Furthermore, although Charles was careful in selecting the judges for the case, for example he removed Justice Pemberton because he was not so favourable to the court, little comment was passed on this apparent arbitrary action.[20] Indeed, when Justices Powell and Holloway were removed in 1688 after they judged the 'Seven Bishops' to be innocent, the Puritan Roger Morrice mentions this in passing as if it were a matter of course, even if Holloway did 'not fall popularly'.[21] Charles was even urged to make proper use of the law for 'if the King cannot make the judges speak for him, he will be beaten out of the field.'[22] The monarch's ability to choose his judges was an acceptable and unquestionable crown prerogative with both sides accepting the rules of engagement. After London lost its charter, its independence was threatened but there was little doubt that Charles had acted in accordance with the law.

ii) Tories refuse surrender

In his *Defence of the Charter*, Hunt was so convinced that Tories would give up London's charter that he attempted to prove how illegal it was for common council to make the decision on behalf of the City.[23] He need not have bothered, however, for ultimately many Tories in the Common Council reversed their decision to surrender London's charter, which forced the king to enter judgement in the *Quo Warranto* case. It will become apparent that the self-interested

[19] Thompson, *86 Poems*, p. 155.
[20] Roger North, *The lives of the Right Hon. Francis North, Baron Guilford… Sir Dudley North ... Dr John North…ed*. Augustus Jessopp (3 vols, 1890), I, 293; For the relationship between the justiciary and Charles, see A.F. Havighurst, 'The Judiciary and Politics in the Reign of Charles II', *Law Quarterly Review*, 66 (1950), pp. 62-78 & 229-52.
[21] Morrice, IV, 294-5.
[22] *CSPD 1680-1*, p. 660: Letter to Secretary Jenkins, [November?] 1681.
[23] Hunt, *defence of the charter*, pp. 37-9.

motivations of those within the Corporation caused them to act against Charles's wishes. After the uneventful September Common Hall elections, the Court of Common Council formed a committee to look into the issue of the City charter. Then, after much debate on 11 October 1683, the court voted not to surrender the charter by 106-85 whilst 'the Aldermen it's said commonly were all against the resignation but only three', which represented a complete reverse of the situation that occurred in June.[24]

The first thing to notice was that the committee looking into the effects of surrender were concerned to decide 'whether the consequence of a judgment being entered be not more fatal than a surrender'.[25] London's Tories were in a dominant position, controlled the magistracy and lieutenancy and no longer needed the crown's help, with threats of *Quo Warranto*, to defeat the Whigs. Tories were not now concerned with deciding what was best for the country, and therefore the king, but with which outcome would be to their greatest benefit as merchants and officers within the Corporation. Thus, one Whig writer who designed arguments to convince members of the common council to vote against surrender argued that 'Tory aldermen ought to consider that, as soon as their charter is gone, perhaps a Custos or a constable…may be set up over a mayor' and that they 'have sworn to maintain the franchises of the City'.[26] The writer used the idea of an 'oath' to legitimise opposition to the king, as he suggested that Charles was asking common councilmen to go against their conscience and their word. Although this was written before the June vote, which agreed to surrender the charter, these arguments related to the City hierarchy and the oaths of officers

[24] Morrice, II, 386.
[25] *CSPD 1683 July-September*, p. 428: 28 September 1683.
[26] *CSPD 1683 January-June*, pp. 258-9: Before 22 May 1683.

would become more convincing for Tories once their stranglehold over London increased after the 1683 elections. Tories wanted to ensure their reputation remained intact, as this was crucial in maintaining political and business interests and connections, which meant they ultimately did not vote to surrender the charter and break their oath.[27]

Some of Charles's advisers had urged caution in attacking London's charter. Secretary Jenkins, after consultation with the Lord Keeper and some other lords 'concerning the approval of the Common Council men by the Lord Mayor and the Court of Aldermen', thought it was 'not fit for the king to insist on'.[28] Jenkins had previously told the Duke of York that 'many Mischiefs and Inconveniences' would follow 'the entire Forfeiture of [London's] Privileges, and of their very Being as a Corporation.' Indeed, he advised that one should prosecute 'the most obnoxious Members in their private Capacities' as had been done in the Worcester *Quo Warranto* proceedings.[29] Jenkins worried that attacking the whole corporate body was unnecessary and could alienate supporters of the crown but the fact that Charles overruled him suggests that he intended the complete subordination of London. Although Jenkins was overcautious, a good sign of Tory thought was that they were unwilling to surrender because 'they do thereby give up all things…for they have nothing but what they have by Charter and Custome.'[30] Indeed, there was great worry about what the surrender of the charter would mean for the ancient privileges and customs that the City would hope to get back. This formed part of the decisive argument of London's Recorder, George Treby, who was

[27] Burnet, *History of my own time*, II, 396; See Ormonde in Smith, 'London and the Crown', p. 299.
[28] *CSPD 1683 January-June*, p. 330: Secretary Jenkins to the Lord Mayor, 20 June 1683.
[29] W. Wynne, *The life of Sir Leoline Jenkins* (2 vols, 1724), II, 684-5.
[30] Morrice, II, 383-5.

trusted by many to represent the City's interests and not just those of the Whig party. Charles was, therefore, forced to enter judgement because he could not control the votes of his supposedly loyalist Tories in the Common Council.

iii) Charter controversy in the media

In the lead up to, and following, the loss of London's charter, both Tories and Whigs used the media in an attempt both to discredit and persuade the other side. Indeed, the idea that Tories were seen as 'traitors' for supposedly participating in the loss of the charter was a motivation for surrender. This was because the authority of those in power within the corporation still relied on the consent of the wider political nation, as without the support of common councilmen and liverymen, and a bad reputation, the merchants who held power might find their political standing, businesses and trade affected. Moreover, as discussed in chapter 1, men within the Corporation recognised they were always under scrutiny, whilst the example of 1642 had shown how City aldermen needed to listen to their fellow citizens.[31] Although the Duke of York claimed that many were 'angry with themselves' for not surrendering their charter, the alternative of being seen as a traitor and of giving up the charter for good, was worse.[32] People only became upset once they realised that Charles would not now grant London a new charter, as they had not thought he would continue without a charter for long. We have seen how Hunt suggested that 'the greatest fear of the loss of your Charter and City is from your selves' when referring to Tories, but Tory writers blamed the Whigs for the loss of the charter, as they sought to justify their own

[31] See Ch.1, p. 13.
[32] *CSPD 1683-4*, p. 13: Duke of York to the Prince of Orange, 5 October 1683.

actions.[33] The Whigs were said to deserve the loss of the charter for choosing 'cursed Poets' by Crowne, although of course these were writers who had attacked his work.[34] One poem entitled *The Charter. A Comical Satyr* argued that 'Rebellions strength' was hidden in the charter, whilst another suggested that Whig '*Sham-plots* and *Perjuries*' would be in vain if the charter was removed, a point echoed in other pamphlets.[35] One song even celebrated the loss of London's charter as it declared

> Oh! London! London!
> Where's thy Charter now?[36]

Despite the loss of the charter, and their desire not to surrender, Tories ultimately decided that a more powerful king was beneficial for London's stability. It had previously been argued that the charter itself, as well as the lands and revenues, privileges and the hierarchical structures of London would 'all stand and fall with the Monarchy…without which they cannot subsist'.[37] The same tract described the horrible outcome of what would happen if the charter was lost and law and government were subverted, although in this case by dissenters. The City would become a 'Ruinous Heap' and 'lose all her Trade, Riches, and Glory' to 'the astonishment of the whole Earth.'[38] However, the problem facing Tories was that the king, not Whigs, took away their charter, which they saw as the foundation of their wealth. Indeed, law and legal process were seen as central to national and metropolitan prosperity with a contrast often drawn to the hated French, as it was emphasised that poverty and oppression were the products of an unrestrained,

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[33] Hunt, *defence of the charter*, p. 18.
[34] Crowne, *City Politiques*, Prologue.
[35] Thompson, *86 Poems*, pp. 134-55; *Ibid.*, p. 241; *Londons lamentation for the loss of their charter* (1683); *The last will and testament of the charter of London* (1683).
[36] *Ryot upon ryot: or, A chant upon the arresting the loyal l. mayor & sheriffs* (1683).
[37] John Nalson, *The character of a rebellion, and what England may expect from one* (1681), p. 12.
[38] *Ibid.*, p. 12.

popish and despotic ruler.[39] Now, and although acting within the boundaries of law, indeed by using the law to his advantage, Charles was forced to enter a judgement against the City that was considered by many to be calamitous for the future. Some called it arbitrary, others argued it was needed to thwart the Whig threat, but we will see in chapter three how 'Tories' within London were faced with similar conflicting problems during the charterless period and James's reign.

[39] For the development of anti-French sentiment, see Steven Pincus, 'From Butterboxes to Wooden Shoes: The Shift in English Popular Sentiment from Anti-Dutch to Anti-French in the 1670s', *The Historical Journal*, 38 (1995), pp. 333-61.

3

'All is Quiet in the City': London and James II[1]

The loss of London's charter signalled the end of the metropolitan battle between 'Whigs' and 'Tories' and it was remarked that 'All things are very quiet'.[2] This relative stability lasted for several years, despite the Catholic, arbitrary nature of James II's rule, even during William of Orange's invasion. This chapter explores different issues facing 'Tory' Londoners and the way in which the crown sought to control and engage with the City. It will initially focus on Sir Roger L'Estrange to provide us with an insight into Tory thought during this period. We will also explore the Tory problem of reconciling a belief in the rule of law and non-resistance with the fact that James appeared to rule arbitrarily and subvert the Church of England, as by law established. Ultimately, Tories within the City hierarchy lacked the power and popular support, as well as the fundamental ideology and desire, to resist the king. The self-interested motives of London's elite meant they did not rebel against James, although they did not necessarily wish to associate with him either, which was a significant reason why London remained relatively stable.

i) Sir Roger L'Estrange and convincing the moderates

L'Estrange's main aim in this period was to convince moderate Tories to support the crown's policies by bolstering prejudices and intimidating those who opposed

[1] *CSPD 1683-4*, p. 34: Secretary Jenkins to the Earl of Sunderland, 13 October 1683.
[2] *Ibid*., p. 45: Henry Crispe, Common Serjeant, to Secretary Jenkins, 20 October 1683.

the king.[3] Thus, he changed the character in conversation with the Observator to Trimmer in November 1682 after the shrieval elections had finally been decided in favour of the Tories. By attacking Trimmers, L'Estrange aimed to bully moderates into helping cement the Tory victory by helping with the prosecution of dissenters. London was particularly important because it had a relatively visible dissenting community compared with the rest of the country. To understand whom L'Estrange aimed his work towards, it is useful to compare the description in print of those deemed Trimmers, with the actions of London Tories in the years leading up to the loss of the charter. First of all, Trimmers were labelled as hypocritical men who would 'Come over for the KING, and back again'.[4] This was a criticism also aimed at those Tory Common Councilmen who gave up London's charter in the summer of 1683, and changed their minds by the autumn, with one pamphlet questioning 'Whether any man ever trusted one *Tory* that did not betray him?'[5] Furthermore, L'Estrange's definition of 'Trimmer' was very wide-ranging. In November 1682, he suggested there were several sorts of Trimmers, a 'State-Trimmer…Law-Trimmer…Church-Trimmer…Trading-Trimmer'.[6] This definition included almost all who were not High Tories. Indeed, when referring to the difference between a Trimmer and a dissenter, L'Estrange argued that 'they are so Very, Very-like'.[7] L'Estrange recognised that men such as the supposedly loyal Tory Aldermen John Moore and William Turner had questionable religious views.[8] Therefore, he used a powerful polemical message to intimidate moderate Tories into active co-operation with the crown. We can see

[3] See Brown, 'Trimmers and Moderates', pp. 316-319.
[4] *The Character of a Trimmer* (London, 1683); *The character of a Church-trimmer, by Heraclitus his ghost* (1683).
[5] *A new-years-gift to the Tories*.
[6] *Observator*, I, 242 (16 Nov. 1682).
[7] *Observator*, I, 438 (15 Nov. 1683).
[8] See ch. 1, p. 18.

that the lack of an unquestionably loyal 'Tory party' within London forced the crown to use propaganda in an attempt to gain greater support.

ii) James's London Tories

After Charles's deathbed conversion to Catholicism and the succession of Catholic James, it was suggested that 'high flown Tories… now acknowledge the great cheat put on them'.[9] We will see how Tory action in the charterless period, however, was guided by their self-interested motivations, as members of a metropolitan elite. Confusion still occurred over the running of the Corporation without a charter, for example there was one debate over whether 'there were no such thing as a City, nor freemen of London'. [10] This was an important issue for the merchants of the livery companies, who had recently come under threat because of their inability to regulate trade in the suburbs, and who relied on guild monopolies and privileges for their continued prosperity. The hierarchical structure within the City was necessary to maintain members of London's oligarchy in their privileged positions and William Turner, Alderman Jeffreyes and Henry Tulse were so worried that they expressed their concerns to the Lord Chancellor. It is also important to note that although L'Estrange, in his 1683 refutation of Hunt, argued that the loss of London's charter would not lead to a packed parliament because 'the Free-men of the Corporations…have the sole power of electing their Representatives', James purged the liveries of corporations

[9] *CSPD 1685*, p. 41: R.L. to the Mayor of Bridgewater, 24 February 1685.
[10] Morrice, III, 313.

throughout England for this exact purpose.[11] L'Estrange had written to urge moderates to proactively ally themselves with the crown and these moderates would now become disillusioned with James's policies. Moreover, London was a vengeful arena in which the crown appeared to act arbitrarily in taking revenge upon its previously disloyal subjects. Examples included the execution of the former Whig sheriff Henry Cornish, who had an 'utter impossibility of defending himselfe', and the return of George Jeffreys to London as Lord Chief Justice. Jeffreys 'began with a turbulent spirit against the mayor and court of aldermen', according to Francis North.[12] North was a political enemy of Jeffreys, but many echoed his opinion, for example Burnet who argued that many 'were apprehensive of very black designs' upon Jeffreys' appointment and Sir James Smith who told Reresby that Jeffreys 'usurped the power' within London.[13] Jeffreys still resented the City for forcing his resignation from the City recordership after he lost the support of the predominantly Tory Court of Aldermen and he zealously prosecuted many Corporation men during this period.[14] Indeed, he was so disliked that when he gave back London's charter in 1688, no 'Huzza's' were directed towards the 'Rascall'.[15]

James also used powers gained from the loss of London's charter to purge its aldermen, although he found that many refused to serve and took a fine instead.[16] Even those considered exceptionally loyal, such as Sir John Chapman, William

[11] L'Estrange, *The lawyer outlaw'd*, p. 3; See Knights, 'A City Revolution', pp. 1154-78.
[12] Morrice, III, 42-4; North, *lives*, I, 273.
[13] Burnet, *History of my own* time, II, 395; Reresby, *Memoirs of Reresby*, p. 380.
[14] Morrice, II, 250; Luttrell, I, 61.
[15] Morrice, IV, 320.
[16] Luttrell, I, 409, 437.

Pritchard and William Turner were not exempt from James's purges.[17] We can see, however, that once these men were removed from the City hierarchy, their ability to command authority and power was limited. They were unlike the traditional landed nobility who had large numbers of retainers and Peter Rich, who had served as sheriff in 1683, felt that he would lose his entire fortune after being removed from his civic posts.[18] This provides one explanation of London's relative stability, as these men were not powerful enough to command large numbers in support of their cause, despite the fact that as many as 1,795 liverymen were also dismissed.[19] It is also important to see that Sir Josiah Child, one of the most prominent merchants of the City and Governor of the East India Company, was amongst those who refused to become an alderman, which Morrice argues was because 'if he had come in, his reputation would have been destroyed, and the East India Company…broken'.[20] Important City merchants were primarily concerned with their reputation and business interests, which influenced their interactions with the crown. Many did not see an alliance with James as necessarily beneficial, although they did not feel it was necessary or acceptable to resist either.

Despite these issues, which affected those within the City hierarchy, London remained surprisingly loyal and stable between 1683-1688. One poem on the coronation of James declared that 'No more shall Lawless, Hair-brain'd *Faction*' last, and to an extent it remained true for the majority of his reign.[21] The king sent

[17] Morrice, IV, 115.
[18] Morrice, III, 394.
[19] Knights, 'A City Revolution', p. 1159.
[20] Morrice, IV, 116; For more on Sir Josiah Child see Richard Grassby, 'Child, Sir Josiah, first baronet', *ODNB.*
[21] Thompson, *86 Poems*, p. 392.

various requests to the Lord Mayor regarding the 'preserving [of] the quiet of the City' or the suppressing of bonfires on 5 November but, apart from anti-Catholic riots in 1688, there were very little outward signs of popular resistance.[22] Conversely, according to official sources, James's birthday was celebrated with 'extraordinary joy' and 'bonfires' whilst the spectacle of the Lord Mayors Shows each year were successful events, which left James 'well satisfied' and which brought the public closer to the crown.[23] Moreover, although many liverymen and aldermen were removed, it seemed to be accepted that James could legitimately use his power of choosing officers as a political weapon. The Tories were happy for Charles to remove Whigs in 1684 and would therefore have to face being purged in 1687. According to Morrice, who despised the Tories for their previous support of the crown, Tories were finally 'neglected and scorned by their neighbours for the Tyrany they have exercised for these many yeares last past.'[24] Moreover, as soon as James changed his mind again, following the threat of Orange's invasion, and recalled many old aldermen, they 'made very good profession of their Loyalty' although 'they could not serve him as Aldermen' unless he returned London's charter.[25] Those who lost the king's favour appeared to be waiting for him to grant them power again, which generated competition amongst the City elite. Indeed, this friction had been exacerbated earlier in the period when the charter was under attack. One example of tension within the City hierarchy occurred when 'Sir James Smith said some opprobrious words to Mr.

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[22] *CSPD 1685*, P. 181: Earl of Sunderland to the Lord Mayor, 5 June 1685; Morrice, III, 295; *CSPD 1687-9*, p. 94: Earl of Sunderland to the Lord Mayor, 2 November 1687; For anti-Catholic London crowds, see Tim Harris, 'London Crowds and the Revolution of 1688', in Eveline Cruickshanks, ed., *By Force or By Default?: The Revolution of 1688* (Edinburgh, 1989), pp. 44-64.
[23] *CSPD 1685*, p. 354: Newsletter to John Squire, 15 October 1685; Morrice, III, 263, 276; Luttrell, I, 418; Morrice, IV, 151; For Lord Mayors Shows, particularly during the Exclusion Crisis, see Owen, *Restoration Theatre*, pp. 275-99.
[24] Morrice, IV, 244.
[25] *Ibid*., 313-4.

Papillon and Mr. Dubois, that they were French or Walloon Protestants that came into this nation for refuge'.[26] The xenophobic language of Smith exemplified the highly charged atmosphere within the Corporation, as Whigs threatened Tory interests and London's stability. We should see Tories as opportunists, who bemoaned their loss of power but were happy to renew loyalty to the crown when it suited them. Those who actively supported Orange in 1688 were often men who had no chance of regaining royal favour, such as the Earl of Danby and the Bishop of London who wrote the 'invitation to William', and who were appalled by the arbitrary and catholic nature of James's kingship.

The Tories became caught, however, between the idea that a strong monarch was keeping peace and stability, whilst also desiring to protect the church and government as by law established, which was under attack from James. Reresby sums up this dilemma as he wrote that 'as I was resolved not to violate [my conscience], soe I was unwilling to offend soe good a master on the other side', whilst under pressure over a potential upcoming parliament and questions he would face over the Test Acts.[27] It had become harder to remain supportive after James's Declaration of Indulgence and attempted 'closeting' of leading figures, which led Sir John Moore to feel that James intended 'to bring in popery'.[28] It is important, however, to see that the majority still remained committed to a course of non-resistance despite the strains placed upon them by James's reign.

James's use of the army was another feature of his reign, which affected Londoners more than most. Just as Charles brought together his army on Putney

[26] Papillon and Papillon, *Memoirs of Thomas Papillon*, p. 231.
[27] Reresby, *Memoirs of Reresby*, p. 508.
[28] Morrice, III, 376.

Heath, James organised an annual camp on Hounslow Heath.[29] Many contemporaries commented on the proximity of the army to London whilst rumours circulated that James intended to 'build a Citadell…which will hold Armes for thirty thousand' on Black Heath.[30] Morrice even described an incident where disorderly soldiers offended City Magistrates and 'a Pistoll or Gun was put 9 times or more to the sheriffs Brest'.[31] James's policy of intimidation, similar to that of William the Conqueror who built the Tower of London to overawe the City, was successful, even if it bred resentment from those who felt James should not have a peacetime standing army. By 1688, James could call on over 53,000 officers and men to aid his cause and, in August, James still retained the loyalty of the majority of Londoners, including Tories. [32] In the concluding chapter, we will see how the relationship, which has now been detailed for the period leading up to the Glorious Revolution, between crown and London Tories, translated into the crisis that ended James's reign.

[29] For more on the perceptions of the army during the Restoration period, see Lois G. Schwoerer, *No standing armies! : the antiarmy ideology in seventeenth-century England* (1974), chs. 5-7.
[30] Luttrell, I, 356; Morrice, IV, 252.
[31] Morrice, IV, 34-5.
[32] Schwoerer, *No standing armies*, p. 146

Conclusion

Revolutionary London?

London Tories patiently accepted James's policies until they could bear it no longer, however, it was only with William's invasion that some would act to take back previous privileges and curtail James's power. Earlier during 1688, moderate Whigs and Tories were drawn together by opposition to the king's policies.[1] In the famous trial of the Seven Bishops, which appeared to prove the arbitrary intentions of James, the lawyers who defended the bishops included Sir Robert Sawyer, Heneage Finch, George Treby and Henry Pollexfen with Treby and Pollexfen having fought Finch and Sawyer in the prosecution of London's charter.[2] Now, however, they were united against the crown alongside Francis Pemberton who was removed as judge before the London charter prosecution because it was feared he would be too lenient.[3] After the bishops were acquitted, there were scenes of great joy in the courtroom and throughout London many 'Bonefires [were] made in the City'.[4] The king recognised that London had a rebellious potential, which might only require a spark similar to that of Charles I's Scottish and Irish problems of 1640-1, to explode. Thus, as news from Holland indicated the impending arrival of Orange, James's first act was to 'acquaint the lord mayor and aldermen of London with this, and that they take care to keep the citty in peace'.[5] Local peacekeeping forces and the militia had kept London under control in the charterless period but there is evidence to suggest that by 1688, the

[1] Morrice, IV, 301.
[2] For background to the Seven bishops' trial see William Gibson, *James II and the Trial of the Seven Bishops* (Basingstoke, 2009), esp. pp. 73-159.
[3] Luttrell, I, 444-6; Morrice, IV, 279.
[4] Luttrell, I, 448; Morrice, IV, 285.
[5] Luttrell, I, 462.

danger of a mob revolt was very real, although anger was directed at Catholics, and not necessarily James.[6] We cannot argue that London Whigs and Tories united in the common cause of removing James from the throne, but plenty were in opposition to his policies, particularly over Catholic toleration.[7] Many were indecisive over whether to support James, with some choosing to continue in support of the crown and others going to William's aid. This suggests that the spectrum of different motivations and ideologies within 'parties' was still wide, and that the two parties cannot be seen as two coherent bodies of people, even at this stage. It was only when forced, upon James's flight, to organise the succession and Bill of Rights in 1689 that Whig and Tory parties re-formed.

Although James retained the loyalty of many Londoners, he did not have their proactive support. When it was suggested in November 1688 that he might bring his army and artillery back to London, Morrice suggested 'most are of Opinion the City will not consent…all parties having been so much disobliged'.[8] Morrice was chiding the king for his ineffective policy and when William of Orange finally entered London in December, he was greeted with the 'ringing of bells' and 'bonefires', whilst the activities of those such as Jeffreys were satirised and derided in pamphlets by Whig authors.[9] Indeed, the ever-loyal Reresby despaired that, despite the appearance of Orange's army in London, 'the citty was soe pleased with their diliverers that they did not or would not perceave their

[6] For more on London crowds during 1688, see Harris, 'London Crowds and the Revolution', pp. 49-59.
[7] For 'Whig' views of James's actions see J. R. Jones, 'James II's Whig Collaborators', *The Historical Journal*, 3 (1960), pp. 65-73; W.A. Speck, *Reluctant revolutionaries: Englishmen and the revolution of 1688* (Oxford, 1989), esp. pp. 213-40.
[8] Morrice, IV, 349.
[9] Luttrell, I, 489; *A Looking-glass for the Lord Chancellor, or, A Brief summary of some of his notorious crimes* (1688).

deformity, nor the oppression they laid under'.[10] The City hierarchy had not rallied against the royal cause in 1688, but had not united in support of James either. James's charter policy and Catholic arbitrary tendencies had alienated many metropolitan Tories, who would not support James when he was forced into exile. Instead, they found that a stable monarchy under William and Mary was more suited to their trading interests and political and religious beliefs.

When describing London's role during the Stuart era in his edition of John Stow's *Survey of London*, John Strype emphasised the loyalty of his city. Large swathes of history surrounding London's role in the interregnum period and during the Exclusion crisis were ignored before it was concluded that 'the City is thus Loyal to their Princes; but yet jealous of the Invasion of their Religion and Liberty'.[11] Although a good way of justifying London's actions towards the end of 1688, it is interesting that London was seen as a homogenous whole. As we have seen, however, even a so-called party, or faction within London, contained many people with different motivations and ideas. Tories in London were self-interested and desired stability, which benefited their economic and political interests. This was their greatest shared concern. This thesis has only been able briefly to look into the vast range of material available on this largely untouched period of history. It has challenged existing historiography surrounding the role of Tories and the crown in the prosecution of London's charter and questioned whether it is still useful to see the battle for control over London in terms of 'Whigs' against 'Tories'. It does not claim to be a definitive authority on this period but hopes to have provoked possible areas for future research and discussion on metropolitan

[10] Reresby, *Memoirs of Reresby*, p. 533.
[11] John Stow, *A survey of the cities of London and Westminster…by John Strype* (2 vols, 1720), I, 303.

'party' politics. This article has, however, described the atypicality of self-interested London Tories with their particular concerns over corporate rights and their position within the metropolis. By continuously questioning that which might appear straightforward, we continue in the spirit of L'Estrange to avoid the trap that would mean 'the Lies of this Age will be the History of the Next'.[12]

[12] *Observator*, II, 21 (25 Feb. 1684).

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