

**'The Gentry are sequestred all':  
A study of English Civil War sequestration.**

The Roundhead, and the Cavalier  
Have fought it out almost seven yeare,  
And yet (me thinks) they are never the neere,  
Oh God a mercy Parliament.

The Gentry are sequestred all,  
Our Wives you find at Goldsmiths Hall,  
For there they meet with the Divell and all,  
Still God a mercy Parliament.

The Parliament are grown to that heighth,  
They care not a pin what his Majesty saith,  
And they pay all their debts with the publique faith,  
Oh God a mercy Parliament.

...  
We must forsake our Father and Mother,  
And for the state, undoe our own brother,  
And never leave murthuring of one another,  
Oh God a mercy Parliament.<sup>1</sup>

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<sup>1</sup> Anonymous, *I thanke you twice, or, The city courting their owne ruine, Thank the Parliament twice, for their treble undoing* (1647); EEBO Thomason / 669.f.11[65\*], p. 1.

## Declaration of Authorship

I, Charlotte Louise Young, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed:

Date:

## Abstract

The policy of sequestration was implemented by Parliament during the English Civil War and Interregnum as a method of punishment and financial gain. It enabled them to legally confiscate the real and personal property of anyone supporting King Charles, as well as all Catholics, irrespective of whether they were actively involved in the war or not.

Sequestration was one of the most vital Parliamentary wartime policies, and yet it has been largely overlooked in the existing historiography. This thesis will undertake the first study of the implementation of sequestration at national and county level, and shed new light on an unexplored aspect of the infrastructure of English Civil war government. It will explore how the legislation governing the policy changed as the war progressed, and who the men involved in its administration were.

A new database of sequestration appellants compiled during this research is a groundbreaking resource for understanding how warfare affected far more people than just the soldiers, and it adds to our knowledge of how the contest between crown and parliament was fought away from the battlefields. The database has revealed the statistics of sequestration appeals for the first time, and has provided an absolute minimum number of 3,895 appellants, which is an invaluable start for assessing the scope and impact of the policy.

This research also highlights John Bradshaw's forgotten role as a legal adviser to the sequestration committee, and demonstrates that he was the single most important man in the policy's machinery during the 1640s. Although after the Restoration his reputation was thoroughly blackened as that of a ruthless and bloodthirsty traitor, his work for the committee presents an alternative character for him as a fair and honest lawyer who was trusted by both Parliament and the people.

## Contents

Acknowledgements .....	5
Abbreviations and Conventions .....	7
Introduction .....	8
Literature Review .....	12
Chapter 1 – The Timeline of Sequestration .....	28
The introduction of sequestration, 1642- 1644 .....	28
The First Civil War, 1645- 1646 .....	31
The Surrender of Charles I.....	49
Peace Negotiations between King and Parliament, 1646- 1647 .....	68
The Second Civil War, 1648 .....	72
The Republic .....	79
European Responses.....	80
Chapter 2 – The Central Committee and Sequestration Appeals Database .....	90
The Central Committee.....	91
Database Methodology .....	102
Analysis by Date .....	109
Analysis by Location.....	111
Scotland and Ireland.....	127
Analysis by Sex and Status / Occupation .....	127
Chapter 3: John Bradshaw’s Forgotten Role .....	145
Education and Training.....	146
Historiography.....	162
The Committee for Sequestrations’ Legal Advisers .....	168
Contemporary references to his role .....	171
He hath done very great Service to the Parliament .....	173
My Report is Annexed .....	182
Legal Advisers during the Interregnum .....	201
Chapter 4 – The County Sequestration Committees.....	205
Historiography.....	207
Committee Meetings .....	216
A Sequestration Raid .....	219
Interactions between the Central and County Committees.....	236
Chapter 5: A Case Study of Anthony Wither.....	254
Conclusion .....	271
Appendices A, B, C, D, E.....	274
Bibliography.....	287

For the Sequestration Appeals Database in Appendix F please see the attached CD.

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The second person I owe a debt of gratitude to is Dr Nick Barratt, not the least for taking a chance on an unknown 15 year old with a penchant for genealogy and offering her work experience, which spiralled into a proper job. On 15<sup>th</sup> January 2013 I forwarded him a list of the coursework questions which had been set for a module of my undergraduate degree, and which were all so uninspiring that I had no idea which to pick. He told me to go with question 4, which focussed on the experience of women during the Civil War, and recommended looking in the SP 20 files at the National Archives to explore how women survived after their family estates were sequestered. I'd never heard of sequestration before, and a quick search of published literature revealed that very little had been written on it. Down to the National Archives I went, and I ordered file SP 20/11 at random, without any idea what was going to be in it. This was one of the files of surviving petitions and case papers, and I was instantly hooked. I had to understand what had happened to these men and women, and thus my obsession with sequestration was born – and five years later it's still going strong.

Thanks are also due to Christine Robson, who has been a dear friend and constant source of encouragement ever since we started moving desks together in the second

year of university in 2012. I must also give her credit for solving the problem of how to structure this thesis. At a time when I couldn't see the wood for the trees, she summarised my whole argument in one sentence and at that moment I realised how the chapters connected with each other. She is about to begin studying for her own PhD, and I look forward to the day when I can call her Dr Robson.

The one person I could not have done this PhD without is my supervisor, Professor Justin Champion. We met for the first time on 8<sup>th</sup> October 2014, when I began my MA, and afterwards I wrote a Facebook status saying 'Very successful first meeting with my MA supervisor this afternoon – without doubt one of the nicest people I've ever met'. I stand by that, even though almost the first thing he said to me that day was 'I don't really know anything about sequestration'. Justin has given me the freedom to pursue whatever strand of research I want to, offering nothing but encouragement and advice. He's calmed me down when I've been on the verge of a complete emotional breakdown, offered me 3 months off, no questions asked, if I needed it, and completely understood when I said I'd rather keep going and stay busy. He always responds with enthusiasm and positivity, no matter what ideas I come up with. He's never tried to control my work or take credit for anything I've done. I don't know what my PhD experience would have been like without him, and I'm very glad I didn't have to find out. You really are a champion, Justin.

I must also give heartfelt thanks to TECHNE for seeing potential in my research and awarding me a Doctoral Training Partnership scholarship to fund my work.

Finally, to the head of year at my old high school who predicted I wouldn't get any GCSEs if my attendance didn't improve, I would like to say that I have had the last laugh.

## Abbreviations and Conventions

A Collection of the State Papers of John Thurloe	SPT
Calendars of State Papers, Venice	SPV
Journals of the House of Commons	HCJ
Journals of the House of Lords	HLJ
Bedfordshire Archives and Records Service	BARS
The British Library	BL
Cheshire Archives and Local Studies	CALS
Hertfordshire Archives and Local Studies	HALS
Lambeth Palace Library	LPL
London Metropolitan Archives	LMA
The National Archives	TNA

Contemporary abbreviations which appear in quotations from State Papers material have been expanded and modernised using square brackets for ease of reading.

The pagination in State Papers material held by the National Archives is not consistent. Some were paginated as individual pages, with each side of the sheet given a different number, and these appear in footnotes as ‘TNA SP X, p. x’. Others were paginated as folios, with numbers appearing only on the right hand, or recto, pages. The second, or left hand, side of those sheets are verso pages, and have the same page number. Folios are distinguished by the abbreviations ‘r’ and ‘v’; thus, foliated pages appear in footnotes as ‘TNA SP X, f. 1r’ or ‘TNA SP X, f. 1v’.

The analysis in this thesis uses the Julian calendar, with the new year beginning on 25<sup>th</sup> March. Consequently, the sources produced in 1649 before the central committee’s abolition have been absorbed into the figures for 1648 unless stated otherwise.

## Introduction

They have devour'd Church, Kingdome, King and Lawes:  
Of Sequestrations, foure score thousand, odde,  
And (if they could) they would Sequester God.  
All the Kings jewels, Scepter, and his Crowne,  
Lands and all goods which Kings have held their owne;  
All the Revenues they have swallowed clear,  
(Worth fifteen hundred thousand pounds a year)  
All Forrests, and Kings woods, all Churches lands,  
They 've grip'd into their Avaricious hands.<sup>1</sup>

Many assumptions have been made about English Civil War sequestration, both at the time by observers and victims, and more recently by scholars. Contemporaries blasted it as a 'damn'd' Parliamentary 'trick', and its officers were 'Trayterous men' from hell who sought to destroy the country.<sup>2</sup> Its Royalist victims were portrayed as martyrs suffering for the righteous cause of defending their monarch. The consensus in both 17<sup>th</sup> and 20<sup>th</sup> century literature is that it was an illegal policy administered by corrupt officials who handed out judgements arbitrarily. However, the important fact that no one has attempted to study the administration of the policy means there is no concrete evidence to support any of these claims.

This thesis will provide the first study of the implementation of sequestration in England during the 1640s, both at national and county level, and it relies on completely new research. It is first necessary to understand how the legislation governing the policy developed as the English Civil War progressed. Chapter 1 tracks these developments through the journals of the Houses of Parliament, and demonstrates how fears of Royalist insurrections, particularly in the City of London, affected the way delinquents were treated. The decreasing influence of the House of Lords is also apparent in this chapter; although they actively attempted to take control of compositions in particular, this only succeeded in further infuriating the Commons and making the latter more determined to be the policy's overseers. Chapter 1 will end with analysis of the correspondence between the Venetian secretaries of England and France with the Doge and Senate of Venice, which reveals

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<sup>1</sup> Anonymous, *A Flattering elege upon the death of King Charles the cleane contrary way* (1649); EEBO Wing / F1156, p. 5.

<sup>2</sup> Anonymous, *A Mad World My Masters* in Alexander Brome (Editor), *Rump, or, An exact collection of the choicest poems and songs relating to the late times by the most eminent wits from anno 1639 to anno 1661* (London: Henry Brome and Henry Marsh, 1662); EEBO Wing / B4851, p. 49; Anonymous, *Fratle Your Pleasure (Under the Rose)* (London: 1647); EEBO Wing (2<sup>nd</sup> ed.) / P3186, p. 1.



that the policy was regularly remarked upon, and that foreign governments were well aware of what was happening to Catholics and Royalists in England.

It is very difficult to estimate how many people were sequestered in the 1640s because only a small proportion of the records have survived. The documents created by Parliament's two main committees – the Committees for Sequestrations and Compounding – have survived and are preserved at the National Archives. However, the documents created by the county committees responsible for overseeing sequestration across the country have survived sporadically, and no collection of documents created by any single county committee is intact. These records would arguably have been the most important survivors because they would have contained the names of everyone who had been sequestered, whereas the records created by Parliament's committees only record the people with the connections and resources to launch a formal appeal.

The uncertainty surrounding the sequestration figures is reflected in the surviving literature. John Morrill and John Walter suggested that 'perhaps a quarter' of the gentry were sequestered during the English Civil War.<sup>3</sup> Felicity Heal and Clive Holmes set the number of landowners who were discharged from sequestration at 3,225, which raises the question of whether they included non-landowners in their study.<sup>4</sup> Certainly the figure of 'foure score thousand, odd' given in the poem opening this chapter is an exaggeration.

The most extensive and important piece of original research undertaken for this thesis was the creation of an appeals database by indexing the order books created by the Committee of Lords and Commons for Sequestrations, referred to in this thesis as the central committee. These books recorded the committee's transactions at each of their 394 recorded meetings between 27<sup>th</sup> March 1643 and 18<sup>th</sup> March 1648/9, as well as a summary of every petition they received and the orders they issued in response. The completed database provides a figure of 3,865 appellants who petitioned during the committee's six years of existence. Chapter 2 begins by exploring the meetings of the central committee during the war, and how the records it produced were stored. The discussion of the database begins with the

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<sup>3</sup> John Morrill and John Walter, 'Order and disorder in the English Revolution' in Richard Cust and Ann Hughes (Editors), *The English Civil War* (London: Arnold, 1997), pp. 310-339 (p. 325).

<sup>4</sup> Felicity Heal and Clive Holmes, *The Gentry in England and Wales, 1500-1700* (London: Macmillan, 1994), pp. 151-6; hereafter Heal and Holmes, *Gentry in England and Wales*.

methodology used to compile it, and then analyses the data by year, location, sex, status, and occupation. As stated above, this only captures the names of people with the resources to launch an appeal, but having the figure of 3,865 is a very useful starting point for assessing the extent of sequestration. If this database could be combined with the documents of the Committee for Compounding<sup>5</sup> it should be possible to fairly accurately calculate the total number of sequestrations which took place during the English Civil War, and what proportion of these are represented in the central committee's order books. One problem with this approach would be sequestered individuals who refused to compound for their estates. This was highlighted by Mary Anne Everett Green in the introduction to her final calendar of compounding papers;

Of the aristocracy, while a considerable number compounded, others ... submitted to the spoliation and sale of their estates rather than so far acknowledge the authority of Parliament as to compound for them, though by doing so they forfeited the whole excepting the fifth reserved to the families of delinquents.<sup>6</sup>

Green's implication, however, is that those who refused to compound will still be reflected in the sequestration papers through appeals for maintenance. Therefore, combining the datasets should provide a much more accurate figure of sequestrations than previous estimates have provided, but this must be a task for the future.

Chapter 2 also demonstrates that, far from being a policy which exclusively targeted the gentry, as claimed in the poem used in the title of this thesis, sequestration did not discriminate by class. Juxtaposed with the names of earls, dukes, knights, and ladies were clerks, innkeepers, students, drapers, apothecaries, grocers, and yeomen. The estates of landed gentry were worth more, but irrespective of gender or status, if the committees received information that someone supported the King by word or deed, he or she could be sequestered.

The remaining chapters of this thesis are underpinned by the content of the database, and indeed would not have been possible without it. Whereas Chapter 2 is very much focussed on what the database can tell us about the sequestered, Chapters 3 to

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<sup>5</sup> These documents can be found in TNA SP 23.

<sup>6</sup> Mary Anne Everett Green (Editor), *Calendar, Committee for Compounding: Part 5* (London: HM Stationery Office, 1892), p. xii.

5 explore the ways we can use the database to learn about the people doing the sequestering.

Chapter 3 introduces the concept of legal assistance. The members of the central committee had initially made all decisions concerning raids and discharges themselves, but after a steady stream of appeals against the policy were received through the spring and summer of 1643 they decided to reinforce their authority by introducing legal advisers. The process of sequestration was legally and morally dubious to say the least, so tapping into the pre-existing respected legal networks of London gave it a façade of legitimacy and allowed appellants the chance to have their cases analysed by experienced lawyers.

The most famous, or infamous, of the lawyers they hired was John Bradshaw, who has been remembered as a ruthless murderer due to his role as Lord President of Charles I's trial in January 1649. His role as the central committee's favourite, and almost exclusive, adviser from 1644 until January 1648/9 is a completely overlooked aspect of his career. Evidence from the order books demonstrates that Bradshaw was vital to the administration of sequestration during the English Civil War, and presents an alternative character for him as a fair and honest lawyer who was trusted by both Parliament and the people in the 1640s. If he had declined the role of Lord President of the Trial and instead continued in practice at Gray's Inn his name would likely have been lost to posterity, but he would have been considered a good man. It is time to stop denouncing him based on the events of January 1649, and instead explore the bigger picture of his career and the good he was able to do.

Chapter 4 explores the day-to-day business of running sequestration from the perspective of the county committees. Although a complete overview of all county committees which produced surviving documentation would be an invaluable resource, constraints of time and space have made it impossible here. However, the records created by the committees of London, Westminster, Bedfordshire, and Lathe of St Augustine – a sub-committee of the Kent county committee – have been interspersed in this chapter to demonstrate the similarities and differences in sequestration administration in different areas of the country.

The order books have also been used to track interactions between the central committee and various county committees across the country. These interactions have been split into four primary categories; case referrals, administration

instructions, complaints, and investigations. One of the most important conclusions to draw from this data is the fact that 52.6% of the appeals received by the central committee between 1643 and 1648/9 were immediately referred to either a county committee or a legal adviser in London for further information and analysis. This strongly argues against the assumption that the decisions reached by the committee were arbitrary and based on the whim of the officers.

The category of investigation is continued into Chapter 5, which explores the career of Anthony Wither. A former employee of the East India Company who had to leave his post in dubious circumstances after being threatened with prosecution in the Star Chamber, he obtained employment as a sequestrator working for the Westminster county committee in 1643. However, his penchant for selecting the highest quality pieces of sequestered furniture for his own home and use, rather than storing and selling them as instructed in Parliament's ordinance, meant that he soon found himself under investigation for corruption. Wither's case demonstrates that allegations levelled against sequestrators could be taken very seriously, and indeed were discussed at all levels of the administrative hierarchy; discussions took place at meetings of the county committee, central committee, and both Houses of Parliament.

## Literature Review

**Sequester Sequestrate (sequesto)** to separate a thing in controversie, from the possession of both those that contend for it ... In what sence it hath been of late years used, very many know by sad experience.<sup>7</sup>

The historiography of sequestration is lacking, and to date there has not been a comprehensive overview of how the policy was administered, or the number of people affected by it. By his own account, in the 1970s John Morrill was planning 'a study of the machinery of sequestration and composition', but 'then, quite suddenly, I went off it',<sup>8</sup> and no one subsequently adopted the idea. However, references to the sale of lands are common in texts from the first half of the 20<sup>th</sup> century, and more recent studies of the Civil War in general, or micro histories of specific families or parishes, often contain brief sequestration case studies. A review of the literature relating specifically to county committees can be found in Chapter 4.

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<sup>7</sup> Thomas Blount, *Glossographia or a Dictionary* (1656).

<sup>8</sup> John Morrill, *Revolt in the Provinces: The People of England and the Tragedies of War 1630-1648*, 2<sup>nd</sup> edn (UK: Addison Wesley Longman Ltd, 1999), pp. 12-3; hereafter Morrill, *Revolt*.

The concept of sequestration from land and property as a legal sanction did have a precedent in the English legislature, and indeed had been in use for a full half century before the Civil War broke out. Although the word sequestration itself does not appear, it is clear from the wording of the legislation that the objective was the same. The first reference can be identified in the 1593 Act Against Recusants, implemented by Elizabeth I. Catholics, described as ‘wicked and seditious persons’ with ‘most detestable and devilish purposes’, were ordered to return to within five miles of either their place of birth or their parents’ residence within forty days, or the crown would confiscate ‘all ... their goods and chattels, and ... all the lands, tenements, and hereditaments, and all the rents and annuities’ for the duration of their lives. Their movements would then be monitored by officials in their local parish.<sup>9</sup>

In 1604 James I passed the Act concerning Jesuits and Seminary Priests, which was aimed at the suppression of non-conformists. The act imposed a monthly fine of £20 upon all recusants who refused to convert to Protestantism, and refusal to pay resulted in the seizure of 2/3 of their lands.<sup>10</sup> Following the foiled Gunpowder Plot of 5<sup>th</sup> November 1605 the legislation against non-conformists, particularly Catholics, became much more stringent. The Penal Legislation of 1606, intended ‘for the better discovering and repressing of Popish Recusants’, once again threatened sequestration as a punishment for non-conformity. In addition to the monthly fine of £20, ‘the King shall and may by force of this Act refuse the same and take two parts of the lands, tenements, hereditaments, leases, and farms of such offender till the said party ... shall conform himself and come to church.’ In other words, those convicted of recusancy could not be secure of their lands until they conformed, even if they agreed to pay the fine. However, a concession was made allowing the recusant to retain ‘his chief mansion house as part of his third part’.<sup>11</sup>

It can be argued that the dissolution of the monasteries provided a recent precedent for the widespread organisation and administration of property confiscation. Indeed, comparisons between the two policies have been noted in print; Joan Thirsk stated that sequestration ‘brought about a redistribution in the ownership of land

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<sup>9</sup> Henry Gee and William John Hardy (Editors), *Documents Illustrative of English Church History* (New York: Macmillan, 1896), pp. 499-508.

<sup>10</sup> J. R. Tanner (Editor), *Constitutional Documents of the Reign of James I 1603-1625* (Cambridge: Cambridge University Press, 1960), pp. 83-85.

<sup>11</sup> *Ibid*, pp. 86-94.

comparable in scale with that achieved by the sales of dissolved monastic land a century earlier'.<sup>12</sup> Barry Coward similarly described the war years as 'the most serious crisis' landowners had faced in the 16<sup>th</sup> or 17<sup>th</sup> centuries.<sup>13</sup>

Geoffrey Moorhouse's study of the dissolution of the Benedictine Priory at Durham presents clear parallels between the two policies, with Moorhouse's description of 1536 eerily similar to that of the early 1640s; 'houses had been confiscated ... lands appropriated, anything portable removed from the premises, their occupants scattered abroad in what must have been a traumatic upheaval'.<sup>14</sup> The dissolution of the monasteries also has particular significance because church lands were often 'sold off to peers, courtiers, crown officials, industrialists and country gentlemen'<sup>15</sup>; in other words, to the forebears of families who would be targeted by sequestration in the 1640s. An example of this was Lady Margaret Wootton of St Augustine's Abbey in Canterbury. The building had initially been converted into a royal residence for Anne of Cleves, and brief visits were later made by Elizabeth I and Charles I. However, in 1612 the lease was given to Edward, Lord Wotton, and after his death in 1626 Lady Wotton retained possession of the property. The couple had made no secret of their Catholicism, and consequently Lady Wotton was sequestered on 27<sup>th</sup> May 1643.<sup>16</sup>

The immense financial problem of waging war in the 1640s made it necessary for Parliament to turn to methods of raising money which became increasingly arduous for the population. Michael J. Braddick has carried out extensive work on taxation, and demonstrated both its success in meeting the 'fiscal needs of national government' in the 17<sup>th</sup> century, and its limitations. He noted that the burden of taxation during the 1640s was 'ten times greater than that of the ship money levies', and that the money was collected at county level by constables and county committees; indeed, many of the local administrators on those committees would also have been involved in organising sequestrations.<sup>17</sup> The contribution of

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<sup>12</sup> Joan Thirsk, 'The Sales of Royalist Land during the Interregnum' in *The Economic History Review*, Vol 5, No 2 (1952), pp. 188-207 (p. 188); hereafter Thirsk, 'Sales of Royalist Land'.

<sup>13</sup> Barry Coward, *The Stanleys, Lord Stanley and Earls of Derby, 1385-1672* (Manchester: Manchester University Press, 1983), p. 63.

<sup>14</sup> Geoffrey Moorhouse, *The Last Office: 1539 and the Dissolution of a Monastery* (Weidenfeld & Nicolson, 2011) p. 136.

<sup>15</sup> Carolly Erickson, *Bloody Mary: The Life of Mary Tudor* (London: Robson Books, 1995) p. 174.

<sup>16</sup> Charlotte Young, 'Raiding the Palace: The sequestration of St Augustine's Abbey during the English Civil War' in *The Journal of Kent History*, No 87 (September 2018), pp. 14-17.

<sup>17</sup> Michael J. Braddick, *The nerves of state: Taxation and the financing of the English state, 1558-1714* (Manchester: Manchester University Press, 1996), pp. 96, 188, 190-1; hereafter Braddick, *Nerves of state*.

sequestration to the fiscal state has not been investigated to the same degree, although Sidney J. Madge estimated that the money raised by Parliament through both the sale of delinquents' estates and composition fines in the 1640s and 1650s was between £4.5 million and £6 million. He concluded that 'However much one may be disposed to criticize the Commonwealth government for its attitude in these matters ... there can be no reasonable doubt that the policy was a financial success'.<sup>18</sup>

Gerald Aylmer highlighted the sequestration committees as groups which 'remain obscure' in historiography. He noted that 'the system of penal taxation proper on active royalists became the business of the Compounding Committee', and that the 'confiscated estates of royalists who were not allowed to compound, or were unable to do so, came under the control of the Sequestration Committee'. The structure of these statements is curious because it seems to imply that the Committee for Compounding was principal, and that the sequestration committee only handled a portion of the business. However, as Chapter 1 will demonstrate, it was actually the other way round; you would not need to compound if you had not already been sequestered. Aylmer's focus was on the Interregnum rather than Civil War years, and he highlighted the central committee's abolition after the execution and the decreasing influence and reduction of sequestrators across the country, concluding that 'sequestration was a continuing, minor source of supply' during the 1650s.<sup>19</sup>

The administration and sale of Royalist lands has been an aspect of sequestration explored in some detail by historians. An early article written by H. Egerton Chesney in 1932 acknowledged that sales were instigated both by government bodies, presumably referring to the Committee for Sequestrations, as well as sequestered Royalists who could not afford to pay their fines and taxes. Through analysis of the Calendars of the Committee for Compounding he identified three categories of men who regularly purchased land in private transactions from delinquents; military officers, lawyers, and merchants. Sequestrators, members of Parliament and other public officials were grouped together in a 'miscellaneous category', and he stated that 'the official positions which some of these men held could hardly fail to lend suspicion to any purchases of delinquents' lands they might make'. The acquisition

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<sup>18</sup> Sidney J. Madge, *The Domesday of Crown Lands*, 2<sup>nd</sup> edn (London: Frank Cass and Co Ltd, 1968), pp. 71 and 75.

<sup>19</sup> Gerald Aylmer, *The State's Servants: The Civil Service of the English Republic 1649-1660* (London: Routledge & Kegan Paul, 1973) pp. 10, 15, 28, 77-8; hereafter Aylmer, *State's Servants*.

of delinquents' land through grants made by the House of Commons will be discussed further in Chapter 4.

A questionable statement made by Chesney was that 'every commissioner [sequestrator] without exception purchased some land for himself'. This is a generalisation which he could not possibly have supported through primary research. It is undoubtedly true that some sequestrators took advantage of their position to increase their own wealth – the case study of Anthony Wither in Chapter 5 demonstrates this – but it is incongruous to state that every single sequestrator without exception fell into that category. Chesney also alleged that 'Delinquents were allowed a fifth' part of their estates as maintenance,<sup>20</sup> when in fact the fifth part was supplied to the wives and children of delinquents. Whether they subsequently provided the money to their delinquent relatives anyway is not a matter to be speculated upon here.

Scholarship on sequestration was interrupted by the Second World War, and over a decade passed before the policy received any further attention. Joan Thirsk built on Chesney's work by addressing issues such as the purchase or acquisition of sequestered property by members of Parliament and wealthy London merchants, as well as by the wealthier Royalists or their friends in an attempt to prevent the total loss of their estates.<sup>21</sup> She also noted the enthusiasm of 'local people to gain possession of land in their own neighbourhood', and stated that the former tenants of delinquents in the south-east of England who could travel to London with relative ease took advantage of the opportunity to purchase the land they lived on.

However, the article also contains some statements which require clarifying. Thirsk stated that the functions of the Committee for Compounding were 'to carry out the sequestration of the property, administer it, and assess the fine to be paid by owners who chose to compound for it'. This claim was repeated in the work of Margaret James, who claimed that 'The management of sequestered estates was vested in the hands of the Commissioners for Compounding'.<sup>22</sup> During the years of the Civil War county committees carried out the sequestration and administration of estates, under the instructions of the Committee of Lords and Commons for Sequestrations. The

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<sup>20</sup> H. Egerton Chesney, 'The Transference of Lands in England, 1640-1660' in *Transactions of the Royal Historical Society*, Vol 15 (1932), pp. 181-210; Chesney previously submitted a PhD thesis entitled 'The Sequestration of Estates 1643-1660' at the University of Sheffield in 1928, but his bibliography indicates that he did not consult the surviving documents produced by the committees.

<sup>21</sup> Thirsk, 'Sales of Royalist Land', pp. 188-207.

<sup>22</sup> Margaret James, *Social problems and policy during the Puritan Revolution, 1640-1660* (London: Routledge & Kegan Paul, 1966), p. 81; hereafter James, *Social problems*.



Committee for Compounding with Delinquents was concerned with the discharge, not seizure, of property until 29<sup>th</sup> January 1649/50, when it absorbed the functions of the then-defunct Committee for Sequestrations.

Thirsk also stated that ‘the Royalist land sales did not take place until 1651’; a similar claim was again made by James, who stated that the 1643 ordinances concerned the sale of goods rather than landed property, and that confiscation of land did not take place until 1646.<sup>23</sup> However, an amendment to the first ordinance, passed on 18<sup>th</sup> August 1643, gave sequestrators ‘power to distrain, seize, carry away, and sell so much of the goods and estate of every such person’ within the scope of sequestration.<sup>24</sup>

Thirsk subsequently addressed the restoration of previously sequestered or sold land after 1660. This aspect of sequestration is outside the scope of this thesis, but Thirsk’s comments are summarised for reference. She noted the various discussions which took place in the House of Commons that year concerning compensation for purchasers of crown and church lands, but ‘not delinquents’ lands’. She stated that ‘Apart from establishing the principle that forfeited land should be restored to its former owners, they brought little comfort to private royalists’. The Commons believed that the sales of sequestered lands had been too widespread and complex to be easily undone, but Thirsk noted that many Royalists brought private law suits against purchasers and concluded that ‘there is no doubt that the majority of royalists successfully regained their land’.<sup>25</sup>

Thirsk’s work was continued in the 1960s by H. J. Habakkuk. In 1962 he pondered the question of how far the transfer of sequestered property in the Interregnum was to settle the debts the government owed to its creditors, and using treasurers’ accounts he concluded that ‘a very few purchasers of very small properties paid in cash’ but ‘that almost all the confiscated property was paid for in debentures, bills or doubled bills’.<sup>26</sup> He followed this three years later with another article, this time exploring the fate of landowners during the Civil War. He made a distinction between estates which were ‘sequestered’ and those which were confiscated, by

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<sup>23</sup> James, *Social problems*, p. 81.

<sup>24</sup> C. H. Firth and R. S. Rait (Editors), *Acts and Ordinances of the Interregnum, 1642-1660* (London: 1911), pp. 254-60; hereafter Firth and Rait, *Acts and Ordinances*.

<sup>25</sup> Joan Thirsk, ‘The Restoration Land Settlement’ in *The Journal of Modern History*, Vol 26, No 4 (December 1954), pp. 315-28.

<sup>26</sup> H. J. Habakkuk, ‘Public Finance and the Sale of Confiscated Property during the Interregnum’ in *The Economic History Review*, New Series, Vol 15, No 1 (1962), pp. 70-88.

which he meant crown or church lands. He argued that the vast majority of delinquents were able to pay their composition fines and regain their property, either through savings, loans, or mortgages, although he acknowledged that 'It is difficult to say how many royalists did in fact sell land as a result of their composition fines'. He believed that delinquents who were debt-free before the Civil War began were able to pay their fines without selling any land, and 'rode out the difficulties of the Interregnum with no obvious long-term effects'. Conversely, those who were in debt before 1642 were more likely to resort to the sale of part of their property in order to regain another part. He also noted that, even though the size of composition fines 'were a burden', they were comparable with the marriage portions settled upon gentry daughters at their marriages. He cited, amongst other examples, William Stafford, who had set aside £8,000 for his daughters and who was fined £2,440. Habakkuk concluded by saying that 'we might regard the fine as the equivalent of an extra daughter or so'.<sup>27</sup> However, finding the equivalent of dower for an additional daughter before the war was far less challenging because if a family's income was being sequestered by Parliament they would not be able to raise this money without selling land or borrowing heavily.

Christopher O'Riordan's work on the administration of sequestered estates during the Civil War and Interregnum demonstrated that the tenants who took over property from sequestrators 'often neglected them, and concentrated rather on exploiting them for quick gains' rather than endeavouring to maintain them. He highlighted the appropriation of timber for the use of the navy or as fuel for cities; sometimes the sale of timber was a response to an order from Parliament, but often on the initiative of the new tenants in an attempt to make money. Large estates were particularly vulnerable to exploitation of resources, but O'Riordan acknowledged that the full extent of this is not currently known. He also cited examples of tenants killing their landlords' deer to simultaneously rid themselves of a 'pest which often attacked ... crops' and provide themselves with a 'good store of venison'. O'Riordan concluded his article with the statement that 'Much more research needs to be carried out' on the topic of the management of sequestered estates.<sup>28</sup>

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<sup>27</sup> H. J. Habakkuk, 'Landowners and the Civil War' in *The Economic History Review*, New Series, Vol 18, No 1 (1965), pp. 130-51.

<sup>28</sup> Christopher O'Riordan, 'Popular Exploitation of Enemy Estates in the English Revolution' in *History*, Vol 78, No 253 (June 1993), pp. 183-200 (pp. 183, 185-6, 188-9, 191, 198).

The administration of land in the Interregnum was also investigated by Ian Ward, who focused on ‘the attempts made by the English peerage to improve rental income’. This was a direct consequence of the sequestrations they had faced during the 1640s. He noted that three options were available to landowners who had regained their property; ‘alienation by sale; alienation by mortgage; and improvement of rental return’. Sales were ‘only entered into with extreme reluctance’ but re-morgaging was ‘more popular’, although it largely depended upon the landowners’ ability to meet the regular repayments, hence the necessity of improving rental income. Ward’s assessment of four estates – those of the Marquis of Hertford, and Earls of Bridgwater, Dorset, and Northumberland – identified trends of implementing rack-rent and ‘widespread transfers from copyholds to leaseholds’, with the result that three of the four estates were able to improve their rental income by 20-25% during the 1650s.<sup>29</sup> Investigating the long-term effect of sequestration on large estates would be a rich area for further study, because it would demonstrate how the policy’s impact extended far longer than just the period when property was in the hands of sequestrators.

Melanie Harrington’s work on the sale of Royalist lands during the Interregnum noted that eight hundred families lost their land following three Acts of Parliament passed in July 1651, August 1652, and November 1652. Building upon a question posed by Joan Thirsk in 1952, Harrington emphasised the significance of studying the people who were buying sequestered land, rather than just the Royalists who were able to regain their property. Her study of the sale of the Earl of Derby’s lands revealed that his property was sold in pieces, rather than as complete estates; in Bury and Pilkington there were thirty-six transactions and thirty-four purchasers, of whom 58% were the Earl’s tenants. Similarly, in Cleveland ‘47 per cent of all purchasers’ were locals, and in turn over half of those purchasers had been the Earl’s tenants; some purchased land on their own, but she also cited the example of Roger Booth purchasing in partnership with shopkeeper and fellow tenant Thomas Ekersall. She also highlighted the Earl’s own attempt to enter into a partnership with his tenants in Lancashire, Cheshire, and Flintshire in 1651 to re-purchase his own land; his attempts were successful in Macclesfield, and seventeen tenants agreed to assist him in February 1651/2 on condition that their own leases would be improved. The purchase of land by the Earl’s tenants in Bury and Pilkington becomes

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<sup>29</sup> Ian Ward, ‘Rental Policy on the Estates of the English Peerage 1649-1660’ in *The Agricultural History Review*, Vol 40, No 1 (1992), pp. 23-37 (pp. 23-6, 35-6).

more significant when combined with the same tenants' signatures on a petition they submitted to Parliament in 1648, and in which they described Derby as 'the first and principal incendiary of war in this Countye'. The opportunity to buy the land was the latest development in ongoing tensions, and must be seen as a form of retribution. However, Harrington also stressed that acquisitions by tenants were also motivated by a desire 'to protect and secure' their property 'from a new outsider or absentee landlord'. The purchasing capabilities of 'those below the level of "established gentry" ... particularly yeomen farmers' has been greatly underestimated, and Harrington stressed that a greater study of tenant purchases across the country will provide a new interpretation of 'the wider social and economic impact of the Royalist land sales'.<sup>30</sup>

To date the literature concerning the sale of sequestered property has focussed on land, and the issue of moveable goods has not been the subject of a detailed study. When furniture and household items were removed from buildings by sequestrators they would be held in a secure location, and sold at a public auction within ten days. The sequestrators were supposed to keep records of who purchased items and how much for, because along with rental income, sales formed a large part of the revenues produced by sequestrations. Sale lists have survived in low numbers, but one survivor is an account book created by John Cogan, a Canterbury sequestrator who was responsible for selling the property of Lady Wotton and Lord Finch. In addition to recording the steps he took to maintain the two estates, his account listed all the sales of moveable goods between 1643 and 1646; some buyers were residents of Canterbury, but others lived elsewhere in Kent.<sup>31</sup> A case study of sequestration in Canterbury using Cogan's account book is planned, because it provides a unique glimpse into the impact of sequestration on a city, the tasks required of a sequestrator, and a new angle on the redistribution of moveable goods, particularly to those below gentry level.<sup>32</sup>

The scholarship of the second half of the 20<sup>th</sup> century was more widespread in its scope. Barry Coward briefly touched on sequestration, although it is clear from his footnotes that he relied almost entirely on the work of Thirsk and Habakkuk rather than original research. He concluded that 'Fines imposed on their enemies by both

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<sup>30</sup> Melanie Harrington, 'The earl of Derby and his tenants: sales of Royalist land during the Interregnum revisited' in *The Economic History Review*, Vol 64, No 4 (November 2011), pp. 1195-1217 (pp. 1195-6, 1203-4, 1206, 1209-12, 1214-5).

<sup>31</sup> TNA SP 28/217A, ff. 126r:v, 132r:v, 135v:137r, 144r:147r, 149r.

<sup>32</sup> This research will be carried out in early 2019 and the intended output is a published article.

sides in the Civil War were not usually ruinous', and that 'Many Royalist landowners who had their estates confiscated managed to regain them by buying their lands back or by getting friends and relatives to do this'.<sup>33</sup> Austin Woolrych presented a similarly succinct account, noting the pressure placed on families 'to declare themselves for one side or the other', and the threat posed by plundering soldiers or sequestration by either side.<sup>34</sup> John Morrill drew on his largely abandoned research to make several comments about sequestration. He described it as 'the most contentious and resented of all' Parliamentary policies, and noted that the administration was split between central and county committees. He also offered a succinct, but accurate, summary of how an appeal against sequestration took place, noting the various levels of committee hierarchy involved.<sup>35</sup>

Felicity Heal and Clive Holmes continued the earlier trend of exploring the financial consequences of sequestration. They noted the policy's origins in 1643, but stated that the process of composition was introduced in 1646. The earliest composition cases began in October 1643, although the policy would not enter the legislature until the following year. They noted that 3,225 landowners were listed in composition figures, and that approximately seven hundred Royalists did not conform or compound.<sup>36</sup> Margaret James had previously presented a much lower figure of 1,677, although she described it as 'the names of Royalists whose estates were confiscated',<sup>37</sup> so it is possible she had not counted Catholics or non-combatant delinquents.

I. M. Green studied the persecution of scandalous and malignant clergy during the Civil War, and used John Walker's archive to assess whether the charges which led to clerical sequestrations were justified.<sup>38</sup> This work was later expanded upon by Fiona McCall, who demonstrated that the families of ejected clergy never forgot the experiences they went through in the 1640s and 1650s. Her work was "primarily intended as a social history' with 'little here on central policy initiatives', thus differentiating it from the main purpose of this thesis. She highlighted that 'what the clergy suffered in plundering, imprisonment and personal loss were in many ways

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<sup>33</sup> Barry Coward, *Social Change and Continuity in Early Modern England, 1550-1750* (London: Longman, 1988), p. 46.

<sup>34</sup> Austin Woolrych, *Britain in Revolution 1625-1660* (Oxford: Oxford University Press, 2002), p. 247.

<sup>35</sup> Morrill, *Revolt*, pp. 81, 85-6, 91-2.

<sup>36</sup> Heal and Holmes, *Gentry in England and Wales*, pp. 151-6.

<sup>37</sup> James, *Social problems*, p. 85.

<sup>38</sup> I. M. Green, 'The Persecution of 'Scandalous' and 'Malignant' Parish Clergy during the English Civil War' in *The English Historical Review*, Vol 94, No 372 (July 1979), pp. 507-31.

typical of the experiences of many ordinary people,' and concluded that although 'the sequestered clergy were not innocent victims,' neither were they 'die-hard Laudians, but often merely orthodox conformists, reluctant to embrace the radical religious change then advocated.'<sup>39</sup>

There are also publications which have addressed the sequestration of specific families. Miriam Slater, in her investigation into the family life of the Verneys of Claydon House, noted that Sir Ralph Verney was sequestered, but that he was able to rely on the assistance of his uncle, Dr William Denton. She described how Denton had 'used his influence to make the proper contacts with members of the committee which was to hear Sir Ralph's petition, and he bribed those members who could be bought'. Denton also 'persuaded his wife to undertake the expense and trouble of frequent, sumptuous dinners, to which members of the Parliament were invited'.<sup>40</sup> Christopher Durston likewise noted that 'supporters of Parliament could be of particular assistance to their Royalist relatives in helping to protect their estates from sequestration, or if their lands were confiscated, in assisting their attempts to compound for them'. He cited numerous examples of this, including Colonel Edward Harley helping Viscount Tracy.<sup>41</sup> Another example of this was the assistance given by the Earl of Manchester to Lady Capell, the wife of his cousin Arthur, 1<sup>st</sup> Baron Capell.<sup>42</sup> Ralph A. Houllbrooke did not refer to any specific sequestered families, but he did observe the strain placed on family life by the Civil War and the increased involvement of women. He noted that 'husbands' enforced absences often placed the burden of estate management in their wives' hands for longer than usual', and that the 'wives of royalists in prison or exile often came to London to sue for the lifting of sequestrations and the arrangement of terms of composition'.<sup>43</sup>

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<sup>39</sup> Fiona McCall, *Baal's Priests: The Loyalist Clergy and the English Revolution* (Great Britain: Ashgate, 2013), pp. 13, 265-7; hereafter McCall, *Baal's Priests*, and Fiona McCall, 'Children of Baal: Clergy Families and Their Memories of Sequestration during the English Civil War' in *Huntington Library Quarterly*, Vol 76, No 4 (Winter 2013), pp. 617-38.

<sup>40</sup> Miriam Slater, *Family Life in the Seventeenth Century: The Verneys of Claydon House* (London: Routledge & Kegan Paul, 1984), pp. 49-50.

<sup>41</sup> Christopher Durston, *The Family in the English Revolution* (Oxford: Basil Blackwell, 1989), pp. 50-1; hereafter Durston, *English Revolution*.

<sup>42</sup> Charlotte Young, *'His Lands as well as Goods / Sequestred ought to be': An Investigation into the Introduction and Implementation of Sequestration, 1642-1644* (unpublished MA by Research thesis, 2015); hereafter referred to as Young, *Implementation of Sequestration*.

<sup>43</sup> Ralph A. Houllbrooke, *The English Family 1450-1700*, 10<sup>th</sup> edn (London: Longman, 1999), p. 107; for a study of Royalists in exile see Geoffrey Smith, *The Cavaliers in Exile 1640-1660* (Great Britain: Palgrave Macmillan, 2003).

A less reliable summary of sequestration was provided by Joyce Lee Malcolm, and many of her statements can be refuted by examining the ordinances.<sup>44</sup> She correctly noted that sequestration was a policy implemented by both sides, and that the first Parliamentary ordinance was passed in March 1643. However, she claimed that Royalist sequestration had a ‘more comprehensive definition of a rebel’, and that Parliament only sequestered ‘those guilty of actively and voluntarily aiding the King and all Roman Catholics’. She cited directions given to Charles I’s Oxfordshire sequestrators, which defined a rebel as anyone who had supported Parliament financially or through work, such as tax-collecting, as well as any tenants who refused to pay their rent to Royalist landlords, or who had fled to Parliament-held towns. She also argued that Royalist sequestration would confiscate an entire estate, and then sell all of the goods, whereas ‘in general’ Parliamentary sequestration could easily be cancelled through composition.

The definition of a delinquent in the 27<sup>th</sup> March 1643 ordinance of Parliament was extremely broad and encompassed many different groups, and it was certainly not restricted to just anyone aiding the King. In addition to Catholics,<sup>45</sup> the initial ordinance targeted Bishops, Deans, Deans and Chapters, Prebends, Archdeacons, all other Royalist clergy, in addition to secular Royalists who had or would raise arms against Parliament, those who willingly contributed money, horses, ammunition or other goods to support the Royalist cause, those who oversaw the Royalist sequestration of Parliamentary supporters or imposed taxes upon the same, and anyone who had taken an oath or act of association against Parliament.<sup>46</sup> The August 1643 ordinance extended the definition of delinquent and threat of sequestration to all who voluntarily left their homes or places of work to join the King’s army, all Royalists who refused to submit to Parliament within ten days, all who had tried to conceal their money, goods or estates from the sequestrators, all who refused to pay their taxes,<sup>47</sup> all who tried to ‘convey themselves away’ in order to avoid taxes, anyone who had willingly concealed delinquents, Jesuits, and Catholic priests in their homes since 29<sup>th</sup> November 1642 or would do so in future, anyone involved in Edmund Waller’s plot, anyone who ‘shall sue or molest’ those who had submitted to

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<sup>44</sup> Joyce Lee Malcolm, *Caesar’s Due: Loyalty and King Charles, 1642-1646* (London: Royal Historical Society, 1983), pp. 186-7.

<sup>45</sup> See T. S. Smith, ‘The Persecution of Staffordshire Roman Catholic Recusants: 1625-1660’ in *The Journal of Ecclesiastical History*, Vol 30, No 3 (July 1979), pp. 327-351.

<sup>46</sup> Firth and Rait, *Acts and Ordinances*, pp. 106-117.

<sup>47</sup> See William Epstein, ‘The Committee for Examinations and Parliamentary Justice, 1642-1647’ in *The Journal of Legal History*, Vol 7, No 1 (1986), pp. 3-22; hereafter Epstein, ‘Committee for Examinations’.

Parliament or anyone working on behalf of Parliament, everyone who had been convicted of recusancy, anyone who had attended Mass since 26<sup>th</sup> March 1642 or who would attend in future, anyone with children or grandchildren living with them who were being raised as Catholics, and finally, anyone over the age of twenty-one who refused to take the Oath of Abjuration.<sup>48</sup> A further ordinance of 18<sup>th</sup> October 1648, passed after the arrest of Charles I, again extended the definition to anyone actively involved in the Second Civil War, anyone involved in the Earl of Holland's rebellion or disturbances in Kent, Surrey, Essex and Sussex, anyone who had committed unauthorised plunder of property, and anyone who had attempted to persuade others 'to send in any aid or assistance' to the Royalist forces.<sup>49</sup>

In addition to these categories introduced through ordinances, the House of Commons also took advantage of punishing individuals as delinquents in the case of particular transgressions. Mr Volchier was convicted of delinquency after delivering 'some seditious Passages ... derogatory and scandalous to the Honour and Proceedings of Parliament' in a sermon at Lincoln's Inn in September 1645. George Wither, the author of a supposedly seditious pamphlet which attacked an MP, was convicted of delinquency in April 1646. William Day, a bailiff working for the Sheriff of Middlesex, was arrested as a delinquent after he deliberately arrested an MP's servant in September 1646. William Browne was arrested and sent to Newgate Prison in May 1647 as a delinquent after speaking words unfit 'to be given at the Door of the Parliament House'.<sup>50</sup> Based on this evidence, Malcolm's argument that Royalist sequestration contained 'a broader category of "delinquent"' is completely unsupported. As the war progressed sequestration became a method for Parliament to punish anyone not actively supporting them, rather than for anyone who was actively supporting their enemies.

Malcolm's second claim that 'The King was much harsher than Parliament in the percentage of a delinquent's estate to be forfeit' because "'rebels" sequestered by the Crown could lose everything' can also be refuted. It is certainly true that the Royalist sequestration policy did not introduce a provision of maintenance for the wives and children of sequestered Parliamentarians, so from that angle the Royalist policy was harsher and its Parliamentary counterpart more compassionate. Parliamentarians

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<sup>48</sup> Firth and Rait, *Acts and Ordinances*, pp. 254-60.

<sup>49</sup> *Ibid*, pp. 1222-1223.

<sup>50</sup> HCJ, Vol 4, 29<sup>th</sup> September 1645, p. 293; 10<sup>th</sup> April 1646, p. 505; 11<sup>th</sup> September 1646, p. 666; Vol 5, 20<sup>th</sup> May 1647, pp. 179-180.



also had the advantage of being able to ask the House of Commons for reparation, and this is explored in Chapter 4. However, in terms of geographical reach, the number of cases enforced, the money raised, and the lives disrupted, the Parliamentary policy was far harsher and more extensive. The Royalist campaign did not have the infrastructure or administrative power to enforce sequestrations, and any property seized by them can largely be categorised as revenge confiscations or plunder.

Although David Zaret's work on petitioning was largely focussed on collective petitions submitted to Parliament by groups of people, the broader theme of the public nature of petitioning can also be applied to individual sequestration petitioning. Zaret noted the importance of petitions as sources for studying issues including class conflict, divisions between central and local government, military developments, nonconformity, rhetoric, and female petitioners. Petitions 'increased the scope of political communication', and he described the 1640s as a turning point when political petitions became 'public documents' and propaganda through the use of the printing press. It was very uncommon for sequestration petitions to reach print; rare examples are the two documents written by Thomas Coningsby in 1647 and 1648 during his incarceration in the Tower of London.<sup>51</sup> The petitions largely remained private documents, yet there was a public element to them. Zaret stated that petitions were 'read aloud and discussed' in 'public places ... churches, inns, and taverns'. The most time-efficient way for the central committee to debate as many petitions in a day as possible would have been for each one to be read aloud, rather than passing them round so each member could read it for himself. As demonstrated in Chapter 2, the committee's meetings took place in the Painted Chamber, which was a public space within the Palace of Westminster. Discussions about sequestration cases could be overheard by anyone lingering nearby, meaning that private information about families' circumstances could have reached more ears than just those of the intended recipients. Similarly, the meeting places of county committees, often inns, were also public spaces with the potential for discussions to be overheard. Thus, although they were rarely published, the content of the sequestration petitions did have the potential to become public knowledge.<sup>52</sup>

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<sup>51</sup> See EEBO Wing (2<sup>nd</sup> ed., 1994) / C5879 and EEBO Wing / C5878A.

<sup>52</sup> David Zaret, *Origins of Democratic Culture: Printing, Petitions, and the Public Sphere in Early-Modern England* (USA: Princeton University Press, 2000), pp. 217-19, 221, 226, 240.

More recent work includes the PhD theses of Eilish Gregory and Hannah Worthen, which were both submitted in 2017. Gregory focussed on the sequestration and composition of Catholics during the Civil War. She concluded that Catholics were not the primary targets of the policy, and that they were able to remain integrated and active members of society during the period.<sup>53</sup>

Worthen's focus was on petitions for relief submitted by Royalist war widows between 1642 and 1660. She noted that there were two peaks in the numbers of petitions submitted by widows; the first in 1646, corresponding with the widespread surrender of Royalists at the end of the first Civil War, and the second in 1651, after Parliament's administrative overhaul following the establishment of the Republic. This peak of widows' petitions in 1646 is consistent with the peak of new sequestration appeals in the same year, which is explored in Chapter 2. Worthen also observed that 'many of the widows displayed an impressive knowledge of their entitlement, in particular with regard to the processes of sequestration and of the law'.<sup>54</sup> Knowledge of, and access to, legal advisers will be explored further in Chapter 3.

The existing scholarship on sequestration has greatly contributed to our knowledge of property confiscations during the Civil War and Interregnum, but an administrative overview of the policy has so far been omitted. To fully understand the policy's significance we must first understand how it was created and implemented. Chapter 1 will utilise the journals of the Houses of Parliament to trace the policy's development, from its creation through to its dissolution. It will also demonstrate that the policy was one which divided, rather than united, the Houses, and investigate how the negotiations between King and Parliament during the course of the war affected, and were affected by, sequestration.

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<sup>53</sup> Private conversation with Eilish Gregory.

<sup>54</sup> Hannah Worthen, 'Supplicants and Guardians: the petitions of Royalist widows during the Civil Wars and Interregnum, 1642-1660' in *Women's History Review* (March 2016), pp. 528-40.

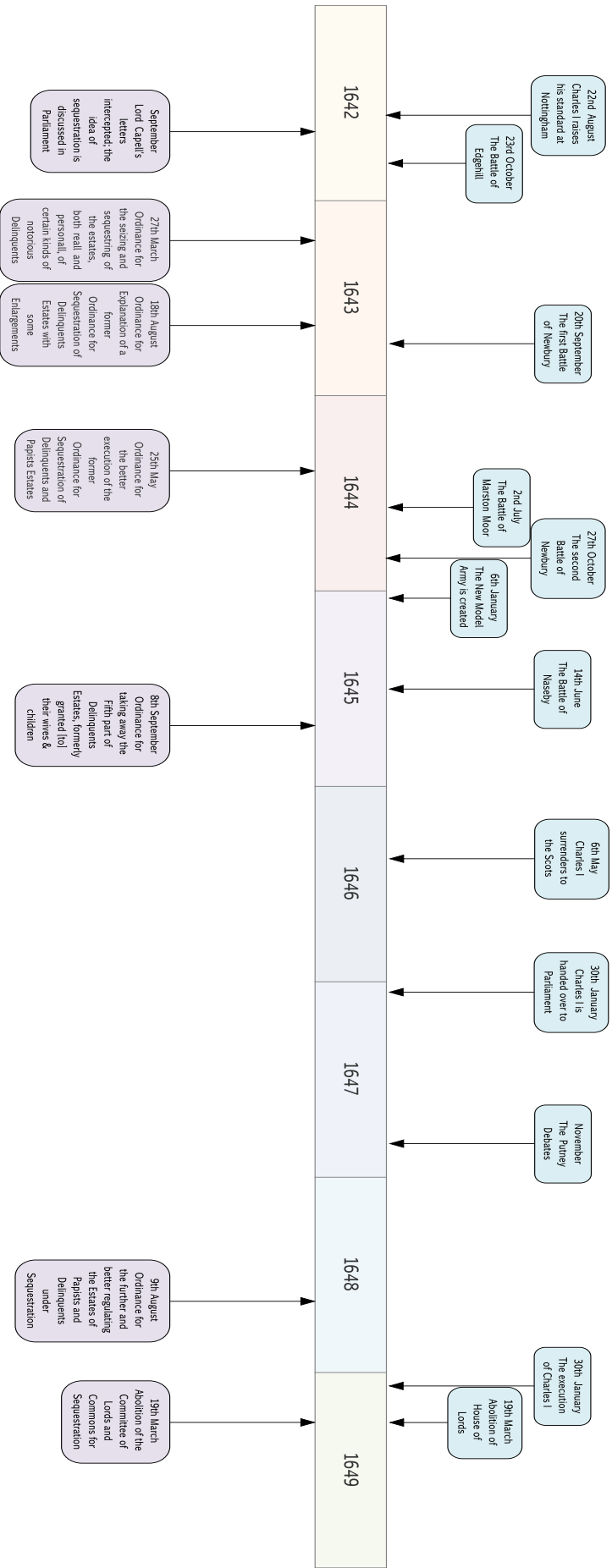


Figure 1.1: English Civil War and sequestration legislation timeline

## Chapter 1 – The Timeline of Sequestration

### The introduction of sequestration, 1642-1644<sup>1</sup>

In the spring of 1642 the House of Lords expressed concern that,

... when Delinquents are sent for by the Parliament, we find that, through the ill Counsels that are now about the King, they are commanded, upon their Allegiance, not to appear, which the Lords conceive so far to tend to the Overthrow of the Public Justice of the Kingdom, that they desire a Committee of both Houses may be appointed, to consider of a Course to bring such Delinquents to deserved Punishment, in such Manner as may best agree with Public Justice, and will be best for the Conservation of the Peace of the Kingdom.<sup>2</sup>

The precise method of punishing delinquents was not decided until September 1642, following the interception of a letter written by Arthur Capell, 1<sup>st</sup> Baron Capell of Hadham. He had demonstrated his unerring allegiance to the King by joining him in York in May 1642, and was subsequently impeached by the two Houses. On 13<sup>th</sup> September Capell wrote a letter to his stewards, Theophilus Hide and Thomas Lade, instructing them to send the profits of his estates to the Marquis of Hertford so the money could be used to support the King's military campaign.<sup>3</sup> Capell employed William Bushell to carry the letter to his stewards, but it was not destined to reach its intended recipients. Bushell was captured on the Forst Way and interrogated at Oaksey by Sir Neville Poole on 17<sup>th</sup> September. Poole forwarded the letters to William Lenthall, the Speaker of the Commons, and Lenthall shared them with both Houses of Parliament. The House of Lords introduced the idea of sequestration by ordering a meeting with the Commons 'to consider of some Course for the sequestering of the whole Estate of the Lord Capell, that so the Rents may not be employed against the Parliament'.<sup>4</sup>

Discussion quickly turned to the possibility of securing all delinquents' estates, because Parliament recognised that Capell would not be the only royalist willing to provide the King with financial or material assistance. Michael J. Braddick has stated that the 'record of the English state in harnessing material resources improved dramatically in the 1640s',<sup>5</sup> and although this comment was made in the context of

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<sup>1</sup> Young, *Implementation of Sequestration*.

<sup>2</sup> HLJ, Vol 5, 19<sup>th</sup> May 1642, p. 75.

<sup>3</sup> TNA SP 16/492, f. 51r.

<sup>4</sup> HLJ, Vol 5, 22<sup>nd</sup> September 1642, pp. 367-8.

<sup>5</sup> Braddick, *Nerves of state*, p. 195.

taxation, it is equally true about sequestration. As soon as Parliament recognised the existence of this new potential resource they began to investigate how to exploit it. On 24<sup>th</sup> September the Commons concluded that,

Whereas this Kingdom and Commonwealth hath been put to a great and vast Charge, by Delinquents, and an ill-affected party; which, if it be not discharged by them and their Estates, must necessarily lie as a Burthen upon the good subjects that have no way deserved it; it is therefore thought fit, and Ordered, by the Commons, assembled in Parliament, That the Houses, and Parks of Delinquents, or ill-affected Persons, shall not be plundered, pulled down or destroyed; but reserved for the Benefit and Advantage of the Commonwealth; they being now considered rather as the Houses of the Commonwealth, than of the Delinquents; and accordingly to be preserved, as they may yield most Profit and Advantage unto it.<sup>6</sup>

Since no administrative infrastructure existed, a committee of ten men was established to ‘consider of some Way’ to implement it.<sup>7</sup> What followed was six months’ work and debates in both Houses, and membership of the committee grew to thirty-nine. Eventually, on 27<sup>th</sup> March 1643 the first sequestration ordinance was introduced into the legislature.

The ‘mischievous and restlesse designes of Papists and illaffected persons ... so prevalent with His Majesty’ were blamed for the ‘heavy pressures and calamities which now lye upon this Kingdom’. Consequently, it was ‘most agreeable to common Justice, that the estates of such notorious Delinquents, as have been the causers or instruments of the publicke calamities, which have been hitherto employed to the formenting and nourishing of these miserable Distractions, should be converted and applyed towards the supportation of the great charges of the Common-wealth’. In addition to all Catholics, the sequestration ordinance targeted anyone, ecclesiastical or secular, who was known to be supporting the Royalist cause in either word or deed. County committees and teams of sequestrators were appointed across the country to ‘take and seize into their hands and custodies ... all the Money, Goods, Chattels, Debts, and personal Estate, ... Mannors, Lands, Tenements, and Hereditaments, Rents, Arrerages of Rents, Revenues, and profits of all and every the said Delinquents’. Chapters 4 and 5 play closer attention to how the committees functioned day to day, and how efficient their staff were.

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<sup>6</sup> HCJ, Vol 2, 24<sup>th</sup> September 1642, pp. 780-1.

<sup>7</sup> Sir Oliver St John, Harbottle Grimston, John Wilde, John Glynne, Mr Ellis, Mr Marten, Sir John Wray, Mr Wheeler, Sir Robert Harley, and Mr Corbett; HCJ, Vol 2, 27<sup>th</sup> September 1642, p. 785.

Petitioning against sequestration developed as an organic process. The 27<sup>th</sup> March ordinance did not provide any information about how to appeal, or who to. The three earliest recorded appeals were heard by the central committee on 2<sup>nd</sup> April 1643, with one more on 12<sup>th</sup> April, but from 1<sup>st</sup> May onwards the committee meetings became dominated by discussing the petitions they received.

The first piece of legislation was followed by an amendment on 18<sup>th</sup> August, which introduced a provision of maintenance for the wives and children of sequestered delinquents. They were entitled to 1/5 of the annual value of their sequestered property, and this portion could take the form of either money or a proportional amount of sequestered goods. The assumption in this ordinance was that delinquents were mainly men, and their dependents were women and children. Although not explicitly stated, if a woman was sequestered as a delinquent in her own right she would not be entitled to claim maintenance, but her children would.

There are two anomalous entries in the central committee's order books of husbands protesting against a sequestration which had taken place due to the delinquency of their wives. On 19<sup>th</sup> January 1643/4 the committee debated the case of Mrs Fontaine also Le Feanor, who had been sequestered in Westminster. The committee was 'of opinion, That the husbands goods are not sequestrable for the wives delinquency'.<sup>8</sup> Six months later, on 24<sup>th</sup> July, Cromer Steede of Steede Hill in Kent appealed to the committee after his estate was sequestered through the delinquency of his wife, Lady Cecilia Swan.<sup>9</sup> The committee likewise concluded that 'the husbands estate is not sequestrable for the wives offences he beinge not to it'.<sup>10</sup> Their contrasting allegiances did not create any obvious resentment between the couple, because in his 1652 will Steede made multiple references to his 'deare and well beloved wife Dame Cicely'.<sup>11</sup> This is a glaring double-standard. If property was sequestered due to the delinquency of a man, his wife and children would only be entitled to 1/5 of it, and would be forced to enter into complex negotiations with county committees and Parliament in order to reclaim it. If property was sequestered due to the delinquency of a woman, her husband would not be punished in any way and the estate would be fully discharged.

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<sup>8</sup> TNA SP 20/1, p. 179.

<sup>9</sup> Parish register of St Nicholas of Myra, Kent, transcribed through [www.findmypast.co.uk](http://www.findmypast.co.uk).

<sup>10</sup> TNA SP 20/1, p. 337.

<sup>11</sup> TNA PROB 11/222, f. 321v.

## The First Civil War, 1645-1646

The new year of 1645 opened with minor discord between the two Houses of Parliament based on a rumour that the Commons were planning to overthrow the peerage of England. This naturally caused great agitation amongst the Lords, and the ‘Conference for preserving a good Correspondency’ was hastily called to restore harmony. The representatives from the Commons denounced the rumour as ‘a malicious Scandal spread abroad’ and assured the Lords that they ‘do detest and abhor’ it, adding that ‘it hath been the Endeavour of the Enemy ... to sow Divisions and Jealousies betwixt both Houses’. They also provided a draft Declaration to preserve the Privilege of the Peers which promised that the peerage would continue, and that the rights and privileges of the Lords would not be undermined.<sup>12</sup> Nine days later the Lords sent their own message of reconciliation to the Commons, stating that ‘they could never suspect, that the House of Commons, composed of so many Gentlemen of ancient Families, would do any Act to prejudice the Nobility of England’. They also promised ‘cheerfully to join with you in hazarding their Lands and Fortunes for the carrying on of this common Cause, wherein both Houses, and the whole Kingdom, are now so deeply engaged’.<sup>13</sup> The Lords deliberately referred to the threat members of both Houses faced from the Royalist sequestration policy as one of the reasons unity was of such vital importance, immediately demonstrating that the King’s policy was still being enforced. It is also incredibly ironic that both Houses swore not to ‘prejudice the Nobility of England’, and yet had no hesitation in imposing the harshest penalties of sequestration on all of Charles I’s noble supporters. At this point Parliament was the greatest danger to the nobility.<sup>14</sup>

In spite of the tension between the two Houses they were still able to cooperate in passing new sequestration legislation, although it was on a local rather than national scale – the latter would be a contentious issue for the rest of the year. By 1645 the majority of money raised by sequestration was going towards the maintenance of the army; indeed, Ian Gentles has calculated that £680,396 raised through composition fines went to the army from 1645 to 1651, in addition to over £5 million raised through taxation.<sup>15</sup> However, as the war progressed the sums being

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<sup>12</sup> HLJ, Vol 7, 25<sup>th</sup> March 1645, p. 287.

<sup>13</sup> HCJ, Vol 4, 4<sup>th</sup> April 1645, p. 100.

<sup>14</sup> Greater detail about the tensions between the two Houses at this time can be found in C. H. Firth, *The House of Lords during the Civil War* (London: Longmans, Green and Co, 1910); hereafter Firth, *House of Lords*.

<sup>15</sup> Ian Gentles, *The New Model Army in England, Ireland and Scotland, 1645-1653* (Oxford: Blackwell, 1992), p. 28.

transferred needed to be increased.<sup>16</sup> With that in mind, on 3<sup>rd</sup> April the Lords passed an ‘Ordinance for raising Monies in the County of Lincoln’, which imposed an additional tax upon the residents of Lincolnshire to support the armies stationed there. In an underhand attempt to gather larger sums of money all at once it was backdated to 1<sup>st</sup> January 1644/5, and was due to end on 1<sup>st</sup> July 1645. Anyone who refused to pay would face a fine of twice the amount they owed, the distraintment of property to the value owed, or the sequestration of their estates until the full sum had been collected. Two days later another ordinance was passed in attempt to raise money for the military, this time targeting the estates of delinquents in Hampshire; ‘One Thousand Pounds Worth of Wood and Trees shall be cut down, for the fortifying of Christ Church within the said County, and paying the Soldiers now in Garrison there’.<sup>17</sup> Oak, ash and elm trees were exempt.

These two local ordinances were swiftly followed by discussions concerning composition, which was another potential source of income. Composition allowed delinquents to petition to Parliament for the discharge of their estates. If the petitions were granted a fine would be set based on the individual’s annual income, and upon payment of usually one half, with a guarantee to pay the second half promptly, sequestration would be ended. It had been introduced in October 1643, but it was not until September 1644 that the Commons journals began recording the verdicts in individual sequestration cases; this suggests that the policy was not extensively available to individuals until this point. The inaugural issue of the *Weekly Post-Master*, which promised to ‘communicate unto you the great and weighty consultations of the Parliament’, contained this account of composition;

Information being given that there [are] many Delinquents who from their hearts doe desire to submit unto the Parliament, It was this day [8<sup>th</sup> April] ordered that an Ordinance should be made to inable the Committees of severall Counties to compound with Delinquents for their Sequestrations and delinquencies, provided that their reall Estates exceed not above one hundred and ten pound by the yeer in Land, or Leases, or their personall Estates not above five hundred pound in money. All Papists and scandalous Ministers are to be cleerly exempted from the benefit of this Ordinance; And those Delinquents whose Estates in Land exceed not above tenne pound by the

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<sup>16</sup> The use of sequestration money to supply the army should have a monograph devoted to it in its own right, but very little attention can be paid to it here due to lack of space. It is an extremely important topic, however, and sequestration offers a new perspective on how the practical side of continuing warfare impacted politics and government both at national and local level. The correspondence between Sir Samuel Luke and the members of the Bedfordshire county committee, originally included in a chapter which had to be omitted due to lack of space, perfectly illustrates this challenge and demonstrates how the tensions surrounding the need to supply the army played out at local level.

<sup>17</sup> HLJ, Vol 7, 3<sup>rd</sup> April 1645, pp. 302-3; 5<sup>th</sup> April 1645, pp. 308-9.



yeere, or whose personall Estates amount not in money to above two hundred pound, shall upon their submission to the Parliament, be freed from the burden of their Delinquency.<sup>18</sup>

This passage is intriguing; it reveals that composition was supposedly barred to all Catholics and sequestered ministers, and that in fact the only delinquents able to compound were those whose annual income fell within a set limit.

Matching references to this piece of news can be found in the House of Commons journal, and it was the first major piece of sequestration legislation debated in 1645. On 7<sup>th</sup> April it was noted that ‘To-morrow Morning, the first Business, the Ordinances for discharging Sequestrations upon Compositions be read; and that no other business intervene’. The journal entry for the following day provides clearer information about the conditions of composition than the *Weekly’s* brief article. The Commons recommended that an Ordinance be passed to enable the county committees in England, Wales and specifically the town of Berwick to ‘compound with all Protestant Delinquents’; although Parliament did not explicitly exclude Catholics the implication is clear. To be eligible for composition the delinquent had to receive less than £100 per annum in ‘Land, Leases, or Revenue’, or own goods valued at less than £500. The final sentence in the paragraph is particularly significant; ‘all such Protestant Delinquents, as have not above Ten Pounds in Lands, and Two hundred Pounds in Goods, shall be discharged’.<sup>19</sup> This seems to imply that, although a wider range of delinquents were entitled to apply for composition, in reality only the poorer would be discharged because the larger estates had higher financial significance for Parliament.

This ordinance was not discussed in the House of Lords in early April, and unsurprisingly does not appear to have ever been passed at all.<sup>20</sup> This was not the only ordinance to suffer this fate; on the 25<sup>th</sup> the Commons ordered that the ‘Ordinance for better Bringing in of Sequestrations’ and the ‘Ordinance for Sale of Delinquents Lands’ be taken into consideration the following day.<sup>21</sup> There is no evidence that either entered the legislature. Nevertheless, compositions did continue to take place in April; the 8<sup>th</sup> alone saw eight individuals discharged through private ordinances passed by the Commons, which were later sent to the Lords for their

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<sup>18</sup> *The Weekly Post-Master*, Issue 1 (London: 8<sup>th</sup> to 15<sup>th</sup> April 1645), p. 2.

<sup>19</sup> HCJ, Vol 4, 8<sup>th</sup> April 1645, p. 103.

<sup>20</sup> There are no references to it in either the HCJ or HLJ, and it is not listed in *Acts and Ordinances*.

<sup>21</sup> HCJ, Vol 4, 25<sup>th</sup> April 1645, p. 122.

concurrence. This was in line with 25<sup>th</sup> May 1644's 'Ordinance for the better execution of the former Ordinance for Sequestration of Delinquents and Papists Estates', which stated that no discharges were to be authorised without the express permission of both Houses.

Providing for the military continued to dominate the discussion in the following weeks about how to use sequestration money. The Earl of Manchester's former regiment, stationed at Abingdon, was promised £2,000 in arrears, and £500 was due for a fortnight's pay to the officers of the regiments stationed in Essex.<sup>22</sup> On 26<sup>th</sup> April the Commons discussed the possibility of raising £6,000 out of the estates of delinquents and papists 'not yet sequestered nor discovered' in Wales to support the regiments stationed in Monmouthshire, Brecknock and Radnorshire.<sup>23</sup> The ordinance was read in the Commons a second time on 2<sup>nd</sup> May and was sent to the Lords for their concurrence. It was passed on 7<sup>th</sup> May, but the Lords had widened the scope of the ordinance to also include Gloucestershire, Herefordshire and Glamorganshire. This is a significant decision because Wales was very much a Royalist stronghold at this time. Parliament's decision to re-emphasise the need for sequestrations there and in the border counties of England demonstrates either a growing confidence in their ability to enforce their policy in areas largely outside their control, or the necessity of generating regular revenue through sequestration; perhaps it was a combination of both.

Discussion in April also turned to provision for 'sick and maimed Soldiers', as well as 'Scouts, Intelligencies, and other Emergencies' associated with the preservation of security, and both Houses agreed that a third of all sequestration money raised by the county committees in Norfolk, Lincolnshire, Suffolk, Hertfordshire, Huntingdonshire, Cambridgeshire, as well as the city of Norwich and Isle of Ely, should be put aside to cover these costs. They instructed the committees to nominate at least one treasurer to receive and control the money, which was not to be distributed for any other purposes. A similar order was given for the cities of London and Westminster on 24<sup>th</sup> May, which set £1,000 aside to pay the arrears due to 'the Surgeons and Apothecaries employed in the Cure of wounded and maimed Soldiers'.<sup>24</sup>

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<sup>22</sup> HCJ, Vol 4, 8<sup>th</sup> April 1645, p. 103; 10<sup>th</sup> April 1645, p. 106.

<sup>23</sup> *Ibid.*, 26<sup>th</sup> April 1645, p. 124.

<sup>24</sup> *Ibid.*, 29<sup>th</sup> April 1645, p. 127; 24<sup>th</sup> May 1645, p. 153.

After receiving reports that the King's army was gathering near Oxford in early May, Parliament began preparations for besieging the city. On the 17<sup>th</sup> the House of Commons sent a message to the Lords, informing them that, 'out of a Desire to put an End to this miserable War, [we] do think it fit that a Siege be laid to the City of Oxford, for to take it, being the Center of our Troubles'. The Lords agreed immediately, 'with the Blessing of God'.<sup>25</sup> The Commons ordered the creation of a special committee, composed of Messrs Ash, Rigby, Reynolds, Strode, Hill, Nicholas, Ellis, Widdrington, as well as the Solicitor General and Recorder of London, all of the MPs who served on the central sequestration committee, and eight members of the House of Lords. They were instructed to 'prepare and bring in an Ordinance for the Raising of Monies, by the Sale and Disposal of the Estates of Delinquents ... And it is left to this Committee, to consider, What is fit to be done with such Delinquents, as shall come within the Time limited'. Although the full ordinance does not appear in the journals of either House, it can be inferred from this passage that Parliament had offered leniency to any of the King's supporters in Oxford who would submit within a certain time frame, although the emphasis on selling their estates shows they would not have been eligible for composition. Parliament optimistically expected to raise at least £50,000 from this venture, because that sum was allocated to 'the Design of Reducing Oxon', an action of retaliation against the King.<sup>26</sup> However, these plans were overtaken and halted by the events leading to the Battle of Naseby, and it would be another year until Parliament gained control of Oxford.

In contrast to their plans for destroying Oxford, on 7<sup>th</sup> June Parliament ordered £8,000 to be raised from the estates of papists and delinquents who were present at the burning of Lancaster by the Royalist army. The money was to be distributed 'amongst the inhabitants, proportionally to their losses; the said Inhabitants themselves being no Delinquents'.<sup>27</sup> Twenty-eight men known to be there were listed by name,<sup>28</sup> although the list was not exhaustive. It is interesting to note that this sacking of Lancaster was condemned as part of 'this unnatural War', and yet the Lords had implored God's blessing on Parliament's plan to do the same to Oxford.

On Saturday 14<sup>th</sup> June, at the same time as the New Model Army under the command of Fairfax and Cromwell was destroying the King's army at Naseby, the House of

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<sup>25</sup> HLJ, Vol 7, 17<sup>th</sup> May 1645, p. 381.

<sup>26</sup> HCJ, Vol 4, 17<sup>th</sup> May 1645, p. 146.

<sup>27</sup> Ibid, 7<sup>th</sup> June 1645, p. 168.

<sup>28</sup> Cross Fleury, *Time-Honoured Lancaster: Historic Notes on the Ancient Borough of Lancaster* (Lancaster: Eaton & Bulfield, 1891), p. 143.

Commons ordered that the following Monday's schedule would contain discussions about the ordinances 'for the Sale of Delinquents Estates' and 'for removing the Obstructions in the Sequestrations', and that no other business would be taken into consideration. However, Monday's proceedings were dominated by celebrations of 'the great Blessing it pleased God to bestow upon the Parliament's Army' by granting them a 'great and glorious Victory ... against the Forces of the King', and sequestration was almost forgotten. Only one ordinance was briefly read; that for the 'Sale of Delinquents Estates', and a committee of twenty-eight MPs and all of the lawyers in the Commons was ordered to meet at three o'clock the following afternoon in the Exchequer Chamber to discuss it further. Their report was requested to be ready the following Monday. On 18<sup>th</sup> June the Commons read the ordinance for 'the further and better regulating the Sequestration of Papists and Delinquents Estates', and it was passed to a similar committee for analysis. However, as with previous ordinances, neither of these appear to have entered the legislature at this time.<sup>29</sup>

The reason for this appears to be the House of Lords. On Wednesday 3<sup>rd</sup> September the Commons sent a request for a conference concerning the ordinance for the sale of delinquents' estates. The meeting took place the following day, and does not seem to have been entirely convivial. The following report was entered into the Lords journal;

[The Commons] sent up an Ordinance for selling of Delinquents Estates, which is of great Importance, and have sent up several Messages to put their Lordships in Mind of it; but, hearing nothing from their Lordships, they have desired this Conference, to let their Lordships know of the Necessity of raising great Supplies of Monies; and there is no other Way, because the Excise is anticipated, and His Majesty is advanced towards Bristoll, and the Forces as are marched out of Lyncolneshire cannot be kept together without Supplies of Monies; and their being no other Means left for raising Supplies, they desire their Lordships would pass the said Ordinance.<sup>30</sup>

This combination of plea and reproach was not successful and the Lords continued their tactic of evasion. They agreed to discuss the matter the following morning, at which time it was postponed until Monday. Even though the Commons had sent a reminder to them on Saturday emphasising the importance of this ordinance, discussion on Monday was postponed until Tuesday, when it was again postponed

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<sup>29</sup> HCJ, Vol 4, 14<sup>th</sup> June 1645, p. 175; 16<sup>th</sup> June 1645, pp. 175-6; 20<sup>th</sup> June 1645, p. 181; 18<sup>th</sup> June 1645, pp. 178-9.

<sup>30</sup> HLJ, Vol 7, 3<sup>rd</sup> September 1645, p. 565.

until Wednesday. On 11<sup>th</sup> September they sent Sir John Clotworthy to ‘put the Lords in mind of passing the ... Ordinance for the Sale of Delinquents Estates’, as well as three other orders. Sir John returned empty handed, reporting that the Lords would ‘send Answer by Messengers of their own’. The Commons was clearly frustrated by this, because a committee consisting of Sir Thomas Widdrington, Sir Peter Wentworth, Sir Henry Heyman, and Messrs Lisle, Lane, Gurdon, Morley, and Pury was appointed to secure a conference with the Lords the following morning. They were instructed to re-emphasise the need to pass the new legislation, adding that many messages have been sent before which were ‘yet unanswered’.<sup>31</sup> No references to this meeting appear in either journal on the 12<sup>th</sup>, but on the 15<sup>th</sup> the Lords finally ‘adjourned into a Committee ... to consider of the Ordinance for Sale of the lands of Delinquents’. However, the report sent back to the Commons revealed that they only agreed to the sale of ‘Archbishops, Bishops, Deans, [and] Deans and Chapter’ lands, rather than delinquents’ estates in general.<sup>32</sup>

Nevertheless, the Commons had managed to secure the Lords’ cooperation in another piece of legislation during this period of conflict. Bolstered by their military victory at Naseby they turned their attention to refining a clause concerning the maintenance granted to the wives and children of delinquents, which was contained within the ‘Ordinance for Explanation of a former Ordinance for Sequestration of Delinquents Estates with some Enlargements’ passed on 18<sup>th</sup> August 1643. Parliament recognised that dependents should not be held accountable for the crimes of their delinquent relatives, and so a limit of one fifth of the value of the sequestered estate was assigned for payment to wives and children. However, on 5<sup>th</sup> July 1645 the Commons appointed Samuel Browne to ‘prepare and bring in, with all Speed, an Ordinance for taking off the Allowances to Delinquents Wives and Children, according to the Debate this Day had in the House upon this Subject’. Conversely, the same day saw an order for the creation of a committee to gather information about the English and Scottish widows of soldiers who had died fighting for Parliament and who had arrears due to them; the money would be provided from sequestered estates.<sup>33</sup> Parliament was making a distinction between worthy and unworthy women; those connected with their own soldiers deserved financial support, but their opinion of women connected with delinquents had undergone a radical transformation and was in direct contrast to their attitude of two years

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<sup>31</sup> HCJ, Vol 4, 11<sup>th</sup> September 1645, p. 271.

<sup>32</sup> HLJ, Vol 7, 15<sup>th</sup> September 1645, p. 580.

<sup>33</sup> HCJ, Vol 4, 5<sup>th</sup> July 1645, p. 197.

previously. Mr Browne does not appear to have carried out the instructions presented to him ‘with all Speed’, because the draft ordinance was not presented to the Commons until 2<sup>nd</sup> September. It was sent to the Lords for their concurrence, which was granted on the 6<sup>th</sup>, and the ‘Ordinance for taking away the Fifth part of Delinquents Estates, formerly granted [to] their wives & children’ was passed on the 8<sup>th</sup>.<sup>34</sup>

The new ordinance began by reiterating the fact that each county committee had the power to ‘assign maintenance out of the Lands of Delinquents, to their several Wives and Children’. However, it complained that some wives and children had been travelling out of areas occupied by Royalists and into Parliamentary territory just to claim this money, and without permission from, or true adherence to, Parliament. Consequently, ‘to prevent the said mischief, and other of like nature’, the Lords and Commons declared that ‘no Wife, Childe, or Children of any Delinquent, who shall come from their own Habitation into the Parliament Quarters, with or without their Fathers or Husbands, from the Kings Quarters, shall have, hold, and enjoy any fifth part by the said Ordinance’. Any women or children caught doing this without written permission from both Houses would be immediately returned to the King’s territory, and if they refused to go the deputy lieutenants and county committees were authorised to imprison them. The final sentence stipulated that no maintenance would be given to the children of delinquents unless they were being brought up as Protestants.<sup>35</sup> In contrast, on 22<sup>nd</sup> September the Commons ordered that £1,000 should be set aside out of the composition money gathered at Goldsmiths’ Hall for the deserving widows of Parliamentary soldiers.<sup>36</sup>

Lady Elizabeth Capell was an example of a Royalist woman who had tried to claim the fifth portion without transferring her allegiance. Due to her husband’s culpability in prompting the entire process of sequestration the family had been targeted particularly harshly. Lord Capell’s estates were sequestered completely, but Parliament initially showed leniency towards her. Based on the intervention of influential friends and family, including the Earl of Manchester, she was initially granted ‘such provision of roome and other things necessary for the sustenance of her selfe, children and family’. Another friend, William Lytton, pleaded with the

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<sup>34</sup> HCJ, Vol 4, 2<sup>nd</sup> September 1645, p. 261; HLJ, Vol 7, 6<sup>th</sup> September 1645, p. 570.

<sup>35</sup> Firth and Rait, *Acts and Ordinances*, p. 769.

<sup>36</sup> HCJ, Vol 4, 22<sup>nd</sup> September 1645, p. 281.

assessors at Walkern not to make her pay any tax; this resulted in an order from the Hertfordshire county committee on 23<sup>rd</sup> July 1643 ‘not to molest or trouble Elizabeth Lady Capell wife of the said Lord Capell for any Rates ... because the estate is wholly sequestred as aforesaid’.<sup>37</sup>

Lady Capell had argued that she had no means of support for herself or her children, and this had been successful in securing the help of Manchester and Lytton. However, the same tactic was not effective when she encountered the county committees. In late 1645 she sent a petition concerning an ordinance which had been passed on 26<sup>th</sup> September and granted all of Capell’s property to the Earl of Essex.<sup>38</sup> The estates were listed in considerable detail, starting with the family’s primary residences of Hadham and Cassiobury, as well as other property in Hertfordshire, Bedfordshire, Essex, Norfolk, Suffolk and the City of London.<sup>39</sup> Lady Capell protested that she and her children were ‘exposed to the lowest degree of contempt want and penurie’ due to the ordinance. She claimed that ‘the common calamities of these times ... affect her verie soul’, but considered the loss of the family estates ‘a more particular crime’. Until this time it had been theoretically possible for the family to regain the estates through composition if Lord Capell had conformed to Parliament, but this grant to Essex seemed to end the hope. She claimed to have ‘byn always well affected to the protestant Religion and to the Parliament’, and ‘humbly beseeches this honourable house to take her and her childrens distressed estate into your iust considerations’. She also highlighted that she had ‘brought with her a great estate in Lands unto her Lord of her owne inheritance’, referring to Cassiobury, which she had inherited upon the death of her father, Sir Charles Morrison.<sup>40</sup> She appears to have suggested that she was entitled to that property, even if the rest of her husband’s estates were lost.

Parliament initially granted an order for her to receive the fifth portion of her husband’s estates in Bedfordshire, but did not grant her the estate of Cassiobury because they had previously let it to Sir William Brereton. William Capell, Lord Capell’s younger brother who had secured the tenancy of his property from the central committee, presented the Bedfordshire county committee with an order for ‘the maintenance of the Lady ... and her Children’, but the committee refused to

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<sup>37</sup> BL Add MS 40630, ff. 123, 125.

<sup>38</sup> There is no date on the document but it refers to the 26<sup>th</sup> September 1645 ordinance, and its location in the collection of documents suggests a date of circa November 1645.

<sup>39</sup> HLJ, Vol 7, 26<sup>th</sup> September 1645, pp. 601-3.

<sup>40</sup> BL Add MS 40630, f. 217.

comply. A document signed by Sir William Boteler reveals that they had launched an investigation and established that she ‘hath long since lived within the Kings Quarters, contrarie to an Ordinance of Parliament’, and therefore ‘is nott intended to have the benefitt of a fifth part as other delinquents wives’. Sir William also revealed that the couple’s children were already receiving £480 per annum from committees in other counties for their maintenance, which the Bedfordshire committee ‘doe think a competent allowance for maintenance’.<sup>41</sup>

Lady Capell’s claims that she was loyal to Parliament, and that she and her children were suffering due to a lack of money, appear to be unfounded. Her attempt to manipulate Parliament into granting her the fifth portion had been thwarted, and a report was prepared by Mr Ashe from Goldsmiths’ Hall. She had been living in the King’s territory of Bristol with Lord Capell, who had by that time been named as a member of the Prince of Wales’ council.<sup>42</sup> They had left their children at Hadham in the care of William Capell. Mr Ashe agreed that she should ‘therefore not ... bee allowed maintenance here, out of her husbands estate sequestered’, although he believed that the children were receiving less money than they were entitled to for their maintenance because running Hadham had become their financial responsibility.<sup>43</sup>

The 8<sup>th</sup> September ordinance was the first piece of legislation passed in 1645 to address a complication with the policy’s implementation. Although several ordinances had been debated in the Commons in the spring and summer, their focus had been how to maximise the profits. It is clear that the revenue generated was not sufficient, hence the Commons’ plea for the House of Lords to pass the ordinance for the sale of delinquents’ estates, but until this point there had been no need to revise the established guidelines. This is in direct contrast with the first two years, which had seen regular amendments and additions to the structure of sequestration, and arguably demonstrates that those amendments had achieved their aim of refining and shaping it into an implementable policy.

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<sup>41</sup> BL Add MS 40630, f. 161; Boteler later served as one of Cromwell’s Major Generals in Bedfordshire, Northamptonshire, Huntingdonshire, and Rutland.

<sup>42</sup> Lady Theresa Lewis, *Lives of the Friends and Contemporaries of Lord Chancellor Clarendon*, Vol 1 (J Murray, 1852), p. 293.

<sup>43</sup> BL Add MS 40630, f. 138.



The House of Lords manoeuvred on 15<sup>th</sup> September to evade passing the ordinance for the sale of delinquents' estates by suggesting selling ecclesiastical lands instead, which was met with bafflement by the Commons. Lord Saye and Sele reported,

That they are of Opinion, that an Ordinance be drawn up, for the Sale of the Lands and Revenues belonging to Archbishops, Bishops, Deans, Deans and Chapters, to be employed for the same Ends and Uses mentioned in the Ordinance for Sale of Delinquents Estates, with an Exception of all Improvements and Tithes belonging to them, which are fit to be employed for the Encrease of the Maintenance of the Ministry, and that then such particular Delinquents Estates as this House shall think fit to add may be added.

The final passage is particularly interesting; the Lords appeared to be demanding control over the decision to sell sequestered property, in contrast to the Commons' desperation to pass a general ordinance which would enable widespread sales. The Lords' actions in 1645 to this point are certainly consistent with a desire to prevent this, except in extreme cases and only if 'this House shall think fit'.<sup>44</sup> Sir Thomas Widdrington informed the Commons the following day that 'the Estates of Archbishops, Bishops, Deans, Deans and Chapters, are not yet sequestered, unless for personal Delinquency', and therefore no general sale of their lands was actually possible at this point.<sup>45</sup>

The matter was dropped until 7<sup>th</sup> October, when Sir William Strickland was sent to 'put the Lords in mind of the Ordinance for Sale of Delinquents Estates'. Once again, they responded that they would 'take [it] into a present Consideration; and will send Answer by Messengers of their own'.<sup>46</sup> Unsurprisingly, no answer was immediately forthcoming, and so the Commons turned their attention to reforming the process of composition instead. The first reference to this can be found on 4<sup>th</sup> October, but unfortunately the journal entry for that day is not clear about exactly what their intention was. However, they appeared to be suggesting slight leniency towards anyone who would leave the King's quarters, submit and petition to compound before 1<sup>st</sup> December.<sup>47</sup> The proposition was passed by sixty-eight votes to forty-three, and four days later the Commons ordered that 'all such Delinquents as shall come in and submit themselves to the Parliament' must present themselves to Mr

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<sup>44</sup> HLJ, Vol 7, 15<sup>th</sup> September 1645, p. 580.

<sup>45</sup> HCJ, Vol 4, 16<sup>th</sup> September 1645, pp. 275-6.

<sup>46</sup> *Ibid.*, 7<sup>th</sup> October 1645, p. 300.

<sup>47</sup> David L. Smith, *Constitutional Royalism and the Search for Settlement, c1640-1649* (Cambridge: Cambridge University Press, 1994), pp. 204-5; hereafter Smith, *Constitutional Royalism*.

Speaker within twenty-four hours of ‘coming within the Lines of Communication’ if they wanted to be allowed to compound. An amendment was added on 11<sup>th</sup> October, which stated that ‘all such as come in from the King’s Quarters, to compound for their Delinquency’ must also sue for a ‘Pardon under the Great Seal’ within one month, otherwise their composition would be declared void.<sup>48</sup>

It seems likely that this decision to change the process of composition was at least partially prompted by the Lords’ refusal to pass the sale ordinance, and there is no evidence in the journals of either House that the Commons consulted with the Lords about this matter in October; they presumably wished to avoid another stalemate. Although composition was not as straightforward, because it required delinquents to transfer their allegiance to Parliament before any money could be raised, it was a valid alternative source of revenue, and the Commons clearly recognised the pressing need to increase their income to support the army.

An example of this can be seen from 4<sup>th</sup> September 1645. The Parliament of Scotland raised a grievance with Westminster concerning the sequestration money they were supposed to receive. It was not the first time they had done so, but they had ‘received no answer’ to their earlier letters. They stated that the Commons had promised to provide financial support to the Scottish army out of composition fines immediately after the victorious Battle of Marston Moor in July the previous year, and although some payments had been received, ‘a great proportion ... remains yet due’. They believed the primary reason for this was that Parliament was redistributing the money supposedly set aside for Scotland. Consequently, the following request was placed;

We are informed that the Houses of Parliament have now in consideration the sale of delinquents Estates, and therefore have thought fit to put the Honourable House in mind of the fifth Article of the Treaty between the Kingdoms, wherein it is provided, that the Scottish Army shall be payed by the Parliament of England, out of the Estates of the Papists, Prelats, Malignants, and their adherents, or otherwise; and since it is cleerly evident, that all other waies for the maintenance of that Army have failed, we desire that a stock of credit and security may be settled by Ordinance of Parliament out of the Lands and Estates of delinquents, for payment of what is due to the Scottish Army, and that the Lands and Estates of delinquents be ingaged for no other use, til that Army receive satisfaction.<sup>49</sup>

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<sup>48</sup> HCJ, Vol 4, 4<sup>th</sup> October 1645, p. 297; 8<sup>th</sup> October 1645, p. 301; 11<sup>th</sup> October 1645, p. 304.

<sup>49</sup> Parliament of Scotland, *A collection of divers papers presented unto the Houses of Parliament by the Commissioners of Scotland since May last, 1645* (London: Moses Bell, 1645); EEBO Wing (2<sup>nd</sup> ed., 1994) / C5144, p. 10.

Similar pleas for money can be found scattered amongst the pages of the Commons journal; for example, on 14<sup>th</sup> October £2,000 was set aside out of Sir John Hele's composition fine to provide between six and ten shillings to each soldier who had taken part in the storming of Bridgewater in July, as well as 'for the Providing of Shoes and Stockings' for foot soldiers.<sup>50</sup> The considerable gap between the date of the action and the date of this order is further evidence of Parliament's precarious financial position. However, this didn't prevent them from presenting Sir Thomas Fairfax with an £800 jewel which would be paid for 'out of the Fine of the first Delinquent not yet disposed of'.<sup>51</sup>

On 20<sup>th</sup> October the Commons once again raised the issue of the sale ordinance, this time sending Sir John Evelyn to 'put the Lords in mind of expediting' it. No response was sent back until the 25<sup>th</sup>, but again they simply said it would be taken into consideration.<sup>52</sup> Meanwhile, the Commons continued with their composition reforms. A new resolution was passed on 31<sup>st</sup> October which granted the Committee at Goldsmiths' Hall the power to 'tender the solemn League and Covenant to all Persons that come out of the King's Quarters to that Committee, to compound'. Anyone who refused to take the Covenant would be imprisoned 'until they shall conform thereunto'.<sup>53</sup> They could no longer avoid consulting the Lords concerning their reforms, but surprisingly did manage to gain their agreement concerning the Covenant the following day.<sup>54</sup> Bolstered by this cooperation, on the 3<sup>rd</sup> they also sent the draft wording of the pardon to be granted 'under the Great Seal' to 'such as come in and make their Compositions for their Delinquencies',<sup>55</sup> but there is no reference to it in the Lords journal. However, a concurrence can be assumed because the Commons issued this order the following day;

The Commissioners for the Great Seal of England, for the Time being, are hereby authorised and required, upon the Acceptance of the Fines of Delinquents, and the Passing of an Ordinance for the Ratifying of such Fine or Composition by both Houses of Parliament, to give Warrant to his Majesty's Sollicitor General for the Preparing and Signing of a Pardon unto the Persons so compounding, according to the Form of a Pardon passed [by] both Houses in that Behalf, and to pass the same Pardon, so prepared and signed, under the Great Seal of England, That, if the said Pardon shall not be

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<sup>50</sup> HCJ, Vol 4, 14<sup>th</sup> October 1645, p. 307.

<sup>51</sup> Ibid, 24<sup>th</sup> October 1645, p. 320.

<sup>52</sup> Ibid, 20<sup>th</sup> October 1645, p. 315; 25<sup>th</sup> October 1645, p. 322.

<sup>53</sup> HCJ, Vol 4, 31<sup>st</sup> October 1645, p. 327.

<sup>54</sup> HLJ, Vol 7, 1<sup>st</sup> November 1645, pp. 674.

<sup>55</sup> HCJ, Vol 4, 3<sup>rd</sup> November 1645, p. 331.

sued forth within One Month after the said Composition shall be perfected, then every such Composition to be void.<sup>56</sup>

No time was lost in broadcasting these new reforms, and the details of the covenant and Great Seal clauses were printed by the end of the day. The resulting pamphlet contained the order agreed by the Lords on 1<sup>st</sup> November, as well as a copy of an oath to be sworn ‘upon the holy Evangelist’ by ‘all such persons, of what degree or quality soever, that shall come into the protection of the Parliament’. The oath had initially been created in April, but was being reiterated as suitable for anyone wishing to compound;

I A.B. doe sweare from my heart, That I will not directly nor indirectly adhere unto, or willingly assist the King in this Warre, or in this Cause against the Parliament, nor any Forces raised without the consent of the two Houses of Parliament in this Cause or Warre. And I doe likewise sweare that my comming and submitting my selfe under the power and protection of the Parliament, is without any manner of designe whatsoever, to the prejudice of the proceedings of the two Houses of this present Parliament, and without the direction, privity, or advice of the King, or any of his Councill, or Officers, other then what I have now made known. So help me God, and the contents of this Book.

The oath could be administered by representatives of the Committee for Examinations, the Committee for the Militia in London, or any county committee across the country.<sup>57</sup>

On 10<sup>th</sup> November the Commons resolved that ‘every Saturday Morning be appointed for hearing and receiving the Reports from the Committee at Goldsmiths-Hall, upon Compositions with Delinquents, and for the Reading of such Ordinances as are or shall pass upon such Compositions: And that no other Business be admitted to intervene’.<sup>58</sup> Again, this is consistent with the ordinance from 25<sup>th</sup> May 1644. Until this point reports from the committee had been presented sporadically, but this deliberate scheduling is further proof of Parliament’s desire to turn composition into an organised and financially rewarding system.

An ordinance passed on 14<sup>th</sup> November increased the power given to the members of the committee at Goldsmiths’ Hall. In addition to their existing duties overseeing

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<sup>56</sup> HCJ, Vol 4, 4<sup>th</sup> November 1645, p. 332.

<sup>57</sup> *Two Ordinances of the Lords and Commons Assembled in Parliament* (London: John Wright, 4<sup>th</sup> November 1645); EBO Wing (2<sup>nd</sup> ed, 1994) / E2424, pp. 3-4.

<sup>58</sup> HCJ, Vol 4, 10<sup>th</sup> November 1645, p. 337.

compositions, the members were now instructed to ‘sit constantly as a Committee at Goldsmiths Hall, and to take the Examinations’ of all Royalist soldiers, Parliamentarian deserters, and anyone known to have assisted the Royalist forces, living or lodging in London, Westminster or within the ‘Line of Communication’. These individuals were ordered to report to the Goldsmiths’ Hall by 19<sup>th</sup> November, where their names, statuses, and addresses before and during the war would be recorded. Anyone known to be in London who failed to appear within the five days ‘shall be taken as Spies, and proceeded against by Martiall Law accordingly’. Anyone entering the area after 19<sup>th</sup> November would have five days to report to the committee, or face the same punishment. An exception was made for MPs and peers of the realm; they were instructed to provide their addresses ‘to the Speakers of the respective houses’ within the five day limit, rather than appear in person at Goldsmiths’ Hall. The committee was instructed to keep a register of everyone who reported to them, and to present their findings to the Committee for Examinations.<sup>59</sup>

Although it did not directly relate to sequestration or composition, this ordinance would theoretically assist with both by producing the names and addresses of hitherto untraced delinquents. However, it seems probable that the number of Royalist soldiers, Parliamentarian deserters or Royalist assisters who actually accepted this invitation to turn themselves in fell short of Parliament’s expectations.

The day after this ordinance was passed the House of Commons optimistically resolved that £200,000 raised by compositions would be used ‘for the Service of the Army’. They had previously intended to raise this money through the sale of delinquents’ estates, but the Lords were still refusing to approve that ordinance. Shortly after this discussion the Commons sent Mr Pury to the Lords ‘to press the absolute Necessity of passing the Ordinance for the Sale of Delinquents Estates; the Subsistence of the Army much depending thereupon’.

They also authorised the first pardons under the Great Seal for delinquents who had served in the Royalist army, thus allowing them to compound.<sup>60</sup> The details of the pardons were sent to the Lords for their concurrence, but again a delay took place and it was not until 19<sup>th</sup> December that the first seven men were formally discharged from sequestration. Along with the pardon they also received ‘a Grant and

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<sup>59</sup> Firth and Rait, *Acts and Ordinances*, pp. 802-3.

<sup>60</sup> HCJ, Vol 4, 15<sup>th</sup> November 1645, p. 343.

Restitution of [their] Lands, Goods, and Chattels, and other Estate for which the said Fine was accepted', and a payment of the money gathered through the profits of their estates backdated to the date of the start of their composition.

December saw continued efforts on the part of the Commons to streamline composition. On the 6<sup>th</sup> they announced that delinquents who had presented themselves in London and Westminster before the beginning of the month had until 1<sup>st</sup> January to appear at Goldsmiths' Hall and begin the composition process. Delinquents who had not been able to reach London and Westminster, but who had reported to county committees across England and Wales instead, were given an extra month; their deadline to reach Goldsmiths' Hall was 2<sup>nd</sup> February. The Commons also reiterated that delinquents who refused to submit and take the oath were to be arrested.<sup>61</sup>

Composition was discussed at length again on the 13<sup>th</sup>, and multiple new resolutions were passed. Parliament appears to have realised that although composition would raise money, of necessity it was forcing a steady stream of men and women who had opposed them to enter the City of London, and this was perceived as a security threat. Consequently, delinquents who were able to successfully compound at Goldsmiths' Hall were instructed to immediately leave the city and return to their homes, unless the Committee granted them permission to remain. Anyone remaining without permission 'shall be taken as Spies, and publick Enemies, and shall be so proceeded against'. Delinquents still loyal to the King who had travelled to the city merely on the pretence of compounding, but without actually presenting themselves to the Committee, would also face arrest.

A separate series of resolutions were passed concerning 'Soldiers of Fortune' who had actively fought for the King, but who had submitted to Parliament. Again recognising that these men were a security threat, the Speaker offered anyone who had yielded before 1<sup>st</sup> December 'Passes to go beyond Sea'; in other words, inviting them to go into voluntary exile by 25<sup>th</sup> December. Those who didn't wish to leave the country were instructed to return to 'the Places of their Habitation where they inhabited immediately before these Troubles', again before 25<sup>th</sup> December. However, if their homes were within the King's territory they were granted permission to 'go anywhere else' – but they must not reside within twenty miles of the City of London.

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<sup>61</sup> HCJ, Vol 4, 6<sup>th</sup> December 1645, p. 369.

They would also be granted passes allowing them to safely travel across the county, on condition that they must leave the city within four days of receiving them. They were also banned from ‘wear[ing] about him any Arms’ whilst in Parliamentary territory. Soldiers who did not follow these instructions ‘shall be taken as Spies, and publick Enemies to the Commonwealth’.

A more general resolution, applicable to everyone, concerned the importance of presenting accurate information to Goldsmiths’ Hall. Anyone wishing to compound had to present ‘the true yearly Value’ of their estate ‘as it was before these Troubles began’. If, upon examination by the Committee, the individual was found to have concealed part of his property, or had underestimated its value, they would be forced to ‘pay Four times the yearly Value’ of the real estate, and completely forfeit any concealed personal goods.<sup>62</sup> These resolutions were taken to the Lords on 15<sup>th</sup> December by Samuel Browne, who was instructed,

To let their lordships know, that they being informed that this Town is in Danger, by reason of the Numbers of Persons that come out of the King’s Quarters under Pretence of coming in to compound for their Delinquency; for preventing of which Mischief, the House of Commons have made certain Votes, wherein their Lordships Concurrence is desired.<sup>63</sup>

However, rather than just resolve this one issue, Parliament decided to address the larger issue of ensuring the continued defence of the City of London and include this as one of the dangers it faced. After being read in the Commons on 3<sup>rd</sup> and 7<sup>th</sup> January, the ‘Ordinance for raising Horse for the Defence of the City of London’ was passed on 19<sup>th</sup> January. The majority of this ordinance focussed on the measures necessary to ensure a continuous supply of soldiers to defend the city, as well as suitable punishments for businessmen who failed to contribute financially to the Parliamentary campaign. However, it also contained the lament that ‘divers Papists and ill-affected persons, do lurk and hide themselves in divers houses and places within [the City of London], that hold correspondency with, or bring intelligence from the Enemy ... to the prejudice of the Parliament and City’. The London committee was therefore given the power to,

... search all Houses and places ... where the said Committee shall have cause to suspect that any Papists are, or other persons that come from any the Kings Quarters, that cannot give a good account of their businesse or abode within

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<sup>62</sup> HCJ, Vol 4, 13<sup>th</sup> December 1645, p. 375.

<sup>63</sup> HLJ, Vol 8, 15<sup>th</sup> December 1645, p. 41.

the limits aforesaid, or that have or shall discover their ill affection to the Parliament, by any offence for which they ought to be Sequestred, questioned or punished.<sup>64</sup>

Parliament's recorded involvement with sequestration in the following weeks was largely confined to accepting composition fines, and it was over a month before any new alterations were passed. On 23<sup>rd</sup> February the Commons produced a new ordinance concerning the pardon provided to delinquents who had successfully compounded;

Whereas A. B. of C. in the County of D. hath, by both Houses of Parliament, been admitted to his Fine of \_\_\_ for that he hath been in Arms against the Parliament: The Lords and Commons, assembled in Parliament, do hereby authorize and appoint the Commissioners of the Great Seal of England, to pass a Pardon for the said A. B. in usual Form, agreed by both Houses, and according to this Ordinance, with a Grant and Restitution of his Lands, Goods, and Chattels, and other Estate, for which the said Fine was accepted, according to the Particular thereof made, and entered with the Committee at Goldsmiths-Hall; and of all mean Profits, from the Day of \_\_\_; with an Exception of the Right or Estate of the said A. B. in or to all Advowsons, Presentations, and Right of Patronage, to any Church or Chapel: And Oliver St. John Esquire, his Majesty's Sollicitor-General, is hereby required to prepare a Pardon accordingly. Provided always, That this Ordinance, and the said Pardon thereon to be passed, shall not extend to free the said A. B. from a further Composition, for any other Lands, Goods, or Chattels, than what are contained in the Particular aforesaid: And that, in case the said Lands, mentioned in the said Particular, were of greater yearly Values than are therein expressed, during Three Years before the Year of our Lord 1640; then the said A. B. shall pay such further Fine, by way of Composition for the same, as both Houses of Parliament shall appoint.

They also made applying for a pardon a condition of composition, allowing the individual six weeks to do so after both Houses accepted their fine, and the committee at Goldsmiths' Hall was given the power to cancel the compositions of any delinquents unwilling to adhere to these terms. The pardon was sent to the Lords for concurrence, but it was not approved by that House until 7<sup>th</sup> April.<sup>65</sup>

On 31<sup>st</sup> March the Commons repeated its order from 13<sup>th</sup> December concerning deadlines for delinquents to leave the City. Concerned about 'the great Confluence and Resort of Papists, Officers and Soldiers of Fortune, and such as have borne Arms against the Parliament' who were travelling to London and Westminster, Parliament instructed them to leave 'before the End of the Third Day of April 1646' or be

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<sup>64</sup> Firth and Rait, *Acts and Ordinances*, pp. 822-5.

<sup>65</sup> HCJ, Vol 4, 23<sup>rd</sup> February 1645/6, pp. 451-2; HLJ, Vol 8, 7<sup>th</sup> April 1646, p. 257.



‘declared a Spy’. The London committee was instructed to ‘keep strict Guards and Watches, and cause frequent Searches to be made’ to ensure that they apprehended everyone. However, an exception was made for anyone with written evidence that their presence was required at Goldsmiths’ Hall to compound. The following day they amended this order to include the instruction that peers of the realm had to apply to the House of Lords for permission to remain in London to compound, and that a warrant from Goldsmiths’ Hall would not be sufficient. The Lords agreed to these changes on 3<sup>rd</sup> April, and the deadline for Catholics and delinquents to leave the City was extended to 6<sup>th</sup> April.<sup>66</sup>

### **The Surrender of Charles I**

The Royalist campaign was dealt a bitter blow on 5<sup>th</sup> May 1646, when Charles I surrendered himself to the Scottish army at their base in Southwell. His capture marked the end of the first Civil War, although it most certainly did not bring immediate peace. However, the loss of their leader meant that Royalists began surrendering in their hundreds; this will be examined further in Chapter 2, and it will be demonstrated that there was a sharp increase in the number of appellants in the months immediately following his surrender.

Parliament’s immediate concern in May was to ensure the continued safety of the cities of London and Westminster. On 7<sup>th</sup> May, two days after the surrender, the Lords published a new order ‘to continue the Ordinance for keeping Delinquents without the Line of Communication’, which they had discussed with the Commons in the preceding days. They noted that ‘divers Persons, in Obedience to the said Ordinance, have departed the said Cities and Lines of Communication’, but had remained ‘in the Towns and Villages near adjoining’. They viewed this as a deliberate attempt to remain close to the city to ‘put themselves into a Condition to act any mischievous Design that may be against the said Cities’, and ‘can sooner draw themselves for Action’. The probability of rebellions taking place in protest against Charles’ surrender made this even more of a threat than it had been before. The Lords feared that this would cause ‘great Inconveniences’, and therefore introduced another deadline of 12<sup>th</sup> May for all delinquents and recusants to ‘depart and remove themselves Twenty Miles at least distant from the said Cities and Lines of Communication’, and inform Goldsmiths’ Hall in writing of their intended place of

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<sup>66</sup> HCJ, Vol 4, 31<sup>st</sup> March 1646, p. 497; 1<sup>st</sup> April 1646, p. 498; HLJ, Vol 8, 3<sup>rd</sup> April 1646, pp. 251-2.

residence. To ensure the terms of this new order were heard by all, the Commons ordered the Committee of the Militia of the City of London to broadcast the ordinance ‘this Afternoon, by Beat of Drum, or Sound of Trumpet, within the Cities of London and Westminster’. The Commons ordered the new ordinance to be ‘forthwith printed, and published by Beat of Drums, and Sound of Trumpet, on Monday Morning next’, although a similar ordinance was passed in December 1646 ‘for Sending of Papists and Delinquents out of the Lines of Communication, and Twenty Miles distant’, indicating that the May ordinance was not being strictly adhered to.<sup>67</sup>

In consequence of these resolutions, April and May 1646 saw James Compton, the 3<sup>rd</sup> Earl of Northampton submit several petitions to the House of Lords. He had fought for the King at Edgehill, Hopton Heath, Cropredy Bridge, Banbury, and Naseby, and had been sequestered early in the war.<sup>68</sup> However, in Oxford in early 1646 he decided to submit to Parliament and compound for his estate. On 14<sup>th</sup> March Sir Henry Vane reported that the Committee of Both Kingdoms was prepared to give him a pass ‘to go beyond the Seas’ if he agreed to take an oath ‘never to bear Arms, or to act any thing to the Prejudice of the Parliament’. However, he remained in the country after receiving this pass and on 25<sup>th</sup> April the Commons ordered him and his servants to ‘depart the Kingdom before the First of *May* ... or otherwise ... be proceeded against as Spies’. Two days later the Lords received his petition to ‘have Liberty to come to Gouldsmith Hall, to compound for his Estate’. They agreed, on condition that he take the Covenant first, which he was ‘willing to do’, and informed the Commons that ‘this House thinks it fit to admit his Lordship to compound’. His composition petition was received at Goldsmith’s Hall on the 30<sup>th</sup>, and he was instructed to provide the necessary details about the value of his estates. However, recognising that Parliament’s resolutions would cause him to be viewed with suspicion, he wrote again to the Lords informing them that he could not provide the committee with the information they required ‘without Sight of his Writings in Town’, and therefore requested that he and his servants ‘may be permitted to come within the Lines of Communication, to the End only to proceed in his Composition’. He clearly wanted the Lords to be aware that he was entering the City legitimately, and this would hopefully protect him from any potential raiding by the London

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<sup>67</sup> HLJ, Vol 8, 7<sup>th</sup> May 1646, p. 307; HCJ, Vol 4, 6<sup>th</sup> May 1646, p. 537; Ibid, Vol 5, 12<sup>th</sup> December 1646, p. 11.

<sup>68</sup> His father, the 2<sup>nd</sup> Earl, had also remained loyal to the King and was killed at the Battle of Hopton Heath in 1643; W. H. Kelliher, ‘Compton, James, third earl of Northampton (1622–1681)’ in *Oxford Dictionary of National Biography* (Oxford: Oxford University Press, 2004; online edn, January 2009); hereafter *ODNB*.

committee. He also offered to leave the City as quickly as possible and retreat to lodgings in Chelsea, only re-entering London ‘as the Occasions of his Composition shall require’. The Lords requested confirmation from Goldsmiths’ Hall that he had begun the composition process, and upon receipt of a positive answer they granted the Earl permission to reside in London to complete the negotiations.<sup>69</sup> However, his composition was a lengthy process, and although he regained possession of two estates in November 1646, the Earl was not fully discharged until 1650.<sup>70</sup>

A remonstrance addressed to the House of Lords by the Lord Mayor and Aldermen of the City of London in late May 1646 confirmed that composition was a successful programme, because they acknowledged that ‘Delinquents do daily come in and compound’. The petitioners were largely concerned with the taxation levied against the inhabitants of London, and took the opportunity to request that ‘the Estates and Compositions of Delinquents may ... be applied to discharge the great Sums owing to this City and Citizens’ because ‘many Citizens have already suffered, and ... many more will be undone’ unless ‘the great and extraordinary Taxes and Burthens on the City and their Trade shall be in the future abated’ and the debts due to them from Parliament be paid.<sup>71</sup>

While the House of Lords had been preoccupied with ensuring delinquents and recusants left London, the Commons largely restricted themselves to discussing individual cases of delinquents. To streamline this process, on 14<sup>th</sup> April they ordered that ‘the Committee of Goldsmiths-Hall do, on Thursday Morning next, and so on every Thursday Morning weekly, make their Receipts of Compositions and Ordinances, and other Proceedings of that Committee with Delinquents’.<sup>72</sup> However, they did still discuss and accept petitions on other days; for example, on Saturday 25<sup>th</sup> April they granted three pardons, discussed the composition terms to be offered to the Earl of Peterborough, and agreed to hear new petitions on Monday.<sup>73</sup> On 30<sup>th</sup> April the Commons reiterated that all money paid at Goldsmiths’ Hall by delinquents should be preserved ‘for the Use of the Army’ and ‘be not otherwise disposed of’. They followed this with an order for £600 to be paid to Colonel Temple for the troops in the garrison at Henley.<sup>74</sup>

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<sup>69</sup> HLJ, Vol 8, 27<sup>th</sup> April 1646, p. 286; 9<sup>th</sup> May 1646, p. 312; 11<sup>th</sup> May 1646, p. 313.

<sup>70</sup> HCJ, Vol 6, 9<sup>th</sup> April 1650, p. 395.

<sup>71</sup> HLJ, Vol 8, 26<sup>th</sup> May 1646, pp. 332-4.

<sup>72</sup> HCJ, Vol 4, 14<sup>th</sup> April 1646, p. 508.

<sup>73</sup> *Ibid.*, 25<sup>th</sup> April 1646, p. 522.

<sup>74</sup> *Ibid.*, 30<sup>th</sup> April 1646, p. 528.

In spite of their previous resistance to the idea, on 27<sup>th</sup> April the House of Lords ordered that ‘the Ordinance for selling Delinquents Estates shall be taken into Consideration on *Monday* Morning next’. The entry reveals that the lands were to be sold ‘for the repairing such Persons as have lost their Estates for adhering to the Parliament’; in other words, those who had been sequestered by the Royalist forces.<sup>75</sup> Clearly the Lords distinguished between selling the lands to raise money to fund the military campaign, which is what the Commons were advocating, and selling the lands to reimburse victims of the King’s campaign.

Composition clearly remained the main priority of the Commons in the spring of 1646. On 2<sup>nd</sup> May they resolved that,

... no Papist, that hath been in Arms against the Parliament, shall compound for his Delinquency: And if, by chance, any such Composition shall be made, unknown to the House, that such a Person was a Papist at the Time of his Delinquency; such Composition shall be void.

This is an interesting revelation of how Parliament ranked offences, and reiterates how delinquency and recusancy were two different charges. Any Protestant who had fought for the King was eligible to compound, but this clause shows that his Catholic supporters, delinquent recusants, received different treatment. They were perceived as a greater threat, due to the pre-existing anti-Catholicism prevalent in the country. It is not clear whether this was the reason for the new resolution, or just an immediate result of it, but on 2<sup>nd</sup> May the Commons also received information that Henry and Thomas Philpott of Thruxton in Hampshire were both ‘Papists at the Time of their Delinquency’. They revoked their composition fines, and ordered the Hampshire county committee to examine whether ‘either of them, and which of them, are or were Popish Recusants at the Time of their or either of their becoming Delinquents to the Parliament, and to report the same to the House’.<sup>76</sup> Two days later they gave power to the committee at Goldsmiths’ Hall ‘to administer to all such Persons as shall come in to compound, that they shall suspect to be Papists, the Oath of Abjuration’,<sup>77</sup> and this order was reiterated in August.<sup>78</sup>

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<sup>75</sup> HLJ, Vol 8, 27<sup>th</sup> April 1646, p. 286.

<sup>76</sup> HCJ, Vol 4, 2<sup>nd</sup> May 1646, p. 530.

<sup>77</sup> *Ibid*, 4<sup>th</sup> May 1646, p. 534.

<sup>78</sup> HLJ, Vol 8, 6<sup>th</sup> August 1646, p. 456.

The rest of the Commons' discussions about sequestration in May were confined to discharging individual cases, with one exception on the 28<sup>th</sup>. They appointed a committee to investigate whether delinquent landlords who had compounded and regained their estates were oppressing any of their tenants who had supported Parliament and voluntarily paid their rents to the sequestrators. The fact that an investigation was being launched strongly suggests that complaints about this type of behaviour had been received by the central or county committees. At least five members of this committee, who unfortunately were not listed by name, were ordered to meet in the Exchequer Chamber at 2pm the following day 'and to report what they shall think fit to be done herein to the House'. The Committee were reminded about their duty on 5<sup>th</sup> October, and ordered to 'meet; and make their Report with all convenient Speed'. This does not appear to have been done, because another reminder was issued on 30<sup>th</sup> December, and it was not until 29<sup>th</sup> January 1647/8 that the 'Ordinance for the Intemny of well-affected Tenants, against the many Injuires and Oppressions of Popish and Delinquent Landlords' was passed by the House of Commons.<sup>79</sup>

On 8<sup>th</sup> June the House of Lords read a letter they had received from Sir Thomas Fairfax, through which he informed them that, 'On Thursday last we entered to treat with Oxford, wherein we have made some Progress'.<sup>80</sup> Oxford had been a key target ever since it became the location of the King's court, and therefore the headquarters of the Royalist campaign. When the county sequestration committees were set up in March 1643 no sequestrators were appointed anywhere within Oxfordshire. However, on 25<sup>th</sup> June 1644, a week before their victory at Marston Moor, Parliament began enforcing sequestrations in the county.<sup>81</sup> They followed this with a resolution to sequester the rents and revenues belonging to the university colleges, which was passed on 14<sup>th</sup> October.<sup>82</sup> Overall control of the city continued to elude them until June 1646, when, 'by the Blessing of God upon the Forces of the Parliament, the Strength of the Enemy is much abated, and divers Places are now in the Power of the Parliament, which formerly were under the Enemy'.<sup>83</sup>

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<sup>79</sup> HLJ, Vol 8, 28<sup>th</sup> May 1646, p. 557; 5<sup>th</sup> October 1646, p. 684; Vol 5, 30<sup>th</sup> December 1646, p. 33; 29<sup>th</sup> January 1647/8, p. 447.

<sup>80</sup> HLJ, Vol 8, 8<sup>th</sup> June 1646, p. 365.

<sup>81</sup> Firth and Rait, *Acts and Ordinances*, pp. 455-8.

<sup>82</sup> HCJ, Vol 3, 14<sup>th</sup> October 1644, p. 662.

<sup>83</sup> *Ibid*, Vol 4, 30<sup>th</sup> June 1646, p. 594.

The negotiations for the surrender of Oxford had begun in May 1646, but it took until June for an agreement to be reached. The ‘Articles concerning the surrender of Oxford’, ironically printed by Leonard Lichfield, who had previously published the King’s declarations from his court in Oxford, reveals the terms Sir Thomas Fairfax had agreed with the Royalist forces. In addition to proving safe passage for the King’s children and Princes Rupert and Maurice, and allowing submissive Royalist soldiers to return to their homes, Fairfax offered the opportunity for,

... all Lords, Gentlemen, Clergy-men, Offices, Souldiers, and all other persons in Oxford, or comprized in this Capitulation, who have Estates reall, or personall, under or lyable to Sequestrations according to Ordinance of Parliament, and shall desire to Compound for them ... shall at any time within six months after rendring the Garrison of Oxford, be admitted to compound for their Estates, which composition shall not exceed two yeares Revennue.

It was sensible to include the clause that the composition fine would be a maximum of two years’ revenues, to avoid the risk of financial vengeance against those who had remained in the heart of Royalist territory. There was also an order that ‘all persons aforesaid whose dwelling Houses are Sequestred ... may after the rendring of the Garrison repair to them, and there abide’ temporarily, to allow them to prepare for the journey to London to compound. They were given,

... liberty, and the Generalls Passe and Protection for their peaceable repaire to, and aboad at their severall Houses or Friends, and to go to London to attend their Compositions, or elsewhere upon their necessary Occasions, with freedome of their persons from Oaths, Engagements and Molestations during the space of six months: And after so long as they prosecute their Compositions, without willfull default, or neglect on their part, except an engagement by promise, not to beare Armes against the Parliament, nor willfully do any act prejudiciall to their Affaires, so long as they remaine in their Quarters. And it is further agreed, that from and after their Compositions made, they shall be forthwith restored to, and enjoy their Estates, and all other Immunities.

They were also offered the alternative of disposing ‘of their Goods, Debts, and Moveables’ within six months if they were ‘resolved to goe beyond Seas’ and ‘depart the Kingdome’, but that would be a matter of personal choice rather than enforced exile. The sequestrations of the real and personal property of the university colleges

were also lifted, and all chapels, libraries and schools were henceforth ‘preserved from defacing and spoyle’.<sup>84</sup>

A guarantee against sequestration also appeared in the articles of surrender for the city of York in July 1644. They were remarkably lenient and declared that anyone who submitted to them would be provided with carriages to transport themselves and their goods back to their homes;

... all Citizens, Gentlemen, and Residents, Sojourners, and every other person within the City, shall all at any time when they please have free liberty to remove themselves, their families and goods ... either to live at their owne houses or elsewhere, and to enjoy their Goods and Estates without molestation, and to have protection and safeguard for that purpose, so that they may rest quietly at their aboad, and to travell freely and safely about their occasions, and for their better removall they shall be furnished with carriages, paying for their carriages reasonable rates.<sup>85</sup>

However, those for the surrender of Borstall Castle, presented to the House of Lords on 8<sup>th</sup> June 1645, were less charitable, and soldiers were given liberty to ‘march away with their own proper Goods to their own Houses’ with protection ‘quietly to remain at their Habitations’, provided that in future they submit ‘to all Orders and Ordinances of Parliament’. Anyone already under sequestration was informed ‘That their Fines shall not exceed the Rate of Two Years Revenue of their Real Estates’, and that after composition they ‘shall enjoy all Liberties and Immunities ... equally and fully with the rest of the Inhabitants of this Kingdom’.<sup>86</sup>

Recognising that the surrender of garrisons would once again cause an influx of delinquents into London ‘to endeavour to make their Compositions and Peace with the Parliament’, the Commons declared on 30<sup>th</sup> June that the Serjeant at Arms should make himself aware of their arrivals, and ‘from time to time’ send them notice to ‘remove themselves ... and not return’ if they appeared to have come to London merely under the pretence of compounding.<sup>87</sup> Clearly the surveillance of delinquents in the city continued to be of the utmost importance following its introduction in December 1645.

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<sup>84</sup> *Articles concerning the surrender of Oxford* (Oxford: Leonard Lichfield, 1646); EEBO Wing / A3815, p. 7.

<sup>85</sup> Alexander Leslie, *The articles of the svrrender of the citie of Yorke to the Earle of Leven, Lord Fairefax, and the Earle of Manchester, on Tuesday July 16, 1644* (London: 1644); EEBO Wing (2<sup>nd</sup> ed) / A3876; there are no page numbers on this document, but this text can be found on image 3.

<sup>86</sup> HLJ, Vol 8, 8<sup>th</sup> June 1646, p. 365.

<sup>87</sup> HCJ, Vol 4, 30<sup>th</sup> June 1646, p. 592.

In June the Commons once again attempted to resurrect their ordinance for the sale of delinquents' estates, resolving on the 8<sup>th</sup> to discuss the ordinance two days later. They intended to raise £20,000 per annum through these sales, and the money was 'assigned for Ireland'. Any additional revenue would be 'employed towards the Satisfying of the publick Debts and Damages of the Kingdom'.<sup>88</sup> The ordinance was read twice on the 10<sup>th</sup>, and a committee of fifty MPs was instructed to meet that afternoon in the Exchequer Chamber to finalise the details. On Friday 17<sup>th</sup> the Commons ordered that the ordinance would be 'the first business' of the following Wednesday's session, but discussion was later postponed to Thursday morning. Mr Reynolds reported on behalf of the committee concerning some amendments to the ordinance, which were read twice, and the following day he took a message to the Lords with an instruction to 'earnestly ... press the Lords for their speedy Answer'.<sup>89</sup> The message highlighted that this was their second ordinance 'for selling of Delinquents Estates', reminding the Lords that they had refused to accept the first one. It was the Commons' opinion,

That if Ireland be lost, which is to be supplied by this Ordinance; if the Armies be not paid their Arrears, and so not disbanded; if the Creditors that have lent Monies for the Public Affairs be not satisfied; they did and would hold themselves blameless: Therefore, there being an invincible Necessity for the passing of this Ordinance, they desire their Lordships speedy Concurrence therein.<sup>90</sup>

The Lords were clearly still somewhat reluctant to pass this ordinance, and did not provide a speedy answer. They did not discuss the ordinance until the 31<sup>st</sup>, when it was read once. Sir Thomas Dacres took a message to the Lords on 6<sup>th</sup> August reminding them about the ordinance, and they contemplated a second reading on the 11<sup>th</sup>, but postponed it until the following Tuesday. On 21<sup>st</sup> August the Commons resolved to ask for a conference with the Lords on the following Tuesday morning, 'to press them with the Necessity of the speedy passing the Ordinance for the Sale of Delinquents Estates'. No references to this conversation can be found in the journal of either House. By 11<sup>th</sup> September the Commons appear to have resolved to try to circumvent the Lords' resistance and press ahead with the ordinance anyway, resolving that their priority the following Thursday would be to, 'take into

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<sup>88</sup> HCJ, Vol 4, 8<sup>th</sup> July 1646, p. 608.

<sup>89</sup> Ibid, 10<sup>th</sup> July 1646, p. 613; 17<sup>th</sup> July 1646, p. 619; 22<sup>nd</sup> July 1646, p. 623; 23<sup>rd</sup> July 1646, p. 625; 24<sup>th</sup> July 1646, p. 627.

<sup>90</sup> HLJ, Vol 8, 24<sup>th</sup> July 1646, p. 442.



Consideration how the Ordinances for Sale of Delinquents Estates may be speeded and expedited; and likewise to consider of all other Ways and Means for putting the Sale of Delinquents Estates into a Way, that Monies may speedily be raised for the Service of the Kingdom’, but nothing else appears in the journals about this matter.<sup>91</sup>

In spite of their continued recalcitrance concerning the sale ordinance, the Lords could clearly move with speed when it came to their own ideas. On 11<sup>th</sup> August they read a petition from Baptist Noel, 3<sup>rd</sup> Viscount Campden, in which he complained ‘of the Greatness of his Fine for his Composition set by the Committee at Gouldsmithes Hall’, and requested permission, ‘he being a Peer of this Realm’, to apply directly to the Commons in an attempt to reduce it. A lingering sense of loyalty towards their fellow peers, regardless of political allegiance, appears to have remained in the hearts of the twenty Lords present in the chamber that day, because they decided ‘That this House will take into Consideration the great Fines which the Peers of this Realm are set at for their Compositions at Gouldsmithes Hall, being far greater than their Estates are able to bear’. The business was ‘committed to the Consideration of the whole House’, rather than just to a committee, and would be discussed again the following week. However, no further references can be found to this in August.<sup>92</sup>

While they were waiting for the Lords to reply to their ordinance, on 6<sup>th</sup> August the Commons authorised a committee of twelve MPs to enquire whether any delinquents who had already compounded for their estates had actually been hiding any additional land or property in order to receive an ‘Under-value[d]’, and presumably more affordable, composition fine.<sup>93</sup>

On 3<sup>rd</sup> September the Commons ordered Sir William Allenson and Mr Robinson to ‘prepare and bring in an Ordinance for Disabling of Delinquents from any Practice in the Law, Common or Civil, or from holding or exercising any Office in Church or Commonwealth, without Consent of both Houses of Parliament’. They also introduced a new deadline of 3<sup>rd</sup> October for the delinquents in the process of compounding to finish their business and leave the city. Anyone ‘in Default of such

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<sup>91</sup> HLJ, Vol 8, 31<sup>st</sup> July 1646, p. 450; 11<sup>th</sup> August 1646, pp. 458; HCJ, Vol 4, 6<sup>th</sup> August 1646, p. 637; HCJ, Vol 4, 21<sup>st</sup> August 1646, p. 650; HCJ, Vol 4, 11<sup>th</sup> September 1646, p. 667

<sup>92</sup> HLJ, Vol 8, 11<sup>th</sup> August 1646, pp. 457-8.

<sup>93</sup> Mr Prideaux, Colonel Thompson, Mr Lisle, Mr Francis Allen, Mr John Bois, Mr Ball, Mr Challener, Mr Corbett, Mr Selden, Mr John Stephens, Mr Nelthorp and Mr John Corbett ; HCJ, Vol 4, 6<sup>th</sup> August 1646, p. 637.

Prosecuting of their Compositions within that time’ was warned that ‘then their whole Estates shall be forfeited and sold’.<sup>94</sup>

The only matter discussed in any detail in the following months was the continued refining of the composition process at Goldsmiths’ Hall. On 9<sup>th</sup> October the Lords appointed a committee to meet at two o’clock ‘to consider of the compounding, receiving, and issuing out of Monies at Gouldsmithes Hall; and report the same to this House’.<sup>95</sup> At the end of the month the Commons ordered the committee at Goldsmiths’ Hall to,

... take care, and give Order, that all Ordinances of Sequestrations, and all Instructions given to Sequestrators, be effectually put in due Execution; and to consider of removing such Obstructions, as are, or shall be, in the Business of Sequestrations, to the Prejudice of the Commonwealth; and to consider of some expeditious and fitting Way of quickening the Compositions with Delinquents, and of removing the Obstructions that are in that Business, and setting it in such a Way as may be most effectual for the speedy bringing in the Monies upon Delinquents Compositions, to the best Advantage of the Kingdom.<sup>96</sup>

Unfortunately the journal does not record what the obstructions in the sequestration and composition processes were, but these instructions are consistent with the ever-present desire to make sure delinquents were able to compound and leave London as quickly as possible. They also reflect the ever-present need to raise more ready money to support the army.

Although the Lords were reluctant to approve the sale of delinquents’ lands, they were positively enthusiastic about authorising the sale of Bishops’ lands. On 9<sup>th</sup> October the Lords passed the ‘Ordinance for abolishing Bishops’, which argued that the war had been ‘mainly promoted by and in Favour of the said Archbishops and Bishops, and other their Adherents and Dependents’. Their ecclesiastical office was abolished, and all real estate held by Archbishops, Bishops, or Bishoprics was placed at the disposal of Parliament. They informed the Commons on 3<sup>rd</sup> November that they would take the ‘Ordinance for appointing the Sale of Bishops Lands’ into ‘speedy and serious Consideration’, and it was read in their House the following day. It was read for a second time on the 6<sup>th</sup>, and it was referred to a committee of nine peers to take it into close consideration. Amendments were presented on the 10<sup>th</sup>, and the

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<sup>94</sup> HCJ, Vol 4, 3<sup>rd</sup> September 1646, p. 661.

<sup>95</sup> HLJ, Vol 8, 9<sup>th</sup> October 1646, p. 515.

<sup>96</sup> HCJ, Vol 4, 29<sup>th</sup> October 1646, p. 708.

ordinance was accepted on the 11<sup>th</sup>. The Lords requested a conference with the Commons the following morning to discuss the instructions to be given to the contractors, surveyors, and registers of the lands. Further conferences between the two Houses took place in the Painted Chamber on the 13<sup>th</sup> and 16<sup>th</sup>, and the ‘Ordinance for the settling of the Lands of all the Bishops in the Kingdom of England and Dominion of Wales’ was officially passed on the 17<sup>th</sup>.<sup>97</sup>

Surveyors were instructed to discover the location and value of the lands held by Archbishops or Bishops, what they were used for, and ‘To make an exact Survey’ with detailed certificates, which should be delivered to Henry Elsynge, Keeper of the Records. These surveys would then be used to judge how much the land should be sold for. There is a clear parallel here with the work of the appraisers who valued a delinquent’s property during a sequestration raid. After receiving the surveys and certificates Elsynge would then provide warrants to contractors to sell the land.<sup>98</sup>

Whilst the Lords were preoccupied with this ordinance, the Commons passed a resolution on 10<sup>th</sup> November instructing all county committees to provide Goldsmiths’ Hall with lists of ‘all the Names of Papists and Delinquents, which are, or have been, sequestred by them’, as well as the pre-war value of their estates, and who they had subsequently been let to. They also ordered that ‘all the Estates, real and personal, of all Papists and Delinquents within the Ordinance of Sequestrations, not yet sequestred, and not compounded for at Goldsmiths-Hall, be speedily sequestred; and the Names of such Delinquents sent up to the Committee at Goldsmiths-Hall’.<sup>99</sup>

A possible reason for this administrative exercise and renewed enforcement of sequestration is that the House of Lords was taking steps to overthrow the entire process of sequestration.<sup>100</sup> In September 1645 the Lords had stopped cooperating with the Commons’ attempt to pass an ordinance for the sale of delinquents’ estates. By examining who was in the House on days they sent delays or refusals back it is possible to piece together a tentative list of active opponents to sequestration in the

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<sup>97</sup> HLJ, Vol 8, 9<sup>th</sup> October 1646, pp. 515-7; 6<sup>th</sup> November 1646, p. 558; 11<sup>th</sup> November 1646, p. 561; 12<sup>th</sup> November 1646, p. 561; HCJ, Vol 4, 3<sup>rd</sup> November 1646, p. 713.

<sup>98</sup> Firth and Rait, *Acts and Ordinances*, pp. 887-904.

<sup>99</sup> HCJ, Vol 4, 10<sup>th</sup> November 1646, p. 718.

<sup>100</sup> The Earl of Manchester’s active opposition to sequestration, in spite of his outward compliance and enforcement, and Parliament’s formal investigation into his behaviour have already been explored in Young, *Implementation of Sequestration*. He resigned his commission as Major-General of the Eastern Association in April 1645 and largely confined himself to the business of the House of Lords.

Lords. Apart from Grey de Warke, the Speaker of the Lords, the only men present on all four occasions were the Earl of Kent and Lord North. The Earl of Pembroke was there three times, and the Earls of Manchester, Denbigh, and Radnor were there twice. What makes this more remarkable is the fact that the first five of these six men were also members of the central sequestration committee, and this must be a topic for future investigation.

Relations between Lords and Commons continued to deteriorate in the following weeks, eventually reaching a crisis on 1<sup>st</sup> December, when Sir Edward Leech and Mr Page complained that the Commons would not admit them as messengers from the Lords. The Lords immediately ordered an enquiry into whether such ‘great Obstructions of Business’ represented a breach in privilege.<sup>101</sup> In an attempt to regain the Commons’ cooperation the Lords even requested a conference on the morning of the 3<sup>rd</sup> to discuss the ordinance for the sale of delinquents’ estates, the first active move they had taken towards passing this, but it is unclear whether the Commons accepted the bait.

On 4<sup>th</sup> December Manchester presented the Lords with a report about Goldsmiths’ Hall, which was read, agreed to, and sent to the Commons by Serjeant Fynch, along with a request for a meeting the following day to discuss it;

The Lords, taking into their Consideration the Irregularity of the Proceedings now at Goldsmithes Hall by those that make Compositions with Delinquents, in regard that there is no such Power granted by Ordinance of Parliament, did send down an Ordinance, nominating of Lords and Commons and others to be Commissioners, enabling them with Power to treat and compound with such as are Delinquents: This Ordinance hath long lain with the House of Commons, which gives a great Obstruction to the present Business, and delays the bringing in of great Sums of Money, which in this Coniuncture of Time proves disadvantageous to the Parliament; the Lords conceiving it not reasonable for them to pass any Ordinances for the taking off the Delinquency of any Persons until they can be satisfied of the Value of their Estates, the Conditions of their Persons, and Title to their Lands, and of the Equality of their Fines; which cannot be, unless some of their Members be in that Commission, that so the respective Particulars before-mentioned may be made to appear to them, and by them may be reported to the House for their Information and Satisfaction. The Lords desire that the House of Commons would give all possible Expedition to the passing of that Ordinance.<sup>102</sup>

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<sup>101</sup> HLJ, Vol 8, 1<sup>st</sup> December 1646, p. 586.

<sup>102</sup> Ibid, 4<sup>th</sup> December 1646, p. 590.

Their main complaint appears to be that no member of the House of Lords sat on the Committee for Compounding at Goldsmiths' Hall, and therefore they could no longer trust that the information being presented by delinquents to the committee, then by a committee representative to the House of Commons, and finally by the House of Commons to them, was accurate. This clearly represents a lack of trust in the Commons, and is a serious statement to have made. It is also somewhat ironic that this message complained that the Lords' ordinance 'hath long lain with the House of Commons', when in fact they had only sent it a fortnight earlier, and they were guilty of causing far longer delays. The situation was complicated even further by their outright refusal to accept any more composition ordinances presented to them by the Commons until their members joined the committee. This was effectively blackmail, and those who would suffer most would be the delinquents desperately trying to get their lands back in midwinter, who now had to wait until Parliament resolved its internal squabbles.

The Commons waited several days before responding to this message, and only did so after passing some new amendments to the sequestration process. They forbade anyone involved at any level to take control of any sequestered estates for their personal use, and reiterated that they should be 'let out at the utmost improved yearly Values that any Man will give for the same'. They also instructed the county committees to arrest anyone who had served in the King's army and had not yet presented himself for composition, but added that anyone with an estate worth less than £200 should be pardoned. After completing these discussions they then agreed to read the Lords' ordinance in a couple of days.<sup>103</sup>

In a conciliatory gesture the Commons established a committee of fifty-seven MPs to consider the Lords' request to be involved with the composition process at Goldsmiths' Hall. The committee was instructed to meet in the Exchequer Chamber at 2pm on 11<sup>th</sup> December to 'prepare Instructions for such Committee as shall be appointed to manage this Business', indicating that the Commons was attempting to stall the process. They could have instructed this committee to actively integrate members of the Lords into Goldsmiths' Hall, but instead ordered them to provide instructions for a currently non-existent second committee who would 'manage this Business'.<sup>104</sup>

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<sup>103</sup> HCJ, Vol 5, 8<sup>th</sup> December 1646, pp. 4-5.

<sup>104</sup> Ibid, 10<sup>th</sup> December 1646, p. 8.

The Lords sent a message to the Commons on 28<sup>th</sup> December to request a meeting in the Painted Chamber at 11 o'clock 'concerning the Obstructions in point of Compositions at Goldsmiths Hall', which indicates that nothing else had been done during the previous fortnight. However, the matter then disappeared again from the journals of both Houses, and over the coming weeks they concerned themselves variously with discussions of individual composition claims. On 14<sup>th</sup> January the Lords sent 'Amendments to the Ordinance ... concerning the Committee of Goldsmiths Hall' to the Commons, via Mr Reynolds. These were read twice, and after some debate which was ultimately rejected about slight changes to the wording, the Commons concluded by merely adding two more of their members to the Committee.<sup>105</sup>

The House of Lords requested a conference with the Commons four days later, requesting a meeting at four o'clock. The Commons agreed, and sent Mr Reynolds and Mr Scawen as their representatives. During the meeting the Speaker of the Lords rebuked them for sending no answer to the message, and stated that 'their Lordships conceive that the not giving Expedition to that Ordinance gives an Obstruction to all the Affairs there'. He urged them to take the ordinance into 'serious Consideration, and give a Dispatch to it'.<sup>106</sup> However, the Commons continued their evasion and instead the piece of legislation they are next recorded as discussing was the long-awaited Ordinance for the Sale of Papists and Delinquents Estates, and shortly afterwards they appointed a new committee of eighteen MPs and 'all the Lawyers of the House' to 'consider of the most fitting and expeditious way of bringing Delinquents, excepted from Pardon, to a legal Tryal'.<sup>107</sup>

The surrender of Charles I's person to the custody of Parliament on 30<sup>th</sup> January did not create any unity between the two Houses; on the contrary, the House of Lords launched its newest attempt to control the composition process through a 'Declaration to prevent the discharging of Delinquents of their Sequestrations without the Consent of this House';

Whereas divers Delinquents have formerly and still do address themselves unto some Persons sitting at Gouldsmiths Hall, and they have and do daily enter into Agreements for the taking off such Sequestrations as are duly laid

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<sup>105</sup> H CJ, Vol 5, 28<sup>th</sup> December 1646, pp. 30-1; 14<sup>th</sup> January 1646/7, p. 52.

<sup>106</sup> Ibid, 18<sup>th</sup> January 1646/7, p. 55; HLJ, Vol 8, 18<sup>th</sup> January 1646/7, p. 678.

<sup>107</sup> H CJ, Vol 5, 25<sup>th</sup> January 1646/7, p. 61.

upon them by Ordinance of Parliament: The Lords in Parliament do Declare, That all such Compositions made by those Persons sitting at Gouldsmiths Hall with such as are under Delinquency, are not authorized by any Ordinance of Parliament; and that the Committees for Sequestrations within the several Counties of England and Dominion of Wales ought not to obey any Order from the Persons sitting at Gouldsmiths Hall, for the taking off or suspending any Sequestrations, upon the Pretence of the Delinquents having made his Composition with them, until such Time as a Committee or Commissioners to that Purpose be settled by Ordinance of Parliament, and the Composition made with such Committee or Commissioners be likewise ratified by Ordinance of Parliament.<sup>108</sup>

This is a sharply worded piece of text, effectively dismissing the authority of the Committee for Compounding if their orders were not also sanctioned by both Houses. The Commons reacted with anger, and sent Messrs Rigby, Stephens, and Pury to compare the printed copy which had been sent to them with the original text entered into the Lords' journal to make absolutely sure they knew what had been proposed. Mr Rigby reported that the word 'and' had been inserted and later crossed out of the journal, and had confirmed with the Lords' clerk that the text was genuine. Demonstrating that they could move at considerable speed if their own policies were at stake, the Commons then appointed a committee to meet at two o'clock in the Queen's Court to investigate,

... by what Power the Committee at Goldsmiths Hall sits; and in what Manner they act, and execute their Power; and to state the Matter of Fact, upon the whole Matter, to the House; They are likewise to consider of the Ordinances concerning Sequestrations; and of the Propositions by which Proportions are set upon Delinquents; and what Ordinances the Lords have passed for Pardons to Delinquents, and to whom; and in what Matters and Powers the Lords have concurred for the Committee at Goldsmiths Hall to act by.<sup>109</sup>

This report was to be presented first thing the following morning, with a view to providing the Lords with a detailed explanation of the importance of the Committee for Compounding. The account given by John Stephens the following day is a testament to the speed and detail to which those men must have worked. Twenty references to sequestration or composition in ordinances passed by the Houses since the outbreak of war were relayed, as well as a summary of the duties of the Committee at Goldsmith Hall. Stephens also emphasised that 'Divers of these Ordinances' were agreed by the Commons and then sent up to the Lords, 'who have likewise passed the same', and indeed presented a further itemised list of ten

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<sup>108</sup> HLJ, Vol 8, 1<sup>st</sup> February 1646/7, p. 696.

<sup>109</sup> HCJ, Vol 5, 2<sup>nd</sup> February 1646/7, p. 70.

examples of this. In other words, the Lords had initially agreed to the resolutions establishing Goldsmiths' Hall and their functions, in some cases to their own advantage; Stephens noted examples of payments of between £1,500 and £10,000 to members of the Lords out of money raised through compositions. He also claimed that 'The Lords have been, divers of them, oftentimes present at that Committee, sitting at Goldsmiths Hall, to solicit for their severall Friends'. It appears that the Earl of Manchester was not the only peer using his position to secure the discharge of his friends.

Confident in their position based on this condemnation, the Commons requested a meeting with the Lords in the Painted Chamber, and it was agreed to. Stephens summarised the report he had presented to the Commons in four clauses. The first was an acknowledgement that the Lords had questioned the proceedings of the Committee, but the second rejected them by highlighting the 'great Necessity and Advantage to the Publick' by its continuance. He noted that 'great Sums of Money' had been raised through compositions 'for Payment of the Scotts and English Army', and also for private payments 'to divers of your Lordships'. The third clause criticised the Lords for raising an objection to the committee 'just at this Time of Unsettlement', because it 'takes away the Reputation of the Parliament' and risked 'great Disturbances, and Dangers of Broils, in several Counties'. It 'will be a Stop to the Raising of Money in this our greatest Exigent', and 'gives a great Encouragement to our Enemies, that there should seem to be a Difference betwixt the Two Houses'. The final clause reiterated that the Commons had consulted the Lords when every legislative amendment was introduced, and had secured their concurrence.

In a display of conciliation, however, after these clauses were approved the Commons twice read some amendments from the Lords concerning the suspension of sequestrations by the Committee for Compounding, and they narrowly passed by eighty-three votes to seventy-four.<sup>110</sup> The amendments included the addition of new members of the Lords to the committee, so in spite of the ensuing disagreements the Lords finally received a favourable answer to the request they had raised in December. The Lords debated these amendments again two days later and passed the new ordinance, but not without dissent. Five peers requested that their protest be recorded in the journal, because the number of Lords being appointed to the Committee was still only half as many as their counterparts from the Commons. The

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<sup>110</sup> HCJ, Vol 5, 3<sup>rd</sup> February 1646/7, pp. 70-3.



dissenters were the Earls of Lincoln, Suffolk, and Middlesex, Viscount Hereford, and Lord Parham.<sup>111</sup> Nevertheless, on 6<sup>th</sup> February the Commons entered the full text of a new ‘Ordinance concerning Goldsmiths Hall’ into their journal, and two days later it entered the legislature.<sup>112</sup>

The final text appointed fifteen Lords,<sup>113</sup> thirty MPs,<sup>114</sup> and an additional ten gentlemen<sup>115</sup> ‘to sit at Goldsmiths Hall, for compounding with Delinquents’. The ordinance empowered commissioners to ‘suspend the Sequestrations of such Delinquents as shall compound’, and again reiterated that no cases should be discharged by county committees. Copies of the text were printed, published, and sent to all of the committees to ensure that the rules were known. An amendment was passed on 20<sup>th</sup> February which allowed the commissioners to examine witnesses under oath, and on 16<sup>th</sup> April the Committee for Compounding’s treasurers, Richard Waring and Michael Herring, were granted a salary of three and a half pence in the pound of all money received by that committee.<sup>116</sup>

The vast majority of entries in the journals of both Houses in the following months referred to the discharge of sequestrations following compositions, rather than the amendment of existing sequestration ordinances. The inference from this is that the legislation was working, and the county committees had the infrastructure and authority they needed to carry out raids.

The surrender of the King to the Parliamentary forces did not signal the end of hostilities; indeed, it exacerbated tensions between the New Model Army and the Houses of Parliament, which had been steadily growing throughout 1647. On 15<sup>th</sup> June the army presented Parliament with their Representation, a lengthy document

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<sup>111</sup> HLJ, Vol 8, 5<sup>th</sup> February 1646/7, p. 708.

<sup>112</sup> Firth and Rait, *Acts and Ordinances*, pp. 914-5.

<sup>113</sup> ‘Philip Earl of Pembroke and Montgomery, Robert Earl of Warwick, Theophilus Earl of Lincoln, Bazil Earl of Denbigh, Edward Earl of Manchester, James Earl of Middlesex, Edmond Earl of Mulgrave, Henry Earl of Stanford, Philip Lord Wharton, Francis Lord Willoughby, Dudley Lord North, William Lord Gray of Wark, John Lord Roberts, William Lord Maynard, Edward Lord Howard of Escrig’

<sup>114</sup> ‘Sir Henry Vane jr, Oliver Saint-Johns Esq., His Majesties Solicitor-General, Denzil Holles Esq; Sir Anthony Irby Baronet, Mr. Gurdon, Sir Arthur Hazlerig, Mr. Henry Darley, Mr. John Ash, Mr. John Stephens, Mr. Boyse, Mr. Robert Reynolds, Mr. Cornelius Holland, Mr. Robert Jenner, Sir Gilbert Gerrard Baronet, Sir Nathl. Barnardiston, Sir John Yongue, Sir Thomas Soam, Mr. Thomas Hatcher, Mr. John Trenchard, Mr. Dennis Bond, Mr. John Brown, Mr. Alderman Pennington, Mr. Edward Ash, Mr. Alderman Hoyle, Mr. John Blackiston, Mr. Roger Hill, Mr. Francis Allen, Mr. Robert Goodwin, Sir John Clotworthy, Mr. John Salway’

<sup>115</sup> ‘Sir David Watkins Knight, Mr. Richard Bateman, Mr. Christopher Pack, Mr. John Oldfield, Mr. Samuel Moyer, Mr. William Tompson, Mr. Richard Shute, Captain Richard Venner, Mr. George Tompson, Mr. Laurence Bringley’

<sup>116</sup> HLJ, Vol 8, 8<sup>th</sup> February 1646/7, p. 713; Vol 9, 20<sup>th</sup> February 1646/7, p. 27; HCJ, Vol 5, 16<sup>th</sup> April 1647, p. 145.

detailing their grievances against the governance of the country. In their ‘desire for the settling and securing of our own and the kingdom’s right, freedom, peace, and safety’, the first thing the army requested was that ‘the Houses may be speedily purged of such members as for their delinquency, or for corruption, or abuse to the state, or undue election, ought not to sit there’.<sup>117</sup>

One week later the discussion in the House of Commons duly turned to sanctions against members ‘as shall or do sit, that are guilty of any Delinquency against the Parliament’. A committee of eight men was appointed to investigate ‘all Informations and Reports concerning such Members of this House’ who had been in arms, been commissioners of array, accepted a pardon from the King, been in correspondence with Royalists,<sup>118</sup> or had ‘voluntarily, directly, or indirectly, aided the Enemy against the Parliament’.<sup>119</sup> It was declared that ‘this House will deal severely against all such Members as shall be found guilty in this kind’. Two days later Mr Bulkley was appointed as chairman of the investigating committee ‘to receive the Informations or Complaints of any Person against any Member of this House, for Corruption, or Abuse to the State’.<sup>120</sup>

The committee moved with speed, and on 5<sup>th</sup> July the first MP, Mr Hudson, was barred from serving as the Member for Lynn Regis in Norfolk<sup>121</sup> because he ‘was actually assisting in the Rising at Lynne Regis’ in October 1643. He was ‘forthwith disabled for sitting or serving as a Member of this House, during this Parliament, for his Delinquency against the Parliament’.<sup>122</sup> Four days later the Commons resolved that ‘no Person that hath been in actual War against the Parliament’, or who had aided the King in any way, ‘shall presume to sit in this House’. They were given twenty days to either voluntarily remove themselves ten miles from the City of London, or provide a written statement explaining their actions by the following week. It was later added that such MPs ‘shall not incur any further Danger or Penalty, other than their being disabled to sit as Members of this House’. By 15<sup>th</sup> July

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<sup>117</sup> Arthur S. P. Woodhouse, *Puritanism and Liberty, being the Army Debates (1647-9) from the Clarke Manuscripts with Supplementary Documents*, 2<sup>nd</sup> edn (USA: University of Chicago Press, 1951), p. 404; digital copy available via the Online Library of Liberty.

<sup>118</sup> In practice reprimanding MPs who were in contact with Royalists would have been incredibly difficult to enforce because it was a widespread issue; friends and families divided by allegiance did not necessarily cut all ties with each other, and surviving correspondence between supposed enemies can readily be found in archives.

<sup>119</sup> The appointed men were ‘Mr. Browne, Mr. Holles, Mr. Lisle, Mr. Grimston, Mr. Walker, Mr. Knightley, Mr. Wheeler, Mr. Swinfen’.

<sup>120</sup> HCJ, Vol 5, 21<sup>st</sup> June 1647, p. 218; 23<sup>rd</sup> June 1647, p. 220.

<sup>121</sup> Now King’s Lynn.

<sup>122</sup> HCJ, Vol 5, 5<sup>th</sup> July 1647, p. 233.

five cases had been submitted and referred to the investigating committee; those of John Dooley, Bennet Hoskins, Sir Philip Percival, Thomas Cholmley, and Thomas Dacres.<sup>123</sup> This was, in effect, a small scale version of Pride's Purge; it was an attempt to ensure that only committed Parliamentarians were sitting in the Commons and that anyone with Royalist sympathies was kept at bay.

Another order issued on 9<sup>th</sup> July was to put delinquents and malignants outside the lines of communication; the combination of these two declarations from Parliament suggests a desire to ensure the security of the cities of London and Westminster. Notwithstanding previous ordinances, numerous delinquents have 'continued within the said Cities' and 'many more have returned and resorted thither', causing 'many Inconveniencies and Disturbances'. The ordinance instructed delinquents to stay at least twenty miles away from the two cities at all times, under penalty of apprehension, imprisonment, and trial as a traitor. An exception was again made for anyone wishing to compound for their estates, but they needed a 'Licence under the Hands of the Committee appointed for Compositions' before they travelled. However, delinquents were banned from any entry into the cities from 14<sup>th</sup> July until 14<sup>th</sup> October, even if they were trying to compound. The following day another ordinance was passed empowering the London militia to 'search all Houses and Places, within the Lines of Communication' where it was suspected any delinquents or Catholics were living, and to take them into custody.<sup>124</sup>

From 9<sup>th</sup> September delinquents were excluded from holding office, including the roles of mayor, alderman, bailiff, sheriff, Justice of the Peace, steward, constable, or officer 'in any County, City, Borough, or Town Corporate' within England and Wales. The only exception to this order were people who had been unduly sequestered and subsequently discharged by both Houses. This order was later extended to bar such delinquents from voting in local elections.<sup>125</sup> One week later an additional sanction was placed on delinquents who had begun the composition process, but for one reason or another had not paid the full amount of their fine. This was a common problem; the sequestration of estates meant that delinquents had no accessible income, and were often forced to either borrow from friends or relations, mortgage their property, or sell portions of it, to pay their composition

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<sup>123</sup> HCJ, Vol 5, 9<sup>th</sup> July 1647, p. 238; 15<sup>th</sup> July 1647, pp. 244-5.

<sup>124</sup> HLJ, Vol 9, 9<sup>th</sup> July 1647, p. 323; 10<sup>th</sup> July 1647, pp. 325-6.

<sup>125</sup> Ibid, 9<sup>th</sup> September 1647, p. 430; 6<sup>th</sup> October 1647, pp. 470-1.

finer. The new ordinance instructed the county committees to re-sequester the estates of such people ‘untill they shall fully satisfie the remainder of their Fines’.<sup>126</sup>

### **Peace Negotiations between King and Parliament, 1646-1647**

Mark A. Kishlansky and John Morrill have stated that Charles ‘constantly tested out the possibilities of peace’, and was ‘as sincere as his opponents in wanting to end the conflict’. Ultimately fruitless peace negotiations took place in Oxford in January to March 1643, and later in Uxbridge in January to March 1645,<sup>127</sup> in addition to ‘many more informal, secretive, even furtive discussions between clusters of MPs and their agents and men around the king’.<sup>128</sup>

Charles left his court at Oxford on 27<sup>th</sup> April 1646. He initially intended to travel to London but quickly changed his mind and made for the continent instead. His plan failed, however, and he surrendered his person to the Scottish army in Newark in early May. His confinement was a varied one; he remained at the mercy of the Scots until February 1646/7, when he was delivered to the Parliamentarians. He was then housed variously in Northamptonshire, East Anglia, Hertfordshire, Surrey, the Isle of Wight, and finally London. During this time, when it was clear to all that Parliament had the upper hand, another attempt to negotiate a settlement was launched by the New Model Army; this became known as the Heads of Proposals, and it focussed on the relationship between government and subject. The propositions for peace negotiated in 1647 are of particular interest to this thesis because they contain detailed discussions about the treatment and status of convicted delinquents in post-war society.<sup>129</sup>

On 23<sup>rd</sup> April the House of Commons ordered an alteration to the draft propositions to be presented to the King, ‘in relation to such Persons with whom the House has compounded, or pardoned’, and a week later John Lisle confirmed that ‘a Clause [is]

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<sup>126</sup> HCJ, Vol 5, 15<sup>th</sup> September 1647, p. 301; HLJ, Vol 9, 16<sup>th</sup> September 1647, p. 436; Firth and Rait, *Acts and Ordinances*, p. 1012.

<sup>127</sup> The Uxbridge negotiations have particular significance for the study of sequestration because seven of the twelve commissioners appointed by Parliament – the Earls of Northumberland, Pembroke, Salisbury, and Denbigh, Denzil Holles, Oliver St John, and Edmund Prideaux – were members of the central committee, and the names of seven of their sixteen royalist counterparts – namely the Duke of Richmond, the Earl of Southampton, Lords Dunsmore and Capell, Sir John Culpepper, Sir Orlando Bridgeman, and Jeffrey Palmer – can be found in the central committee’s order books; HLJ, Vol 7, 28<sup>th</sup> January 1644/5, p. 159.

<sup>128</sup> Mark A. Kishlansky and John Morrill, ‘Charles I (1600–1649)’, in *ODNB*.

<sup>129</sup> See C. V. Wedgwood, *The King’s War: 1641-1647* (London: Collins, 1958); hereafter Wedgwood, *The King’s War*; Smith, *Constitutional Royalism*, pp. 198-208.

to be added to the Propositions, in relation to such as have been compounded with'.<sup>130</sup> The new clause was entered into the Commons journal in its entirety on 12<sup>th</sup> May;

Provided that all and every the Delinquents, which, by or according to the several and respective Ordinances or Orders, made by both or either of the Houses of Parliament, on or before the Four-and-twentieth Day of April 1647, are to be admitted to make their Fines and Compositions, under the Rates and Proportions of the Qualifications aforesaid, shall, according to the said Ordinances and Orders respectively, be thereto admitted: And further also, That no Person or Persons whatsoever, except such Papists as having been in Arms, or voluntarily assisted against the Parliament; having, by concealing their Quality, procured their Admission to Compositions, which have already compounded, or shall hereafter compound, and be thereto admitted by both Houses of Parliament, at any of the Rates and Propositions aforesaid, or under, respectively, shall be put to pay any other Fine than That they have or shall respectively so compound for; except for such Estates, or such Part of their Estates, and for such Values thereof respectively, as have been, or shall be, concealed or omitted in the Particulars whereupon they compound: And that all and every of them shall have thereupon their Pardons, in such Manner and Form, as is agreed by both Houses of Parliament.<sup>131</sup>

All delinquents who had been sequestered on or before 24<sup>th</sup> April 1647 would be allowed to compound, along with all Catholics who had not borne arms against the Parliament. The composition fine would be the only penalty they had to pay, and they would receive a full pardon from both Houses of Parliament upon their submission. The final draft of the Heads of Proposals also contained an automatic discharge for anyone under sequestration whose property in land or goods was worth less than £200 per year.<sup>132</sup> However, subsequent events meant that there would be a delay before the propositions were sent to the monarch.

The King's person was passed to the Parliamentary forces in Newmarket on 3<sup>rd</sup> June 1647, and the House of Commons spent almost a month debating where to house him, with suggestions ranging from Oatlands, Hatfield, and Richmond. Following riots at the Palace of Westminster on 26<sup>th</sup> July 1647, led by apprentices and demobilized soldiers, the two Houses of Parliament were forced to vote for the King's return to London, but this order was later declared null and void.

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<sup>130</sup> H CJ, Vol 5, 23<sup>rd</sup> April 1647, p. 152; 30<sup>th</sup> April 1647, p. 157.

<sup>131</sup> Ibid, 12<sup>th</sup> May 1647, pp. 168-9.

<sup>132</sup> Samuel Rawlinson Gardiner, *Constitutional Documents of the Puritan Revolution 1625-1660* (Oxford: Clarendon Press, 1906), p. 322.

Meanwhile, the necessity of negotiating peace was never far from the mind of Parliament. On 1<sup>st</sup> July the Commons sent a message to Lords ‘to desire them to expedite the Propositions to be sent to the King, for a safe and well-grounded Peace’, and a similar request was repeated on 26<sup>th</sup> August. The Lords returned their answer the same day, and declared ‘that they do agree to the Propositions for Peace’, with some minor alterations.<sup>133</sup>

27<sup>th</sup> August marked the re-commencement of long debates in Parliament concerning the propositions for peace, and it was decided that the commissioners who would present them to the King would be the Earls of Pembroke and Denbigh, Sir John Holland, Sir Walter Earle, Sir John Cooke, Sir James Harrington, John Crew, and Richard Browne. They were instructed to present the first draft of the propositions to the King on 7<sup>th</sup> September at Hampton Court Palace, to ‘desire from [him] his positive Answer and Consent’, and to ‘repair, with all Dilligence and Speed, to the Parliament, at Westminster, as soon as you ... shall have received the said Answer’. If he would not provide an answer within six days they were instructed to withdraw to Westminster. The House of Lords provided their consent to the content of the propositions, but early during the Commons sitting on 7<sup>th</sup> September, the day they were to be sent to the King, it was noted that the ‘Matter that concerns the regulating of Fines and Compositions of Delinquents of this Kingdom’ had not been resolved. Nevertheless, the commissioners were dispatched to Hampton Court, and wrote to the Commons the following day confirming ‘that they had Yesterday presented the Propositions to his Majesty’. The King’s answer was returned to the Commons on 14<sup>th</sup> September, and debated on 22<sup>nd</sup> September; it can be inferred that he did not give his immediate consent, as they had hoped he would. He particularly objected to the abolition of the episcopacy and establishment of a Presbyterian government, even though the Commons considered it to be ‘necessary for the Welfare and Safety of the Kingdom’.<sup>134</sup>

On 16<sup>th</sup> October the Lords sent the Commons sixteen pages of amendments to the propositions, including clauses concerning with the militia, the great seal, and the sale of Bishops’ lands. The tenth paper concerned delinquents exempt from pardon; its exact content is unknown, but the Commons did not agree with it and instead

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<sup>133</sup> H CJ, Vol 5, 1<sup>st</sup> July 1647, p. 228; 26<sup>th</sup> August 1647, pp. 284-5.

<sup>134</sup> Ibid, 6<sup>th</sup> September 1647, p. 293; 7<sup>th</sup> September 1647, p. 294; 8<sup>th</sup> September 1647, p. 296; 14<sup>th</sup> September 1647, p. 301; 22<sup>nd</sup> September 1647, p. 312; 23<sup>rd</sup> September 1647, p. 315; 6<sup>th</sup> October 1647, p. 327.

referred it to a committee, whose membership is unknown. They reported back on 20<sup>th</sup> October, and resolved that a clause should be added to the propositions specifically excluding seven delinquents from receiving the King's pardon, but this did not pass the Commons' vote. It was also rejected by the Lords on 30<sup>th</sup> October because 'the Seven excepted from Pardon of Life are not named'; leaving the names blank was dangerous because it left room for alterations. However, it was agreed that the composition fine paid by delinquents should not exceed one third of the pre-war value of their estate.<sup>135</sup>

The Commons provided an alternate wording for the clause concerning delinquents, and added the prefix,

That the Persons expressed and contained in the Three first Qualifications following, be proceeded with, and their Estates disposed of, as both Houses of Parliament shall think fit, or appoint: And that their Persons shall not be capable of Pardon by his Majesty, without Consent of both Houses of Parliament: The Houses hereby Declaring, That they will not proceed as to the Taking away of Life of any in the First Qualification, to above the Number of Seven Persons.

1. Qualification. Rupert and Maurice, Count Palatine of the Rhine, James Earl of Darby, and the rest of the English in this Qualification named.

2. Qualification. All Papists and Popish Recusants, who have been, now are, or shall be, actually in Arms, or voluntarily assisting against the Parliament and Kingdom; and by name, the Marquis of Winton, and all the English named in this Qualification formerly.

3. Qualification. All Persons who have had any Hand in the plotting, designing, or assisting the Rebellion of Ireland; except such Persons who having assisted only the said Rebellions, have rendered themselves, or come in to the Parliament.<sup>136</sup>

These clauses show that the Commons wanted to execute some of the King's officers, but would draw the line at seven and promised not to proceed against Princes Rupert and Maurice, Catholics, or Irish rebels. They would be liable to have their property sequestered, but they could rest content that their lives would not also be taken from them. The seven men exempt from pardon were the Earl of Worcester, Lord Digby, Lord Audley, Sir Robert Heath, Sir Richard Grenville, David Jenkins, and George Carteret.<sup>137</sup> The Commons were determined to secure Charles' consent, and stated

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<sup>135</sup> HCJ, Vol 5, 16<sup>th</sup> October 1647, p. 335; 18<sup>th</sup> October 1647, p. 336; 20<sup>th</sup> October 1647, p. 337; 30<sup>th</sup> October 1647, p. 346; HLJ, Vol 9, 8<sup>th</sup> October 1647, p. 476.

<sup>136</sup> HCJ, Vol 5, 5<sup>th</sup> November 1647, p. 351.

<sup>137</sup> HLJ, Vol 9, 8<sup>th</sup> October 1647, p. 476.

that ‘the King is bound in Justice, and it is his Duty, to give his Assent to such Laws as shall be tendered unto him by both Houses of Parliament’.<sup>138</sup>

However, agreement between King and Parliament was not the outcome of these negotiations. On 28<sup>th</sup> October 1647 the general council of the New Model Army met at Putney, chaired by Oliver Cromwell, and this meeting became known as the Putney Debates. Its purpose was to create a new constitution for the governance of Britain, limiting the power of the King and increasing the authority of Parliament. However, the meeting was broken on 11<sup>th</sup> November before any concrete agreements had been reached, following the King’s escape from Hampton Court. The anger in the Commons was palpable, and on the 13<sup>th</sup> they resolved that anyone who harboured or concealed the King’s person ‘shall be proceeded against as a Traitor to the Commonwealth, forfeit his whole Estate, and die without Mercy’.<sup>139</sup>

The King’s escape was not successful, however, and he was quickly recaptured. Parliament chose Carisbrooke Castle on the Isle of Wight as ‘the securest Place for the King’s Residence’, and he arrived at his new gaol on 22<sup>nd</sup> November. Although he was initially given freedom to move around the island, his subsequent multiple escape attempts soon placed him in close confinement. The Commons also recognised the necessity of keeping anyone with Royalist sympathies away from the King to prevent any potential future escape attempts. They resolved that, ‘no Person who hath been in Arms, or assisted in this unnatural War against the Parliament, be permitted to come or remain in the said Isle ... [or] to come into the King’s Presence’. Any of the Island’s inhabitants who were known to have supported the Royalists could only remain there if they had successfully compounded, but they were completely barred from the King.<sup>140</sup>

### **The Second Civil War, 1648**

With the King’s person secured on the Isle of Wight the House of Commons was able to resume its standard procedure for discharging delinquents. 14<sup>th</sup> December saw the compositions of seventeen people, with a further seven the following day, twelve on the 16<sup>th</sup>, and fourteen on the 17<sup>th</sup>. The compositions continued to be heard during all subsequent house sittings from the 18<sup>th</sup> until the 28<sup>th</sup>; indeed, a total of 124

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<sup>138</sup> H CJ, Vol 5, 5<sup>th</sup> November 1647, p. 351.

<sup>139</sup> Ibid, 13<sup>th</sup> November 1647, p. 358.

<sup>140</sup> Ibid, 16<sup>th</sup> November 1647, p. 360.



compositions were approved by the House of Commons during this two week period, and they continued to be heard regularly through January. These were the first mass pardons since 23<sup>rd</sup> September, and it is clear that something of a backlog had built up. There was also a renewed desire to ensure that all the county accounts were up to date, because an order was made for the county committees to ‘speedily deliver in an Account of all Sequestered Lands and Goods’ before 1<sup>st</sup> March.<sup>141</sup>

Due to this backlog Goldsmiths’ Hall proposed an amendment to the legislation which would automatically discharge delinquents whose estates were worth less than £200 per annum. This was presented to the Commons on 5<sup>th</sup> January, and entrusted to a committee for further discussion.<sup>142</sup> One of these committee members, Colonel White, presented a report to the Commons the following week, but far from recommending a mass discharge it was resolved that,

Commissioners be appointed, by Commission, under the Great Seal of England, for every County, to put in Execution all the Ordinances of Sequestration: And that they do sequester all such Papists and Delinquents as ought to be sequestered, and are not yet sequestered, in the said several Counties; and continue under Sequestration such as are already under Sequestration, and not discharged: And that they do improve the Revenues and Estates sequestered by them, or others, formerly, to the most Advantage for the Commonwealth.

This order was immediately followed by an order to the militia committees of London, Westminster, and Southwark to ‘do apprehend and secure all such Papists and Delinquents as remain in Town’. It can be inferred from these orders that it was too risky to allow delinquents to be discharged, and that their continued security was necessary for the stability of Parliamentary governance.<sup>143</sup>

There was also a desire to further regulate the composition process. On 6<sup>th</sup> March the Lords and Commons authorised Goldsmiths’ Hall to ‘send for all such Delinquents, in safe Custody, that either do refuse to compound at all, or, having submitted to a Composition, do not, with Effect, prosecute and perfect their Compositions’. Anyone who had begun their composition but who would not complete it within a month was liable to imprisonment ‘till they do comply, and yield

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<sup>141</sup> HCJ, Vol 5, 14<sup>th</sup> December 1647, pp. 381-3; 15<sup>th</sup> December 1647, pp. 383-6; 16<sup>th</sup> December 1647, pp. 386-8; 17<sup>th</sup> December 1647, pp. 388-91.

<sup>142</sup> *Ibid*, 5<sup>th</sup> January 1647/8, p. 419.

<sup>143</sup> *Ibid*, 14<sup>th</sup> January 1647/8, p. 432.

Obedience'.<sup>144</sup> However, as previously stated, from the Royalist perspective delaying compositions was not necessarily a matter of recalcitrance. With their property sequestered they had little to no income and were often unable to pay the large fines set by Goldsmiths' Hall, prompting them to sell parts of their property or borrow heavily. Such transactions took time and meant that compositions could not always be completed quickly.

When a composition was started Parliament stopped receiving the rents from an estate, and the money was left in the hands of the tenants with the aim that their delinquent landlords would receive it after making the first payment towards their fine. However, to further exacerbate their financial difficulties, on 22<sup>nd</sup> March the Commons instructed that if a delinquent had not made the first payment within six months of starting the process, the money would again be forfeit to Parliament.<sup>145</sup>

The King's imprisonment on the Isle of Wight had not ended the conflict, and his supporters across the country were ready to prove their willingness to continue opposing Parliamentary government. A revolt in Canterbury on 22<sup>nd</sup> December 1647 was followed by rebellion in South Wales in February 1647/8, reiterating that it was essential for Parliament to keep tight control of their enemies, and ensure they had limited or no access to material or financial resources. On 21<sup>st</sup> April 1648 the Commons approved the 'Ordinance for securing and disarming Delinquents, and preventing Tumults and Insurrections by them'. A brief debate took place whether a clause should be inserted 'for inflicting the Punishment of Sequestrations' on anyone found to violate the ordinance, and the question passed with the affirmative.<sup>146</sup> The House of Lords was not as willing to pass the ordinance immediately, and appointed a committee of twelve peers 'to make Alterations therein'.<sup>147</sup> Unfortunately there is no record of what their alterations were, but two days later the ordinance was ready to be returned to the Commons.<sup>148</sup> In the meantime further Royalist insurrections had taken place in Norwich, Berwick, and Carlisle, and arrangements were underway to try the Canterbury rioters.<sup>149</sup>

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<sup>144</sup> HCJ, Vol 5, 6<sup>th</sup> March 1647/8, p. 481.

<sup>145</sup> Ibid, 22<sup>nd</sup> March 1647/8, p. 508.

<sup>146</sup> Ibid, 21<sup>st</sup> April 1648, p. 539.

<sup>147</sup> Northumberland, Pembroke, Warwick, Saye and Sele, Denbigh, Salisbury, Mulgrave, Manchester, Howard, Wharton, Grey, de la Warr; HLJ, Vol 10, 22<sup>nd</sup> April 1648, p. 220.

<sup>148</sup> HLJ, Vol 10, 24<sup>th</sup> April 1648, p. 225.

<sup>149</sup> HCJ, Vol 5, 25<sup>th</sup> April 1648, p. 544; 8<sup>th</sup> May 1648, p. 554; 9<sup>th</sup> May 1648, p. 554.

In spite of those events the lower House showed no great urgency to accept the Lords' amendments, and it was not until 8<sup>th</sup> May that the matter was touched upon. Even then they did not go as far as discussing them, merely agreeing to postpone the debate until the following Wednesday. However, no debate ever took place. On 17<sup>th</sup> May the Commons reiterated their desire to expel delinquents and Catholics from London, but the next piece of legislation to be passed was an order on 6<sup>th</sup> June to sequester the estates of anyone involved in the insurrections in South Wales.<sup>150</sup>

The standard procedure for mass pardons of delinquents upon the reports presented by Goldsmiths' Hall was resumed by the two Houses in mid-June. The dearth of legislation amendments during the middle years of the war was compensated by three amendments passed in the second half of 1648. With the King in custody Parliament appears to have begun working on an audit of sequestration, requesting detailed information from every sequestrator and county committee about the property and money that had passed through their hands since the policy was introduced.

Throughout July preparations were made to pass an 'Ordinance for the further and better regulating the Estates of Papists and Delinquents under Sequestration'. The first draft was read twice in the Commons, but two sets of amendments were made in the following fortnight. On 7<sup>th</sup> August it was sent to the Lords, and they passed it two days later. Its six clauses addressed the administration of the policy, and highlighted Parliament's desire to have a comprehensive account of all the sequestrations which had taken place since 1643. All sequestrators were ordered to provide 'a true and perfect Inventory ... of all the personal Estates by them sequestred from their first undertaking therewith', and 'a particular (to the best of his or their knowledge) of all Estates reall and personall, which hath been discharged and freed from Sequestration' within three months. This request was based on the assumption that all county committees had created and maintained detailed records about all of their raids and transactions. Any personal property still under sequestration 'shall be appraised & sold ... for the best advantage of the State', and estates and houses 'let out' to suitable Parliamentary tenants. If the committees had any money in their possession raised through sequestration or sale they were given

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<sup>150</sup> HCJ, Vol 5, 8<sup>th</sup> May 1648, pp. 553-4; 17<sup>th</sup> May 1648, p. 562; 6<sup>th</sup> June 1648, p. 587.

between six days and three months to pay it in to the treasurers at the Guildhall, depending on their geographical distance from London.<sup>151</sup>

The final clause began by stating that anyone employed in sequestration was ‘very acceptable to the State’, and that they ‘shall not passe without due regard had thereof’. It also reiterated that ‘they and every of them shall be protected and saved harmlesse ... [from] all manner of Interruption, trouble, molestation, disturbance, losse and damage whatsoever’. A new addition to the guidelines followed this, and its inclusion is extremely interesting. Parliament guaranteed that,

... in case the said [sequestrators] or the persons imployed by them, in and about the affaires of Sequestration ... or any of their Heires, Executors, Administrators or assignes, shall at any time or times hereafter, be sued, indicted, prosecuted or molested ... It is hereby Declared and Ordained, that in every Action, Suit, Indictment, Information or Prosecution whatsoever ... It shall be lawfull to and for them ... [to] give in evidence to the Iury that shall try the same, and [say] that the matter in question was an act or thing acted, or done, or commanded to be acted, or doe by authority of this present Parliament.

The instructions specified that the juries and judges should accept this evidence, and that they would also be ‘saved harmlesse by authority of Parliament, for and concerning the same’. If the suits were settled in the sequestrators’ favour they should be granted ‘treble costs’ as reparation.<sup>152</sup> The inclusion of this clause raises questions. Why did Parliament suddenly think it necessary to protect their agents against civil suits brought up by delinquents or their families? Had such suits already been appearing in courts or was this a pre-emptive strike against any potential retaliation? It also demonstrates that they intended to keep using sequestration as one of their policies for the foreseeable future.

On 25<sup>th</sup> August an ordinance ‘For the better regulating and speedy bringing in the Sequestration Monies’ was passed, and highlighted Parliament’s desire to consolidate their financial assets. The initial maximum period of three months for county treasurers to pay all money to the Guildhall was reduced to just forty days, irrespective of their distance from London. They were also ‘required within 14 dayes’

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<sup>151</sup> H CJ, Vol 5, 20<sup>th</sup> July 1648, p. 641; 31<sup>st</sup> July 1648, p. 653; 2<sup>nd</sup> August, p. 658; 7<sup>th</sup> August 1648, p. 663; H LJ, Vol 10, 9<sup>th</sup> August 1648, pp. 429-31.

<sup>152</sup> *An ordinance of the Lords and Commons assembled in Parliament, for the better regulating and ordering the sequestration of the estates of Papists & delinquents and for reforming and preventing of abuses in the managing of the same* (London: John Wright, 1648); EEBO Wing (2<sup>nd</sup> ed, 1994) / E1949, pp. 1-6.

to send an account of money owed to sequestrators in wages, together with any 'Information as they can give concerning fraudulent or indirect dealing that hath beene used'. Parliament realised that if committees or sequestrators failed to follow instructions 'there is no power given either to compel or question', so they appointed Captain William Stevenson, the Deputy Serjeant-at-Arms to the Commons, to 'bring up any person or persons to the Committee for Indempnity, that shall not obey this and other former Ordinances of Parliament'. Anyone showing such 'contempt of the Authority of Parliament' would 'receive condigne punishment according to their Demerits'. Stevenson was given a salary of £40 per annum for his work.<sup>153</sup>

18<sup>th</sup> October saw the passage of an ordinance explicitly bringing 'divers ill-affected persons' who had 'endeavored to raise a new War in this Kingdom' through rebellion and revolt within the scope of sequestration. Parliament wanted to be seen to act decisively against anyone still in active support of the King, and went as far as to declare them 'Traytors'. There also appears to be a clause excluding anyone who had already been sequestered before taking part in the rebellions from compounding; the sequestrators were authorised to compound with those 'as were not at that time actually Sequestred for former Delinquencies'. If this was their first offence they could compound, but if they had already been judged guilty of another offence they would remain sequestered.<sup>154</sup> This is consistent with an order made in the Commons two months earlier, specifying that the pardon given to delinquents at the time of their composition would not extend to 'any Offence committed by any Delinquent, after the Day of their Composition and Fine'. In other words, if they were found to be repeat offenders their sequestration would be renewed. They were also barred from serving as jurors, voting in local elections, or holding any office of 'publick Trust or Employment'.<sup>155</sup>

On 9<sup>th</sup> November the Commons voted to place delinquents 'as are now beyond the Seas' into permanent exile, and forbade them to travel anywhere in England, Ireland, Guernsey, or Jersey, unless they were explicitly summoned by Parliament.

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<sup>153</sup> *An additional ordinance of the Lords and Commons assembled in Parliament for the better regulating speedy bringing in the sequestration monies arising out of the reall and personal estates of Papists and delinquents, already or hereafter to be sequestered according to former ordinances of Parliament* (London: John Wright, 1648); EEBO Wing (2<sup>nd</sup> ed, 1994) / E1178, pp. 1-6.

<sup>154</sup> *A declaration and ordinance of the Lords and Commons assembled in Parliament for the sequestring the estates both real and personal of delinquents, to be employed for and towards the raising and maintaining of a troop of horse, for the service of the Parliament within the county of Surrey* (London: Edward Husbonds, 1648); EEBO Wing (2<sup>nd</sup> ed, 1994) / E1303, p. 1.

<sup>155</sup> H[C], Vol 5, 28<sup>th</sup> August 1648, p. 688; Vol 6, 5<sup>th</sup> September 1648, p. 6; 22<sup>nd</sup> September 1648, p. 27.

Goldsmiths' Hall's power to grant passes to exiled delinquents who sought to compound was also revoked, and any ongoing compositions with those men were halted. Shortly afterwards another order was made to halt all ongoing compositions if the delinquents were in arrears with their fine payments.<sup>156</sup>

Parliament's focus was swiftly moved to the creation of the court to try the King for treason, ultimately leading to his execution on 30<sup>th</sup> January 1648/9, but discussions continued about the necessity of securing delinquents. On 5<sup>th</sup> January all delinquents and Catholics were forbidden to travel within ten miles of the City of London, unless they could show evidence they had compounded.<sup>157</sup> A week later the county committees were reminded to ensure their accounts were up to date, and to pay in any money they had to the Guildhall as quickly as possible.<sup>158</sup>

As the grandest delinquent of them all, it quickly became clear that the King's property should also be secured. On 16<sup>th</sup> January the Commons asked for the names of trustworthy men 'for taking an Inventory, and for preserving all the Goods in all the King's several Houses'. The appraisal of the King's moveable goods was followed by 'a Survey of the Parks, Forests, Chases, and great Houses, lately belonging to the Crown ... to improve or dispose thereof, for the best Advantage of the Commonwealth'. The sale of the King's property would become one of the most controversial policies of the republic, and was brought into the consciousness of the general public through the Royal Academy of Arts' 2018 exhibition of his artwork.<sup>159</sup>

The final entry in the journal of the House of Lords was on 6<sup>th</sup> February 1648/9, and it was abolished on 19<sup>th</sup> March as 'useless and dangerous to the People of England'.<sup>160</sup> Indeed, in her description of 1646 C. V. Wedgwood described the upper House as the 'shrivelled House of Lords, which rarely now mustered more than twenty-five members'.<sup>161</sup> C. H. Firth stated that 'No one appears to have mourned much over the abolition of the House of Lords', and it was defended as 'justifiable by nature and reason' because the upper House had exercised 'a negative voice over the

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<sup>156</sup> HCJ, Vol 6, 9<sup>th</sup> November 1648, p. 72; 16<sup>th</sup> December 1648, p. 99; 19<sup>th</sup> December 1648, p. 100.

<sup>157</sup> Ibid, 5<sup>th</sup> January 1648/9, p. 111.

<sup>158</sup> Ibid, 13<sup>th</sup> January 1648/9, p. 116.

<sup>159</sup> Ibid, 16<sup>th</sup> January 1648/9, p. 119; 24<sup>th</sup> February 1648/9, p. 150; Jerry Brotton, *The Sale of the Late King's Goods* (London: Macmillan, 2007).

<sup>160</sup> Firth and Rait, *Acts and Ordinances*, p. 24.

<sup>161</sup> Wedgwood, *The King's War*, p. 578.

people, whom they did not at all represent'.<sup>162</sup> Although the Lords would be restored in 1660, this meant that the House of Commons was the sole voice of Parliament for the duration of the Interregnum. However, even in the weeks between the execution of the King and the abolition of the Lords the Commons neglected to consult the upper House about anything they were discussing.

## The Republic

On 1<sup>st</sup> February the business of the Commons touched upon several aspects of sequestration and delinquency. Their discussions began with the 'Act touching Delinquents', which was recommended to a committee for further debate.<sup>163</sup> Immediately afterwards a report came from Goldsmiths' Hall concerning the 'many Gentlemen of the Northern Counties' who had arrived in the city to begin their composition, but the commissioners were unsure how to proceed now an entirely new form of government had taken control of the country. They specifically asked,

1. How they shall proceed with new Delinquents that have made former Compositions, and paid their Fines, and have Discharges:
2. Which have Fines set, and paid in none;
3. Which have formerly come in, and petitioned, but not prosecuted to their Fines set;
4. That have continued their old and new Delinquency till now, and done nothing in any Order to any Composition.

These questions were referred to the same group of men charged with examining the new draft act, and the following week a recommendation was made in the House 'to bring in an Act for Discharging of all such Persons whose real and personal Estate is not to the Value of Two hundred Pounds, and who did not engage in the last War, from all Penalty of Composition or Sequestration; and pardoning of their Delinquency'.<sup>164</sup>

The 'Act touching Delinquents' was discussed in detail on 14<sup>th</sup> March. Fourteen named peers,<sup>165</sup> including 'Charles Stuart, Eldest son to the late King' and 'James

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<sup>162</sup> Firth, *House of Lords*, pp. 213-4, 216.

<sup>163</sup> The committee was comprised of 'Mr. *Scott*, Mr. *Trenchard*, Mr. *Robinson*, Mr. *John Corbett*, Mr. *Serjeant Thorpe*, Sir *Thomas Widdrington*, Sir *Henry Vane* junior, Lord *Mounson*, Lord *Grey*, Colonel *Moore*, Mr. *Weaver*, Mr. *Pury*, Colonel *Bosvile*, Mr. *Lister*, Mr. *Say*, Mr. *Garland*, Sir *John Bouchier*, Sir *James Harrington*, Colonel *Venn*, Alderman *Penington*, Mr. *Love*, Mr. *Martyn*, Sir *John Danvers*, Colonel *Purefoy*, Mr. *Whitlock*, Mr. *Miles Corbett*, Mr. *Wylde*, Colonel *Stapeley*'.

<sup>164</sup> HCJ, Vol 6, 1<sup>st</sup> February 1648/9, pp. 127-8; 7<sup>th</sup> February 1648/9, p. 133.

<sup>165</sup> The others were 'John Earl of Bristol, Wm. Earl of Newcastle, Sir Wm. Widdrington, Geo. Lord Digby, Sir Philip Musgrave, Sir Marmaduke Langdale, Sir Richard Greenville, Sir Francis Doddington, Earl of Worcester, Sir John Winter, Sir John Culpepper, Sir John Byron'.

Stuart, Second Son of the late King', were barred from composition or attempts to regain property for the duration of their lives, but 'all other Delinquents ... shall be admitted to compound'. Those living within eighty miles of London had until 20<sup>th</sup> April to submit their petitions to the Committee for Compounding, those living further away were given until 3<sup>rd</sup> May, and delinquents who had gone into exile overseas had a deadline of 1<sup>st</sup> June. Anyone who failed to submit by those dates would continue under sequestration, and the profits of their estates continued 'to the Use of the Commonwealth'. Catholics who had borne arms for the King would be eligible to compound, but two-thirds of the profits of their estates would remain forfeit to the state.<sup>166</sup> These instructions were printed and sold by Edward Husbands, to ensure that everyone within the scope of the policy could learn about the changes.

The central sequestration committee was abolished by the House of Commons on 19<sup>th</sup> March after a close vote of twenty-six to twenty. Although the committee was abolished, the policy continued, and the Commons appointed a new committee 'to consider of the best Way for regulating the Business of Appeals in Sequestrations; that Justice may be done'.<sup>167</sup> Its functions were absorbed by the Court of Appeals until 29<sup>th</sup> January 1649/50, when the Committee for Compounding took control of the entire process.

### **European Responses**

The eyes of the world were watching England when the Civil War was taking place. Foreign powers were receiving detailed information about its progress through networks of ambassadors and spies, and although the majority of such communications concerned the wider events of the war, such as major battles and the negotiations between King and Parliament, sequestration also attracted their attention. This is demonstrative of how widespread and significant it had become. Viewing sequestration from the eyes of foreigners provides a completely different interpretation of the policy. Successive Venetian ambassadors, who are the primary focus of this section, regularly highlighted its arbitrary and heartless persecution, and their letters provide more detail about some of the decisions and debates taking place in Parliament than can be gleaned through the journals of the two Houses.

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<sup>166</sup> HCJ, Vol 6, 14<sup>th</sup> March 1648/9, pp. 164-5.

<sup>167</sup> Ibid, 19<sup>th</sup> March 1648/9, p. 167.



An early reference linking English sequestration with the wider world can be seen in this story published in the Royalist newspaper *Mercurius Aulicus* in February 1642/3;

... it is reported that [Parliament] have negotiated with the Jewes of Amsterdam to send some Dutch Factors unto London, to buy the plundered goods of such honest Citizens, as are by them subjected unto spoyle and rapine. And somewhat hath beene done in this kind already, it being certified, that two Troopes of Horse being sent to plunder a rich Citizens house, there were some Carts in readinesse to carry downe the goods to the water side: and being asked what they intended to do with them, answer was made, that they were to be shipped away to Holland, for the Jewes that had bought them.<sup>168</sup>

The author claimed that sequestered property was being deliberately gathered in order to sell it to the Jews of Amsterdam. This is an interesting example of the strong anti-semitism which had been prevalent in Europe for centuries, and which had culminated in the expulsion of all Jews from England in 1290. There is no evidence from either House that they ever discussed the sale of sequestered property with Jews in Amsterdam, and consequently this account must be viewed as a two-fold attack; on the one hand, attacking Parliament for enforcing sequestration against the King's supporters, and on the other, reinforcing the prejudice felt towards the Jews, who were portrayed here as thieves.

Two months after this newspaper article was published, the first reference to sequestration can be found in a series of ongoing correspondence;

They have passed a resolution in the two Houses of parliament to confiscate all the goods of those who are known to support the royalist party in any way. It is believed, however, that they will not find it so easy to profit from this as they think.<sup>169</sup>

So wrote Gerolamo Agostini, the Venetian Secretary in England, in a letter to the Doge and Senate of Venice dated 10<sup>th</sup> April 1643. He was referring to the ordinance of 27<sup>th</sup> March, and this letter marked the start of updates sent back to Venice by Agostini and his successors concerning sequestration and the plight of English Catholics. As staunch Catholics themselves they rarely had kind words to say about Parliament in general, and later Cromwell in particular.

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<sup>168</sup> *Mercurius Aulicus* (Oxford: 5<sup>th</sup> February 1642/3).

<sup>169</sup> SPV, Vol 26, 10<sup>th</sup> April 1643, pp. 259-67.

Agostini had arrived in England as secretary to Giovanni Giustinian, who had been appointed as the Venetian Ambassador in 1638. On 23<sup>rd</sup> May 1642 the Senate of Venice agreed that Giustinian could leave his post on the proviso that he first withdraw to Charles I's court and assure him 'of the republic's regard for his house and realm and their hope of a satisfactory solution for his affairs'.<sup>170</sup> Secretary Agostini was appointed interim Ambassador until another could be dispatched from Venice. However, Giustinian remained in England for a further seven months, and did not take leave of the King until November. He travelled to Oxford accompanied by 'a numerous suite for the honour of the state and my personal safety',<sup>171</sup> and his letter of 21<sup>st</sup> November lamented the 'demands upon my purse' for such a journey, but confirmed that he had dispatched his duty and reported the kind words he had received from Charles.<sup>172</sup> The King later presented him with 2,000oz of gold plate as a gesture of his appreciation, as well as a gold chain to Agostini. Giustinian's final letter to the Senate from London was dated 19<sup>th</sup> December, and concluded with his praise for Agostini; 'His zeal for the public service will leave your Excellencies nothing to desire'.<sup>173</sup> Agostini took over the duties and responsibilities of the Ambassador, including sending detailed weekly reports back to the Doge and Senate in Venice.

Following his letter in April Agostini provided his government not only with further details about sequestration, but also the reactions of other governments. On 1<sup>st</sup> May he reported that 'The government of Scotland has sent a letter to parliament here asking for a list of the names of Scotsmen engaged in its service, as well as of those who remain with the king, as they propose to confiscate the goods of the latter and inflict other punishments, as upon criminals'.<sup>174</sup> It is interesting to see that the Kirk classed delinquents alongside criminals, a harsher categorisation than in England, although plausible considering the extreme animosity between Scotland and the King following the Bishops' Wars.

In June Agostini wrote about sequestration twice, although he had yet to use the term. The first instance was on the 5<sup>th</sup>, when he wrote that,

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<sup>170</sup> SPV, Vol 26, 23<sup>rd</sup> May 1642, pp. 53-67.

<sup>171</sup> Ibid, 8<sup>th</sup> November 1642, pp. 189-204.

<sup>172</sup> Ibid, 21<sup>st</sup> November 1642, pp. 189-204.

<sup>173</sup> Ibid, 5<sup>th</sup> December 1642; 19<sup>th</sup> December 1642, pp. 205-21.

<sup>174</sup> Ibid, 1<sup>st</sup> May 1643, pp. 267-78.

The number of English subjects, in addition to foreigners, who are now crossing the sea daily to escape these perils and calamities is so great that London and many other places have lost their most comfortable inhabitants. Accordingly parliament has resolved to announce to all that unless they return within a fixed time all their goods will be confiscated, with other penalties as well, at pleasure.

The second was on the 26<sup>th</sup>, and related to Parliament's pressing need for money to finance their campaign; 'It seems that they are considering the sale of some houses confiscated from citizens suspected of favouring the royal party; but purchasers have not yet appeared and payment will be tardy in any case'.<sup>175</sup> This latter quote reflects the same attitude that Parliament would not be able to make sequestration a profitable policy which is present in his letter of 10<sup>th</sup> April.

The next identifiable references are in letters written the following year. On 6<sup>th</sup> May, after lamenting that 'careful control does not suit many leading men of the government, who make profit out of disorder and who are not at all anxious to see these conditions brought to an abrupt end', Agostini wrote that 'the English are demanding the sequestration of the goods of Dutchmen here because of the arrest of a ship which pursued a royal ship into the Texel, with letters of marque of the parliament'.<sup>176</sup> This was part of an ongoing dispute between the governments of England and the Netherlands which would eventually culminate in the Anglo-Dutch Wars. The specific use of the word sequestration here is very significant because it demonstrates that Parliament was willing to broaden its list of potential targets to include perceived foreign threats. However, if they proceeded with this development they would be sequestering the goods of the Dutch in England en-masse, rather than targeting specific perpetrators, and such a decision could not fail to worsen relations between the two countries. Nevertheless, on 29<sup>th</sup> July he referred to the matter again, writing that 'the [Dutch] ambassadors are also concerned about the interests of their masters, as many rich ships have been sequestered without the least reason ... and they seem more likely to be promoting war than introducing peace'.<sup>177</sup> Considering the expense Parliament was already facing in their war with the King, this deliberate increase in tensions was not the most sensible course of action.<sup>178</sup>

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<sup>175</sup> SPV, Vol 26, 5<sup>th</sup> June; 26<sup>th</sup> June 1643, pp. 278-91.

<sup>176</sup> Ibid, Vol 27, 6<sup>th</sup> May 1644, pp. 96-104.

<sup>177</sup> Ibid, 29<sup>th</sup> July 1644, pp. 112-23.

<sup>178</sup> The seizure and sequestration of merchant vessels can be seen in the documents produced by the London county committee in 1643, but it is not a topic explored in this thesis.

The quoted passage from Agostini's letter of 6<sup>th</sup> May was written in a cipher, a common practice adopted by the Ambassadors to avoid incriminating or sensitive material being easily read in case their documents fell into the wrong hands. On 10<sup>th</sup> June 1644 he again wrote in cipher of the growing support for the King's cause and, that 'Parliament has therefore issued an order that all families that are in the slightest degree suspect, shall be expelled from the city and all their goods confiscated, and this is being carried out without remorse'.<sup>179</sup> He utilised code once again on 5<sup>th</sup> August, when he highlighted that the punishment of delinquents, including the enforcement of sequestration, was contrary to Magna Carta;

The intention of the leaders to form a republic is shown very clearly in the new forms of government introduced. In addition to the Council of the two kingdoms they intend to set up another Council of War. To this will be committed the criminal jurisdiction for delinquents of every kind in matters of state, in which they will contrive to include every misdeed of consequence, and so the kingdom will be losing the great privilege it enjoys that no person soever shall be condemned unless he has first been tried and found guilty by twelve of the same rank free from all suspicion.

He also noted, in Italian rather than code, that 'parliament has devoted a great deal of time to the making of orders calculated to destroy utterly the poor Catholics of the kingdom, not even leaving the foreigners exempt, but deciding that all shall leave London. The goods taken from them are already being exposed for sale as in the case of those who took the king's side'. This letter also referred to Henrietta Maria's journey to France to gather support for her husband, which, although dismissed by Agostini as futile, did succeed in angering the Parliament; 'They are not without apprehension here; and are by no means pleased at her having crossed, their only consolation is that a speedy death may cut the thread of all her intrigues'.<sup>180</sup> In spite of his Catholic sympathies this suggests a certain antagonism between Agostini and the Queen.

Agostini referred to sequestration again on 23<sup>rd</sup> September, noting that a Scottish servant of the Spanish Ambassador had been arrested and threatened with torture unless he revealed information about two escaped prisoners from the Tower who were believed to be in the Ambassador's house. In addition to this, the Ambassador was accused of holding the goods of Catholics in an attempt to save them from sequestration, and Parliament attempted to search the house. His response,

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<sup>179</sup> SPV, Vol 27, 10<sup>th</sup> June 1644, pp. 104-11.

<sup>180</sup> Ibid, 5<sup>th</sup> August 1644, pp. 123-31.

according to Agostini, was resistance and '[he] spoke very warmly'.<sup>181</sup> Agostini did seem to sympathise with his fellow Catholic Ambassador. This incident was also recorded in more detail in the House of Commons journal on 14<sup>th</sup> September. The Ambassador, Don Alonso de Cardenas, was accused of concealing 'some Goods, of a good Value, in Trunks or Chests, or otherwise, belonging to Persons ill-affected to the Parliament, and Enemies to the State'. He admitted that he held goods valued at less than £10 belonging to the Spanish Lady Tresham, as the executor of her estate, but denied holding any other property except his own. The sequestration of Lady Tresham at least can be verified; her name appeared in the central committee's order book on 19<sup>th</sup> May 1643 as Donna Maria de Recaldo also Tressam, and she was among the first people targeted by Parliament.<sup>182</sup> De Cardenas was also accused of concealing English and Irish Catholic priests in his house, which he readily admitted, adding that 'he conceiveth it to belong to the Privilege of all Ambassadors to have free Liberty to exercise their Religion in their own House, and to have those about him that are necessary for the Exercise of it, and that he, being a Roman Catholick, cannot be without such in his House'.

Parliament requested permission to search his house 'in a civil and peaceable manner' in order to verify the information he had provided, but de Cardenas strongly resisted this. He said that if the King of Spain received information that his house had been searched he would lose his head, and even the threat of death by other means would not be a strong enough incentive to allow the Parliamentary soldiers to search.<sup>183</sup> This case is a clear demonstration that sequestration was not only affecting English delinquents and recusants, and indeed it had potential to damage international relations. However, de Cardenas did concede a point in relation to the English and Irish priests, and agreed to send them abroad if Parliament would grant them safe conduct.

Parliament's belief in their right to search de Cardenas' house was strengthened by the fact that he was living in a sequestered house himself. From at least 1645 it appears to have been a government policy to provide sequestered property to foreign ambassadors. The first example of this can be seen in a debate in the House of Lords on 11<sup>th</sup> November 1645. They discussed a letter the Committee of Both Kingdoms had received from the Muscovy Company concerning the death of Tsar Michael I of

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<sup>181</sup> SPV, Vol 27, 23<sup>rd</sup> September 1644, pp. 131-41.

<sup>182</sup> TNA SP 20/1, pp. 50, 192.

<sup>183</sup> HCJ, Vol 3, 14<sup>th</sup> September 1644, pp. 627-8.

Russia, and informing Westminster that his son and successor Aleksey Mikhailovich was sending an Ambassador to London in order to continue ‘the ancient Amity and good Correspondence which hath been between the Two Crowns’. The merchants humbly requested that the ambassador be received with due ceremony and privilege, and specifically that, ‘by the Favour of the Parliament, One of the sequestered Houses in the City of London may be assigned for his Residence’, promising to pay his expenses themselves.<sup>184</sup> The Lords were favourable to this request and forwarded it to the Commons for their agreement, which was given the following day. Geraldine M. Phipps has researched the Russian Ambassador’s mission in London, and confirmed that his name was Gerasim Semenovich Dokhturov. The Tsar had sent him as an envoy to Charles I, but Parliament refused to allow them to meet, thus aggravating the already precarious relationship between the two countries, and Dokhturov was recalled to Moscow the following year. However, Phipps confirmed that ‘a sequestered house on Cheapside in the City was provided for his lodgings’.<sup>185</sup>

A similar case also occurred in June and July of 1646, when the arrival of a French Ambassador Extraordinary, Pomponne de Bellièvre II, was anticipated. The Commons suggested that Goring House would be suitable accommodation for him; Buckingham Palace now stands in its place. Its owner, Lord Goring, was a staunch supporter of Charles I, and on 19<sup>th</sup> September 1644 the Commons named him as one of eleven prominent Royalists ‘who shall expect no Pardon, either for Life or Estate’.<sup>186</sup> However, the Ambassador’s steward who had been sent on ahead disliked the house, and requested Hatton House instead. Parliament was unwilling to grant this request and stood firm in their original decision ‘That Goring-House be the House appointed’.<sup>187</sup> De Bellièvre’s stay there was a short one, however, because he almost immediately left London for Newcastle and remained there until February. On 23<sup>rd</sup> July Goring House was placed at the disposal of the Speaker of the Commons ‘until the French Ambassador Extraordinary (for whom the said House was made ready) shall return again to it’.<sup>188</sup> However, the following week the Lords ordered ‘That no Person shall be admitted to lodge in the French Ambassador’s House, to the Interruption or Disturbance of his Servants, or Disposure of his Goods left there, or

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<sup>184</sup> HLJ, Vol 7, 11<sup>th</sup> November 1645, pp. 695-6.

<sup>185</sup> Geraldine M. Phipps, ‘The Russian Embassy to London of 1645-46 and the Abrogation of the Muscovy Company’s Charter’ in *The Slavonic and East European Review*, Vol 68, No 2 (April 1990), pp. 258 and 264.

<sup>186</sup> HCJ, Vol 3, 19<sup>th</sup> September 1644, p. 633.

<sup>187</sup> HCJ, Vol 4, 10<sup>th</sup> June 1646, p. 571; 1<sup>st</sup> July 1646, p. 596; 6<sup>th</sup> July 1646, p. 604.

<sup>188</sup> HCJ, Vol 3, 23<sup>rd</sup> July 1646, p. 624.

using or taking away of the King's Stuff within the said House, until the said Ambassador's Return'.<sup>189</sup>

The papers amassed by Secretary of State John Thurloe reveal that in May 1654 the committee at Haberdasher's Hall wrote to Whitehall complaining that de Cardenas owed them £3,000 in rent. He had been granted the sequestered property of the Marquis of Winchester several years earlier, but had since refused to discuss the matter of payment. The signatories, namely Richard Williams, John Upton, Edward Carey and Richard Moore, stated that they had informed the Council of State of the issue in 1652, but no resolution had been achieved, and the amount due had increased over the years.<sup>190</sup> These cases are significant because they demonstrate that, even though in their official letters the ambassadors were denouncing Parliament, they were benefitting from sequestration themselves by receiving very comfortable accommodation. However, de Cardenas' refusal to pay rent to the sequestration committee is in line with his previous attitude.

Gerolamo Agostini died in London on 3<sup>rd</sup> February 1644/5, although he had continued writing detailed reports to the Senate until the end of January. On 6<sup>th</sup> February the House of Lords granted protection for his belongings, writings and household residents against 'the Violence or Injury of any Person or Persons whatsoever'. There was a proviso, however, that 'no Mass be said within the said House', and that they could not harbour any London Catholics who may seek refuge there.<sup>191</sup> Although the Lords agreed to leave Agostini's belongings in the possession of the interpreter Giovanni Battista Capella, anglicised in the journal as John Baptist Capell, he does not appear to have been trusted by Venice. Their Ambassador to France, Giovanni Battista Nani, promptly dispatched a member of his staff to London to burn all of Agostini's personal papers, letters to the Senate and his cipher. Nani reported to the Doge and Senate that 'the cipher had been sealed up before Agostini died. To all appearances it was untouched, but there is no certainty of this as the chaplain remained in London and the seal remained in the hands of this cleric and of Capella, who were in a position to use it and to write whenever they wished'.<sup>192</sup>

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<sup>189</sup> H CJ, Vol 3, 31<sup>st</sup> July 1646, p. 631.

<sup>190</sup> SPT, Vol 2, May 1654, pp. 259-72.

<sup>191</sup> HLJ, Vol 7, 6<sup>th</sup> February 1644/5, p. 179.

<sup>192</sup> SPV, Vol 27, 9<sup>th</sup> May 1645, pp. 184-193.

Following Agostini's death it became apparent that Venice was not immediately prepared to provide another Ambassador, and so the duty of reporting events from London to the Doge and Senate was absorbed by the Venetian Ambassador in France. Along with his own letters concerning France Nani would enclose 'Advices from London', although the author of these documents is unknown. The 'Advice' from 9<sup>th</sup> August 1646, enclosed in Nani's letter to the Senate on the 21<sup>st</sup>, reported that the penal laws against Catholics were being reinforced, masses were banned, all of the King's acts since the declaration of war had been declared invalid, and that recusants would be 'punished according to the law'. The author concluded that although nothing had been said specifically about Henrietta Maria in Parliament's declaration, 'the prohibition of the mass at Court is understood as excluding her from the realm'.<sup>193</sup> Nani was still forwarding information from London the following year; on 11<sup>th</sup> June 1647 he enclosed an 'Advice' dated 30<sup>th</sup> May which reported that 'A deputation has come from the Northern counties offering to find the goods of delinquents which are concealed from parliament, to the amount of more than 100,000 Jacobus. They at once received an appointment as those who offer to find cash are always gladly heard'.<sup>194</sup> A brief investigation into the role played by informers can be found in Chapter 4.

Nani's successor, Michiel Morosini, continued the practice of forwarding information from London. On 10<sup>th</sup> November 1648 he relayed the brief message that the House of Commons had decided to keep a naval force on standby over the winter 'to defend the trade of English merchants from the pirates of Ireland'. To fund this they 'have ordered 50,000l to be raised from the goods of numerous delinquents in Wales'.<sup>195</sup> Morosini continued to forward information to Venice after the execution of the King, and in February 1652 Lorenzo Paulucci was appointed as the new Venetian Secretary in England. Sean Kelsey has stated that Paulucci was sent 'to strike up a relationship with leading republican politicians, and to take note of the manner in which foreign representatives were treated'.<sup>196</sup> However, his letters to Venice clearly demonstrate a strong antipathy towards the republicans he was supposed to be cultivating. He was particularly vocal about sequestration, writing in one of his early letters that,

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<sup>193</sup> SPV, Vol 27, 21<sup>st</sup> August 1646, pp. 272-7.

<sup>194</sup> Ibid, 11<sup>th</sup> June 1647, pp. 317-22.

<sup>195</sup> SPV, Vol 28, 10<sup>th</sup> November 1648, pp. 79-81.

<sup>196</sup> Sean Kelsey, *Inventing a Republic: The Political Culture of the English Commonwealth, 1649-53* (Stanford University Press, 1997), p. 68.



The parliamentarians remain utterly hostile to the nobility and great personages of the country, and the present state of affairs subjects those accused as delinquents to greater persecution than ever. Every other day one sees one of these despoiled of fortune and estates on mere suspicion, and reduced from great affluence to utter misery. Some of them find this so difficult to bear that they condescend to tender allegiance and obedience to parliament.<sup>197</sup>

A future study of the attitude of foreign ambassadors to sequestration and composition during the Interregnum years would be a rich one, and would provide a new interpretation of how the regime was viewed abroad.

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<sup>197</sup> SPV, Vol 28, 9<sup>th</sup> August 1652, pp. 263-75.

## Chapter 2 – The Central Committee and Sequestration Appeals Database

From Cockoldry, and a Coward City,  
From Harpyes claws, and from a Committee;  
From Satans Imps, all Sequestrators,  
Flesh-eating Canibals, State Reqraters:  
From all such Theeves and Rogues my prayer shall be,  
Vertue and goodness still deliver me.<sup>1</sup>

This chapter will outline the most extensive piece of research produced for this PhD study; indexing the central sequestration committee's order books to create a database of every single person or group who petitioned the committee concerning a sequestration – often their own, but sometimes that of a father or husband. The language and format of the appeals follows a standardised pattern, which indicates that the appellants sought assistance from a local lawyer or clerk who would have the relevant knowledge about how to draft it. There is no concrete evidence of how the appeals were delivered to the central committee, but the most logical conclusion is that they were delivered either by messenger or via the postal service established by Charles I in 1635. Whereas collective petitions from localities, or those submitted by Levellers, were often presented to Parliament directly,<sup>2</sup> the financial and logistical complexities of each individual sequestration appellant, or a proxy, travelling to London to personally deliver the petitions would seem incongruous.

The database has revealed that a total of 3,865 appellants petitioned the central committee between March 1643 and March 1649. Of that figure, 463 people were named as collective petitioners in 170 cases, sixty-one entries were collective petitions with no named individual author, and the remaining 3,341 were individual petitioners. Due to collective petitioners the total number of cases is lower, at 3,569. Where possible the analysis carried out in this chapter will make use of the figure of 3,865 people, rather than the total number of cases, because the aim is to explore the people who were petitioning, irrespective of whether they were petitioning in a group or individually. The database has been submitted via CD as Appendix F.

The initial purpose of the database was to track the involvement of John Bradshaw, the central committee's legal adviser, and this topic will be explored further in

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<sup>1</sup> Anonymous, *The Second Part to the same Tune: Or, The Letanie continued. Which may be sung or said, Morning or Evening, before or after Supper* (1647); EBO Wing / S2326, p. 1.

<sup>2</sup> See Anthony Fletcher, *The Outbreak of the English Civil War* (London: Edward Arnold, 1989), pp. 191-227.

Chapter 3. However, it quickly became apparent that the database would be useful for far more than a biographical study of Bradshaw. Having a list of every reference to every individual case makes it possible to track the progress of someone's sequestration through the war years, and this is invaluable for the creation of case studies. It also provides vital information about the day to day administration of the central committee, and how disputes with county committees and complaints about sequestrators were dealt with; these are explored further in Chapter 4. The database can also be utilised for studies of gender, family, legal, local histories, and as a prosopographical tool; later in this chapter it will be used to explore and assess the Parliamentary regime's impact on provincial and urban society.

At present the database only refers to individuals who appealed specifically to the central committee between 1643 and 1649, and it does not reflect the full scope of sequestration. The total number of people sequestered across the country will be much higher than 3,865; for example, there are thirty-six appeals from Bedfordshire in the order books, but the surviving records from the Bedfordshire county committee show that in 1643 and 1644 alone over one hundred people were sequestered in that county. Similarly, the database reveals a total of 108 cases referred to the City of London county committee during the war, but a document created by that committee listing all of the sequestrations which took place between 28<sup>th</sup> April 1643 and 25<sup>th</sup> March 1644 reveals that 707 people were targeted in the city during that time.<sup>3</sup> However, having the figure of 3,865 is an adequate starting point to assess how widespread sequestration was.

### **The Central Committee**

The Committee of Lords and Commons for Sequestrations, referred to here as the central committee, met 394 times between 27<sup>th</sup> March 1643 and 18<sup>th</sup> March 1648/9, and all of their meetings were recorded in five order books written and preserved by their clerk, Rice Vaughan. The length of time between the committee's establishment and dissolution was 2,181 days, and sequestration meetings took place on 18.1% of those days. The length of the meetings varied day by day; some were extremely brief and only dealt with one case, but others could have ten pages in the order books dedicated to them.

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<sup>3</sup> TNA SP 28/212, Part 3, pp. 326a-41a. This detailed information for London is only available during this 1643-44 year; if any similar lists were created later in the war they sadly have not survived.

Although the location was never recorded in the order books, the evidence strongly indicates that the central committee's permanent meeting place was the Painted Chamber within the Palace of Westminster, next to the chamber occupied by the House of Lords and a short distance from the Commons.<sup>4</sup> On 5<sup>th</sup> July 1645 John Bradshaw addressed a report 'To the right honoble the Comttee of Lords and Comons for Sequestration sitting in the paynted chamber'.<sup>5</sup> On 6<sup>th</sup> October a warrant was created summoning eleven witnesses to attend the committee 'on Munday next by 2 of the Clock in the afternoon in the painted Chamber at Westm',<sup>6</sup> and the following June the committee authorised a payment of £1, two shillings and nine pence to an unknown carpenter who 'made the rayle in the Paynted Chamber to keep of the suitors & petitioners from pressing upon & Mollesting the sd Cotee'.<sup>7</sup>

The Palace of Westminster appears to have been relatively easy to gain access to; on 1<sup>st</sup> September 1647 the House of Commons complained about 'the great Inconvenience and Danger which daily doth or may accrue by the Resort of divers Persons to the Doors of both Houses' under pretence of seeking hearings or arrears, and from then on the guards at the main entrances were instructed to arrest anyone they found within the Palace who could not present a good reason for being there.<sup>8</sup>

The Painted Chamber was a logical place for the committee to meet, because its members were almost exclusively members of both Houses. Their presence would be required in Westminster anyway during Parliament sittings, and they would have been able to meet on committee business during short adjournments. This theory is corroborated by the fact that only sixteen meetings were recorded as taking place on days when the House of Commons did not meet; the remaining 378 all correspond with sittings.

Grouping the committee meetings into years reveals that the sittings were relatively consistent through the course of the war; this can be seen in Figure 2.1. The highest number of meetings took place in 1644 and 1645, which is interesting when compared with the total number of new cases discussed each year; this can be seen

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<sup>4</sup> It is worth noting that the Painted Chamber would later play a key role in the events of January 1649, as it was the appointed meeting place of the commissioners arranging the trial of Charles I.

<sup>5</sup> TNA SP 20/10/16, f. 46v.

<sup>6</sup> TNA SP 20/1, p. 1028.

<sup>7</sup> TNA SP 20/2, p. 390.

<sup>8</sup> HCJ, Vol 5, 1<sup>st</sup> September 1647, p. 288.

in Figure 2.5. In 1644 there were 592 cases and eighty-three meetings, and 822 cases and eighty-eight meetings in 1645, but neither of these figures were the highest per year; in 1646 1,024 new cases were discussed by the committee, but only sixty-six meetings were held. However, the decline in new cases from 1647 onwards is consistent with the decline in the number of meetings; with less business to discuss there was less need to meet.

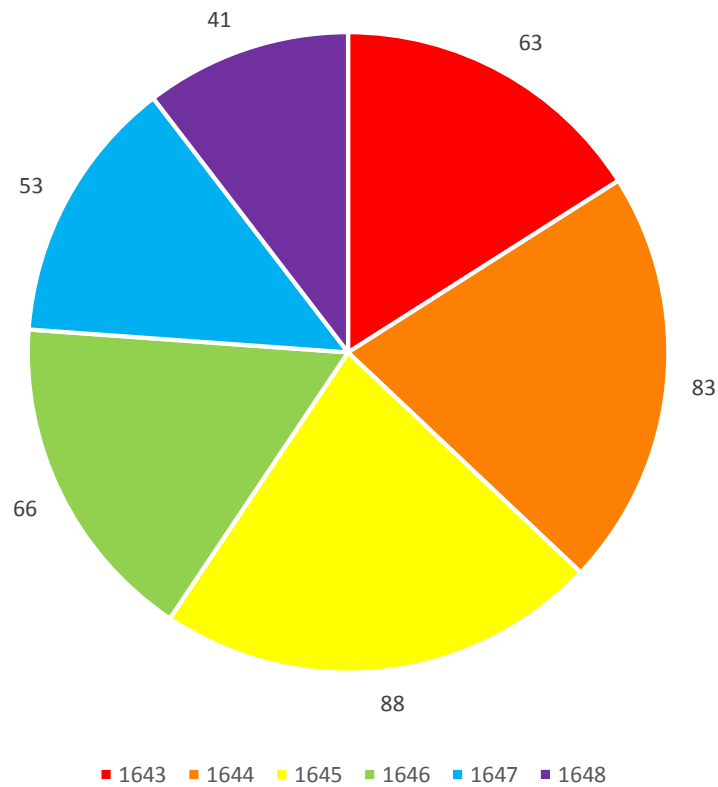


Figure 2.1: central committee meetings, 1643-1648/9

Year	No of meetings	% of total meetings	No of attendance lists	% of yearly total	% of total meetings
1643	63	16%	13	20.6%	3.3%
1644	83	21%	23	27.7%	5.8%
1645	88	22%	43	48.9%	10.9%
1646	66	17%	15	22.7%	3.8%
1647	53	14%	11	20.8%	2.8%
1648-9	41	10%	15	36.6%	3.8%
<b>TOTAL</b>	394	100%	120		30.4%

Figure 2.2: statistics of central committee meetings

The matter is further complicated by the existence of a sub-committee for sequestration. This group was first proposed on 13<sup>th</sup> October 1645; ‘... in respect of the [multitude] of the petitions A subcommittee should bee appointed to consider of such as were for Matters of Course being referred unto them & to answer the same’. The committee would contain six members; the Earl of Kent, Lord North, Sir John Trevor, Serjeant Wilde, William Ashurst, and Henry Pelham. At least three of them were appointed to meet each Wednesday, but the decision was withdrawn on the same day that it was proposed on the grounds that ‘this would beget inconvenience by Crossing of orders & otherwise’.<sup>9</sup> However, the following spring the idea was resurrected because the number of petitions being submitted to the central committee was growing year by year. On 15<sup>th</sup> May it was ordered that Serjeant Wilde, John Selden, Samuel Browne, Robert Nicholas, William Ellis, and John Gurdon ‘bee appointed a subcommittee to puse the petitions now unheard & to allowe of such as are of coarse fit to bee allowed of & give orders thereupon’.<sup>10</sup> Any petitions which were considered matters of course, such as basic requests for maintenance submitted by wives and children of delinquents or requests for further information to county committees, would be handled by the sub-committee to allow the central committee more time to debate the complex cases.

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<sup>9</sup> TNA SP 20/1, p. 1052.

<sup>10</sup> TNA SP 20/2, p. 313.

On 5<sup>th</sup> June the powers of the six men were refined; they were authorised to refer cases to John Bradshaw<sup>11</sup> or to the county committees ‘without any stay of proceedings’, and to ‘set downe such other matters and causes as are questionable unto the papers of causes to be heard by the Grand Committee in their course’. The sub-committee had been established, according to this entry, to ensure that ‘the sd Grand Committee may pceed only with such causes without being troubled with any petitions’. They were also requested to meet in a separate area from the central committee; their location was to be the Queen’s Court.<sup>12</sup>

Separate sittings were also reinforced by an order of 19<sup>th</sup> August 1646; the central committee was adjourned for a fortnight, but the sub-committee was requested ‘in the meane tyme ... to sitt as oft as they can’.<sup>13</sup> With the exception of one instance, the sub-committee did not use the central committee’s order books to record their meetings, and any separate accounts they created have been lost. It is also unclear how many times they met, or how many cases they dealt with.

However, a minimum figure can be established using the surviving sequestration case files. Out of the 276 files, forty cases do not contain corresponding references anywhere in the central committee’s order books. Nineteen of those forty began after the sub-committee was established, and it seems probable that the cases were handled by them.<sup>14</sup> Corroboration for this can be seen in the case of William Heycroft of Chalton in Hampshire, who was also a tenant to some sequestered lands in Essex. His first petition was received on 29<sup>th</sup> September 1646, and an order was sent to the Essex county committee at Chelmsford asking why his sequestration had taken place. Their reply, on 13<sup>th</sup> January the following year, revealed that he had ‘pretended to be receiver of the Earle of Worcesters rents’, and that he was living ‘neare Portsmouth in the Kings quarters’. An order was subsequently made by John Wilde on 3<sup>rd</sup> March to refer the case to John Bradshaw, who concluded five days later that ‘no Cause of Seqstrn to me appears to bring him wthin the penalty of any Ordynance agt Delinqts’.<sup>15</sup> Serjeant Wilde was a member of both the central and sub-committees. The latter had been given power to request information from county committees and to submit cases to Bradshaw. The fact that no reference to

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<sup>11</sup> Bradshaw’s involvement in sequestration cases is explored in detail in Chapter 3.

<sup>12</sup> TNA SP 20/2, p. 347.

<sup>13</sup> *Ibid*, p. 473.

<sup>14</sup> The full list of references is as follows; TNA SP 20/10 – files 29, 30, 31, 34; TNA SP 20/11 – file 44; TNA SP 20/12 – files 8, 9, 17, 30, 36, 48, 49; TNA SP 20/13 – files 5, 8, 14, 32, 33, 39, 70.

<sup>15</sup> TNA SP 20/12/17, ff. 44r:47r.

this case appears in the central committee's order books can be explained by the fact that Bradshaw recommended that Heycroft should be discharged; as there was no doubt in his mind, there was no need to trouble the central committee with this case.

It is unclear why the remaining twenty-one case files do not also feature in the order books. It is possible that there are some gaps in the records, and that additional central committee meetings took place which were not recorded. A possible example of this can be seen in an entry dated 2<sup>nd</sup> April 1645, when a reference was made to an 'order of this Committee dated 29 June 1643',<sup>16</sup> but there are no records of a meeting on that day in the books. It is possible that Vaughan missed some entries when he was copying his minutes into the order books, or alternatively that the written orders were copied out and distributed to county committees on quieter days when no meetings were taking place. However, the figures used in this thesis refer only to the 394 recorded meetings without further speculation about missing records.

A total of twenty-one men were present at the central committee's first meeting on 27<sup>th</sup> March; Sir Thomas Middleton, John Glyn, Denis Bond, Sir Gilbert Gerard, John Gurdon, Sir Peter Wentworth, Serjeant John Wilde, John Lisle, Sir Thomas Barrington, Cornelius Holland, John Pym, Solicitor-General Oliver St John, Samuel Browne, Edmund Prideaux, Sir Thomas Woodhouse, Sir Nathaniel Barnardiston, Sir John Trevor, John Selden, William Ashurst, William Ellis, and John Trenchard. However, regular attendance at meetings fluctuated greatly.

It is not possible to reconstruct who was present at every meeting, because attendance lists were entered into the order book for only 120 of the 394 meetings, which represents 30.4% of the total. Nevertheless, the 120 lists do provide the names of committee members who regularly attended meetings. It must be noted that these figures are not definitive because of the omitted lists, but it does seem safe to assume that the patterns of attendance demonstrated here were typical of the meetings as a whole. As already demonstrated in Figure 2.2 the lists are relatively evenly scattered across all of the meetings from 1643 to 1648/9, with the highest number surviving from 1645, the year when the highest number of meetings took place. The men highlighted in Figure 2.3 with regular attendance are likely to have always regularly attended. Similarly, the gaps in the records mean that those whose names appear less

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<sup>16</sup> TNA SP 20/1, p. 625.



frequently may well have attended more regularly. However, speculation aside, the evidence from the 120 attendance lists demonstrates who the driving forces behind the Committee of Lords and Commons for Sequestrations were.

The committee members have been separated into three categories, based on the frequency of attendance. The first category is those who attended forty or more meetings, the second category for those who attended between ten and thirty-nine, and the third for those who attended fewer than ten. The second and third categories can be seen in Appendix A.

Name	Age at first attendance	First attendance	Last attendance	Total	% of attendance lists
Serjeant John Wilde	52/53	27 <sup>th</sup> March 1643	18 <sup>th</sup> August 1648	87	72.5%
Henry Pelham	46	11 <sup>th</sup> October 1643	22 <sup>nd</sup> November 1648	83	69.2%
Dudley North, 3 <sup>rd</sup> Baron North	62	25 <sup>th</sup> March 1644	22 <sup>nd</sup> November 1648	68	56.7%
Philip Herbert, 4 <sup>th</sup> Earl of Pembroke	58	19 <sup>th</sup> May 1643	14 <sup>th</sup> June 1648	52	43.3%
Samuel Browne	45	27 <sup>th</sup> March 1643	8 <sup>th</sup> October 1647	51	42.5%
John Selden	58	27 <sup>th</sup> March 1643	30 <sup>th</sup> January 1646/7	45	37.5%

Figure 2.3: Committee members who attended more than forty times

The most consistent attender was Serjeant John Wilde, born in 1590, the eldest son and heir of George Wilde of Kempsey in Worcestershire. He was educated at Balliol College, Oxford and the Inner Temple, receiving his call to the Bar in 1612. In 1621 he became the MP for Droitwich, and was returned as the MP for Worcestershire in 1640, in addition to his appointment as serjeant-at-law in 1636. Wilde has been described as a man with both ‘parliamentary experience and legal expertise’, who became ‘a leading figure in the House of Commons’, particularly in the months leading up to the outbreak of war.<sup>17</sup> During the 1640s he ‘was a staunch supporter

<sup>17</sup> Robert Zaller, ‘Wilde, John (1590–1669)’, in *ODNB*.

of Parliament ... playing a key role in constructing its financial machinery'.<sup>18</sup> Robert Zaller has noted that he was appointed as a sequestrator in Worcestershire in 1643, and the History of Parliament Trust lists the central committee in his biography, but up until now no attention has been paid to exactly what he did.

Wilde served as the chairman of many of the committee meetings, particularly in 1648. There does not appear to have been a permanent chairman; the role was shared by him, Henry Pelham, and Samuel Browne. From the time of the committee's establishment he also acted as the principal correspondent between the central committee and the county committees, as well as with the legal advisers. After an order for referral had been made during the meeting Wilde's clerk would create a copy which Wilde would then sign and dispatch to the relevant recipient. The surviving orders were not written by Rice Vaughan, the committee's clerk, even though he did later copy some of them; the originals are in an entirely different hand. They also do not match the handwriting of Wilde's signature, ruling him out as the writer.

The second most regular attender was Henry Pelham, of whom this less than flattering description survives;

Mr Henry Pelham of Grayes Inne, a Member of the House of Commons, and one of the Committee of Lords and Commons for Sequestrations, one of the Judges in cases of Appeal upon Sequestrations, and sometimes Chair-man in absence of Mr Samuel Brown, another of the same stamp, did usually for Fees (or rather Bribes) advise and assist Delinquents in getting off their Sequestrations: He drew their Petitions, and countenanced their Causes, for his own private Lucre and advantage, taking of some twenty, some forty shillings, of some fifty, of some three pound, of some more for Fees.<sup>19</sup>

This description is particularly significant because contemporary descriptions of men actively engaged on sequestration business are remarkably rare. The accusation of Pelham's corruption is a difficult one to untangle. On the one hand, there is definitive proof that high-ranking Parliamentarians, such as the Earl of Manchester, actively worked to ease or fully discharge the sequestration of their friends and family. There is also surviving evidence that Pelham accepted money from

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<sup>18</sup> Glyn Redworth, Andrew Thrush, and Ben Coates, 'Wylde (Wilde), John (c.1591-c.1669)' in Andrew Thrush and John P. Ferris (Editors), *The History of Parliament: the House of Commons 1604-1629* (Cambridge: Cambridge University Press, 2010); hereafter Thrush and Ferris, *History of Parliament*.

<sup>19</sup> Amon Wilbee, *Secunda pars, De comparatist comparandis* (Oxford: 1647); EEBO Wing (2<sup>nd</sup> ed) / W21114, p. 4; hereafter Wilbee, *Secunda pars*.

appellants; in the accounts kept by William Capell listing the expenses he incurred whilst petitioning about his brother's sequestration, he noted five separate payments of £1 to Pelham between March 1644 and May 1645. The entries were written as 'To Mr Pellham a fee', but did not explain exactly why the money had to be paid.<sup>20</sup> On the other hand, Jason Peacey has highlighted that the author of the quoted text above, the pseudonymous Amon Wilbee, had launched a written campaign against 'Presbyterian grandees' who were concerned with financial gain rather than peaceful political settlement, who manipulated 'processes and proceedings', and who 'wield[ed] patronage for political effort'.<sup>21</sup> He had an agenda, and it must be questioned whether his account was a true representation or part of his campaign against certain Parliamentarians.

Pelham had been educated at Gray's Inn, but was never called to the Bar. He served as MP for Great Grimsby during the 1620s, and was returned as the member for Grantham in the Long Parliament.<sup>22</sup> David Scott has noted Pelham's role 'as a leading member' of the sequestration committee, and also stated he was 'a key figure on the eastern association committee' aligned with the Presbyterian faction in Parliament.<sup>23</sup> He was also elected as the temporary Speaker of the House of Commons on 30<sup>th</sup> July 1647, after William Lenthall withdrew,<sup>24</sup> but was later excluded through Pride's Purge.

Dudley North, 3<sup>rd</sup> Baron North, had been 'an active participant at the court of James I', but his 'career as a courtier was never very successful'. His income of only £600 per year gained him the title of 'least-estated lord of the kingdom', and he spent much of the 1630s at his estate in Cambridgeshire. However, he 'served on a number of parliamentarian committees between 1644 and 1648', but on 2<sup>nd</sup> January 1648/9 he voted against the Commons' resolution to place Charles I on trial. He was a Parliamentarian during the conflict, but he drew the line at regicide, and in his later years he was devotedly loyal to Charles II.<sup>25</sup>

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<sup>20</sup> HALS M/211.

<sup>21</sup> Jason Peacey, *Print and Public Politics in the English Revolution* (Cambridge: Cambridge University Press, 2013), p. 131.

<sup>22</sup> Paula Watson and Rosemary Sgroi, 'Pelham, Henry (1597-at least 1660)' in Thrush and Ferris, *History of Parliament*.

<sup>23</sup> David Scott, 'Pelham, Henry (bap. 1597, d. in or after 1660)' in *ODNB*.

<sup>24</sup> HCJ, Vol 5, 30<sup>th</sup> July 1647, p. 259.

<sup>25</sup> Victor Stater, 'North, Dudley, third Baron North (bap. 1582, d. 1666)' in *ODNB*.

Philip Herbert, 1<sup>st</sup> Earl of Montgomery and 4<sup>th</sup> Earl of Pembroke, was one of James I's favourite courtiers. He enjoyed the honours of Gentleman of the Privy Chamber, Knight of the Bath, Gentleman of the Bedchamber, Knight of the Garter, Keeper of Westminster Palace, and Privy Councillor, and before his death James recommended him to Charles 'as a man to be relied on in point of honesty and fidelity'. It is highly ironic, therefore, that he did not remain faithful to his king. Henrietta Maria did not like him – indeed, she encouraged the revocation of his position as Lord Chamberlain in 1641 – and his personal religious beliefs tended towards a form of Protestant religious culture, which placed him at odds with Archbishop Laud. David Smith has stated that he became 'alienated from the court', but still 'wielded considerable electoral influence' through his extensive list of offices and estates. When the war began he sided with Parliament, although Smith described him as 'a very moderate parliamentarian' who often served 'as a messenger or negotiator between the houses and the king'.<sup>26</sup> His presence in Figure 2.3 as one of the most active members of the central committee reveals that in spite of his previous position as a leading member of a monarch's court, he was very willing to support a policy which targeted his former associates.

Samuel Browne was a lawyer who had been trained at Queen's College, Cambridge, and Lincoln's Inn in the 1610s and early 1620s, before being called to the bar on 16<sup>th</sup> October 1623. He became an MP for Devon in 1641, enjoyed the advantage of being cousin to Oliver St John, the Attorney General. Although he was a 'political and religious moderate', Browne's reputation grew throughout the war as an astute and intelligent parliamentarian. He was a dedicated member of the central committee, and his presence spanned almost the entire period of its existence. His name was also recorded as chairman of some of the meetings in 1647. However, he later withdrew from public life during the Interregnum, and was knighted by Charles II in 1660.<sup>27</sup>

John Morrill described John Selden as the 'most renowned of all living common lawyers'.<sup>28</sup> No references to Selden's work for the sequestration committee could be found in Reid Barbour's biography,<sup>29</sup> and G. J. Toomer argued that 'a full account of

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<sup>26</sup> David L. Smith, 'Herbert, Philip, first earl of Montgomery and fourth earl of Pembroke (1584–1650)' in *ODNB*.

<sup>27</sup> James S. Hart Jr, 'Browne, Sir Samuel (*b.* in or before 1598, *d.* 1668)' in *ODNB*.

<sup>28</sup> John Morrill, 'Introduction' in John Morrill (Editor), *Reactions to the English Civil War 1642-1649* (London: Macmillan, 1982), pp. 1-28 (p. 8); hereafter Morrill (Editor), *Reactions*.

<sup>29</sup> Reid Barbour, *John Selden: Measures of the Holy Commonwealth in Seventeenth-Century England* (London: University of Toronto Press, 2003).

his activities as a member of the Long Parliament' will not be possible 'until many more records of that parliament are published.'<sup>30</sup> Richard Tuck has noted that 'between 1642 and Pride's Purge he was a continually active member of the House of Commons, serving on many important committees', and although he did not specifically refer to the sequestration committee, Tuck's emphasis on Selden's 'undeniably great' influence, legal knowledge, and commitment to the Parliamentary regime would have made him a valuable member of the committee.<sup>31</sup> Toomer noted his involvement with the sequestration committee and argued that 'he probably had a large hand in creating [it]'. He highlighted Selden's role in preserving sequestered library collections in London, and particularly that of Sir Thomas Cotton, by ensuring it was transferred to his care to prevent the sale of the books and manuscripts.<sup>32</sup>

The order books show Selden's attendance was not constant; he was present at the first meeting on 27<sup>th</sup> March 1643, and the last recorded instance of his presence was on 30<sup>th</sup> January 1646/7, which is the shortest period of attendance of any of the men listed in Figure 2.3. A possible reason for this, highlighted by Toomer, was his belief that Catholics should be tolerated, which was contrary to the sequestration legislation naming them as a threat.<sup>33</sup>

Pride's Purge of 18<sup>th</sup> December 1648 appears to have had an impact on the membership of the central sequestration committee, although the subsequent trial of the King and abolition of the committee means that these changes probably had little impact. On 20<sup>th</sup> December Oliver St John and Samuel Browne were removed from the committee and replaced by Mr Love and Mr Lislebone Long. Three days later Colonel Stapeley and Sir James Harrington were added to the committee, and Mr Smyth, Mr Say, and Mr Humphrey Edwards were added on 3<sup>rd</sup> January.<sup>34</sup>

The creation of the Council of State, chaired by John Bradshaw as Lord President, did have an impact on the future of the country. Twelve men who had actively served on the central committee were appointed to the Council on 14<sup>th</sup> February; Serjeant John Wilde, Sir Oliver St John, the Earls of Pembroke, Denbigh, and Salisbury, John

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<sup>30</sup> G. J. Toomer, *John Selden: A Life in Scholarship*, Vol 2 (Oxford: Oxford University Press, 2009), p. 563; hereafter Toomer, *John Selden*.

<sup>31</sup> Richard Tuck, 'The Ancient Law of Freedom': John Selden and the Civil War' in Morrill (Editor), *Reactions*, pp. 137-62 (pp. 137-8 and 153).

<sup>32</sup> Toomer, *John Selden*, pp. 579-83.

<sup>33</sup> *Ibid.*, p. 574.

<sup>34</sup> HCJ, Vol 6, 20<sup>th</sup> December 1648, p. 101; 23<sup>rd</sup> December 1648, p. 103; 3<sup>rd</sup> January 1648/9, p. 110.

Lisle, Sir William Massam, Lord Grey de Warke, Denis Bond, Mr Scott, Lord Lisle, and Lord Grey of Groby. Three other members of Parliament appointed on 14<sup>th</sup> February – Henry Marten, Sir Henry Vane junior, and Sir Arthur Haselrig – had been named as members of the central committee in 1643 but their names do not appear on any of the surviving attendance lists, so it is unclear whether they were present at meetings or abstained from participating in sequestration business.<sup>35</sup>

### Database Methodology

The methodological approach used to compile the database was as follows. The first task was to digitise all of the order books. There are five in total and they have survived intact, spanning the entire period of the committee’s existence from March 1643 until March 1648/9. The documents are stored at the National Archives, in record series SP 20/1-5. The chronology covered by each book is;

Reference	Date range	Pages indexed
SP 20/1	27 <sup>th</sup> March 1643 to 14 <sup>th</sup> November 1645	1,123
SP 20/2	21 <sup>st</sup> November 1645 to 24 <sup>th</sup> November 1646	585
SP 20/3	4 <sup>th</sup> December 1646 to 10 <sup>th</sup> November 1647	470
SP 20/4	10 <sup>th</sup> November 1647 to 1 <sup>st</sup> March 1647/8 Also minutes from 9 <sup>th</sup> January 1645/6 to 3 <sup>rd</sup> June 1646	346
SP 20/5	1 <sup>st</sup> March 1647/8 to 18 <sup>th</sup> March 1648/9	371

Figure 2.4: chronology of sequestration order books

The survival of the order books, and the sporadic survival of the original petitions submitted by appellants, raises several interesting questions. As stated above, the man entrusted with creating the order books was Rice Vaughan, a Welsh lawyer who had entered Gray’s Inn in 1638, was called to the Bar in 1648, and became an Ancient in 1662.<sup>36</sup> Vaughan took brief minutes during the meetings, and wrote them up fully in the order books at his leisure after the meetings were over. J. Gwynfor Jones noted that ‘Vaughan sided with parliament in the civil wars’ and ‘served in the commission for sequestration from 1649’ by investigating miscarriages in the sale of estates, but failed to discover his role working for the central committee in the

<sup>35</sup> HCJ, Vol 6, 20<sup>th</sup> December 1648, 14<sup>th</sup> February 1648/9, pp. 140-1.

<sup>36</sup> Reginald J. Fletcher, *The Pension Book of Gray’s Inn, 1569-1669* (London: Chiswick Press, 1901), pp. 368, 443-4; hereafter Fletcher, *Gray’s Inn*.

1640s.<sup>37</sup> Vaughan appears to have been an ambitious man and discontented with his business in London. He was named as one of the commissioners for associating the counties of Pembrokeshire, Carmarthenshire, and Cardiganshire in June 1644,<sup>38</sup> and in January 1645/6 the House of Lords endorsed his request ‘that he may have the Office of Prothonotary and Clerk of the Crown for the Counties of Mountgomery and Denbigh’,<sup>39</sup> although he does not appear to have been appointed to that role until 1653 when the incumbent, somewhat poetically, was sequestered.<sup>40</sup>

After his role of clerk to the committee was made redundant by its abolition in 1649, Vaughan appears to have kept the order books in his possession. There are multiple surviving letters from him written in the 1650s responding to queries from the Committee for Compounding. One example concerning Dr Edward Stanley of Southampton was written from Gray’s Inn on 7<sup>th</sup> January 1652, and it summarised the actions of ‘the late Committee of Lords and Commons for Sequestrations’ in the case. Vaughan noted the receipt of a document from the Southampton committee in January 1646, and a report from Bradshaw in July 1646.<sup>41</sup> A second, longer letter was again written from Gray’s Inn, this time on 26<sup>th</sup> June 1654. It opened with the statement, ‘In pursuance of the order of the hon[oura]ble Committee ... of the 13 June 1654 desireing me to Certifie all the proceedings in my Custody, touching the delinquency of William Hunt ... I doe hereby Certifie that ...’ etc.<sup>42</sup> Vaughan went into considerable detail in this letter; he would have been unable to provide as much information as he did without the order books, and the brief minutes he took during the meetings would not have been sufficient after the lapse of several years.

Although Vaughan was responsible for creating and maintaining the order books during the war, it would perhaps have been more logical for them to have been removed from his possession after the committee was abolished in 1649 and given to the Committee for Compounding, so they had ready access to the records of the cases they were dealing with. Vaughan’s letters imply that he did not also have the original appeals in his possession, however. He summarised the entries from the order books, but did not quote from petitions. The order books themselves usually recorded receipt of a petition with a statement in brackets saying either ‘(a copy

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<sup>37</sup> J. Gwynfor Jones, ‘Vaughan, Rice (d. c. 1672)’ in *ODNB*.

<sup>38</sup> HLJ, Vol 6, 10<sup>th</sup> June 1644, p. 585-6.

<sup>39</sup> HLJ, Vol 8, 2<sup>nd</sup> January 1645/6, p. 78.

<sup>40</sup> TNA SP 25/70, ff. 11, 125, 131, 211.

<sup>41</sup> TNA SP 23/120, f. 191.

<sup>42</sup> TNA SP 23/92, pp. 275-277.

hereof is annexed)' or '(a cobby &c)'; they were never copied into the order books, so the implication is that they were entered into a separate volume which Vaughan never had custody of. Whereas the order books have survived in their entirety, the survival rate of petitions is low, and only 259 case files, referring to 276 appellants, are preserved at the National Archives.<sup>43</sup> There are three possible reasons for this low survival rate. The first is that they could have been integrated into the Committee for Compounding's extensive archive of documents; the second is that they could have been destroyed after the Restoration; and the third, perhaps more tentative, is that they might have been victims of the 1834 fire in Parliament.

The eventual preservation of the central committee's order books in the government archive indicates that they must have been removed from Vaughan's possession, although it is unclear when. They may have been taken from him after the Restoration of Charles II, when disgruntled Royalists complained to the new monarch about the treatment they had endured under the Parliamentarians. The complex task of reversing sequestrations, and restoring estates to those unable to compound, would have been much easier if the new commissioners had the original order books and could investigate how each case had developed.

However, it can be said with some certainty that the books were taken from Vaughan by 1665 at the latest. Charles II imprisoned him in the Tower of London on 25<sup>th</sup> May of that year on a charge of high treason, although it is unclear from the surviving records what he was supposed to have done. His chambers at Gray's Inn would have been searched for incriminating material, and if the order books were still there the King's commissioners would undoubtedly have taken custody of them.

In a truly ironic role reversal, Vaughan petitioned the King in September of that year lamenting that his wife 'hath beene forced to sell parte of his small howseholdstuffe and Goods, and to borrowe of ffreinds for his subsistence'. He requested to be 'either discharged upon sufficient securitie for his quiett and peacable demeanour, or to be Appoynted such Small Allowance for his mainetenance as is grannted to other persons in the like Condi[t]ion'.<sup>44</sup> He was still in the Tower in February 1666/7,<sup>45</sup> so his request to be released was clearly denied. He petitioned the Earl of Arlington in April 1667, lamenting that he 'hath beene close prisnor for 23 months w[i]thout

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<sup>43</sup> These can be found in TNA SP 20/10-13.

<sup>44</sup> TNA SP 29/133, f. 118r.

<sup>45</sup> TNA SP 29/192, f. 100r.



benefitt of pen and ink or libertye of converse with freinds or to speake with his Children but before his keeper', his family had been reduced to living on charity, and his imprisonment had caused him to contract 'great distempers to the ruine of his health'.<sup>46</sup> The irony of this situation cannot have been lost on him, and no doubt he called to mind the thousands of petitions against sequestration which had passed through his hands in the 1640s as he drafted these two appeals of his own. It is not clear when he was released, but the record of his burial at St Andrew's, Holborn on 20<sup>th</sup> January 1669/70 described him as 'an Anntient Gent from Holb. Cort in Greys Inne', which suggests that he had not died in the Tower.<sup>47</sup>

It seems probable that the documents created by county committees were housed in at least three repositories. The committees were required to regularly submit accounts to Goldsmiths' Hall so Parliament could keep track of exactly how much ready money was available at any given time. However, these accounts do not survive. The second repository was the central committee, who also requested regular accounts, but this time concerning the sequestered people and property. Survival of these records is sporadic. The National Archives holds papers from almost every county,<sup>48</sup> but their extent varies drastically and none of them cover the entire duration of the war. The third collection of records produced by county committees were the ones created and stored locally by the members of the committee. These would have included the evidence gathered against the delinquents and recusants, as well as detailed descriptions of the property taken from them and how estates were managed during the war. This would have been the richest of all resources, and tragically it is the one with the lowest survival. Small parcels of papers survive in some county record offices, but the vast majority are gone, perhaps destroyed after the Restoration when local commissioners wanted to obliterate all trace of their actions during the 1640s through fear of recrimination.

The complete survival of the central committee's order books made them the most logical resource to use to begin the database of sequestration appellants. Excluding contemporary indexes to individual volumes and blank flyleaf folios at the beginning and end of the books, the total number of pages indexed is 2,895. The number of cases recorded on each page varied according to the complexity of the appeal and the nature of the orders subsequently issued by the committee. The goal for this

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<sup>46</sup> TNA SP 29/198, f. 143r.

<sup>47</sup> Parish register of St Andrew, Holborn, digitised by [www.ancestry.co.uk](http://www.ancestry.co.uk).

<sup>48</sup> These can be found in TNA SP 28/205-216.

project was to make the data as searchable as possible, so a broad spectrum of information was captured from each entry. The information was all entered into a Microsoft Excel spreadsheet, and each column can be text searched and filtered.

The first section of the database concerns the file reference and page numbers, with individual columns for each category. There are five sets of these columns, so ten in all; the first pair are '1<sup>st</sup> Ref' and 'Pages', and so on. A separate column was created for each category, both for ease of data entry and for ease of reading; the file references are easier to read when they are separated, rather than grouped together in one cell.

The frequency of cases appearing in more than one order book varied depending on when it first appeared before the committee; cases introduced in the early years of the war were more likely to appear in multiple books, whereas cases commenced in 1648 would only appear in the final book. Only one entry was created per person; every subsequent reference to the same case was entered in the relevant file and page number columns. It was possible for cases to continue for the entire period of the committee's existence; the cases of Henry, Earl of Arundel, Thomas Parmener, Richard Dondswell, and Sir William Whitmore can be found in all five order books. A further forty-eight cases were featured in four of the five order books. Cases did not necessarily appear in consecutive order books; for example, the case of Thomas Brooker Esq appeared in four entries in SP 20/1, but the final entry relating to him can be found in SP 20/4.

In some cases it was not possible to determine whether the same case was referred to more than once, primarily when common first names and common surnames were paired together. For example, there are seven cases involving people named John Smith. Four of the cases have further information about the location of the individual, but the remaining three do not. The entries in the order books do not provide enough evidence to determine whether the location-less entries refer to any of the four John Smiths with a location, but for the sake of erring on the side of caution a separate entry was created for each of them. It is therefore likely that there are duplicate entries in the database, but there isn't enough surviving evidence in case files either at the National Archives or at county record offices around the country to allow all duplicates to be identified and removed.

An additional problem is that 118 of the men listed in the order books did not have their forenames or occupations recorded by the clerk, merely their surname. It is safe to assume that they were all men because the entries referring to women rarely list forenames but always provide a prefix of some description, such as Mistress or Widow. The lack of forenames for a portion of the men means that at least some of these entries could be duplicates for entries with a full name, but the information is insufficient to determine this. However, the entries in the database were sorted alphabetically and every effort was made to ensure that any potential duplication was confined to cases with common surnames and forenames.

The second category of information collected in the database was the date each case was first entered into the order books. As previously stated, cases could and were often referred to more than once, but only the first date was specifically recorded for two reasons; the first was to preserve space, and the second was that the first date is the most essential for determining how many cases were heard each year. If it is necessary to study an individual case and see when all of the entries were written it is easy to go back through the order books and find the relevant pages because the references and page numbers have all been captured in the first columns of the spreadsheet. When the dates were entered it was not possible to follow the format of the Julian calendar, with the new year beginning on 25<sup>th</sup> March; the dates in the database all follow the Gregorian calendar. However, when all analysis was carried out the dates were grouped into Julian calendar years.

The next three columns refer to the identity of the appellant. Separate columns were created for surnames and forenames to make filtering cases easier, and an additional column was added to record the title, status, or occupation of the appellant. The titles listed in this column are extremely wide-ranging and cover multiple levels of society, from Earls, Countesses, and Viscounts down to clothiers, apothecaries, grocers, and yeomen.

The next column records the sex of the appellant. In addition to the expected categories of 'Male' and 'Female', the category of group also appears here. As noted in the introduction to this chapter, even though there were 3,569 cases recorded in the order books, the total number of people indexed was 3,865. The most common group petition was from a pair of appellants, but petitions from larger groups also survive. An example is the appeal submitted by Sir Richard Stone's four daughters in

October 1644; Dorothy, Elizabeth, Jane, and Cecily Stone petitioned together to protest their father's sequestration.<sup>49</sup>

The next column records the names of any relations mentioned in the appeals. This is very useful for linking individual cases and piecing together a family tree, allowing us to explore how sequestration could affect large gentry families. It can also assist with identifying which part of the country appellants were from, because it is sometimes possible to find genealogical records or surviving wills produced by family members which provide a location.

The most important category, after the name of the appellant, is the one recording a summary of the petition. Where possible an attempt was made to group the petitions into specific categories to allow easier statistical analysis. Examples of these categories include 'Certify the state', 'Ref[erred to] lawyer', and 'Granted maintenance'. These will be explored in greater detail later in this chapter. However, some appeals would not fit into these categories, and so a specific summary had to be created for them. One example is the petition submitted in January 1646/7 by the children of Sir Lewis Dives; the summary records that they 'Ask for 2 beds'.<sup>50</sup> Another example is the case of Benjamin Cutler, the chief bailiff of the Isle of Ely, who 'Called Manchester a traitor'.<sup>51</sup>

The next column recorded the specific place the appellant was living, if it was stated in the order books. Only 417 of the 3,865 appellants have a location, which represents 10.8% of the total, and they vary in specificity from specific parishes in London to general locations of towns such as Gloucester and Reading. However, a general location can often be inferred from the next column, which records which county committee was involved with the appeal. Even if no specific location was given by the appellant, this column allows us to pinpoint them by county at the very least; 2,344 of the cases have at least one county referral listed, which is 60.6% of the total.

The final four columns record the involvement of the central committee's legal advisers, which will be discussed in greater detail in Chapter 3. Separate columns record the name of the lawyer the case was referred to, and also the date of the

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<sup>49</sup> TNA SP 20/1, p. 429.

<sup>50</sup> TNA SP 20/3, p. 96.

<sup>51</sup> TNA SP 20/1, p. 191; TNA SP 20/2, p. 515.

referral. The final two columns are devoted specifically to the involvement of John Bradshaw; the first records either ‘Yes’ or ‘Upon report’, depending whether the referral to him was specifically written in the order book or whether his first noted involvement was through one of his reports. The final column records either the date of referral, or the date of report.

The aim of this database was to capture as much information about each case as possible, but there are some limitations. The only summary of the case was taken from the first entry in the order book. Cases could and did progress and alter as the war continued, but it was not possible to provide an updated summary of each case based on every new entry in the books. It was also not possible to record the date when the case was discussed for the final time, because this would have meant updating the date every time a new entry was found. However, as every single reference to every single case was captured in the references and page numbers columns at the start of the database, it is very easy to see when the final reference was, and to look up the specific page using the images of the order books.

### Analysis by Date

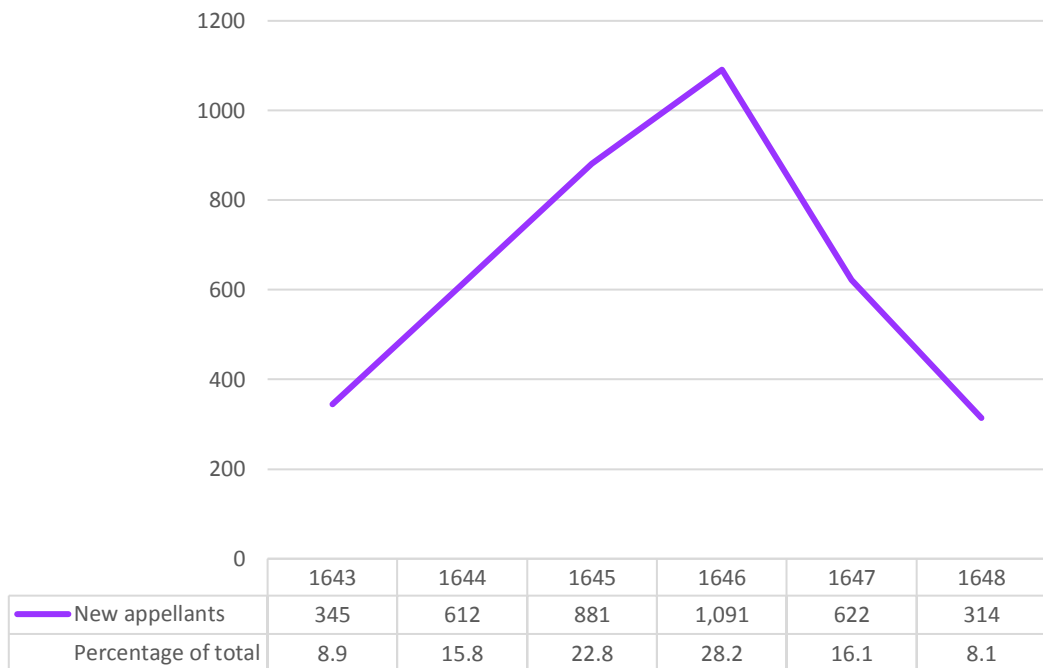


Figure 2.5: new appellants petitioning the central committee, 1643-1648/9

The first major piece of analysis undertaken using the database is the year that appeals were initially submitted. As stated in the introduction to this chapter, this piece of analysis uses the figure of 3,865 appellants. Figure 2.5 represents the first date each appellant's name was first recorded in the order books, broken down by year.

Figure 2.5 reveals that there was a steady increase in the number of appeals against sequestrations between 1643 and 1646. The peak of 1,091 new appellants in 1646 can be explained by the fact that Charles I surrendered himself to the Scottish army on 5<sup>th</sup> May of that year, leading to the submission of Royalists in their hundreds. Indeed, a total of 1,401 new appellants were recorded in the order books between that date and 11<sup>th</sup> November 1647, when the King escaped from Hampton Court Palace and fled to the Isle of Wight; this represents 36.2% of all appellants.

The Royalists were testing the waters with Parliament and seeing how easy it would be to come to terms. This is also consistent with a trend noted by John Morrill in his study of Cheshire. He observed that 'from the middle of 1646 onwards, local revenues from sequestration dropped sharply' because delinquents were seeking to compound. He noted that the local county committees attempted 'to raise fresh revenue by discovering new delinquents and re-sequestering those whom they could accuse of having concealed part of their estates' during their composition, but concluded that 'neither achieved much success'.<sup>52</sup>

However, the number of new appeals to the central sequestration committee in 1647 was almost half as many as 1646, and the number continued to decrease sharply into 1648. This can be interpreted in two ways; either the Royalists who wished to challenge their sequestration or compound for their estates had already begun the process, or the commencement of the Second Civil War had caused them to rally again and abandon any potential plans to negotiate with Parliament. A future research project would be to examine whether this trend is also apparent in the records created by the Committee for Compounding and determine whether the number of Royalists beginning the composition process also peaked in 1646. It would also be worthwhile to add the records created by the Barons of the Exchequer Court of Appeals to this database to explore how many Royalists came to terms in the months immediately following the execution of Charles I.

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<sup>52</sup> Morrill, *Cheshire*, p. 206.

## Analysis by Location

A total of 2,482 of the 3,865 appellants, or 64.2%, can be traced to a specific town or county in England based on the information recorded by Vaughan when he was compiling the order books. Extensive genealogical research, or cross-referencing with documents created by the Committee for Compounding, might be able to provide information about the remaining 1,384 appellants, but this must be a task for the future.

Even though there are a substantial number of appellants excluded, plotting the known locations reveals very significant information. The maps below in Figures 2.6 to 2.12 demonstrate the fall of Royalist control and the growth of Parliamentary administration and influence as the Civil War progressed. Areas which have been traditionally considered 'Royalist territory', such as the north and west, were amongst the highest in terms of the number of appeals issuing from counties.

The figures for each county were created using a combination of the number of times cases were referred to a specific county committee by the central committee, or occasionally using the appellant's stated location. The sum total of these numbers adds up to more than 2,482, because 184 appeals were referred to more than one county committee.<sup>53</sup> The most common multiple referral was to two committees, with 154 appellants in this category. Referrals to three committees occurred twenty-four times, with two referrals to four committees, three referrals to five, and the largest was one referral to six committees.

It is worth noting that 110 of these 184 multiple referrals were to committees in adjacent counties; for example, to Cambridgeshire and the Isle of Ely, or to Lancashire and Yorkshire. The most extensive of these referrals was the 1646 appeal of Lady Cicely Arundell, wife of the 3<sup>rd</sup> Baron Arundell of Wardour Castle.<sup>54</sup> This appeal was the one sent to six different county committees, which covered almost the entire south-west corner of England; Cornwall, Devon, Somerset, Dorset, Wiltshire, and Oxfordshire. Conversely, the remaining seventy-four multiple

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<sup>53</sup> This does not include petitions submitted to another Parliamentary committee, such as the Committee for Plundered Ministers or the Committee for the Navy; these figures only represent multiple referrals to county sequestration committees.

<sup>54</sup> TNA SP 20/2, pp. 445, 448.

referrals were not in adjacent counties. Some were merely separated by one county, such as Essex and Surrey, which are intersected by the City of London, or Berkshire and Bedfordshire, which are separated by Buckinghamshire. Others were more extreme, such as William Shyne's appeal, which was referred to the committees of Cheshire and Norfolk, or Sir Anthony Salter's case concerning property in Somerset and County Durham.<sup>55</sup> However, the statistics suggest that it was more likely for a case which received referrals to multiple county committees to concern property in adjacent counties. This could be interpreted as evidence of localised property ownership spanning several counties, and consequently the database could also be used to track patterns of property ownership in 17<sup>th</sup> century England.

Figure 2.6 contains the figures of all appeals which can be traced to a specific location in England between 1643 and 1648/9. This map provides a fascinating insight into the appeals process which cannot be judged when viewing the records in the original order books or through the database. There were specific areas of the country which were hotspots for appeals, and other areas produced significantly fewer, even though in many cases they were immediately adjacent. The map also demonstrates that there were no areas of the country which could be classed as exclusively Parliamentarian; there was support for the Royalist cause in every county.

The most extreme northern and western points of England – Cumbria, Westmorland, and Cornwall – produced the fewest number of appeals. A potential future project would be to examine the surviving county committee papers from those areas to investigate whether significantly fewer raids were carried out there compared with other counties, or whether appeals were largely dealt with at a local level because of their geographical distance from Westminster. There was also a very small number of appeals from Rutland in the Midlands, perhaps because of the county's small size rather than for a lack of raids or distance from Westminster.

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<sup>55</sup> TNA SP 20/3, pp. 151, 204, 224.



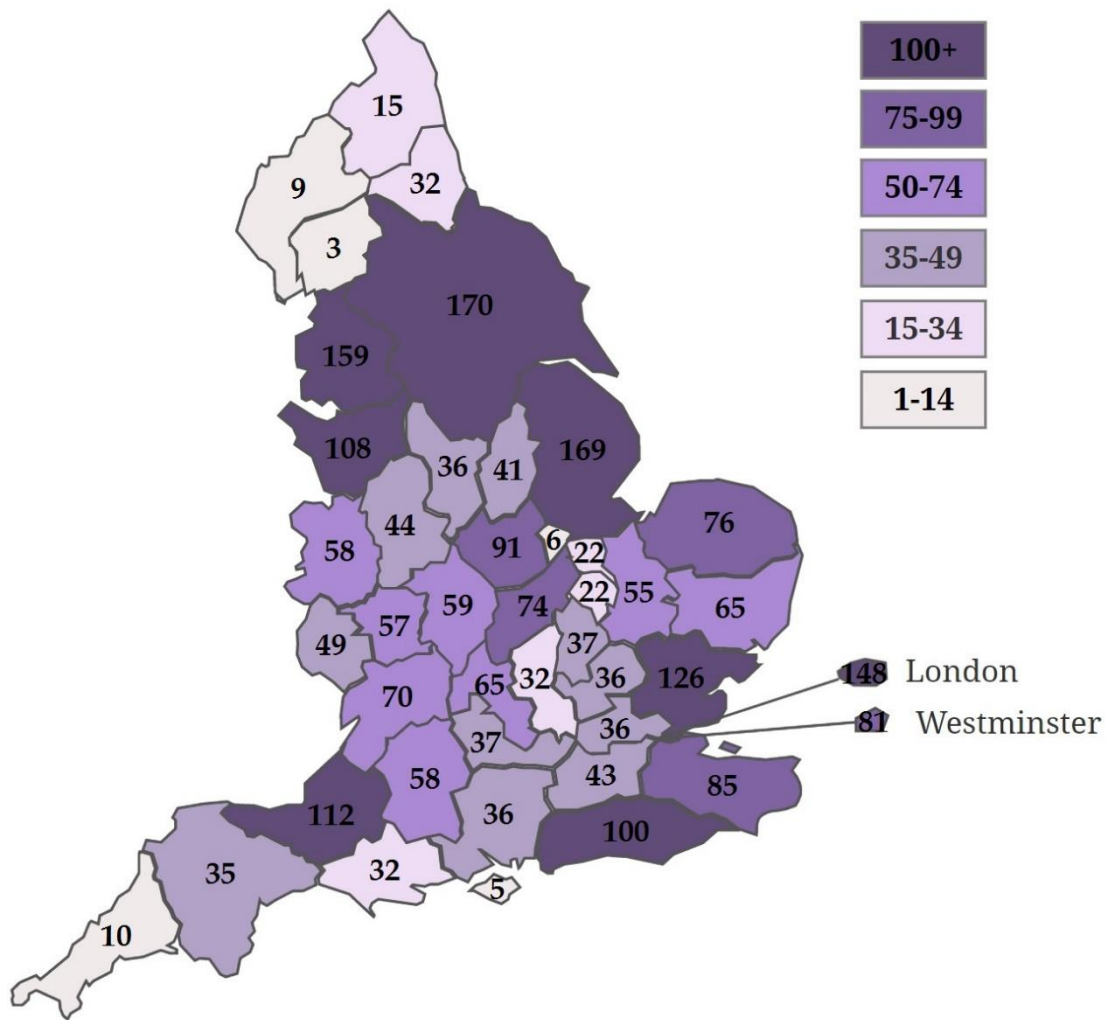


Figure 2.6: all mappable sequestration appeals, 1643-1648/9

The data can also be broken down into individual maps for each year of the war, and these can be seen in Figures 2.7 to 2.12. These maps demonstrate that appealing against sequestration moved in a wave across England, beginning in the south-east and travelling up to the north-west. The yearly maps also present a very different picture from Figure 2.6, which highlights the importance of studying this policy as the war progressed rather than simply its overall effectiveness. It should also be noted that, although Figure 2.6 shows appeals coming from every county in England, the yearly maps show that there was not a single year during the war when an appeal was received from every single county. However, this fact will almost certainly change if the 1,434 appeals without a location can be traced.

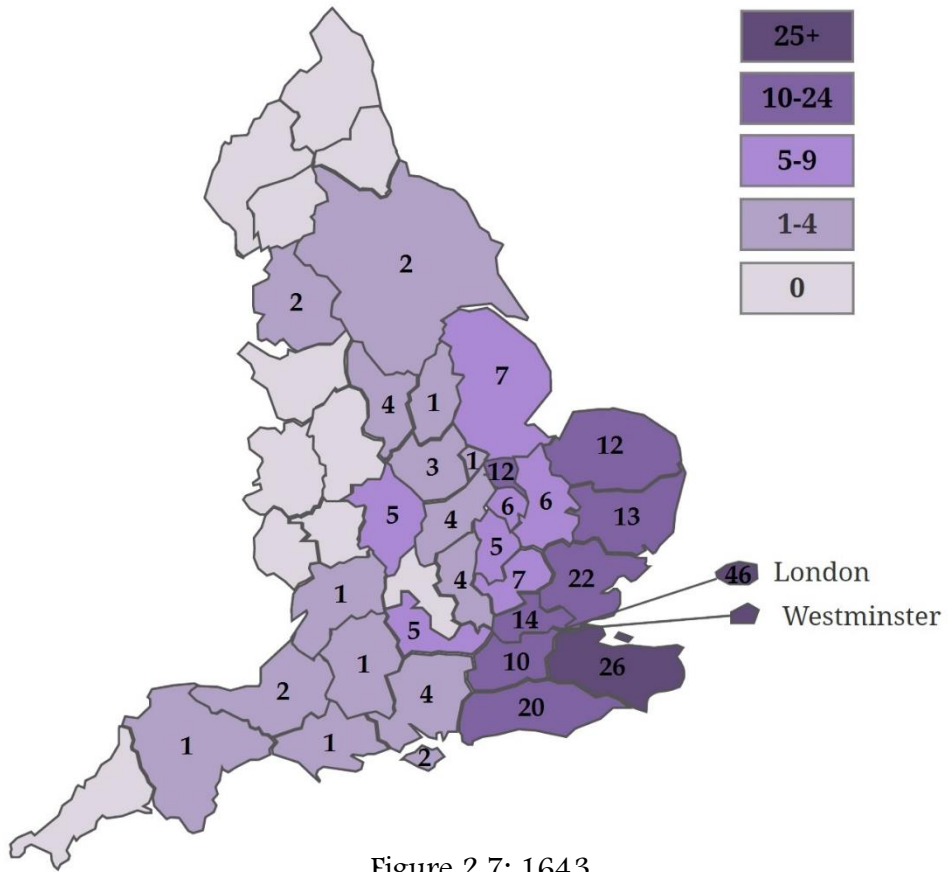


Figure 2.7: 1643

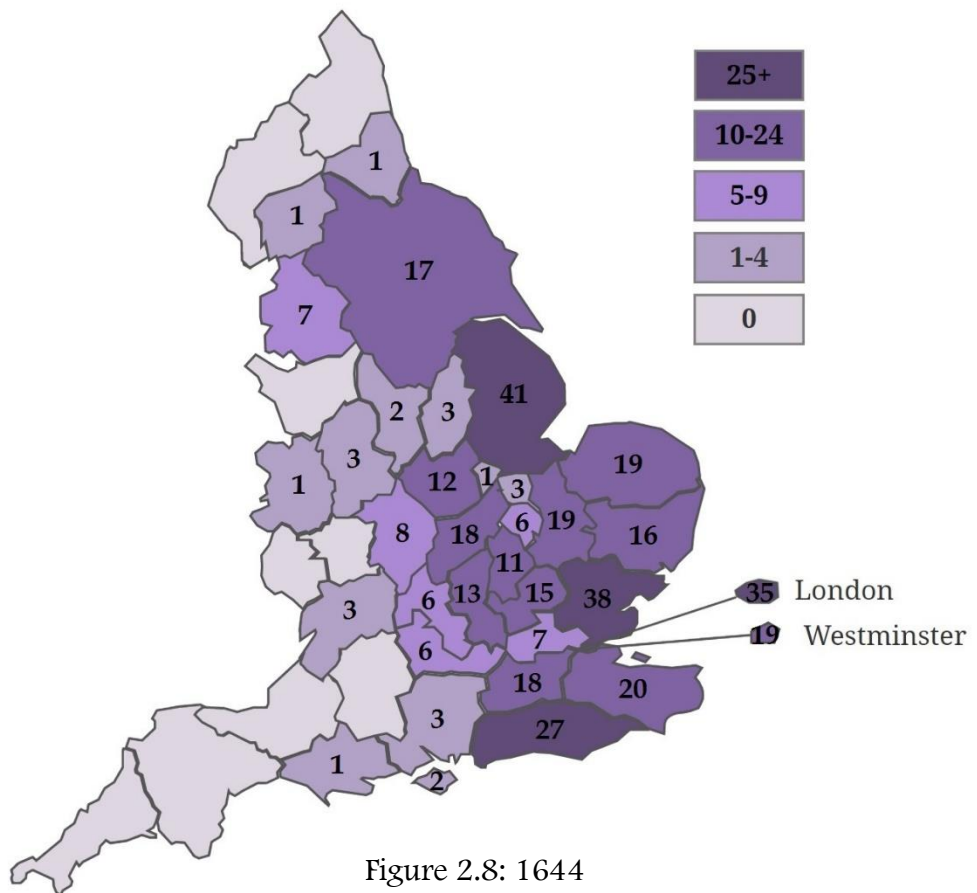


Figure 2.8: 1644



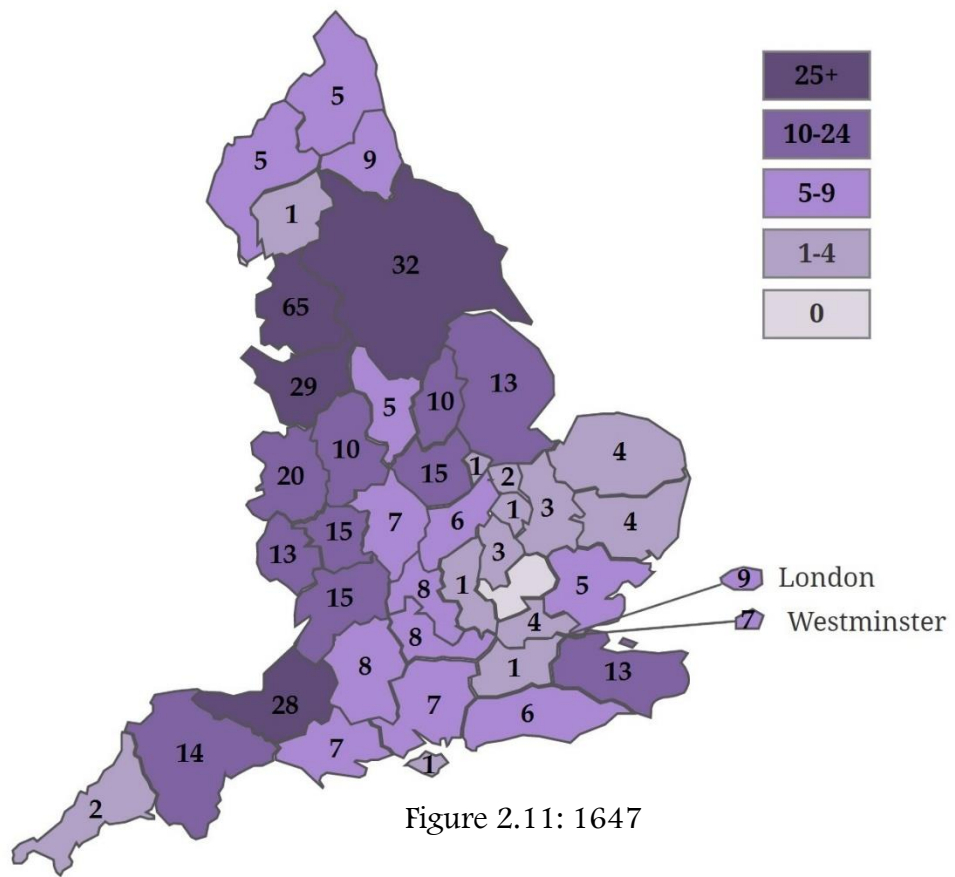


Figure 2.11: 1647

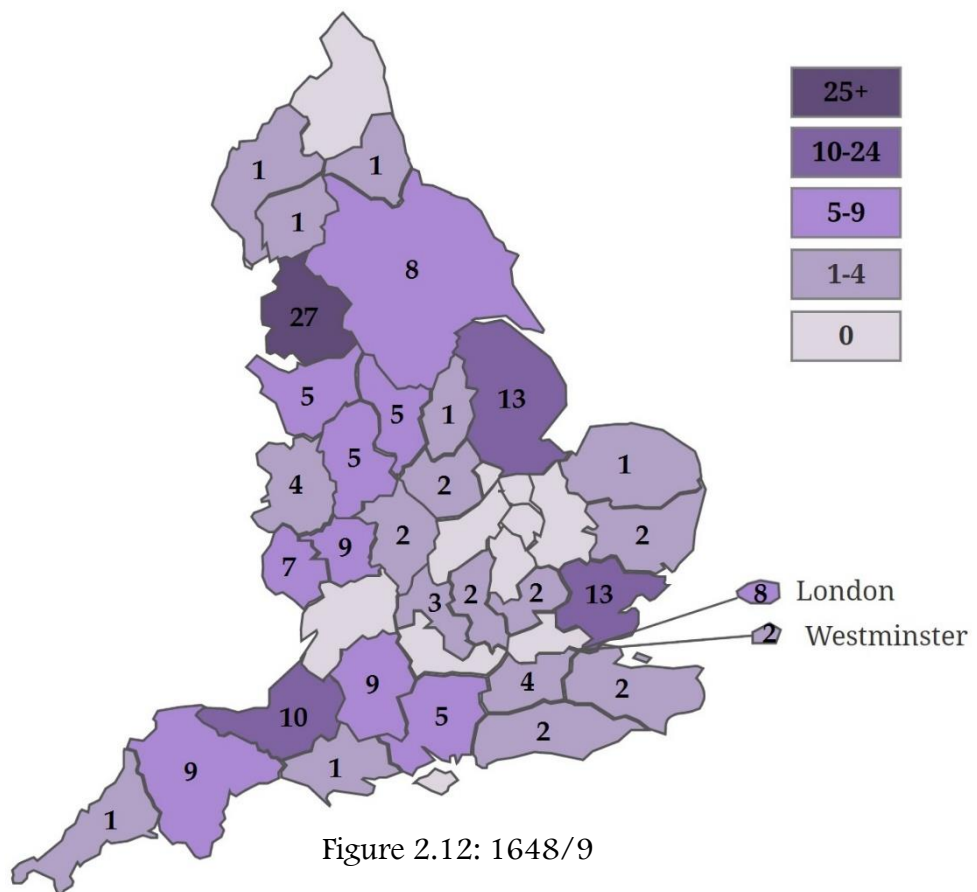


Figure 2.12: 1648/9

This section will focus on the counties which produced over 100 appeals, as displayed in Figure 2.6; viz, Yorkshire, Lancashire, Cheshire, Lincolnshire, Essex, London, Somerset, and Kent. Exploring the existing historiography and surviving documentary evidence can help to begin interpreting the sequestration data and understand why appeals came from these areas in such high quantities. In particular, Yorkshire, Somerset, and Cheshire were counties with major Royalist strongholds which fell during the war. Whilst they were largely under Royalist control few or no sequestrations could be enforced, but as soon as the Parliamentary administrators were able to take control the records show sudden spikes in the number of appeals.

The Siege of York took place from 22<sup>nd</sup> April until 1<sup>st</sup> July 1644, and following the Parliamentary victory at the Battle of Marston Moor on 2<sup>nd</sup> July, the city of York formally surrendered to the Parliamentarians on 16<sup>th</sup> July.<sup>56</sup> Figure 2.7 clearly demonstrates the low level of appeals from Yorkshire in 1643; in fact, only two could be identified. However, from 1644 until 1647 the county was consistently amongst the highest producer of appeals. The sheer size of the county must also be taken into consideration here. It was rare for the order books to specify which riding of Yorkshire appeals came from, and the vast majority of records simply referred to the ‘Committee of Yorkshire’, which is somewhat misleading. If a detailed case study were carried out using a combination of these records, genealogical records, and the papers produced by the Committee for Compounding it might be possible to build up a clearer picture of exactly where the appellants came from.

Continuing chronologically, the Siege of Bristol took place between 23<sup>rd</sup> August and 10<sup>th</sup> September 1645, after Prince Rupert conceded control of the city to Fairfax. Figure 2.7 shows only two petitions from Somerset in 1643, and Figure 2.8 lists none at all from 1644. The order books reveal that the first two petitions from Somerset in 1645 were debated during the Siege on 3<sup>rd</sup> September, with one petition in October, but from 7<sup>th</sup> November 1645 onwards there was a dramatic increase. This is consistent with the time it would have taken for Parliamentary officials in Somerset to organise and carry out raids after the Siege had ended, and for the appellants to learn what the formal process of protest was. As shown in Figure 2.9,

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<sup>56</sup> See David Scott, ‘Politics and Government in York 1640-1662’, pp.46-68 in R. C. Richardson (Editor), *Town and Countryside in the English Revolution* (Manchester: Manchester University Press, 1992); hereafter Richardson, *Town and Countryside*.

there was a steady wave of petitioning in late 1645, and in 1646 Somerset produced the second highest number of appeals of any county.

Cheshire similarly experienced a prolonged siege, with Chester being held by the Royalists between February 1644/5 and January 1645/6; it was occupied from February 1645/6 by the Parliamentary troops of Sir William Brereton.<sup>57</sup> Brereton was a local man, and had served as a Justice of the Peace in Cheshire since 1625; he had also been appointed as commander-in-chief of Parliament's forces in that county in 1643.<sup>58</sup>

Unfortunately the file containing the county committee papers for Cambridgeshire, Cheshire, and Cumbria, has been misplaced at the National Archives and was not available for consultation during this piece of research.<sup>59</sup> However, there are a selection of surviving papers created by the sequestrators for the Wirral district of Cheshire amongst the Harley manuscripts at the British Library. The earliest surviving account documented the sequestrations carried out in the Wirral between 6<sup>th</sup> November 1644 and 20<sup>th</sup> November 1646. This is significant because it confirms that raids were taking place in the county during a period of Royalist occupation.

There was another reason Parliament was particularly keen to sequester the inhabitants of Cheshire. On 7<sup>th</sup> November 1643, from his court in Oxford, the King wrote to the Mayor and Aldermen of Chester, giving them,

... full power and authority ... from time to time during our will and pleasure, to seise and take into your hands and custody the Lands and hereditaments, as alsoe the goods and Chattells of ... Sir William Brereton and William Jolly and all others in actuall rebellion against us, or adhering or contributing to the Rebels, lying and being within the County of our Citty of Chester or elsewhere within our County Palatine of Chester within ffive miles of our said Citty and all arrerages of rents due for the same lands ... All which moneyes wee doe hereby require and authorise you, or any such foure or more of you ... to dispose and distribute to and for the maintenance of our garrison in our Citty and Castle of Chester.

Charles also assured his newly appointed sequestrators that 'wee will take care to protect and keepe harmelesse your persons and estates for whatsoever you shall doe',

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<sup>57</sup> See A. M. Johnson, 'Politics in Chester during the Civil Wars and Interregnum 1640-62' in Peter Clark and Paul Slack (Editors), *Crisis and order in English towns 1500-1700* (London: Routledge & Kegan Paul Ltd, 1972), pp. 204-36.

<sup>58</sup> See John Morrill, 'Brereton, Sir William, first baronet (1604-1661) in *ODNB*.

<sup>59</sup> TNA SP 28/208.

recognising that Parliamentary retaliation was highly probable.<sup>60</sup> Just under three months later, on 5<sup>th</sup> February, he wrote to ‘our deere nephew Prince Rupert’, and instructed him to,

... give power and Authority to the said Commissioners to sequester and take into their hands for our use the Estates and Goods of all such persons within the said Counties as have bine in Armes against us and are not by us pardoned or which are now in Armes against us or that have bine Abettors Ayders and assistants to the present rebellion and to appoint Collectors and receivers of the Rents and revenues of any such person and to make sale of their Goods for the maintenance of our forces aforesaid.<sup>61</sup>

Evidence of the King’s sequestration policy is scarce because the vast majority of documents relating to the Royalist war campaign were destroyed, so the survival of these documents is extremely important. Even though Chester would later be held by the Royalists, there was clearly a strong Parliamentary presence in the surrounding areas which the King felt it necessary to target. The subsequent Parliamentary sequestration campaign post-1646 could, therefore, be interpreted as retaliation. The policy was designed to be enforced across the whole country, but there must have been particular eagerness to ensure that pre-1646 Cheshire plunderers would be suitably punished.

The conquest of Lincolnshire was an early victory for the Royalists in August 1643, although it was not destined to be a long-term one – their final garrison fell to the Earl of Manchester’s army in December of that year, and J. W. F. Hill has claimed that ‘Lincolnshire was from the first associated with the northern counties on the parliamentary side’.<sup>62</sup> The county had been incorporated into the Eastern Association by Parliament in October in an attempt to provide Manchester with the resources needed to ensure its security. The de-facto Parliamentary commander of the county was supposed to be Lord Willoughby of Parham, but Clive Holmes has noted the struggle between Willoughby and Manchester until the spring of 1644 for ‘undisputed control’. The proximity of the fiercely Royalist stronghold of Newark just over the county border into Nottinghamshire increased Lincolnshire’s strategic importance for both sides, underpinning how necessary it was for Parliament to maintain control. However, Holmes noted ‘the Royalism or lack of enthusiasm for the Parliamentary cause of a substantial proportion of the old county

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<sup>60</sup> BL Harley MS 2135, f 2r:v.

<sup>61</sup> *Ibid.*, ff. 60v:61r.

<sup>62</sup> J. W. F. Hill, *Tudor & Stuart Lincoln* (Cambridge: Cambridge University Press, 1956), p. 152.

establishment'.<sup>63</sup> Displaying any level of support for the Royalist cause was sufficient grounds to launch a sequestration, which is an explanation for the high level of appeals from Lincolnshire.

A similar situation was taking place in Lancashire. B. G. Blackwood's work on the county has highlighted that there were '774 gentry families in Lancashire on the eve of the Civil War', and that 177 of them can be positively identified as Royalist, compared with ninety-one Parliamentarians. In contrast, 'seventy-nine Parliamentarians were civilian officials as against thirty-six Royalists', and 'the Parliamentarians appear to have had greater support than the Royalists had among the common people',<sup>64</sup> which explains why sequestrations could be carried out in apparently high numbers across the county. What is intriguing about the identifiable appeals from Lancashire is that only ten of them were submitted by members of the nobility; one Lord, three Ladies, one Dame, and four Sirs. A further ten were submitted by gentlemen, and seventeen by Esquires. The picture this paints is that the primary targets in Lancashire, or at least the targets who chose to appeal, were the middling and common sort, rather than the gentry. Further analysis of the database by sex and status appears later in this chapter.

The high number of appeals originating in the City of London are more easily explained, although it must be noted that there is an extremely large difference between the figure of 707 raids which took place London in 1643, and the 148 appellants from London who petitioned the committee between 1643 and 1648/9.<sup>65</sup> Unfortunately the London county committee records from the later years of the war have not survived in any great quantities so it is difficult to know whether this high level of raiding was maintained, but considering the strategic and economic importance of the city it seems highly probable that the sequestrators remained vigilant. The high level of appellants can also be explained by the close proximity of the City to the Palace of Westminster; the local inhabitants would have been better placed to learn exactly what the appeals process was, and appearing before the central committee in person would have been a relatively easy journey of just a few miles. As already explored in Chapter 1, the Houses of Parliament were extremely

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<sup>63</sup> Clive Holmes, 'Colonel King and Lincolnshire Politics, 1642-1646' in *The Historical Journal*, Vol 16, No 3 (September 1973), pp. 451-484.

<sup>64</sup> B. G. Blackwood, 'Parties and Issues in the Civil War in Lancashire' in *Transactions of the Historic Society of Lancashire and Cheshire*, Vol 132 (1982); (Liverpool: Alan Sutton Publishing Ltd, 1982), pp. 103-26; pp. 104-5, 107, 109.

<sup>65</sup> TNA SP 28/212, Part 3.



keen to ensure that delinquents were kept out of London unless it was absolutely necessary for them to compound at Goldsmiths Hall.

Peter Gaunt has stated that 'Essex was secure for Parliament throughout the first Civil War and saw serious fighting only in the second, when, in summer 1648, Colchester became one of the centres of Royalist rebellion'.<sup>66</sup> The high level of appeals coming from Essex must, therefore, be a reflection of the Parliamentary administration of the county. If they held the county securely they would have been able to search for, and prosecute, delinquents and recusants. However, Richard Till has recently demonstrated that the county was far from peaceful, and the Civil War exacerbated pre-existing conflicts in local politics.<sup>67</sup>

Anthony Fletcher demonstrated that there was 'enthusiastic backing for the parliamentary cause in the Puritan towns and villages of east Sussex' in 1642, although the gentry in the west of the county initially demonstrated 'inertia'.<sup>68</sup> This prompted two sieges early in the war, although both ultimately failed. The first was a conflict now known as the Siege of Chichester, which took place at the end of December 1642. Sir William Waller's 6,000-strong army ultimately secured a victory for the Parliamentary campaign, and the terms of surrender he offered the city included a request that they surrender anyone considered by the victors as a delinquent. The Royalists declined to do this but provided Waller with all of the Catholics instead, which must have been a benefit for the sequestrators.<sup>69</sup> A year later Royalist forces attempted to invade the county via Hampshire, leading to the short Siege of Arundel Castle, but they were quickly defeated, and Sussex remained largely peaceful and in Parliamentary hands for the rest of the war.<sup>70</sup> Fletcher confirmed that sequestrations did take place in the county following these sieges.<sup>71</sup>

The significance of the maps in Figures 2.6 to 2.12 is increased when viewed alongside the House of Lords' attempts to dissolve the county committees in 1646 and 1647. On 27<sup>th</sup> April 1646 they produced an order for eight of their peers to

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<sup>66</sup> Peter Gaunt, *The Cromwellian Gazetteer* (Stroud: Alan Sutton Publishing, 1992), p. 53; hereafter Gaunt, *Cromwellian Gazetteer*.

<sup>67</sup> Richard Till, "'A great Fight in the Church at Thaxted": social and religious tensions in the wake of the first Civil War' in *The Local Historian*, Vol 47, No 1 (January 2017), pp. 46-55.

<sup>68</sup> Anthony Fletcher, *A County Community in Peace and War: Sussex 1600-1660* (London: Longman, 1975), pp. 256-7; hereafter Fletcher, *County Community*.

<sup>69</sup> See C. Thomas-Stanford, *Sussex in the great Civil War and the Interregnum* (London: Chiswick Press, 1910) and Fletcher, *County Community*.

<sup>70</sup> Gaunt, *Cromwellian Gazetteer*, pp. 52 and 166.

<sup>71</sup> Fletcher, *County Community*, p. 285.

‘prepare an Ordinance, and bring the same into this House, for putting down and dissolving the Committees in the several Shires and Counties’; in other words, to dissolve the county committees. The chosen men were Warwick, Pembroke, Manchester, Denbigh, Saye and Sele, Robartes, North, and Wharton. The Earls of Essex and Stamford, and Lord Willoughby were added to the Committee on 21<sup>st</sup> May.<sup>72</sup>

Their ordinance was presented to the Lords on 28<sup>th</sup> August, read carefully three times, and passed without further amendment.<sup>73</sup> It was then sent to the Commons, but they were reluctant to proceed with it. They returned no response, causing the Lords to remind them about it on 4<sup>th</sup> September, but silence remained their answer.<sup>74</sup> The matter was dropped until the following February. On the 10<sup>th</sup> of that month the Lords requested a conference with the Commons ‘concerning the putting down of Committees in the several Counties’, and a meeting was set for eleven o’clock the following morning.<sup>75</sup> Sir William Lewes was one of the Commons’ delegation, and he delivered a written message which the Lords had presented him with;

... the Lords have, many Months since, sent an Ordinance to the House of Commons, for the taking away country Committees, which is expected from both Houses, according to the several Declarations of Parliament, to bring things into the old Course and Way of Government: And that, in some Places of this Kingdom, Committees are expired; as in Yorkeshire where no Sequestrations are acted there: And in Lincolnshire no Committee hath acted for some Months; and in other Places, as in Somersetshire, great Disorders have been occasioned by the Continuance of them; Wherefore the Lords have desired this Conference, to desire their Concurrence to an Ordinance of theirs for the taking away Committees; whereunto they hold themselves obliged, as well by the great Sense they have of the Kingdom's Desire herein, as making good to the World, that these extraordinary Ways of Proceeding shall not be continued.<sup>76</sup>

From the perspective of the Commons this was the latest in a long line of complaints from the Lords about the administration of sequestration, and although there is evidence of complaints about individual members of county committees, the claims made by the Lords of county-wide stagnation are ill supported.

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<sup>72</sup> HLJ, Vol 8, 27<sup>th</sup> April 1646, p. 287; 21<sup>st</sup> May 1646, p. 322.

<sup>73</sup> Ibid, 28<sup>th</sup> August 1646, p. 474.

<sup>74</sup> Ibid, 4<sup>th</sup> September 1646, p. 482.

<sup>75</sup> Ibid, 10<sup>th</sup> February 1646/7, p. 718.

<sup>76</sup> HCJ, Vol 5, 13<sup>th</sup> February 1646/7, p. 85.

The Lords had particularly highlighted the counties of Yorkshire, Lincolnshire, and Somerset, claiming that few or no sequestrations were being enforced there. However, the maps provide the complete opposite information. Figure 2.10 in particular, which refers to 1646, clearly shows those counties as the three highest producers of new sequestration appeals for that year. Far from stagnation, the sequestrators in those places were working very hard and new sequestrations must have been consistently taking place for such high levels of appeals.

The Commons read the Lords' ordinance twice, and instructed the committee who had previously examined the matter to meet again the following week. However, the next reference to the matter was on 29<sup>th</sup> March, when the Lords again prompted them;

The Lords desire to put you in mind of an Ordinance they sent unto you, for putting down all Country Committees; that it hath lain long with this House; and they desire they will take it into Consideration.<sup>77</sup>

The Commons refused to provide an immediate answer, and responded that they 'will send Answer by Messengers of their own'. Nevertheless, the Lords proceeded with speed. On 7<sup>th</sup> April they appointed a delegation of six peers – Lincoln, Saye and Sele, Northumberland, Manchester, Warwick, and Grey – to meet as often as necessary to create a report on the necessity of dissolving the committees.<sup>78</sup> Manchester and Saye and Sele had previously been occupied on the same business the previous April, when the matter was first raised. Two days later the report was ready to be presented to the Commons;

The Lords have long since desired your Concurrence, for the taking away of the Committees now settled in the several Counties; to the which they are now pressed further to urge your speedy Agreement, in regard of the great Cries that come to their Ears from all Parts of the Kingdom, where divers Persons lie under very great Pressures, by reason of the Partiality and Injustice that is used by those Committees.

They are very sensible of the great Odium that this hath brought upon the Parliament, and how far it may alienate the Hearts of the Generality of the Kingdom from them, if such an arbitrary Power shall be still continued; from which the Hope of being delivered hath been One of the chiefest Motives for the engaging of their Lives and Fortunes in this dangerous and expensive War.

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<sup>77</sup> HCJ, Vol 5, 29<sup>th</sup> March 1647, p. 128.

<sup>78</sup> HLJ, Vol 9, 7<sup>th</sup> April 1647, p. 127.

And it would be now the more grievous unto the Kingdom, because that which was submitted unto in Time of War as necessary will now appear to be a continued Pressure, and only the Benefit of some Private Persons, without any considerable Advantage to the State; the Lords having offered a Means which they conceive will be of most Advantage to the Parliament, and more satisfactory to the Kingdom.<sup>79</sup>

There are multiple points to note from this statement. The first is that ‘great Cries ... come to their Ears from all Parts of the Kingdom ... by reason of the Partiality and Injustice that is used by those Committees’. That sequestration was seen as an unjust policy was not news in the spring of 1647. People from all levels of society appealed against it as soon as the first cases were enforced. However, the ‘great Cries’ which appear to have moved the Lords were those from the aristocracy, particularly from peers who had formerly sat amongst them, rather than the complaints of the sequestered population in general. Complaints from peers recorded in their journal merely in the two preceding months, from 1<sup>st</sup> February onwards, include those from the Earls of Bath and Derby, Lords Lovelace and Conway, and Lady Wotton.<sup>80</sup> Conspicuously absent are complaints from tailors, grocers, or apothecaries.

The second point is very much linked to the first, that the county committees exercised ‘arbitrary Power’ which would ‘alienate the Hearts of the Generality’ from the Parliamentary regime. The county committees were naturally keen to target the landed gentry because their estates would be worth more, but this had been the case since 1643 and the House of Lords was well aware of it. Parliamentary supporters would have nothing to fear from the county committees except the necessity of paying their taxes on time, and perhaps being called upon as witnesses. Although sequestrations did occur mistakenly if false evidence was presented, it is probably safe to conclude that the majority took place because there were sufficient grounds to conclude that an individual was actively supporting the Royalist cause.

The third point raised was that the entire policy of sequestration should be abandoned, as the King was now in the safe custody of Parliament and the conflict was over. With the benefit of hindsight we now know that this was only a temporary peace, and the King’s attempts to escape and the second Civil War were both looming. However, in the eyes of the Lords there was no need to continue the wartime policy; ‘that which was submitted unto in Time of War as necessary will

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<sup>79</sup> HLJ, Vol 9, 9<sup>th</sup> April 1646, p. 131.

<sup>80</sup> Ibid, Vol 8, pp. 696-7; HLJ, Vol 9, p. 88, 118, 126.

now appear to be a continued Pressure ... without any considerable Advantage to the State'. Such an argument did not successfully convince the Commons, however. Purely from a logistical position suddenly cancelling sequestration would have been an administrative nightmare, but politically it would have been even worse. The reason sequestration was introduced in the first place was to prevent Royalists from providing the King with financial support. The Royalist threat had not abated just because the conflict was halted. The Commons would have been well aware that strong support for Charles remained across the country, and suddenly cancelling sequestration would have prompted a sudden resurgence in its power.

Unsurprisingly, these arguments failed to win the Commons over. On 15<sup>th</sup> April they resolved that a debate about county committees should take place, but refused to set a specific date for it.<sup>81</sup> The Lords attempted to prompt them into action on 10<sup>th</sup> June and 9<sup>th</sup> July; the latter instance was marginally more successful, and the Commons requested Mr Strode to present a report on the subject the following Thursday.<sup>82</sup> However, no such report was ever presented and the matter appears to have been dropped by both Houses.

## **Wales**

An area omitted from the maps in Figures 2.6 to 2.12 is Wales. The sequestration policy did extend into Wales, but did not venture into Scotland or Ireland. The apparent reason for this was because the English Parliament could claim jurisdiction in Wales, but Scotland and Ireland had their own governments. However, the references to Welsh property in the order books are very low indeed, with only sixty-four appellants during the course of the war; this is shown in Figure 2.13. The border counties were most likely to be sequestered, with the highest concentration of appeals coming from Monmouthshire, Glamorganshire, and Montgomeryshire, with Denbighshire following close behind. Conversely, the counties of Merionethshire, Carnarvonshire, and Anglesey at the most north-westerly point of Wales did not produce any appeals at all.

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<sup>81</sup> HCJ, Vol 5, 15<sup>th</sup> April 1647, p. 143.

<sup>82</sup> HLJ, Vol 9, 10<sup>th</sup> June 1647, p. 251; 9<sup>th</sup> July 1647, pp. 322; HCJ, Vol 5, 9<sup>th</sup> July 1647, p. 239.

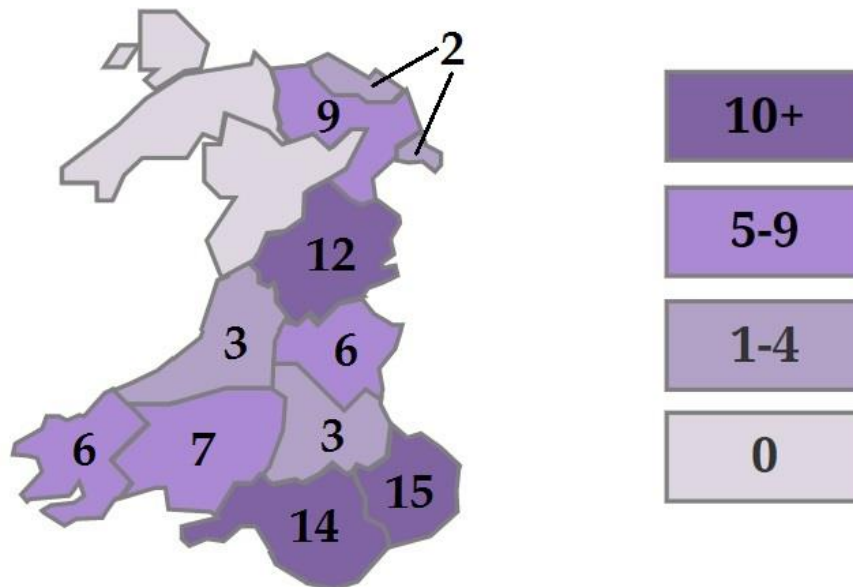


Figure 2.13: sequestration appeals from Wales, 1643-1648/9

Consistent with its neighbouring counties in England, there were no appeals lodged with the central committee from Wales in 1643 or 1644. Three were submitted in 1645, thirty in 1646, seventeen in 1647, and fourteen in 1648. Although sixteen (25%) of the sixty-four appeals were multiple referrals to more than one county, the remaining forty-eight (75%) were appeals relating to only one county. Thirteen of the multiple referrals were to two counties, two were to three counties, and one was to four counties.

Intriguingly only four of the multiple referrals were to other counties in Wales, and the remaining twelve were to counties in England. Six were to the border counties of Cheshire, Herefordshire, Shropshire, and Gloucestershire, but others included Surrey, Essex, Nottinghamshire and London. The single referrals are particularly significant because the higher percentage indicates that these pieces of property were not incidentally sequestered because their owners were major landholders in England who happened to own land in Wales as well. It demonstrates that there must have been a functional and successful sequestration policy operating across the country, albeit on a smaller scale than in England, targeting local people who were known to support the King. This would be an interesting area for further study.

## Scotland and Ireland

Scotland and Ireland have been omitted from this study altogether, for the very simple reason that any sequestrations which took place there were not organised or enforced by the Palace of Westminster in the 1640s. Laura M. Stewart and R. Scott Spurlock have stated that a sequestration campaign did take place in Scotland and Stewart estimated that it raised £800,000 Scots. However, Spurlock has argued that from 1652 onwards sequestrations were enforced ‘either from the Covenanting regime or the new English regime’, although those targeted ‘were treated generously’ and fines were ‘greatly reduced’.<sup>83</sup> However, as no documents relating to Scottish or Irish sequestrations were found during this study the countries do not feature in this analysis.

## Analysis by Sex and Status / Occupation

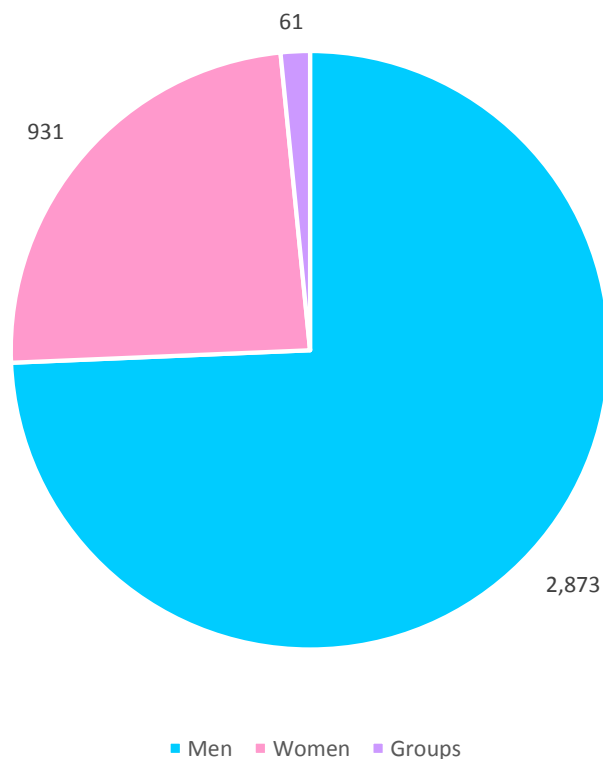


Figure 2.14: breakdown of sequestration appellants, 1643-1648/9

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<sup>83</sup> Laura M. Stewart, ‘Fiscal Revolution and State Formation in Mid Seventeenth-Century Scotland’ in *Historical Research*, Vol 84 (2011), pp. 443-69 (p. 457); R. Scott Spurlock, ‘State, Politics, and Society in Scotland, 1637-1660’ in Michael J. Braddick (Editor), *The Oxford Handbook of the English Revolution* (Oxford: Oxford University Press, 2015), pp. 363-378 (pp. 369, 373).

Figure 2.14 clearly demonstrates that the vast majority – indeed, 74.3% – of all appeals to the central sequestration committee were submitted by men. This is consistent with the overall trend that men were more likely to be sequestered as delinquents than women were. However, the number of appeals submitted by women was still significant, and represents 24.1% of the total. The petitions submitted by groups is very small in comparison, and represents only 1.6%.

This section will explore each of these categories in turn to discover what they can tell us about the social status of the appellants. It will also examine whether the main targets of sequestration really were the gentry, or whether other levels of the social hierarchy were targeted more extensively. All of the categories referred to in the analysis, such as requests for maintenance or further information from the counties, is based on the content of the first petition submitted by the appellant.

## Men

Ronald Hutton has argued that ‘Up to a third of the gentry’ listed in Charles’ Commissions of Array in 1642 ultimately proved either ‘hostile or indifferent’ to his campaign,<sup>84</sup> and that by 1644 ‘most of the peers and baronets who had commanded the regiments of 1642 had vanished from the royal army’, presumably inferring that they had submitted to Parliament and compounded.<sup>85</sup> Similarly, Andrew Hopper has stated that ‘peers moved towards the king until 1644, and towards parliament thereafter’, and that 71% of England’s peerage had experience of military action in 1645.<sup>86</sup> R. Malcolm Smuts noted that at the Battle of Edgehill ‘the parliamentary army contained a higher proportion of officers from titled families than its royalist opponent’,<sup>87</sup> whereas Christopher Hill argued that the King’s supporters were more likely to be gentlemen and aristocrats, while Parliamentarians were primarily tradesmen, yeomen, and merchants.<sup>88</sup>

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<sup>84</sup> Ronald Hutton, *The Royalist War Effort 1642-1646*, 2<sup>nd</sup> edn (London: Routledge, 1999), pp. 5-6.

<sup>85</sup> Ronald Hutton, ‘The Structure of the Royalist Party, 1642-1646’ in *The Historical Journal*, Vol 24, No 3 (September 1981), pp. 553-69 (p. 561).

<sup>86</sup> Andrew Hopper, *Turncoats & Renegades: Changing Sides during the English Civil War* (Oxford: Oxford University Press, 2014), p. 19.

<sup>87</sup> R. Malcolm Smuts, *Culture and Power in England 1585-1685* (London: Macmillan, 1999), p. 101.

<sup>88</sup> Christopher Hill quoted in Leonard Hochberg, ‘The English Civil War in Geographical Perspective’ in *The Journal of Interdisciplinary History*, Vol 14, No 4 (Spring 1984), pp. 729-50 (p. 731). See Part II of James A. Sharpe, *Early Modern England: A Social History 1550-1750* (London: Hodder, 2006) for detailed discussion about the social hierarchy during this period; hereafter Sharpe, *Early Modern England*.



The order books reveal that appeals from the gentry did not form the majority of appeals. A total of 417 men with a status higher than gentleman can be identified, but within that figure only ninety-one were members of the peerage. Lords and Earls respectively represent 1.6% and 1.2% of the total number of men, with Viscounts, Marquis, and Dukes appearing infrequently. However, that is consistent with the peerage representing only a small percentage of the population of England and Wales.

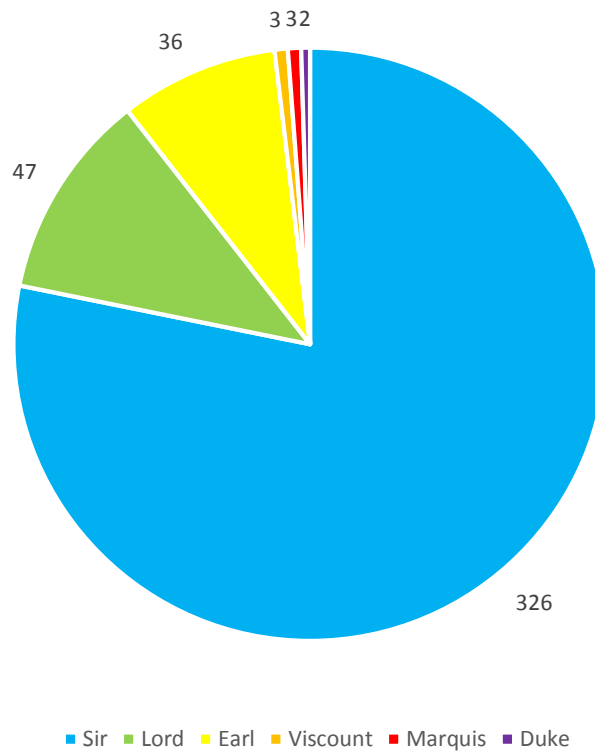


Figure 2.15: titled and gentry men listed in the order books

Figure 2.15 chart demonstrates that the most common rank of titled Royalists were knights, who used the prefix Sir, and they represent 11.3% of all men. It must be speculated whether some or most of the 325 knights had received their titles directly from Charles I and consequently felt a lingering sense of loyalty to him. This was not, however, a universal phenomenon; for example, Sir William Boteler received a knighthood from the King in 1641,<sup>89</sup> but he became the head of the Bedfordshire county committee and was a committed Parliamentarian.

<sup>89</sup> BARS TW1134.

The category of professional men is an incredibly diverse one and represents a wide range of occupations. In numerical terms it is a smaller category than that of titled men, with Figure 2.16 representing 385 men. However, the listed occupations for these men demonstrates that support for the King’s cause was spread across social hierarchies, and not exclusively reserved for the gentry. Anomalies not represented in this figure include ‘discoverer’ John Rand, chandler George Nurse, and Ralph Watts, housekeeper of Croydon House.

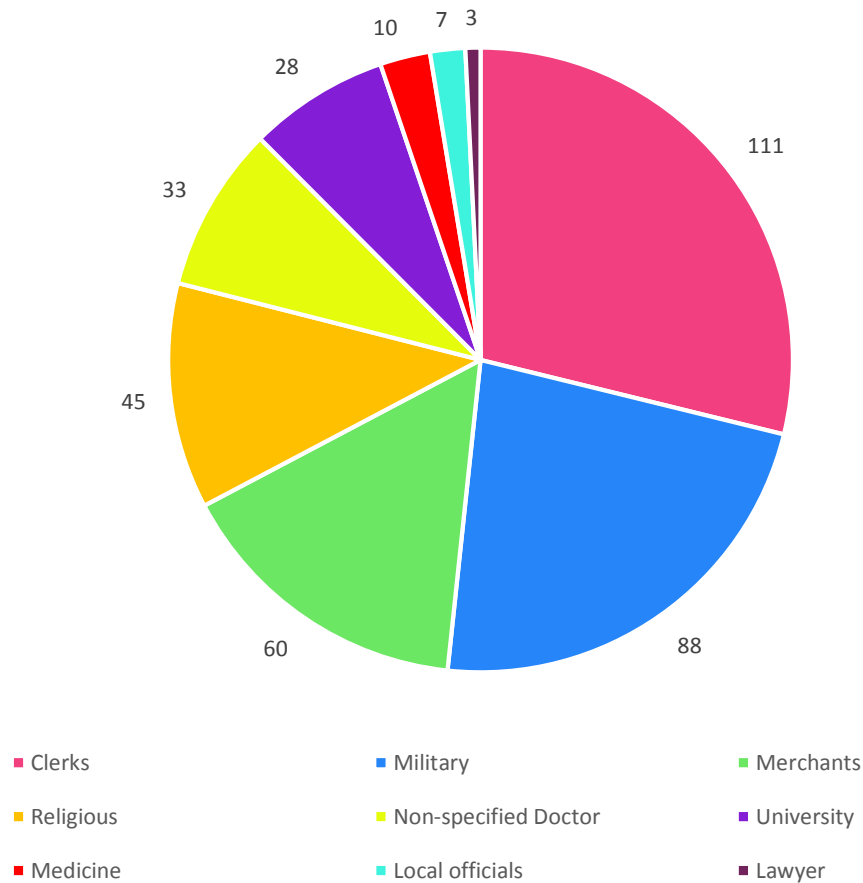


Figure 2.16: professional men listed in the order books

The largest group within this category is that of clerks. The 113 records in this group refer to entries where it is unclear whether ‘clerk’ refers to a scribal or temporal role; clerks in holy orders are within the Religious group. A second group it is difficult to identify is that of ‘non-specified Doctor’. Anyone described as Doctor of Divinity or Doctor of Physick have been grouped into either the Religious or Medicine groups, but a remaining thirty-three men were described with the title Doctor and no further clues about their occupation.

The second-largest group is that of military men, including Captains, Colonels, Lieutenant-Colonels, and Majors. The comparatively high proportion of commissioned officers reflects the purpose of sequestration, which was to sequester those actively supporting the King. Local communities would have been well aware of which families had contributed fathers and sons to the armies of both sides, and they would have been among the first targets. However, it must be noted that this figure only represents cases where a military prefix was recorded by the clerk; it does not represent members of the gentry who were serving in the King's army. The records indicate that either their pre-war titles of peerage took precedence over any subsequent military titles, or that Parliament refused to recognise their status as members of the enemy's army and as a point of principle would only refer to them using their pre-war titles. An example of this is Lord Capell; even though he had served in the King's life guard and acted first as Lieutenant-General of North Wales, Cheshire, Shropshire, and Worcestershire, and later as a member of the Prince of Wales' war council, he was never referred to in sequestration documents as anything other than Lord Capell.<sup>90</sup> However, this rule did not necessarily apply to non-gentry, and it is probable that the officers in this grouping held the status of gentlemen. They have been represented here as military men, rather than being placed in the category of gentlemen, because that is how they were explicitly identified by Rice Vaughan.

The grouping of sixty merchants is a diverse one and represents a range of professions. Twenty-nine of the men were simply listed as merchants, with no further indication of exactly what their trade was. However, other entries were more detailed and reveal mercers, goldsmiths, printers, salters, scrivener, chandlers, and innkeepers. There were also thirteen men involved in the clothing trade, ranging in speciality from drapers and haberdashers to milliners and hosiers. The recorded location of these merchants, or the county committee their cases were referred to, reveals that thirty of the sixty men were based in London, which is consistent with the city's mercantile status.

Religious men who experienced sequestration will not be explored in this thesis because of Fiona McCall's previous work on the subject. However, it will be noted that the central committee's order books reflect forty-five archbishops, bishops, deans, parsons, ministers, vicars, and rectors. This would be an interesting area for further study, because clergymen were supposed to be under the jurisdiction of the

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<sup>90</sup> Ronald Hutton, 'Capel, Arthur, first Baron Capel of Hadham (1604-1649)' in *ODNB*.

Committee for Plundered Ministers, rather than the Committee for Sequestrations. Their presence in the latter's order books raises the possibility that some were being sequestered for active Royalism, rather than merely being removed from their parishes on theological grounds.

The category of professional men also reveals a list of sixty members of the Houses of Parliament, but they were not included in Figure 2.16. Investigation into their careers reveals that they all supported the Parliamentary cause, and their presence in the order books can be explained through the mistaken sequestration of their property, disputes over land ownership and debts, and requests for restitution after their property had been plundered by Royalists. This is explored in greater detail in Chapter 4.

The category of men with no listed title is the largest of all; indeed, it is larger than the categories of gentry and professional men combined. Without undertaking extensive and time consuming genealogical research into all of these men it is very difficult to establish their wealth or status. However, the fact that they were sequestered or engaged in a dispute about a sequestration indicates that they had something *to* sequester.

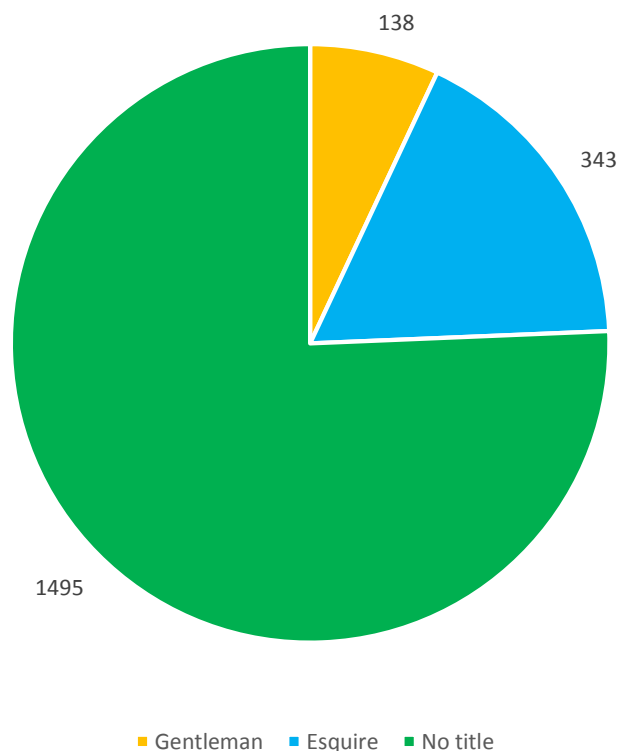


Figure 2.17: untitled men listed in the order books

The order books were created by referring to the original petitions submitted by the appellant, few of which have survived. The presence of status, occupation, or location of the appellant in the order books was completely dependent on them specifically stating that information in the petition. The lack of such information in the order books does not, therefore, mean that these men were not merchants, or soldiers, or gentlemen, or wealthy landowners; it simply means that they did not specifically say that they were, so the information could not be preserved in the books.

### **Women**

A total of 931 female appellants were recorded in the order books. This category will also be divided, for ease of analysis, into titled and untitled women. There were 283 titled women recorded in the books, which is 30.4% of female cases and 7.3% of all cases. Untitled women is the largest of the two categories, with 650 entries, which is 69.8% of female cases and 16.8% of the total.

The category of noble and gentry women encompasses six titles; Countess, Dowager Countess, Viscountess, Dowager Viscountess, Dame, and Lady. The frequency of each title has been plotted into Figure 2.18 below.

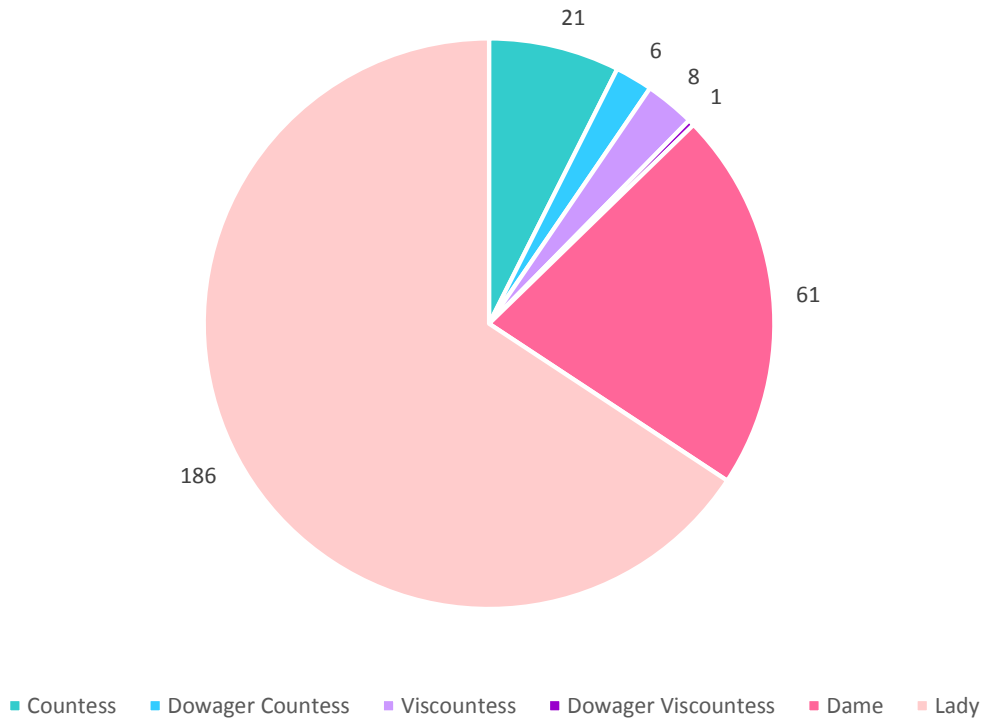


Figure 2.18: titled and gentry women listed in the order books

The most common rank of titled woman to appeal to the committee was that of Lady. Out of the 186 cases, sixty-five were simple requests for financial maintenance for themselves and their children. Thirty-seven cases were referred to lawyers, and thirty-five of those were sent to John Bradshaw; the remaining two were handled by Henry Pelham and Samuel Browne. In thirty-one cases the committee could not make an immediate decision about what to do, so they sent requests to county committees requesting further information. Thirteen cases were given hearing dates, and five were discharged immediately without needing a hearing. The remaining cases concerned issues such as requests for annuities out of sequestered estates, requests to be tenants to their husbands' sequestered property, disputes about rent, and ladies sequestered in their own right due to either their Catholicism or their presence in the King's territory.

The second most common female rank was that of Dame. Twenty of the sixty-one cases involved a request for maintenance, another twenty were referred to Bradshaw, and eleven were forwarded to county committees for further investigation. There was one instance per category for requests of annuities, jointure lands, and tenancy.

Untitiled women represented the vast majority of female appeals. Figure 2.19 shows how the category was broken down; 214 women were given the title Mrs, which contemporarily meant ‘mistress’ and did not necessarily reflect marital status. 129 women were widows, and four were specifically referred to as spinsters. Two of the women were infants, and the remaining 296 did not have any title attached to their entry at all; the only information provided in the order books was their name.

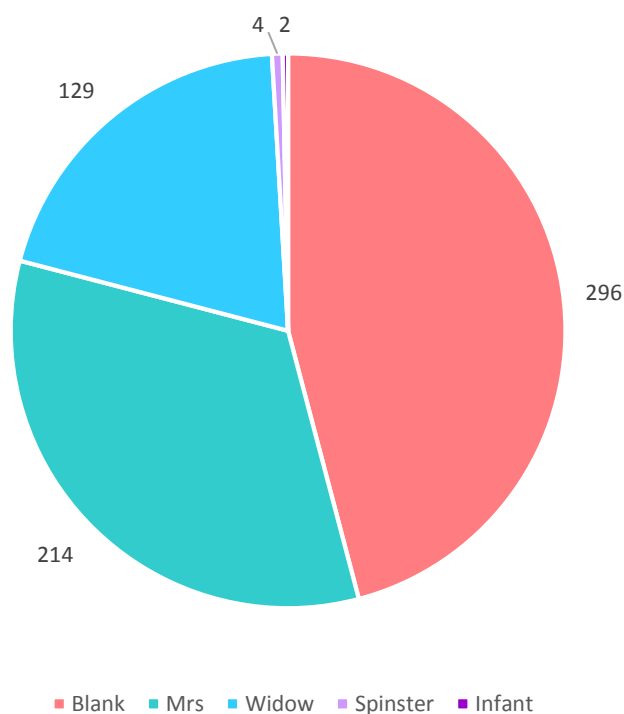


Figure 2.19: untitled women listed in the order books

Within the category Mrs, sixty cases were referred to the counties for further information, fifty-one were granted maintenance, thirty-eight were referred to lawyers, twenty-one were given hearing dates, and eleven were disputes over either rents or debts. Cases which do not fit into the standard categories include Mrs Beatrice Nott, who requested a bed, Mrs Stevenson, who was at Oxford, and thirteen year old Anne Widdrington, who was a Catholic, and the committee was concerned about the education she was receiving.<sup>91</sup> Thirteen of the widows were granted maintenance, fifty-two cases were sent to county committees, and thirty-five were referred to lawyers.

<sup>91</sup> TNA SP 20/1, pp. 312, 361, 371.

The role of women in the process of sequestration is a topic which deserves a thesis in its own right. In recent years a great deal of work has been done on female involvement in court cases, particularly in terms of slander, witchcraft, and property ownership,<sup>92</sup> but their participation in sequestration cases has not yet been the topic of a dedicated piece of scholarship.

When sequestration was first introduced in March 1643 the legislation did not refer to women at all. However, within a short time Parliament realised that an increasing number of women were being left with no means of support when their husbands were sequestered. The earliest example in the central committee's order books was an appeal lodged by Lady Frances Brooke, wife of Sir John Brooke, after their property was seized in Covent Garden. She appealed to the MP Sir Martin Lister, and he approached the central committee on her behalf on 5<sup>th</sup> May, just over a month after the ordinance was passed. He was able to secure an order 'to allow the said Lady such of the said goods as shall be necessary for her owne subsistence'.<sup>93</sup>

This was the first of many similar appeals received by the committee in the following months, as more and more women were left with no means of support. Consequently, in August 1643 Parliament formally introduced a provision of maintenance. Wives would be granted one fifth of the annual value of their husbands' estates, because Parliament recognised that they should not be punished for the sins of their male relatives. However, the reality was that women and children did suffer the most. They had to endure soldiers and sequestrators arriving at their homes and removing their property, in some cases not even leaving them with clothes or beds. On 31<sup>st</sup> August 1643 the home of Mr Luntly was raided in London, and his goods were valued at £48, four shillings, and ten pence. Shortly afterwards another order was made 'that Mrs Luntl[y] should have her Childrens clothes and her 5<sup>th</sup> pt allowed', and she was given £10 to maintain the family.<sup>94</sup> On 9<sup>th</sup> March 1643/4 Sir Anthony Cage petitioned the central committee on behalf of his heavily pregnant wife and begged them to 'let the Lady Cage have her Childbed linnen & other necessary wearing apparrell & furniture for her lying in, forthwith restored to her'.<sup>95</sup> 30<sup>th</sup> August 1644 saw the central committee discuss a petition from Mrs

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<sup>92</sup> Jenny Kermode and Garthine Walker (Editors), *Women, Crime and the Courts in Early Modern England* (London: UCL Press, 1994); hereafter Kermode and Walker, *Women, Crime and the Courts*, Amy Louise Erickson, *Women & Property in Early Modern England* (London: Routledge, 1993).

<sup>93</sup> TNA SP 20/1, pp. 19-20.

<sup>94</sup> TNA SP 20/6, p. 32.

<sup>95</sup> TNA SP 20/1, p. 226.



Beatrice Nott and subsequently order an unspecified county committee ‘to suffer the said Mrs Nott to have her Bedd to lie upon’.<sup>96</sup> Petitions from children will be explored in the next section of this chapter. Ann Hughes has investigated the role of women as petitioners against sequestration, particularly the struggles of Ladies Mary Verney and Margaret Cavendish during their attempts to regain their families’ property. Hughes correctly observed that, ‘the energy and adroit lobbying of women were essential to family survival’. She also repeated a claim previously made by Antonia Fraser that husbands were eager for their wives to appeal to the committees because they would receive a more favourable response, and that their petitions deliberately used the language of desperation and supplication.<sup>97</sup> While evidence does exist for the former, and the latter can clearly be seen in surviving petitions, this argument is not totally convincing. The sequestration appeals process was set up to enable and encourage women to petition the committees, both to claim maintenance and to protest against any seizures. Even if a woman did petition for maintenance and use language of desperation there was absolutely no guarantee that she would receive any help, and the example of Lady Capell, explored in Chapter 1, reveals that there were checks in place.

Sara Mendelson and Patricia Crawford have argued against the assumption that ‘At most, women were urged to contribute financial aid, or direct their prayers towards a godly resolution of the conflict’, rather than play any active role in the war, by highlighting the female names on loyalty oaths and mass petitions to Parliament. They also noted the ‘pledges of financial and personal support to king or Parliament’ made by women through the 1640s, as well as documented examples of women trying to persuade their male relatives to support one side or another. However, they stopped short of exploring female petitions against sequestration, even though they noted ‘Parliament became the focus of many of these women’s political initiatives’. They framed this statement as ‘break[ing] through the psychological and physical barriers separating them from the public political space’,<sup>98</sup> but a study of sequestration provides an alternative explanation; they had no choice.

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<sup>96</sup> TNA SP 20/1, p. 361.

<sup>97</sup> Ann Hughes, *Gender and the English Revolution* (London: Routledge, 2012), pp. 43-48; Antonia Fraser, *The Weaker Vessel: Women’s Lot in Seventeenth-Century England* (London: Phoenix Press, 2002), p. 254.

<sup>98</sup> See Chapter 7: ‘Politics – Women and revolution, 1640-1660’ in Sara Mendelson and Patricia Crawford, *Women in Early Modern England* (Oxford: Oxford University Press, 1998), pp. 394-418.

As noted in this chapter and demonstrated in Figure 2.14, the vast majority of people targeted by sequestration were men, which left women in the difficult position of having no home, no belongings, and no money. With their husbands and fathers away fighting in the army, it became the woman's responsibility to enter into negotiations with Parliament to secure financial support for herself and her children. It wasn't a conscious decision by women to focus their political activities at Parliament or Parliamentary bodies; they were forced to do so through the necessity of keeping themselves housed and fed.

Added to the indignity of having their property removed was the process of applying for maintenance money or a proportional amount of the sequestered property, which were not provided automatically. Women had to petition their local county committee or the central sequestration committee, and sometimes both. Indeed, 315 of the 931 appeals from women in the central committee's order books were immediately granted requests for maintenance. However, if a woman was suspected of supporting the King she would be barred from claiming maintenance money because she would be liable for a conviction of delinquency in her own right. For example, following the petition of Mrs Stevenson in September 1644 the central committee decided that they 'can give noe relief ... because she was att Oxford without order of the houses'.<sup>99</sup> Likewise, on 25<sup>th</sup> July 1645 they would not help Mrs West because 'shee went downe from her Dwelling in Middx into the Enimy's garrison at Chester about or before May 1644 and tarryed there 3 quarters of a yeare which is to bee taken an ayding of the Enimy either as a Spye or with money'.<sup>100</sup>

There are multiple examples of women referring to the number or situation of their children in their petitions to the central committee, presumably in an attempt to secure a favourable response. Lady Anne Crispe, one of the earliest petitioners in May 1643, secured an order 'for the maintenance of her & her 10 children'. On 6<sup>th</sup> November 1644 Lady Elizabeth Watson requested and was granted her fifth part 'for the maintenance of her selfe & her 7 children'. Margaret Smith, the wife of John Smith of Durham, petitioned in August 1645 'on behaulfe of her selfe and 7 Children', and Sarah Hazilwood of Lincoln made a similar appeal in July 1646 'on behaulfe of her selfe and eight children'; both women were likewise granted their fifth parts.<sup>101</sup> Margaret Heath, also of Durham, stated that 'your petr & her Children

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<sup>99</sup> TNA SP 20/1, p. 371.

<sup>100</sup> *Ibid.*, p. 895.

<sup>101</sup> *Ibid.*, pp. 45, 436, 968; SP 20/2, p. 437.

for want of an Allowance are in [a] very miserable condition’, and Lucy Dutton, Countess of Downe, lamented that she was ‘left destitute of all manner of livelihood and subsistence and reduced to that lowness of fortune that shee hath not wherewith to releive herselfe and Child with necessaries’.<sup>102</sup>

An appeal for maintenance was also submitted in May 1647 by Dorothy Henryson, the widow of Dr Robert Henryson who had been employed by the corporation of Newcastle upon Tyne as a physician until his death in the spring of 1643. She opened her petition with the statement that she wrote ‘in the behalf of her selfe and foure fatherlesse Children’, and relayed a business transaction which had taken place in 1638 between her husband and Sir William Widdrington concerning some land in Ellington in Northumberland. She was supposed to receive regular interest payments from Sir William ‘for [the] bringing up and maintenance’ of her children, but he had been sequestered for his Royalism. Mrs Henryson had received no payments for four years, and estimated that she was owed £400; ‘For want whereof’, she argued, ‘she with her poore children are exposed to great misorie, it being under God the only support they have to trust to, for their present livelihood, and without which they can noe longer subsist’.<sup>103</sup> This was a somewhat anomalous appeal, because Mrs Henrison was requesting maintenance from the estate of another person and not a family member. Nevertheless, the central committee instructed the Northumberland county committee to let her be tenant to part of Sir William’s property.<sup>104</sup>

## Groups

One potentially complicating issue identified during the indexing project was cases which were grouped together. Cases where siblings or relatives petitioned together are easily dealt with, because the connection between the appellants can be easily identified. However, in other cases it is unclear whether the clerk grouped them together deliberately because their appeals were linked, or whether they should technically have had separate entries.

A total of 170 cases were grouped together by the clerk, and the number of appellants ranged from two to nine. The most common grouping was that of two

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<sup>102</sup> TNA SP 20/13/10, f. 67r; SP 20/11/23, f. 105r.

<sup>103</sup> TNA SP 20/13/19, ff. 97r:98v.

<sup>104</sup> TNA SP 20/3, p. 288.

people, and there are 115 examples of this. There were twenty-four groups of three, fourteen groups of four, five groups of five, two groups of six, five groups of seven, two groups of eight, and two groups of nine. The one remaining grouped entry is an anomaly because the petition was submitted by one named individual – Robert Crosse – and an unspecified group of Fellows of Lincoln College, Oxford. The total number of appellants in this case is unclear.<sup>105</sup>

Within this figure of 170, fifty-six groups can be identified as either siblings or relatives, and a further eleven contain possible siblings; at least two people with the surname, plus at least one other appellant with a different surname. This means that ninety-nine of the groupings contain appellants who were either petitioning together even though they were unrelated, or whose entries were grouped together by the clerk with no connection between them. One example of a grouping which obviously did belong together was the joint appeal of Sir Thomas Alsbury, Sir Ralph Freeman, and Sir Thomas Bludder on 13<sup>th</sup> May 1643. They petitioned to state that they were the King's servants and were bound upon oath to attend him, but were not aiding or contributing to the war in any way.<sup>106</sup> Grouped appellants did sometimes subsequently petition on their own. For example, Sir Thomas Bludder continued to appeal against his sequestration to the committee and an additional five entries can be found relating to him, whereas Sir Thomas Alsbury and Sir Ralph Freeman only required one entry.

An example of a grouping which less obviously belongs together was entered into the order books on 1<sup>st</sup> December 1643, when seven separate people – John Nuttall, Francis Pitts, Jeffrey Laycocke, Anne Stretton, John Peirce, John Aliffe, and Joseph Pearce – were provided with notices to bring their witnesses to a hearing.<sup>107</sup> The evidence in the order books is not sufficient to tell whether these seven people were all petitioning about the same case, or whether the clerk grouped their entry together because they had all been given the same order and he wanted to save himself the trouble of writing the entry out seven times.

A distinction must also be made between named individuals who had been grouped together by the clerk, and unnamed groups of individuals who submitted collective petitions, such as church officials or university fellows. This latter category is an

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<sup>105</sup> TNA SP 20/1, p. 534.

<sup>106</sup> *Ibid.*, p. 34.

<sup>107</sup> TNA SP 20/1, p. 142B.

interesting one and certainly warrants closer scrutiny. Contained within this label are a broad range of appellants, who in some cases could be a mixture of both men and women, but in other cases it is clear that they were undoubtedly just men.

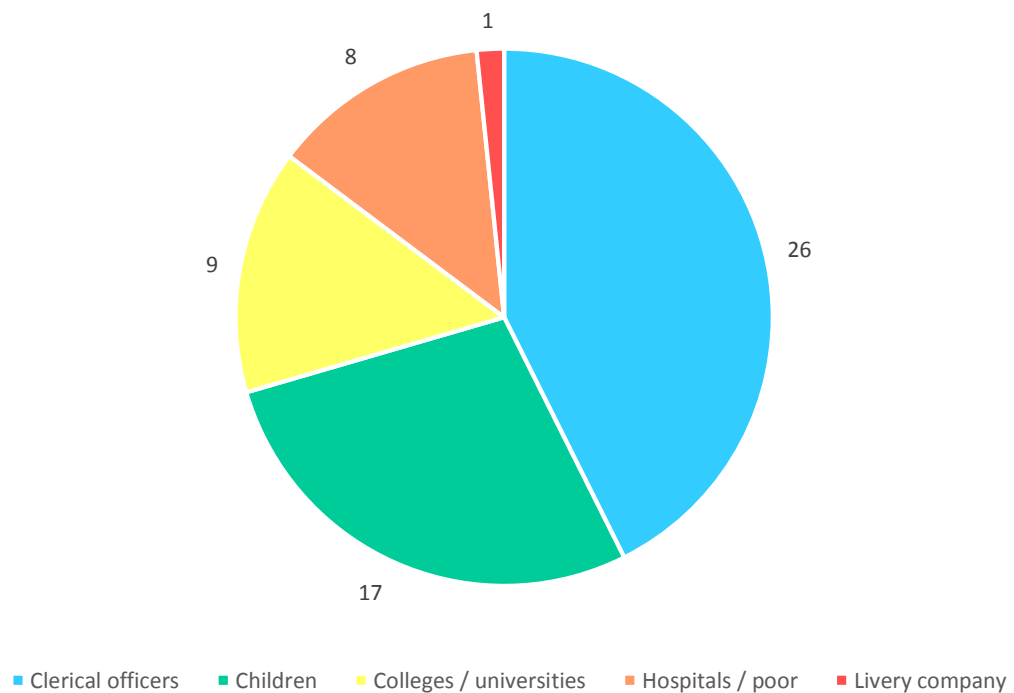


Figure 2.20: group appeals listed in the order books

The most extensive sub-category with ‘Group’ is clerical officers. This definition is broad and covers Deans and Chapters of Cathedrals through to petty canons and choral vicars. The sequestration of delinquent and malignant clergy from their benefices is not discussed in this thesis because Fiona McCall has published an extensive overview of this subject already.<sup>108</sup> However, the clerics who petitioned the central sequestration committee in groups were not protesting their own removal from livings; most commonly they were writing to request the reinstatement or delivery of rents which were due to them. This group of appellants was composed entirely of men, although the exact number is unclear; the appeals could have been from between two and twenty men, if not more; it completely depended on the size of the establishment from which they were petitioning.

The second sub-category within ‘Group’ is that of children. Appeals from children sometimes listed them all by name, and would allow for a sex to be assigned to them,

<sup>108</sup> McCall, *Baal’s Priests*.

but not all. The term 'children' is also misleading, because the term infant is used to describe very young children, and appeals for infants were usually submitted by an adult guardian. 'Children' appears to mean teenagers and young adults who were old enough to submit petitions themselves. It is unclear whether the original petitions they submitted to the committee, most of which have now been lost, stated that the appellants were 'the children of X' and did not give individual names, or whether they were signed by all. If the latter was most common then the resulting entry of 'the children of X' in the order books appears to have been a clerical decision made by Rice Vaughan, potentially for the purpose of saving himself a small amount of time and space on the page.

Seventeen of the sixty-one entries under the category 'Group' were from children, and the most common reason for children to petition the committee was to request financial maintenance for themselves. They were all identified as the children of a man, never as the children of a woman, which indicates that in every case the delinquent who had caused the sequestration of the family's property was their father. Breaking this figure of seventeen down further, nine were the children of titled gentry, four were children of clerics,<sup>109</sup> and the remaining four were the children of untitled men. It might be possible in a future study to use a combination of genealogical records and pre-existing biographies, particularly of the titled gentry, to create a list of each family's children to gain at least some indication of who might have been petitioning.

Forty-one of the petitions in the database were submitted by guardians on behalf of children in their care. The guardians were primarily male, although six appeals were submitted by women. It is unclear whether all these children had been in their guardians' care before the war broke out, perhaps placed in their households to be educated, or whether they had been deliberately removed from Royalist parents and placed in the care of alternative Parliamentary families instead.

The case of the Earl and Countess of Newport's children was a complicated one and appears many times in the central committee's order books. The Earl was Mountjoy Blount, and his wife was Ann Boteler, daughter of the Baron of Brantfield. The couple had married in February 1626, and when the war began they had five surviving

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<sup>109</sup> Three of the fathers were referred to as 'Dr [surname]', and one was specifically identified as the Bishop of Oxford.

children; three sons and two daughters. The Earl joined the King's court in Oxford, his property was promptly sequestered, and the children were separated from their parents.

Using references to the family found in the order books it is possible to piece together exactly where the children were in 1643. Their eldest son, sixteen year old Mountjoy, had been placed in the household of Captain James Temple in Sussex to be educated. Captain Temple petitioned the committee for some money to put towards Mountjoy's education, and was granted £150 per annum out of the Earl's sequestered lands in Leicestershire and Northamptonshire. The two younger sons, Thomas and Henry, were in the care of Humfrey Dayes, and he similarly petitioned the committee for an allowance for the boys. He was granted the same amount of £150 per annum for their maintenance.<sup>110</sup>

The two daughters, fourteen year old Isabella and six year old Anne, were in the care of Lady Essex Cheeke, who described herself as their aunt. Lady Essex was the legitimate daughter of Lady Penelope Blount and her husband Robert Rich, later 1<sup>st</sup> Earl of Warwick. The marriage was unhappy and Lady Penelope had a long-term affair with Charles Blount, Baron Mountjoy, a relationship which produced three illegitimate children including the Earl of Newport. Lady Essex was also the second wife of the Parliamentarian commander the Earl of Manchester, so the girls had been removed from their undoubtedly Royalist parents and placed in the care of an alternative Parliamentarian family. Lady Essex petitioned the committee stating that the girls had been 'left to the Care & tuition of the said Lady' but that they were 'destitute of all kind of Livelihood' because of their father's sequestration. As they had already agreed for two payments of £150 to the boys' guardians, the committee could not refuse Lady Essex's request, and granted her the same annual payment to help care for the girls.<sup>111</sup>

This case is an example of how petitioning for maintenance could become much more complicated if a family was split up. If a mother had remained with her children, quite often one petition from her to the committee was sufficient. However, if the children had been dispersed into different households, their new guardians separately had to petition on their behalf.

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<sup>110</sup> TNA SP 20/1, pp. 98-9, 124.

<sup>111</sup> *Ibid*, pp. 224-225.

## **Analysis of Administration**

This chapter has sought to demonstrate how the information captured in the database can be used to understand who the people appealing against sequestration were. The remaining chapters in this thesis will focus on the ways this information can also be used to understand the process of sequestration, and who the agents administering the process were. The most significant of these discoveries is the contribution of John Bradshaw. His role as the central committee's principal legal adviser during the 1640s has been forgotten because of the efficiency of the Royalist vendetta launched against him after the Restoration with the aim of destroying his reputation forever. However, the next chapter will reveal that his personal contribution to the process of sequestration was easily the most significant of any single person employed by Parliament during the English Civil War. This research provides a new interpretation of his pre-trial career and demonstrates how this involvement assisted the establishment of the Parliamentary state's financial and legal legitimacy, as well as his later appointment as the President of Charles I's trial in January 1648/9.



### Chapter 3: John Bradshaw's Forgotten Role

The 30<sup>th</sup> of January, being that day twelve years from the death of the King, the odious carcuses of Oliver Cromwell, major-general Ireton, and Bradshaw, were drawn in sledges to Tyburn, where they were hanged by the neck, from morning till four in the afternoon ... Bradshaw, in his winding-sheet, the fingers of his right hand and his nose perished, having wet the sheet through, the rest very perfect, insomuch, that I knew his face, when the hangman, after cutting his head off, held it up: of his toes, I had five or six in my hand, which the prentices had cut off. Their bodies were thrown into an hole under the gallows ... and their heads were set up on the south end of Westminster Hall.<sup>1</sup>



'Justice John Bradshaw', date and artist unknown.  
© Buxton Museum & Art Gallery.<sup>2</sup>

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<sup>1</sup> CALS ZCR 63/1/40/19, unfoliated document.

<sup>2</sup> Thanks are due to Ros Westwood, Derbyshire Museums' Manager, for the information provided about this portrait. It was purchased in the early 20<sup>th</sup> century during a sale of the contents of Marple Hall, where Bradshaw was reputedly born. The portrait had been preserved there, along with his bedchamber and its contents.

## Education and Training

John Bradshaw was born in Marple in early December 1602, the son of Henry Bradshaw and Catherine Winnington, and was baptised at St Mary's, Stockport on the 10<sup>th</sup> of that month. The word 'traitor' was later added to his baptism entry in the church's register.<sup>3</sup> John was the second of Henry and Catherine's six children, although they had lost their first son at the age of 20 months in 1597. Their other children were Henry, Francis, Dorothy, and Ann.<sup>4</sup> An oft-repeated legend surrounding Bradshaw was that he engraved the following lines on a tombstone in Macclesfield, but the evidence for it is somewhat lacking. They were, however, subsequently engraved on the window of a bedroom said to belong to him at Marple Hall;

My brother Henry must heir the land,  
My brother Frank must be at his command,  
While I, poor Jack shall do that  
Which all the world will wonder at.<sup>5</sup>

He was educated at Bunbury School in Cheshire and Middleton School in Lancashire, and in his will he bequeathed £500 to their schoolmasters and ushers; 'in which Two Schooles ... I had part of my Education and returne this as part of my thankfull Acknowledgement for the same'.<sup>6</sup> He entered Gray's Inn on 26<sup>th</sup> May 1620 at the age of 18, and was called to the Bar on 23<sup>rd</sup> April 1627.<sup>7</sup>

In the preface to their edited collection of essays about the Inns of Court Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight noted that 'Some of the most influential politicians, writers, intellectuals, and divines ... of Tudor and Stuart England passed through the Inns', but they failed to note Bradshaw amongst their list of notable students, and indeed he does not feature in any of the essays in their volume.<sup>8</sup>

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<sup>3</sup> Thomas Cooper, 'President Bradshaw' in William Andrews (Editor), *Bygone Cheshire*, 2<sup>nd</sup> edn (Heritage Publications: 2012), p. 209; hereafter Cooper, 'President Bradshaw'.

<sup>4</sup> CALS ZCR 63/1/40/19, p. 2.

<sup>5</sup> F. Tunstall, *A Short History of Marple Hall* (G H Bailey, year unknown), p. 13; hereafter Tunstall, *Marple Hall*.

<sup>6</sup> TNA PROB 11/296/457.

<sup>7</sup> Fletcher, *Gray's Inn*, p. 275. The introduction to this text describes him as 'John Bradshaw, the brutal President of the Court which sent Charles I. to the scaffold', p. 46.

<sup>8</sup> Jayne Elisabeth Archer, Elizabeth Goldring, and Sarah Knight (Editors), *The Intellectual and Cultural World of the Early Modern Inns of Court* (Manchester: Manchester University Press, 2013), p. 3; hereafter Archer, Goldring, and Knight, *Inns of Court*.

Life at Gray's Inn was one of routine. Francis Cowper has stated that the 'professional discipline to which the young student had to submit himself, rigorously selective in all the Inns of Court, was most severe of all at Gray's Inn'. Every scholar undertook an arduous training regime of readings and moots, refining their skills of 'subtlety in disputation before an audience which spent all its time sharpening its wits in the same sort of augmentation'. If a student was to be assigned to moot he would be given notice at dinner on the Thursday previous, and would be fined twenty shillings if he refused to participate. On Sundays prayers were read twice, first at nine o'clock and again at four o'clock, following which would be the sermon, although women were barred from attending the latter. After seven years of training scholars could be called to the Bar if they had performed '6 grand mootes abroad and 6 mootes in the house', and had paid all of the money they owed for board.<sup>9</sup>

All meals were to be eaten in the hall, unless the lawyer was unwell. In June 1621 there was a debt dispute between the Inn's steward on the one hand, and the baker and brewer on the other because residents of the Inn had been recalcitrant paying for their commons. At the Pension the board said of this culinary conundrum that, 'we may plainly see that the house is very ill served both in bread and beere by reason whereof we faire all the wourse'. The same meeting lamented that the butler only had 'two pence a man for cheese', and a year later the amount was increased to three pence per man per week, so it can be inferred that cheese was a staple part of the lawyer's diet. In June 1623 the gentlemen of the Inn were 'admonished' to 'forbeare the waringe of boots and spurs in ther halls and that they shall weare capps in ther halls and noe hats'. This was repeated in June 1626, when the Pension ordered 'that every gent: of this societie shall conforme himselfe to were a capp in the hall in dinnor and supper tyme ... uppon payne of [12d] for every default'. There was also a barber resident on site.<sup>10</sup>

The rigorous rules and studies were offset by regular revels, some of which caused widespread alarm across the entire City of London;

On Twelfth Night 1623 the Christmas revels at Gray's Inn ended with a wild prank at which King James was not amused. Borrowing four cartloads of small cannon from the Tower of London, the young men fired them all off in the middle of the night. 'The King, awakened with this noise, started out of

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<sup>9</sup> Fletcher, *Gray's Inn*, pp. 236, 243, 260, 352.

<sup>10</sup> *Ibid*, pp. 240, 242, 249, 258, 272, 358.

his bed and cried “Treason! Treason!” and that the city was in an uproar; in such sort ... that the whole court was raised and almost in arms’.<sup>11</sup>

Bradshaw was in the middle of his training when this incident occurred, so it is very possible that he was one of the young men who caused such panic in London that evening.

Unfortunately, very little is known specifically about Bradshaw’s life at Gray’s Inn because barely any documentation has survived. This is undoubtedly due to the fact that his chambers were seized by Charles II in 1660, and presumably everything within them was destroyed. However, it is possible to speculate about potential connections and influences he acquired whilst a student by exploring the careers of other residents who lived at the Inn at the same time as him. The literature concerning the general history of Gray’s Inn is sparse, and no-one has undertaken a study of life at all Inns of Court during the 17<sup>th</sup> century, and particularly in the years leading up to the Civil War. This would be a crucial piece of future research, because it would provide new information about how resistance to the King was nurtured in the legal heart of London.

The only currently known document produced by Bradshaw during his training is held at the library of Gray’s Inn, where it was returned in 1907 after being passed down through private collections. How it came to leave the Inn in the first place is unclear, and its provenance can only be traced back to 1874 when it was acquired by Lightly Simpson, the Chairman of the Great Eastern Railway. An anonymous inscription in the front cover states ‘I look upon this Book as a great Curiosity as it seems to be a Manuscript of the Person who sat as President in the Court which condemned King Charles it corresponds with the time’, and a different hand added ‘This Book was written by Bradshaw when he was a Student and rather better than [illegible] before he condemned the King, Cha. 1<sup>st</sup>’.

The document itself is undoubtedly in Bradshaw’s handwriting. It is a 41-page precis of Wight and Norton’s 1599 edition of Edmund Plowden’s *Les Commentaries*, which was 423 pages long and written in a combination of French and Latin.<sup>12</sup> Bradshaw

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<sup>11</sup> Francis Cowper, *A Prospect of Gray’s Inn*, 2<sup>nd</sup> edn (London: Graya, 1985), pp. 24-5, 29, 49; hereafter Cowper, *Prospect of Gray’s Inn*.

<sup>12</sup> Edmund Plowden, *Les commentaries, ou reports de Edmund Plowden vn apprentice de le common ley* (London: Adam Islip, 1599); EEBO STC (2<sup>nd</sup> ed) / 20045. A copy of this text is still held by Gray’s Inn.

would have had to be fluent in both to create his precis, and indeed he wrote it in French. He must also have read the original text very closely because his document briefly summarised each case referred to by Plowden.

Bradshaw divided his precis into two sections, and he conveniently wrote a date on both. The first was completed on 10<sup>th</sup> December 1624, and the second on 24<sup>th</sup> December 1624. This places it in the middle of his training, and because so little is known about his education it is rather satisfying to know that in the depths of that 17<sup>th</sup> century winter he spent the month of December in his chambers carefully poring over a lengthy legal text. It is unclear whether the document was produced for his own reference, or whether it was part of an assignment he had been set. Either way, it seems likely that other law treatises could have been summarised by him in the same way, but unfortunately this is currently the only known surviving example.<sup>13</sup>

The political unrest of the 1620s provided a turbulent backdrop to Bradshaw's training, and would have helped to shape the impression he had of the rights of the subject versus the monarch's absolute power. When he entered Gray's Inn there was no Parliament; James I had dismissed his MPs in 1614, and would not call them again until 1621. The King ruled with the assistance of the Duke of Buckingham, of whom Conrad Russell concluded that 'talent for devising policies or conducting administration was not among [his] abilities'. The final years of James' reign saw economic depression, the impeachment of one of the King's ministers for corruption, and the threat of war with Spain. The accession of twenty-four year old Charles in 1625 did little to stabilise the country, and the new King had to contend with religious disputes, a nation committed to war with Spain and shortly afterwards with France, a lack of money, and an outbreak of plague. He dismissed his Parliament when they criticised Buckingham and would not agree to provide him with more money, and instead implemented the forced loan to finance the navy; those who refused to pay were punished with imprisonment.<sup>14</sup>

Even though the speeches made by the Treasurer of Gray's Inn, Sir John Bankes, emphasised that lawyers had 'allways in former times (and I hoppe in these times)

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<sup>13</sup> Gray's Inn Library, MS 30; I owe my most sincere thanks to Dr Daniel Gosling, former assistant archivist at Gray's Inn, for informing me of this document and for providing me with the catalogue description of it.

<sup>14</sup> Conrad Russell, *The Crisis of Parliaments: English History 1509-1660*, 4<sup>th</sup> edn (Oxford: Oxford University Press, 1978), pp. 287, 292, 296, 300, 302.

returned their duties to the Crowne to acknowledge him to be an absolute king', tensions were there in the 1620s. For example, George Radcliffe, who had been called to the Bar in 1618, was imprisoned in 1627 for refusing to contribute to the forced loan,<sup>15</sup> so Bradshaw would have witnessed opposition to the crown's policies within his Inn whilst he was a student.

It is clear that religious observance was an important part of life at the Inn. In November 1623 it was reiterated that 'all the gentleman [are] to goe out of the chappell bareheaded in decent manner'. Everyone was expected to receive Communion at least once per term, although it was stated that 'ther is a great neglect this term' and they were ordered to attend within the week or else pay a financial penalty.<sup>16</sup>

A man who probably had a strong influence on Bradshaw was the Calvinist preacher of Gray's Inn, Richard Sibbes, a man of 'mild and holy eloquence'.<sup>17</sup> He had obtained the position on 5<sup>th</sup> February 1616/7, following his education at St John's College, Cambridge, and previous election as preacher of Holy Trinity Church, Cambridge. He would go on to be appointed as master of St Catharine's College, Cambridge in 1626, but he retained his position at Gray's Inn until his death in 1635.<sup>18</sup> The Pension Book of Gray's Inn listed him as 'an eminent Puritain', who was instructed to be 'continually resident' at the Inn after his appointment, but no protest was made to his subsequent appointment in Cambridge. Sibbes appears to have been extremely popular in the Inn, and in October 1624 he was granted Sir Gilbert Gerard's chambers, with his permission, and an order was given that 'ther shalbe a dore made ... thoroughe wch he shall pass to the pulpit one the preaching dayes'. In February 1628/9, when Gerard wanted to build himself new accommodation, the Board warned that 'neither the lights of the Chappell nor Dr. Sibbs his chamber to be touched or impared'.<sup>19</sup>

Francis Cowper's study of Gray's Inn described Sibbes as 'an ardent Puritan' who 'attracted to the Chapel a remarkable auditory'. Sibbes enjoyed the patronage of Robert Rich, Earl of Warwick, who obtained permission from the Benchers of the

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<sup>15</sup> Christopher W. Brooks, *Law, Politics and Society in Early Modern England* (Cambridge: Cambridge University Press, 2008), pp. 169, 222.

<sup>16</sup> Fletcher, *Gray's Inn*, pp. 260-1.

<sup>17</sup> Hugh Adlington, 'Gospel, law and *ars praedicandi* at the Inns of Court, c.1570-c.1640' in Archer, Goldring, and Knight, *Inns of Court*, pp. 51-74 (p. 57).

<sup>18</sup> Mark E. Dever, 'Sibbes, Richard (1577?-1635)' in *ODNB*; hereafter Dever, 'Sibbes'.

<sup>19</sup> Fletcher, *Gray's Inn*, pp. xxxvi, 224, 266, 286.

Inn to build a gallery at the east end of the chapel ‘for their better hearing the sermon’, which suggests that the crowds attending Sibbes were large.<sup>20</sup> Other clerical staff at the Inn included Chaplain Henry Bradley, reader John Finch, and various men appointed to the position of Dean of the Chapel, including Lancelot Lovelace, Philip Gerard, Richard Amhurst, and Walter Dorell.<sup>21</sup>

It is not improbable to suppose that a preacher who drew extraordinary crowds would have caught the interest of a young Bradshaw, although it is impossible to say with certainty how regularly he attended the sermons.<sup>22</sup> His piety and Christian devotion were, however, noted in his 1659 obituary;

[Bradshaw] was a man of most exemplary piety, with no noise or outward ostentation, one that truly feared God, and made it the business of his Family to serve him, so that more constant Devotion and Temperance hath not been seen in any other; A great Patron of Ministers, in his own house and abroad, that were Ministers indeed, and a true Lover of Learned men, yet of none that were either vitious or seditious, so that over those whom he once owned he ever held a strict and curious eye; and it is hard to say, whether bounty towards them, or abundant charity towards the godly poor, were most conspicuous in his Christian practice.<sup>23</sup>

Richard Sibbes’ activities in the 1620s include his membership of a group known as the Feoffees for Improvements,<sup>24</sup> who sought to raise money for the ‘maintenance and relief of a godly, faithful, and painstaking ministry’. Even though they managed to raise over £6,000 and fund eighteen preachers, the group was unpopular with the Archbishop of Canterbury and was dissolved in the Exchequer Court in February 1633.<sup>25</sup> Sibbes’ Calvinist beliefs are visible throughout his work, combined with fervent anti-Catholicism and advocacy of close personal study of scripture.<sup>26</sup> He opposed kneeling during communion and wearing surplices, and came into frequent conflict with Laud. Mark Dever has claimed that ‘only the power of his lawyer friends and noble patrons allowed him to retain his ... ministry at Gray’s Inn’.

Sibbes’ published work includes *The Saints Cordials* (1629), *The Bruised Reed and Smoking Flax* (1630), and *The Soules Conflict* (1635). Although none of these were

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<sup>20</sup> Cowper, *Prospect of Gray’s Inn*, p. 60.

<sup>21</sup> Fletcher, *Gray’s Inn*, pp. 216, 227, 238, 250, 253, 274.

<sup>22</sup> *Ibid.*, p. 236.

<sup>23</sup> *Mercurius Politicus*, Issue 592 (London, 1659); EEBO Thomason / 118:E:771[31], p. 843.

<sup>24</sup> See Ethyn W. Kirby, ‘The Lay Feoffees: A Study in Militant Puritanism’ in *The Journal of Modern History*, Vol 14, No 1 (March 1942), pp. 1-25.

<sup>25</sup> Dever, ‘Sibbes, Richard’.

<sup>26</sup> Richard Sibbes, *Works of Richard Sibbes*, Kindle edn (Titus Books: 2015), location 37509; hereafter Sibbes, *Works of Richard Sibbes*.

published during the years Bradshaw was at Gray's Inn, Sibbes used his sermons as opportunities to test his ideas. Indeed, *The Saints Cordials* was a 453-page long collection of 'sundry sermons upon speciall Occasions, in the Citie of London, and else-where'. Although none of the individual sermons contain any information about exactly when and where they were delivered, in his preface to the 1635 edition Sibbes noted that, 'I began to preach on the text about twelve years since in the city, and afterwards finished the same at Gray's Inn'. He also stated that 'a pious and studious gentleman of Gray's Inn ... hath of late published observations' on his text, which indicates that he had enthusiastic supporters inside the Inn who were actively studying his work.<sup>27</sup>

Something Bradshaw is unlikely to have taken from Sibbes' sermons, however, was regicide. In 'The Spiritual Favourite at the Throne of Grace' Sibbes appears to have emphasised the divine link between monarch and God, arguing that,

We see that A king is a great organ or instrument to convey good things from God, the King of kings, to men ... For the king is the first wheel that moves all other wheels, and as it were the sun of the commonwealth, or the first mover that moves all inferior orbs ... You see what great good God conveys by kings and princes.<sup>28</sup>

After Sibbes' death in 1635 the new preacher at Gray's Inn was Hannibal Potter, his polar opposite; whereas Sibbes had been a Calvinist, Potter was a Royalist high churchman, and his tenure was nowhere near as extensive. He was removed from his post in 1641 and replaced by a Puritan.<sup>29</sup> Sibbes had not been the only cleric preaching at Gray's Inn in the 1620s, however. On 2<sup>nd</sup> February 1623/4 Joseph Hall took to the pulpit, and later published a copy of his sermon. The published version was seven thousand words long, and if he had made no amendments to his original text it would have taken approximately an hour to be delivered.<sup>30</sup>

By 1624 Hall had already enjoyed a flourishing career, and his presence must have been something of a boon. He was a fellow Calvinist, which undoubtedly explains the invitation. Following his education at Emmanuel College, Cambridge, he was ordained in 1600, travelled to the Netherlands in 1605, and accepted the living of Waltham Cross in 1607. He was chaplain to Prince Henry until the latter's death in

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<sup>27</sup> Sibbes, *Works of Richard Sibbes*, location 2681.

<sup>28</sup> *Ibid*, location 60155.

<sup>29</sup> Fletcher, *Gray's Inn*, p. xlv-xlvi.

<sup>30</sup> This is based on the generally accepted convention that 2,500 words can be spoken in 20 minutes.



1612, accompanied James I to Scotland in 1617, and was offered the bishopric of Gloucester in 1624, although he declined it. He was later created Bishop of Exeter in 1627 and Bishop of Norwich in 1641, but was sequestered from his living during the Civil War and ejected from his palace in 1647.<sup>31</sup>

His sermon on 2<sup>nd</sup> February began with flattery, acknowledging that he was ‘in one of the famous Phrontisteries of Law, and Iustice’, and that he was addressing ‘Students, Masters, Fathers, Oracles of Law and Iustice’. He spoke about the danger posed by the human heart, which cheated and deceived every man by pretending to be true to God whilst failing to adhere to His commandments. Although he kept politics out of the bulk of the sermon, there are two passages which receive particular significance when viewed retrospectively through the context of the 1630s and 1640s. The first statement was that ‘the greatest Politicians are oft ouertaken with the grossest follies’, and the second that,

It is miserable to see, how cunningly the traitorous hearts of many men beare them in hand all their liues long; soothing them in all their courses, promising them successe in all their waies, securing them from feare of euills, assuring them of the fauour of God, and possession of heauen.<sup>32</sup>

In 1629 John Cope ‘of Gray’s Inn’<sup>33</sup> produced a sixty-eight page pamphlet entitled *A Religious Inquisition: or, A short Scrutinie after Religion*. Even though this was published after Bradshaw had temporarily left the Inn, Cope’s work strongly echoes the overall tone of Calvinism present in much of the preaching of the 1620s. The text appears to have been heavily influenced by John Calvin, who was quoted throughout. This document attacked men who outwardly proclaimed themselves to be Christians, but who only received the sacrament once a year at Easter, and who led lives of drunkenness, adultery, and oppression. Cope acknowledged that his own religious beliefs were not universally shared; indeed, in his introduction he noted that his intention was ‘to let all that know mee understand, what my Religion is; which they may well suspect either to be none, or not the right’. He concluded his text with his own interpretation of the meaning of religion;

Religion is the true Worship of God ... wrought by God himselfe in man, by meanes of his Word, which worketh in a man, Obedience, Sanctitie, and Wisdome; and is seated principally in the soule of man, whence it disposeth

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<sup>31</sup> Richard A. McCabe, ‘Hall, Joseph (1574–1656)’ in *ODNB*.

<sup>32</sup> Joseph Hall, *The great imposter laid open in a sermon at Grayes Inn, Febr 2 1623* (London: J Havilano, 1623); EEBO STC (2<sup>nd</sup> ed) / 12665, pp. 44-5.

<sup>33</sup> His name does not appear in the Pension Book of Gray’s Inn.

of, and directeth all the faculties of the mind, the actions of the body, and the whole estate of man to Gods glory, and the saluation of man, and is alwayes accompanied with sauing knowledge, a liuely faith, loue of God and his Saints, and a feare of God, and all vertues Spirituall and Morall, in some measure.<sup>34</sup>

This gives some indication of the religious ideas Bradshaw would have been exposed to in the 1620s. The evidence presented here suggests that there was strong support for Calvinist theology within the walls of Gray's Inn, and this would ultimately be another instance of opposition to Charles I when he attempted to introduce the Laudian innovations of the 1630s. Bradshaw's own anti-Catholic beliefs, and a slight criticism of the government, can be glimpsed in a letter attributed to him, which was written to Sir Peter Legh on 13<sup>th</sup> June 1623. Bradshaw commented on Henry Constable's *The Catholike moderator*, apparently unaware who its author was or that he had died a decade earlier, for he declared it 'a booke uncertyen whethr written by a papist or a statesman (for indeed they are now so linked, as scarce can admit distinguishmt)'.<sup>35</sup>

Additionally, the location of Gray's Inn meant that its scholars had easy access to stationers who were printing the latest religious and political pamphlets. For example, Matthew Walbanke had a shop and lodgings at the old gate, and examples of texts he produced in the 1620s include a tract against debtors, and a sermon delivered at Canterbury Cathedral in 1623 concerning the 'goodly precious pearle'. Walbanke was still in operation in the 1640s, when he sold a compilation of ordinances passed by Sir Francis Bacon, relations of recent battles, Nathaniel Bacon's *An historical discourse of the uniformity of the government of England*, and an English edition of Edmund Plowden's *Commentaries*, among others.<sup>36</sup>

The shop of stationer William Sheeres was also nearby, at 'the signe of the Bucke', and the pamphlets sold by him include an English edition of Johannes Sleidanus' *The key of historie*, a pamphlet against Catholicism, Edward Edwards' guide to curing fevers, Cavendish's biography of Cardinal Wolsey, and Sir Peter Wentworth's 1641 pamphlet against Puritans.<sup>37</sup>

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<sup>34</sup> John Cope, *A Religious Inquisition: or, A short Scrutinie after Religion. Wherein the large cope of true religion is narrowly inquired* (London: Felix Kingston, 1629); EEBO STC (2<sup>nd</sup> ed) / 5722, p. 116.

<sup>35</sup> William Langton (Editor), *A letter from John Bradshawe of Gray's Inn to Sir Peter Legh of Lyme* (Manchester: Chetham Society, 1855), p. 8.

<sup>36</sup> See EEBO STC (2<sup>nd</sup> ed) / 23768; STC (2<sup>nd</sup> ed) / 14300; Wing / B316; Wing (2<sup>nd</sup> ed) / M85; Wing / E3592; Wing / E3611; Wing / B349; Wing (2<sup>nd</sup> ed) / P2609.

<sup>37</sup> See EEBO STC (2<sup>nd</sup> ed) / 19850; STC (2<sup>nd</sup> ed) / 23507.5; STC (2<sup>nd</sup> ed) / 7512; Thomason / E.166[14]; Thomason / E.208[1].

After his call to the Bar Bradshaw left London and returned to Cheshire to commence his legal career. Although he was largely away from London during the years of Charles' personal rule in the 1630s he would have been well aware of what was happening in both political and religious circles. In addition to his practice as a lawyer, Bradshaw served as the mayor of Congleton and steward of Newcastle under Lyme. In 1638 he married Mary Marbury, the daughter of the former High Sheriff of Cheshire, Thomas Marbury, who later served as an MP for that county in the Second Protectorate Parliament.

The Bradshaws returned to London by 1643 when he became a judge in the sheriff's court, and took chambers in Holborn Court at Gray's Inn; the South Square complex is now on the site. In 1645 he became an Ancient of the Inn, and was appointed as a Bencher in 1647.<sup>38</sup> Even though he described him as 'a lawyer of the second rank' and 'an extreme Roundhead of little eminence at the Bar' who presided over the trial with 'overbearing zeal', in his account of life at Gray's Inn Francis Cowper stated that 'At each stage [the lawyer's] professional ability and his personal qualities were rigorously proved by the judgement of his fellows',<sup>39</sup> so for Bradshaw to have climbed the levels of hierarchy proves that at the very least he was recognised as a proficient orator and lawyer.

Sean Kelsey has declared that 'the 1640s were the making of John Bradshaw'. His rising prominence saw Parliament appoint him as counsel in the prosecutions of Lord Maguire in 1644, John Lilburne in 1646, and David Jenkins in 1647. He was also created Chief Justice of Chester, Flint, Montgomery, and Denbigh on 12<sup>th</sup> March 1647, and serjeant-at-law on 12<sup>th</sup> October 1648.<sup>40</sup>

There is a suggestion in the House of Commons' journals that the Gray's Inn of the early 1640s was one which nurtured unconventional political viewpoints. For example, on 3<sup>rd</sup> March 1641/2, two months after the King had left London, Thomas Wickes visited Dr Howell at his chambers, and during the meeting the latter said 'that Things were ripe, and grown to a Head; we should know within Three or Four Days, whether the King should be King, or no King; and that he was sure I [Wickes]

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<sup>38</sup> Fletcher, *Gray's Inn*, p. 378.

<sup>39</sup> Cowper, *Prospect of Gray's Inn*, pp. 21 and 65.

<sup>40</sup> Sean Kelsey, 'Bradshaw, John, Lord Bradshaw (*bap.* 1602, *d.* 1659)' in *ODNB*; hereafter Kelsey, 'Bradshaw'.

would stand right; and that the Kingdom would not be governed by a Company of giddy-headed People'. This meeting was reported to the House of Commons, who summoned Howell as a delinquent on 14<sup>th</sup> March and required an explanation for these 'very dangerous Words'. War had not yet broken out, and this early suggestion of the removal of the King was borderline treason. However, when Howell appeared before them on 19<sup>th</sup> March he 'did there, with serious Protestations and Asseverations, absolutely deny the Words'.<sup>41</sup> It is unclear whether he was telling the truth or lying to protect his life and liberty, but the Commons believed him and he was discharged from any further prosecution.

During the years of the Civil War Gray's Inn remained loyal to Parliament and appears to have obeyed all instructions issued to the Inns of Court by the House of Commons. On 18<sup>th</sup> June 1644 it was ordered to expel any delinquents, and compliance can be seen on 11<sup>th</sup> February 1645/6 when twenty-six new lawyers were called to the Bar on the proviso that 'if heereafter it appeere that any of them have beene in any service against the Parliment ther call is voyd and they are not to bee sworne'. An order from the Committee for Compounding dated 28<sup>th</sup> May 1647 was also entered into the Inn's Pension Book confirming that the late Sir John Bankes' chambers should be discharged to his widow and son. On 11<sup>th</sup> June 1649 Sir Charles Dallison's chambers were likewise restored to him after evidence of his composition was provided, and a similar order was made for Edward Page on 19<sup>th</sup> November of that year.<sup>42</sup>

Another order from the Commons was received on 27<sup>th</sup> December 1645, in which the Inns were ordered to 'not permitt any persons that are not resident members of the said respective Inns of Court or Chancery or of this howse to live or reside in any of the said Innes'. The Board had already instructed a search of the Inn on 10<sup>th</sup> May 'to enquire out all strangers resident in the house and the tytle whereby they clayme them', and they later introduced an 'exact survey [to] be taken of all the chambers in the house', as well as the names of tenants, so they could keep track of exactly who was resident at any given time.<sup>43</sup>

Following the brief and unsuccessful stint of Hannibal Potter as the preacher at the Inn, the spiritual needs of the lawyers in the 1640s was returned to Parliamentary

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<sup>41</sup> HCJ, Vol 2, 14<sup>th</sup> March 1641/2, p. 478; 19<sup>th</sup> March 1641/2, p. 486.

<sup>42</sup> Fletcher, *Gray's Inn*, pp. 350, 357, 365-6, 373.

<sup>43</sup> *Ibid*, pp. 353, 355-6, 360.

Puritans. On 9<sup>th</sup> February 1641/2 John Jackson was nominated as preacher, and appears to have held the position until late 1645.<sup>44</sup> The post was vacant in 1646, and on 28<sup>th</sup> June 1647 Thomas Horton was appointed as preacher with the salary of £60 per annum. Horton had been a Fellow of Emmanuel College, Cambridge, the vicar of St Mary Colechurch, and Professor of Divinity at Gresham College.<sup>45</sup> He had previously been appointed by Parliament to ordain ministers in London, and preached before the Lords twice. In his sermon on 30<sup>th</sup> December 1646 he sided squarely with Parliament, praising God's goodness 'in the completing of our Victories, and successes, and in Reducing of the Kingdom to the Power of the present Parliament', and arguing against 'Popery and Superstition ... [and] Indifferency and Toleration'.<sup>46</sup> The presence of such a preacher at Gray's Inn may have strengthened Bradshaw's belief in the legitimacy of the Parliamentary cause and the necessity of providing a decisive end to the Royalist campaign. After the execution of Charles I Horton remained 'in good standing with the protectorate authorities', but he suffered under the Restoration Government and struggled to retain his position at Gresham.<sup>47</sup>

Bradshaw's friendship with John Milton must also be highlighted as a potential political influence. Sean Kelsey has noted that Bradshaw represented Milton in a chancery case in 1647, and argued that he may have secured Milton's appointment as a secretary to the Council of State in 1649.<sup>48</sup> A surviving letter reveals that on 21<sup>st</sup> February 1652/3 Milton entreated Bradshaw to also find employment for Andrew Marvell, who Milton described as 'a man whom both by report & the converse I have had wth him, of singular desert for the state to make use of'.<sup>49</sup>

Blair Worden went so far as to describe Bradshaw as Milton's 'hero and close friend'.<sup>50</sup> Tradition states that there was a stained glass representation of Milton in the entrance hall of Marple Hall, the Bradshaw ancestral home.<sup>51</sup> In his *Defensio Secunda* Milton defended Bradshaw as 'an incorruptible judge' and an 'alert

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<sup>44</sup> Fletcher, *Gray's Inn*, p. 347.

<sup>45</sup> *Ibid.*, pp. 364-5.

<sup>46</sup> Thomas Horton, *Sinne's discovery and revenge* (London: F Neile, 1647); EEBO Wing (2<sup>nd</sup> ed) / H2882, pp. 37-8.

<sup>47</sup> Stephen Wright, 'Horton, Thomas (d. 1673)' in *ODNB*.

<sup>48</sup> Kelsey, 'Bradshaw'.

<sup>49</sup> TNA SP 28/33, f. 152r.

<sup>50</sup> Blair Worden, 'John Milton and Oliver Cromwell' in Ian Gentles, John Morill and Blair Worden (Editors), *Soldiers, writers and statesmen of the English Revolution* (Cambridge: Cambridge University Press, 1998), pp. 243-264 (p. 253).

<sup>51</sup> Tunstall, *Marple Hall*, p. 8.

defender of liberty and the people'.<sup>52</sup> Barbara K. Lewalski has also cited an instance in 1657 of Milton consulting Bradshaw's copy of *Modus Tenendi Parliamentum*; she described the men as long-time friends.<sup>53</sup> Gordon Campbell and Thomas N. Corns also noted the friendship between the pair, speculating that they were in fact cousins and that Milton's maternal grandmother was born a Bradshaw. They cited a 19<sup>th</sup> century account of a book held at Marple Hall, inscribed from Milton 'to my cousin Bradshaw'.<sup>54</sup>

On or before 13<sup>th</sup> February 1648/9<sup>55</sup> Milton's *The Tenure of Kings and Magistrates* first appeared in print and in its very title argued 'that it is lawfull, and hath been held so through all ages, for any who have power, to call to account a tyrant, or wicked king, and after due conviction, to depose, and put him to death'. Milton defined a tyrant as one 'who regarding neither Law nor the common good, reigns onely for himself and his faction', and explicitly stated that the King of England had no right to govern tyrannically. He cited numerous biblical and historical examples of the deposition of tyrannous kings and leaders to attempt to persuade his readers that there was a precedent for Charles' removal, and that it was the 'right of free born men to be govern'd as seems to them best'.<sup>56</sup>

The date of the text's composition is a subject of speculation, with estimates ranging between 15<sup>th</sup> and 20<sup>th</sup> January, immediately before the king's trial had begun,<sup>57</sup> and Lewalski speculated that 'Milton may have been among the crowds in the galleries that witnessed the dramatic spectacle of the king's trial'.<sup>58</sup> Charles Larson has argued that *The Tenure* may have been strongly influenced by N. T.'s *The Resolver, or, A short word, to the large question of the times*, which had been printed by 17<sup>th</sup> January although claimed to have been written on the 1<sup>st</sup> of that month. *The Resolver* is very significant because it is one of the earliest texts explicitly calling for the execution of Charles, and its two concluding sentences stated that,

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<sup>52</sup> Quoted in Barbara K. Lewalski, *The Life of John Milton: A Critical Biography* (Oxford: Blackwell Publishers, 2000), pp. 302 and 310; hereafter Lewalski, *Life of John Milton*.

<sup>53</sup> *Ibid*, pp. 343, 372.

<sup>54</sup> Gordon Campbell and Thomas N. Corns, *John Milton: Life, Work, and Thought* (Oxford: Oxford University Press, 2008), pp. 8 and 387n12; hereafter Campbell and Corns, *John Milton*.

<sup>55</sup> The date of 13<sup>th</sup> February appears on the copy owned by George Thomason, now available on EBO.

<sup>56</sup> John Milton, *The tenure of kings and magistrates proving that it is lawfull, and hath been held so through all ages, for any who have the power, to call to account a tyrant, or wicked king, and after due conviction, to depose, and put him to death* (London: Matthew Simmons, 1648/9); EBO Wing / M2181, p. 13.

<sup>57</sup> John Shawcross, 'Milton's "Tenure of Kings and Magistrates": Date of Composition, Editions and Issues' in *The Papers of the Bibliographical Society of America*, Vol 60, No 1 (1966), pp. 1-8 (pp. 1-2).

<sup>58</sup> Lewalski, *Life of John Milton*, p. 223.

When Kings fall from their goodnesse, they lose their Diety: And when they fight against their Subjects, and break their oathes, they forfeit their Kingship. If Charles Steward have done evill, and deserve it, in Gods name, and the Kingdomes Peace, let him die: I shall pray that free grace may save his soule, when Justice shall destroy his body.<sup>59</sup>

Very similar sentiments can be found in Milton's *Tenure*, although Larson did acknowledge that 'there is no opinion or information in *The Resolver* at which Milton could not have arrived independently'.<sup>60</sup>

The significance of Milton's *Tenure* must be considered within the context of his known 'affectionate' relationship with 'affable and good-tempered' Bradshaw, who he described as the 'most faithful of friends' and praised for the 'firmness and gravity, such presence of mind and dignity' with which he presided over the trial 'to judge a Tyrant than to kill him unjudged'.<sup>61</sup> Milton cannot suddenly have arrived at the conclusions in his book in January 1648/9, when he picked up his pen; they must surely have been percolating in his mind during at least the latter years of the Civil War. The two men were clearly of a mind on the matter, and Milton's text advocated exactly the punishment for Charles that Bradshaw delivered on 27<sup>th</sup> January when the sentence of the court declared him a 'tyrant, traitor, murderer, and public enemy to the good people of the nation'. Additionally, Campbell and Corns have speculated that a surviving copy of *The Tenure* 'could well have been Bradshaw's'.<sup>62</sup> These questions may never be answered, but they must be posed nevertheless; did Milton and Bradshaw discuss the merits and precedents for the removal of a tyrannical ruler before the trial? Did Bradshaw obtain a copy of *The Tenure* from his friend before or during the trial? Did it influence him or strengthen his resolve in any way? Did he perhaps have a hand in its composition, or inspire Milton to write it? Campbell and Corns have argued that in the days before Bradshaw's death he may have provided Milton with information about the Council of State, which later appeared in the latter's *A Letter to a Friend, Concerning the*

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<sup>59</sup> N. T., *The Resolver, or, A short word, to the large question of the times* (London: John Clowes, 1648/9); EEBO Wing (2<sup>nd</sup> ed) / T40, p. 8.

<sup>60</sup> Charles Larson, 'Milton and "N.T.": An Analogue to "The Tenure of Kings and Magistrates"' in *Milton Quarterly*, Vol 9, No 4 (December 1975), pp. 107-10; see also Robert Zaller, 'The Figure of the Tyrant in English Revolutionary Thought' in *Journal of the History of Ideas*, Vol 54, No 4 (1993), pp. 585-610.

<sup>61</sup> David Masson, *The Life of John Milton*, Vol IV (London: Macmillan and Co, 1877), p. 600; hereafter Masson, *John Milton*.

<sup>62</sup> Campbell and Corns, *John Milton*, p. 191.

*Ruptures of the Commonwealth*, dated 20<sup>th</sup> October 1659.<sup>63</sup> It is not unreasonable to suppose that the discussions of the two men frequently turned to politics.

The final potential source of influence explored here is one which invariably affects us all, whether positively or negatively – the influence of family. A very important member of the Bradshaw family was John's elder brother Henry, who was active both in local politics and in the military. Although John had been appointed as a member of the Cheshire county committee his business in London made it impossible for him to undertake the duties, and consequently Henry served in his place.<sup>64</sup> Henry's military service continued during the Interregnum and he was wounded at the Battle of Worcester in 1651, the scene of the decisive victory of Cromwell's army over that of Charles II.

In October 1644 he had petitioned the Chester county committee stating that 'his howse hath been ryfled & his money, plate, & goods taken from him by the Cavelliers'.<sup>65</sup> This implies that he had a reputation in his neighbourhood for supporting the Parliamentary cause. It is also consistent with an order addressed by Charles I to his nephew Prince Rupert nine months earlier, instructing him 'to sequester ... for our use the Estates and Goods of all such persons ... as have bine in Armes against us ... all such as have lent Money Armes or horses or have been otherwise Contributing' anywhere in Cheshire, as part of his attempt to match the sequestration of his own supporters.<sup>66</sup> Did John use the knowledge that his brother had been plundered by Royalists as motivation for his own dedicated work for the central committee?

F. Tunstall's *A Short History of Marple Hall* highlighted the Parliamentary tendencies of the Bradshaw family, and related 'A Legend of Marple Hall', which was taken from an unreferenced manuscript. Henry's daughter Anne, who died unmarried in 1692, was supposed to have 'formed an attachment with a Royalist soldier ... who in happier times had been a friend of her family though a Royalist'. Despite their opposing political views Henry treated him 'with kindness and hospitality'. His wife, on the other hand, was less gracious. Although she was Anne's stepmother rather than mother she must have cared for the girl. She doubted the

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<sup>63</sup> Campbell and Corns, *John Milton*, pp. 290-1.

<sup>64</sup> CALS DLT/A40/14f.

<sup>65</sup> CALS ZCR 63/1/40/19, unfoliated document; this is a copy of a document previously held at Marple Hall, and its original reference was Watson MS 1, f. 165.

<sup>66</sup> BL Harley MS 2135, f. 2r:v.



Royalist's motives, and when he mentioned over dinner in 1645 that he had been entrusted with conveying some letters to the King at Rowton Heath she ordered one of her servants to find them and bring them to her. The contents 'contained express instructions against her husband and his family'.

The following morning she paid 'her old trusty man-servant Christopher' a gold coin to ensure the cavalier left the premises by crossing a river in front of the Hall, to 'make some excuse for holding the saddle bag till they were safe across', and then to throw the letters into the river. However, the legend states that Christopher went a step further. Recognising 'from the tenor of his mistress's remarks that the cavalier, no less than his letters, was an enemy to his mistress's family', Christopher 'took him to a deep part of the pool, when both the horse and rider were drowned'. The unfortunate Anne had been watching her lover leave from an upstairs window and witnessed the murder, and 'from that day till her death her only consolation was to wander in the woods and along the river side playing to ... him who rests beneath'.<sup>67</sup> Whether this story is true or not, its existence indicates that either John was not the only member of the Bradshaw family with a reputation in Cheshire for extreme Parliamentarianism and a penchant for ending the lives of their enemies, or that local sentiment was strongly against the Bradshaws and a legend was created to paint retrospectively other members of the family as similarly ruthless murderers.

Bradshaw's role as Lord President directly led to his appointment as President of the Council of State during the Interregnum, and, fortunately for him, he died on 31<sup>st</sup> October 1659, just in time to avoid an incredibly unpleasant end at the hand of the returning King.<sup>68</sup> After the Restoration of the Monarchy in 1660 Charles II issued an order for the seizure of Bradshaw's rooms at Gray's Inn, along with those formerly belonging to John Cook, the Solicitor-General who had prosecuted Charles I,<sup>69</sup> and Samuel Roe;<sup>70</sup> Bradshaw had named Roe as a beneficiary of £40 per year in his will in gratitude for his service as 'my servant and Secretary'.<sup>71</sup> Bradshaw's corpse was exhumed, hanged and beheaded at Tyburn on 30<sup>th</sup> January 1660/1, alongside the corpses of Cromwell and Ireton. The heads were displayed on spikes outside Westminster Hall as a gruesome deterrent for any surviving fervent Parliamentarians unhappy with the return to monarchical rule.

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<sup>67</sup> Tunstall, *Marple Hall*, pp. 9-10.

<sup>68</sup> Kelsey, 'Bradshaw'.

<sup>69</sup> Wilfrid Prest, 'Cook, John (*hap.* 1608, *d.* 1660)' in *ODNB*.

<sup>70</sup> Fletcher, *Gray's Inn*, p. 431.

<sup>71</sup> TNA PROB 11/296/457.

## Historiography

While one class of writers have held him forth as a man of great talents and virtues, others have stigmatised him with every opprobrious epithet the English language is capable of.<sup>72</sup>

Contemporary references to John Bradshaw in the 1640s are extremely scarce, but from the 1650s onwards his name frequently appeared in print. One of the few surviving positive portrayals of his character was provided by John Milton, who described him as ‘a most expert and eloquent pleader at the bar, an intrepid advocate of liberty and popular right’ with ‘a liberal disposition, a lofty mind, upright and irreproachable morals’. Milton concluded that ‘whoever has him for advocate has one whom no threats can make swerve from the right, no fear or bribe can divert from his purpose and duty, or unsettle the steady calmness of his look and soul’.<sup>73</sup>

An obituary for Bradshaw appeared in *Mercurius Politicus* merely days after his death. Although no author’s name was attached to the entry it was undoubtedly written by Marchamont Nedham, the newsbook’s editor and a known friend of Bradshaw; indeed, the obituary referred to the author’s ‘Noblest Friend’ who he had known for 10 years, which is consistent with Bradshaw’s assistance in securing Nedham’s release from Newgate Prison in 1649 after the latter’s brief dabble with royalism.<sup>74</sup> The obituary was highly complementary and lamented Bradshaw’s early death from ‘Quartan Ague’, or malaria, ‘which in all probability could not have taken him away yet a while, had he not by his indefatigable affection toward the Publick Affairs and safety in a time of danger, wasted himself with extraordinary labors from day to day’. It mirrored Milton’s description of his dedication to his work, and to justice;

... give me leave to say what, after Ten years observation, I know most true:  
... For a sound head and heart in things Religious, a rare acute Judgement in the state of things Civil, a wise conduct in the administration of State-affairs, an eloquent Tongue to inform a Friend or convince an Adversary, a most equal heart and hand in distributing Justice to both, a care of his conscience in resolving, and courage to execute a resolution, this Nation (I am perswaded) hath seldom seen the like; and it concerneth us that remain behind, to be earnest followers of his great Example, who died the same man that he lived, alwaies constant to himself, greater than Envy, and well-assured of Immortality.

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<sup>72</sup> Cooper, ‘President Bradshaw’, p. 209.

<sup>73</sup> Masson, *John Milton*, pp. 600-1.

<sup>74</sup> Kelsey, ‘Bradshaw’.

The most crucial paragraph of this obituary referred to his role as the King's judge, for which he was highly praised;

One thing I must needs mention to his perpetual honor, that in a time when the world was misled with a blind superstition towards the name of the King, he was the man that distinguished betwixt the Office and the Crime, durst judge the King to a death which he most justly deserved; after which, notwithstanding all the threats and attempts of Adversaries, it pleased God to lengthen out his life many years in honor, and in fulness of honor to bring him to the grave in peace.<sup>75</sup>

However, openly stating this view was uncommon. Nedham concluded that he 'cannot but sprinkle a few Tears upon the Corps of my Noblest Friend', and the following year staunch Royalist Roger L'Estrange retaliated that 'Twould make a man be-pisse himselfe, to see the soft and tender-hearted Needham, weeping (like Niobe, till he turns Stone) over the Tomb of Bradshaw'.<sup>76</sup>

After the execution of Charles I the floodgates opened; Bradshaw's name and reputation were dragged through the mud, and the Royalist press became very creative with their insults. John Lilburne, who had previously been defended by Bradshaw in 1646, described him as the 'hired mercenary slave' of Cromwell and Ireton, and a 'bloody and unjust Lord President'.<sup>77</sup> Clement Walker denounced him as a 'murderous petty fogger',<sup>78</sup> an insult repeated by William Younger who added that he had 'an audacious, impudent forehead'.<sup>79</sup> A pamphlet called *A New bull-bayting*,<sup>80</sup> printed in 1649, described Bradshaw as the treacherous 'Rogue President of the Council of State' and as one of the 'Parasites in the Supream Authority'. It

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<sup>75</sup> *Mercurius Politicus*, Issue 592, p. 843.

<sup>76</sup> Roger L'Estrange, *L'Estrange his apology with a short view of some late and remarkable transactions leading to the happy settlement of these nations under the government of our lawfull and gracious sovereign Charles the II whom God preserve* (London, 1660); EEBO Wing / L1200, p. 93.

<sup>77</sup> John Lilburne, *An impeachment of high treason against Oliver Cromwel, and his son in law Henry Ireton Esquires, late Members of the late forcibly dissolved House of Commons, presented to publique view* (London, 1649); EEBO Wing (2<sup>nd</sup> ed) / L2116, p. 7; John Lilburne, *The legall fundamentall liberties of the people of England revived, asserted, and vindicated* (London, 1649); EEBO Wing (2<sup>nd</sup> ed) / L2131, p. 24.

<sup>78</sup> Clement Walker, *The high court of justice. Or Cromwells new slaughter-house in England With the authoritie that constituted and ordained it, arraigned, convicted, and condemned; for usurpation, treason, tyrannie, theft, and murder* (1651); EEBO Wing (2<sup>nd</sup> ed) / W324D, p. 46.

<sup>79</sup> William Younger, *A brief view of the late troubles and confusions in England, begun and occasioned by a prevailing faction in the Long Parliament* (London, 1660); EEBO Wing (2<sup>nd</sup> ed) / Y198, p. 54.

<sup>80</sup> Some also attribute this pamphlet to John Lilburne. Rachel Willie, *Staging the Revolution: Drama, Reinvention and History, 1647-72* (Oxford: Oxford University Press, 2015), p. 41.

also contains a completely fabricated account of his youth and family, a brilliant example of how far people were prepared to go to blacken his reputation.

Jack Bradshaw, as arrant a villain as [Cromwell]: one that when he was a boy, ran from his Father, and followed a Pedlar to sell Laces and Points, where he learned to cant, creep in at windows, and rob hen-roosts; returning home full fraught with villainy; his father kept him at school, and with a little scholarship and roguery together, thought him a fit instrument to make a knavish lawyer; and sent him up to Grays Inn, where he frequented on Sundays Holland's Leaguer,<sup>81</sup> and in the week days Bloomsbury; would Drum with his fists till he caroused healths on his knees to him he afterwards murdered, biting into every glass, and slinging it to the walls; would familiarly let out his blood to write love letters to his whores; his great grandfather lay with his own daughter, committed incest, got her with child, and then with advice of his wife, poisoned her, and was himself hanged in chains on a heath in Cheshire, and his wife executed for consenting to the murder.<sup>82</sup>

A popular analogy used by several writers was to compare Bradshaw with Pontius Pilate. The 17<sup>th</sup> century Sir Winston Churchill described him as 'Pontius Bradshaw the President'.<sup>83</sup> Henry Leslie's sermon *The martyrdom of King Charles*, supposedly preached before Charles II and the Princess of Orange in Breda in June 1649, contained thirty-one pages of comparisons between Charles' trial and Christ's sentence from Pilate, as well as a description of Bradshaw as a foul mouthed dog.<sup>84</sup> The anonymous *The right picture of King Oliure* condemned the regicides as 'that Crew of blood-sucking Tyrants, Traytors, and Rebels', and declared that Charles had been 'wickedly reviled, most illegally and cruelly murdered by Pilate Bradshaw'.<sup>85</sup>

The succinctly named *Bradshaw's ghost* contains imaginary conversations between Bradshaw, Cromwell, and Hades in the afterlife. Hades didn't hesitate to condemn him, describing him as 'Lord President of Hell' and saying:

Tis strange: yea, and unnatural, to see  
That such a Rogue should die, and naturally:  
Sure millions would have Ravished thy Breath,  
But that none durst attempt that deed but Death.

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<sup>81</sup> A well-known brothel in Southwark.

<sup>82</sup> Anonymous, *A New bull-bayting, or, A Match play'd at the town-bull of Ely by twelve mungrills viz. 4 English, 4 Irish, 4 Scotch doggs, John Lilburn, Richard Overton, Thomas Prince, and William Walwyn, to stave and nose : with his last will and testament* (London: 1649); EEBO Wing / N587, pp. 6-7.

<sup>83</sup> Winston Churchill, *Divi Britannici* (London: 1675); EEBO Wing / C4275, p. 354.

<sup>84</sup> Henry Leslie, *The martyrdom of King Charles, or His conformity with Christ in his sufferings* (Breda: 1649); EEBO Thomason / E.569[10], p. 27.

<sup>85</sup> Anonymous, *The right picture of King Oliure, from top to toe. That all the world may a false rebell know* (London: 1650); EEBO Wing (2<sup>nd</sup> ed.) / R1508, p. 5.

For Justice could not be Reveng'd on you,  
Unless he could kill Soul and Body too.  
But why do you come here? Get you to Hell  
For to Read Lectures unto Machiavel.

The Bradshaw depicted in this text is remorseful, one who acknowledges 'I have spilt Blood enough to make a Sea'. Interestingly, the author of this poem chose to make Bradshaw associate himself with Pilate. After he has been reunited with Cromwell, he asked the Protector,

Noll, why were you not King? When you did see  
A Pilate was, you well might Herod be.<sup>86</sup>

After the Restoration the insults stepped up a notch, no doubt fuelled by Bradshaw's death the previous year, the knowledge that he couldn't retaliate, and the fact that the dead cannot be libelled. John Dauncey commented directly on his death;

... it pleased God that that monster of men, and unparallel'd murderer Bradshaw died in his bed; a man whom I need not much defile my pen to set forth, since that very name doth now, and will to eternity contain, all that is matter of shame and detestation to the English Nation; and yet it pleased the wise God to suffer him on the 22<sup>th</sup> of this November, to be laid quietly in his grave; who may, according to the judgement of some men have deserved better to be buried alive in the entrails of dogs, then to have enjoyed the benefit of Christian Funerals; but we are not to censure the pleasure of Divine Providence.<sup>87</sup>

A document exploring *The true characters ... of those bloody and barbarous persons, who sat as judges* described him as a person 'so odious in [his] Deeds and Memory'.<sup>88</sup> A pamphlet called *England's triumph* denounced him as 'that audacious Traytor',<sup>89</sup> to Sir William Dugdale he was a 'Prodigious Monster',<sup>90</sup> Richard Head described him

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<sup>86</sup> Anonymous, *Bradshaw's ghost, a poem, or, A dialogue between John Bradshaw, ferry-man Charon, Oliver Cromwel, Francis Ravilliack, and Ignatius Loyola* (London: 1660); EEBO Wing / B4163, pp. 1-2.

<sup>87</sup> John Dauncey, *An exact history of the severall changes of government in England, from the horrid murder of King Charles I. to the happy restauration of King Charles II. With the renowned actions of General Monck* (London, 1660); EEBO Wing (2<sup>nd</sup> ed, 1994) / D290, pp. 341-2.

<sup>88</sup> Anonymous, *The true characters of the educations, inclinations and severall dispositions of all and every one of those bloody and barbarous persons, who sate as judges upon the life of our late dread sovereign King Charls I* (London: 1661); EEBO Wing (2<sup>nd</sup> ed.) / T2605, p. 3.

<sup>89</sup> Anonymous, *Englands triumph a more exact history of His Majesties escape after the battle of Worcester : with a chronologicall discourse of his straits and dangerous adventures into France, his removes from place to place till his return into England with the most remarkable memorials since : to this present September, 1660* (London: J.G., 1660); EEBO Wing / E3060, p. 2.

<sup>90</sup> Sir William Dugdale, *A short view of the late troubles in England briefly setting forth, their rise, growth, and tragic conclusion* (London: 1681); EEBO Wing / D2492, p. 370.

as a 'State Crocodile',<sup>91</sup> and George Bate stated 'better sure it had been if he had nere been born'. Bate called him 'a shameful and most wicked destroyer' of the law; an audacious, impudent, devilish and inhumane man who he hoped had gone to Hell.<sup>92</sup>

Clarendon's *History of the Rebellion* contains several references to Bradshaw, but was somewhat more restrained with the insults. Clarendon described him as 'a lawyer of Gray's Inn, not much known in Westminster Hall, though of good practice in his chamber'. He admitted that Bradshaw was 'a gentleman of an ancient family in Cheshire and Lancashire', but 'of great insolence ... ambition' and arrogance; a man who administered the office of Lord President 'with all the pride, impudence, and superciliousness imaginable'.<sup>93</sup> Clarendon's account later formed the basis for Mark Noble's entry on Bradshaw in *The Lives of the English Regicides*, which highlighted his role as a lawyer in court cases but also failed to note his work for the sequestration committee, and instead focussed on his role in the trial and later as Lord President.<sup>94</sup>

Richard Perrinchief, the Archdeacon of Huntingdon, repeated the claims that Bradshaw had been an unqualified and unknown entity;

And for President of this Court, they chose one of the Number, John Bradshaw;  
A person of an equal Infamy with his new employment. A Monster of Impudence, and a most fierce Prosecutor of evil purposes. Of no repute among those of his own Robe for any Knowledge in the Law: but of so virulent and petulant a Language, that he knew no measure of modesty in Speaking; and was therefore more often bribed to be silent, than fee'd to maintain a Client's Cause. His Vices had made him penurious, and those with his penury had seasoned him for any execrable undertaking.<sup>95</sup>

This is the image we have been force-fed of Bradshaw, but this chapter will argue that it is not the correct one.

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<sup>91</sup> Richard Head, *The English rounge continued in the life of Meriton Latroon, and other extravagants comprehending the most eminent cheats of most trade professions* (London: 1680); EEBO Wing (2<sup>nd</sup> ed.) / H1249aA, p. 272.

<sup>92</sup> George Bate, *The lives, actions, and execution of the prime actors, and principall contrivers of that horrid murder of our late pious and sacred soveraigne, King Charles the First ... with severall remarkable passages in the lives of others, their assistants, who died before they could be brought to justice* (London: 1661); EEBO Wing / B1084, pp. 52-6.

<sup>93</sup> Paul Seaward (Editor) and Edward Hyde, Earl of Clarendon, *The History of the Rebellion: A New Selection*, Kindle edn (Oxford: Oxford University Press, 2009), p. 327.

<sup>94</sup> Mark Noble, *The Lives of the English Regicides, and Other Commissioners of the Pretended High Court of Justice, Appointed to sit in Judgement upon their Soereign, King Charles the First*, Vol 1 (London: John Stockdale, 1798), pp. 47-66; hereafter Noble, *Lives of the English Regicides*.

<sup>95</sup> Richard Perrinchief, *The royal martyr, or, The history of the life and death of King Charles I* (London: R Royston, 1676); EEBO Wing / P1601, pp. 183-4.

20<sup>th</sup> and 21<sup>st</sup> century historiography continued to be less than complimentary to Bradshaw. E. C. Wingfield-Stratford denounced him as a scurrilous nonentity who had been ‘roped in’ by Cromwell; ‘a little disreputable attorney, whose very baseness of soul had qualified him for a task with which no self-respecting member of his profession would sully his hands’.<sup>96</sup> C. V. Wedgwood called Bradshaw an ‘undistinguished choice’ for Lord President, and claimed that before 1649 he had ‘played hitherto no noticeable part in the affairs of the nation’.<sup>97</sup>

Michael J. Braddick also highlighted Bradshaw’s arrogance and insolence, although noted that he ‘had made his way in the legal service of the parliamentary cause’ during the war.<sup>98</sup> Geoffrey Robertson made little comment on Bradshaw’s character beyond describing him as a bold lawyer and an experienced counsel.<sup>99</sup> Mark A. Kishlansky similarly described him simply as a ‘minor circuit judge’.<sup>100</sup>

As recently as 2012 Don Jordan and Michael Walsh published a very unflattering account of Bradshaw. The legend of Bradshaw wearing a steel-lined hat to the trial in case of assassination attempts is well known, but Jordan and Walsh exaggerated it by describing the hat as ‘a ridiculous conical hat covered with beaver skin and lined with steel’, and claimed he ‘wore his armour under his judicial robes’. They concluded the paragraph about his appearance by declaring that ‘In contemporary engravings, Bradshaw looks like an iron-clad Humpty Dumpty’.<sup>101</sup> There is no evidence that Bradshaw wore a suit of armour to the trial. The Royalist smear campaign against him was so successful that the exaggerations and insults have continued to be published for over 350 years. Comparing Bradshaw with a character from a child’s nursery rhyme portrays him as a caricature and a figure of ridicule to modern readers, and completely undermines his status as a successful lawyer and a leading figure in 1640s political administration.

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<sup>96</sup> E. C. Wingfield-Stratford, *King Charles the Martyr, 1643-1649* (London: Hollis & Carter, 1950), pp. 318, 343.

<sup>97</sup> C. V. Wedgwood, *The Trial of Charles I* (London: Collins, 1964), pp. 107 and 141.

<sup>98</sup> Michael Braddick, *God’s Fury, England’s Fire: A New History of the English Civil Wars*, Kindle edn (London: Penguin, 2008), location 10923-11020.

<sup>99</sup> Geoffrey Robertson, *The Tyrannicide Brief* (London: Vintage Books, 2005), pp. 85, 135.

<sup>100</sup> Mark A. Kishlansky, *A Monarchy Transformed: Britain 1603-1714*, Kindle edn (London: Penguin, 1997), p. 158.

<sup>101</sup> Don Jordan and Michael Walsh, *The King’s Revenge: Charles II and the Greatest Manhunt in British History* (London: Little, Brown, 2013), p. 39.

Charles Spencer's very Royalist sympathetic account of the regides labelled Bradshaw 'a man not in the first flight of lawyers' but who nevertheless 'had a reputation for competence, for efficiency, for pleasing litigious clients who visited his Gray's Inn chamber – and for being incorruptible'. He described Bradshaw's security entourage at the trial as an attempt 'to inflate his apparent importance'. Without providing a footnote stating his source, Spencer claimed that 'Bradshaw's final words were defiant: if a judge had been needed to try Charles I once more, he declared, he would have been "the first man to do it"', and with barely concealed glee he described the posthumously executed corpses of Cromwell, Bradshaw, and Ireton as 'a trio of traitors swivelling in varying states of decay'.<sup>102</sup>

A more nuanced account has been provided by Sean Kelsey, who has done splendid work in unlocking the forgotten story of Bradshaw's pre-trial career, and demonstrating that he wasn't a nonentity. His *Oxford Dictionary of National Biography* entry explored Bradshaw's appointment to the London sheriffs' court in 1643, to the Welsh Sessions Courts in 1647, as well as his involvement with John Lilburne's trial. Crucially, Kelsey also noted that,

Bradshaw entered the national stage as a parliamentarian lawyer in the rapidly expanding world of state and administrative advocacy. His first important engagement was as counsel to the committee for compounding with delinquents.<sup>103</sup>

More precisely, Bradshaw was employed as a legal adviser by the Committee for Sequestrations, rather than Compounding. The two committees worked in conjunction with each other, but their purposes and functions were very different. However, the confusion may have arisen because some of Bradshaw's reports can be found scattered through the surviving files from the Committee for Compounding; this will be discussed later in the chapter.

### **The Committee for Sequestrations' Legal Advisers**

Unsurprisingly, people began appealing against sequestration almost as soon as the first cases were enforced. Even though the county committees were the ones organising the raids, appeals against sequestration were usually submitted to the

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<sup>102</sup> Charles Spencer, *Killers of the King: The Men Who Dared to Execute Charles I*, Kindle edn (London: Bloomsbury, 2015), Locations 503-505, 1575, 3262.

<sup>103</sup> Kelsey, 'Bradshaw'.



central committee, who would then give instructions to the county committees about how to proceed. The earliest appeals were recorded on 2<sup>nd</sup> May 1643, just over a month after the ordinance was passed. At first the committee decided what should be done in each case, but within a few weeks it became clear that they were out of their depth. Simply seizing property from delinquents did not take into account issues such as disputes over ownership, tenancy agreements, or provisions for jointure.

Within another month, the committee began referring cases to lawyers, asking them to untangle evidence presented in appeals, and work out whose side they should agree with. Figure 3.1 lists every adviser who handled more than five cases during the war. The first five men with asterisks after their names were all MPs and active members of the committee. Henry Pelham was the most involved of all these men; he was involved in thirty-eight cases in just under two years. He was also one of the most active members of the committee, and served as chairman for many of the meetings. The careers of these men were briefly explored in Chapter 2.

Name	Qualification	First case date	Last case date	Total cases
Serjeant John Wilde*	Inner Temple	2 <sup>nd</sup> June 1643	4 <sup>th</sup> September 1646	7
Samuel Browne*	Lincoln's Inn	6 <sup>th</sup> March 1643/4	14 <sup>th</sup> November 1646	9
Henry Pelham*	Gray's Inn	21 <sup>st</sup> June 1644	3 <sup>rd</sup> June 1646	39
Robert Nicholas*	Middle Temple	16 <sup>th</sup> August 1644	3 <sup>rd</sup> December 1645	13
William Ellis*	Gray's Inn	4 <sup>th</sup> September 1644	13 <sup>th</sup> October 1645	17
Richard Newdigate	Gray's Inn	6 <sup>th</sup> March 1645/6	27 <sup>th</sup> October 1648	5

Figure 3.1: The Committee for Sequestrations' legal advisers, 1643-1648

Those not mentioned in this list handled very few cases, mainly just one or two, so these six men were the key players. The petitions of eighty-three people were referred to all of the early legal advisers, including those not listed above. This represents 2.1% of the total number of appellants. The legal advisers sometimes worked alone but often in pairs; Pelham and Ellis, for example, worked on ten cases together between 4<sup>th</sup> September 1644 and 13<sup>th</sup> October 1645. Of those eighty-three appeals, Bradshaw was also involved with twenty-seven, occasionally at the same time as the other lawyers but generally at a later date.

The eighty-three appeals pale in comparison with Bradshaw's involvement. The abbreviation 'Ref to Mr Br' is a common one throughout the order books, and between 25<sup>th</sup> April 1644 and 3<sup>rd</sup> January 1648/9 his name appeared in 1,572 of the total 3,865 appeals (40.7%). Breaking this down further, in 824 cases the first thing the central committee did was to refer the investigation to Bradshaw. In the remaining 748 cases he became involved after the appellant had either been engaged in negotiations directly with the central committee, or after the central committee had requested further information from the relevant county committee. Combining Bradshaw's cases with the fifty-six handled by the legal advisers which he was not involved with, the total number of appeals the central committee referred for legal advice between 1643 and 1648/9 is 1,628. This represents 42.1% of all cases recorded in the order books, which is a surprisingly high percentage. The remaining 57.9% did not require legal advice; they were handled or resolved by the central or county committees.

Of the 1,628 appeals referred to a lawyer, Bradshaw was involved in 96.6%. Even if he had done nothing else during the war his work for the committee would have kept him very busy, but as already noted he also worked as a lawyer in major court cases, as a circuit judge in Cheshire, and later as a serjeant-at-law. It is not clear why Bradshaw was chosen as one of the legal advisers in 1644, or why he became the committee's favourite. Unfortunately there is no record of any discussions that took place concerning his appointment. It is possible that he was appointed to avoid potential conflicts of interest, given that the five advisers before him were all MPs and members of the committee. Bradshaw was the first non-committee member appointed as an adviser; Richard Newdigate was not a member but his appointment did not take place until 1646. It also seems likely that Pelham and Ellis, the two most active advisers, played some role in Bradshaw's appointment because they were also at Gray's Inn and would have known him.

There were multiple facets to Bradshaw's role as a legal adviser. When cases were referred to him he was expected to read through all the relevant documentation, examine witnesses in person if necessary, and produce reports of varying length, depending on the complexity of the case. He was also required to attend some committee meetings, and also to be present when hearings took place.

## Contemporary references to his role

In spite of the significance and breadth of Bradshaw's work for the committee there are an extremely limited number of contemporary references to it, and this largely explains why his role has been overlooked in the existing historiography. Kelsey cited a brief reference found in the Verney correspondence which described Bradshaw as being "Attorney General" of the sequestration process' in 1647.<sup>104</sup> A search of the texts digitally available through Early English Books Online reveals that only two pre-1649 documents contain references to his work, and another two between 1649 and 1680.<sup>105</sup> This is extremely surprising because it would have been a readily available source of ammunition for Royalists to utilise in their post-execution attacks on his character.

The earliest document was a complaint produced by Thomas Coningsby in 1647. Coningsby had been arrested on 13<sup>th</sup> January 1642/3 after attempting to read the King's Commission of Array in St Albans market square. He readily admitted to this, and in the eyes of Parliament he was a self-acknowledged delinquent. He rejected the opportunity to compound for his estate, refused to acknowledge the authority of the Houses of Parliament, and consequently spent the majority of the Civil War in the Tower of London.

Coningsby described the interrogation his wife had experienced when she launched an appeal against the sequestration of the family's estate in Hertfordshire. He declared that Bradshaw and Steele, who had been jointly assigned to the case on 8<sup>th</sup> January 1644/5,<sup>106</sup> had 'laid a side their old law books' by agreeing to work for the committee; in other words, they were disregarding the law in their judgements. He also claimed that Bradshaw had deliberately introduced a charge of delinquency against Mrs Coningsby by twisting her words; he described this as 'helping at a dead lift';

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<sup>104</sup> BL M636/8, cited in Kelsey, 'Bradshaw'.

<sup>105</sup> These figures are based on a search of EEBO using the search terms "Bradshaw AND sequest\*". The total number of results for this search between 1642 and 1680 is 230 documents, but close scrutiny of each one revealed that only four specifically refer to his work as a legal adviser. The remaining 226 refer to him and sequestration in completely separate contexts, with no link between them. However, this does not include any references to him in printed periodicals. These are available digitally but cannot be searched for keywords, and there was insufficient time in this study to read through them all. This is a piece of research planned for the future.

<sup>106</sup> TNA SP 20/1, p. 518.

[Witnesses] Andrews and one Lownes ... informe that my wife had spoken words against the Parliament, Bradshaw makes use of this, and the words must be received as new matter against her, they are asked if the words were that the Parliament were Traytors, they answer they were much to that purpose, the question againe put with humming and hawing give the same answer, it is then put that positively upon their oathes did shee say the Parliament were Traitors, and did you here her speake the words, they answered shee did, at which their villany and purjurie shee was more astonished to haere, then troubled at all her losses, and this purjurie was by the wise Sargiant Wild adjudged good payment of her monies, but admitted the words true, I pray judge whether it is provided or ment in the ordinance, to make a Womans tongue under so heavie losses a Delinquent.<sup>107</sup>

The committee certainly did judge words spoken against Parliament to be sufficient grounds for the charge of delinquency, irrespective of the circumstances. The entire premise of Coningsby's text was to present himself as innocent of any misdemeanour, but it must be viewed as a deliberate piece of propaganda to hide his own guilt and place the blame on his accusers and jailors. His anger at the process of sequestration was clear, and when viewed from the Royalist perspective arguments that it was unlawful and unprecedented are more than understandable. What Bradshaw apparently did during Mrs Coningsby's hearing was interrogate witnesses who had heard her denounce Parliament; this was simply standard practice.

The second pre-trial reference to Bradshaw's involvement in a sequestration case also occurred in 1647 in a pamphlet produced by the pseudonymous Amon Wilbee, who related the process of establishing the recusancy of Katherine Fortescue. Wilbee's only specific comment about Bradshaw was to name him as one of the men employed by the central committee to determine the validity of the documentary evidence.<sup>108</sup>

As already demonstrated in the historiography section of this chapter, after the execution of Charles I the Royalist press attacked Bradshaw with vigour, claiming that he was a traitor akin to Pontius Pilate. The primary focus was on his role in the trial, and his earlier work for Parliament was largely overlooked. The first identifiable post-trial reflection on his role as legal adviser was made by John Lilburne in 1651, when he recalled a dispute between his uncle George Lilburne and

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<sup>107</sup> Thomas Coningsby, *To all the vworld to view, and to all men of common sencce [sic] Christianity or humanity, to judge of Thomas Coningsby of Northmynis in the county of Hartford Esquire, now prisoner in the Tower of London* (London, 1647); EEBO Wing (2<sup>nd</sup> ed, 1994) / C5879, p. 13.

<sup>108</sup> Wilbee, *Secunda pars*, p. 3.

Sir Arthur Haselrig over sequestered lands in Durham.<sup>109</sup> Lilburne recalled that in ‘about January or February 1647’ his uncle’s petition had been referred to ‘Mr John Bradshaw now Lord President’. The case was subsequently referred for a hearing in the Painted Chamber, at which ‘divers members of Parliament appeared’, along with Lilburne who was acting as his uncle’s legal representative. He recalled that Bradshaw gave a speech during the hearing, which he said was ‘fully heard’, indicating that nobody interrupted him. Lilburne made no further references to Bradshaw in this text, but did note that the central committee sided with his uncle at the hearing.<sup>110</sup>

William Sanderson’s 1658 *A compleat history of the life and raigne of King Charles from his cradle to his grave* contains one brief reference to Bradshaw’s work for the committee towards the end of the text. He noted that Bradshaw, along with Messrs Jermin and Steele, ‘are appointed by council of the Parliament, against those Delinquents’, and the next references to Bradshaw recount his appointment as a Serjeant at Law, and as Lord President of the trial.<sup>111</sup> A thorough search of available resources has not produced any other documents which appear to contain references to Bradshaw’s work as the sequestration legal adviser.

### **He hath done very great Service to the Parliament**

Figure 3.2 was created by comparing the number of new appeals each year of the war with the number of referrals to Bradshaw. Appeals were often referred back to Bradshaw more than once, so only the first recorded date of his involvement was used here. Appellants, rather than cases, have been used in this chart because there are examples of people initially part of a group who were later referred to Bradshaw individually. This chart demonstrates that there was a relatively consistent correlation between the number of new cases discussed by the central committee, and the number of cases referred to Bradshaw. There was a period of intense petitioning in 1646, corresponding with the widespread conformity of Royalists following Charles I’s surrender to the Scots on 5<sup>th</sup> May.

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<sup>109</sup> Andrew Sharp, ‘Lilburne, John (1615?–1657)’ in *ODNB*.

<sup>110</sup> John Lilburne, *A iust reproof to Haberdashers-Hall* (London, 1651); EEBO Wing (2<sup>nd</sup> ed) / L2127, p. 14.

<sup>111</sup> William Sanderson, *A compleat history of the life and raigne of King Charles from his cradle to his grave collected and written by William Sanderson, Esq* (London, 1658); EEBO Wing / S646, pp. 1041, 1121.

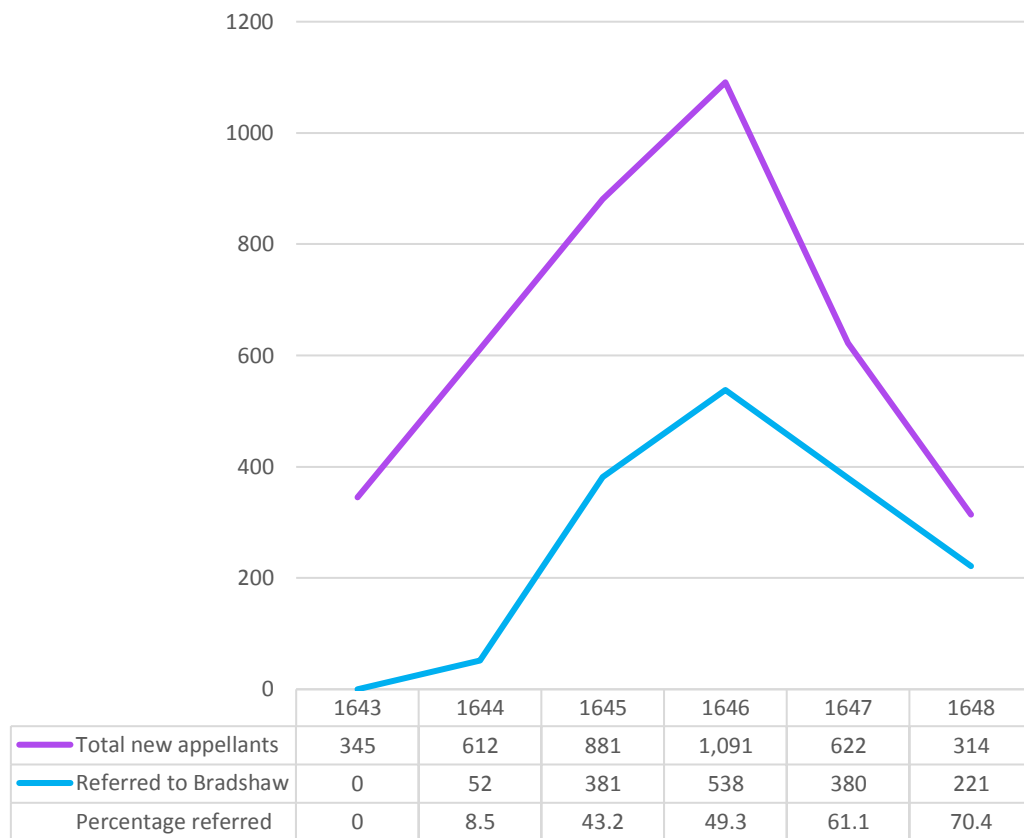


Figure 3.2: appellants referred to Bradshaw, 1644-1648/9

It is also clear that the percentage of cases referred to Bradshaw increased year by year. The first apparent instance of his involvement was recorded on page 240 of the first order book. The case concerned a debt owed by Sir Francis Englefield, which was being pursued by John Goodwin MP. The date listed for this case was 25<sup>th</sup> April 1644. However, this appears to be an error. The entry was written on the previously blank half of a page concerning business discussed on 5<sup>th</sup> April, and the following page is also dated 5<sup>th</sup> April. The entry is also in a different ink, although it was undoubtedly written by Rice Vaughan. The evidence suggests that this entry was copied into the order book at a later date, and that it was put in the wrong place; the same entry can be found exactly one year later, on 25<sup>th</sup> April 1645.<sup>112</sup> Vaughan appears to have been flicking through the order book, found an entry from April 1644, and assumed that he had found the right place.

Another indication that the first entry was a mistake is the fact that the next case involving Bradshaw did not take place until 4<sup>th</sup> October 1644; a gap of over five

<sup>112</sup> TNA SP 20/1, p. 672.

months makes it highly unlikely that he was one of the legal advisers in April, based on the committee's near-constant reliance on him from the autumn. He began receiving cases regularly from October 1644 onwards, which explains the small figure of 8.5% for that year, but from 1645 it is clear that the committee steadily relied on him more and more. Even in 1648/9, when the lowest number of new cases were recorded in the order books, he was involved with almost three quarters of them.

Significantly, Bradshaw's appointment as a legal adviser from 4<sup>th</sup> October predates his involvement in the trial of Lord Maguire and Hugh MacMahon from 23<sup>rd</sup> October,<sup>113</sup> which Mark Noble called his 'first public duty' and Sean Kelsey described as the start of his 'real impact on national affairs'.<sup>114</sup> The question must be raised whether the former appointment had any influence on the latter.

The data of Bradshaw's involvement in sequestration cases can also be represented through maps. Figure 3.3 plots the appellants referred to him between October 1644 and January 1648/9 which had a recorded location attached, and what percentage of all appeals from each county these referrals represented. It must be noted that only 725 of his 1,572 appellants (46.1%) had a location attached to them, and there are several potential reasons for this. The first is that Vaughan had inadvertently forgotten to write in the name of the county committee associated with the case; there are thirty examples of this in the appeals referred to Bradshaw, and 246 in the database as a whole. In such cases the entry in the order book contains a gap where the location should have been added, but never was.

A second reason for the lack of locations recorded for Bradshaw's appellants is that 455 of his 1,572 appellants (28.9%) only have one entry in the central committee's order books. Of that figure, 388 of them do not have a location attached. A likely interpretation for this is that Bradshaw was able to reach an immediate judgement in these cases, and there was no need for the central committee to request further information from the county committees, which would lead to the inclusion of their location in the order books.

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<sup>113</sup> HCJ, Vol 3, 23<sup>rd</sup> October 1644, p. 673.

<sup>114</sup> Noble, *Lives of the English Regicides*, p. 48; Kelsey, 'Bradshaw'.

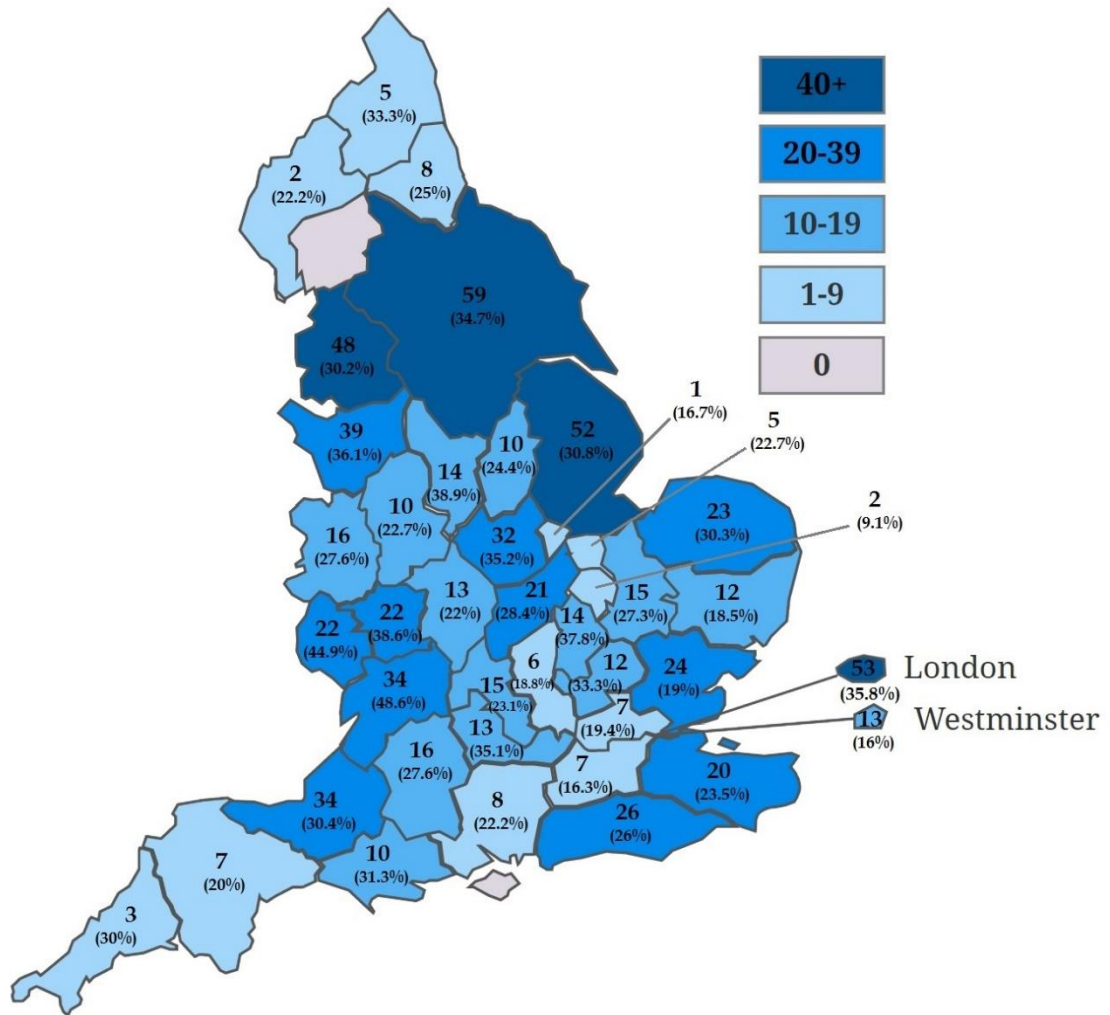


Figure 3.3: location of appellants referred to Bradshaw, 1644-48/9

Analysis of this mappable data reveals that the average referral to Bradshaw was 27.7% of appeals from a county, although this ranged from only 9.1% in Huntingdonshire to a substantial 48.6% in Somerset. This map is also largely consistent with Figure 2.6 in Chapter 2 showing all sequestration appeals during the course of the war. Bradshaw’s appellants were largely clustered in the north of the country, with the highest concentrations in Yorkshire, Lincolnshire, and Lancashire. London was also heavily represented, and there were clusters of appeals in the west and south-east.



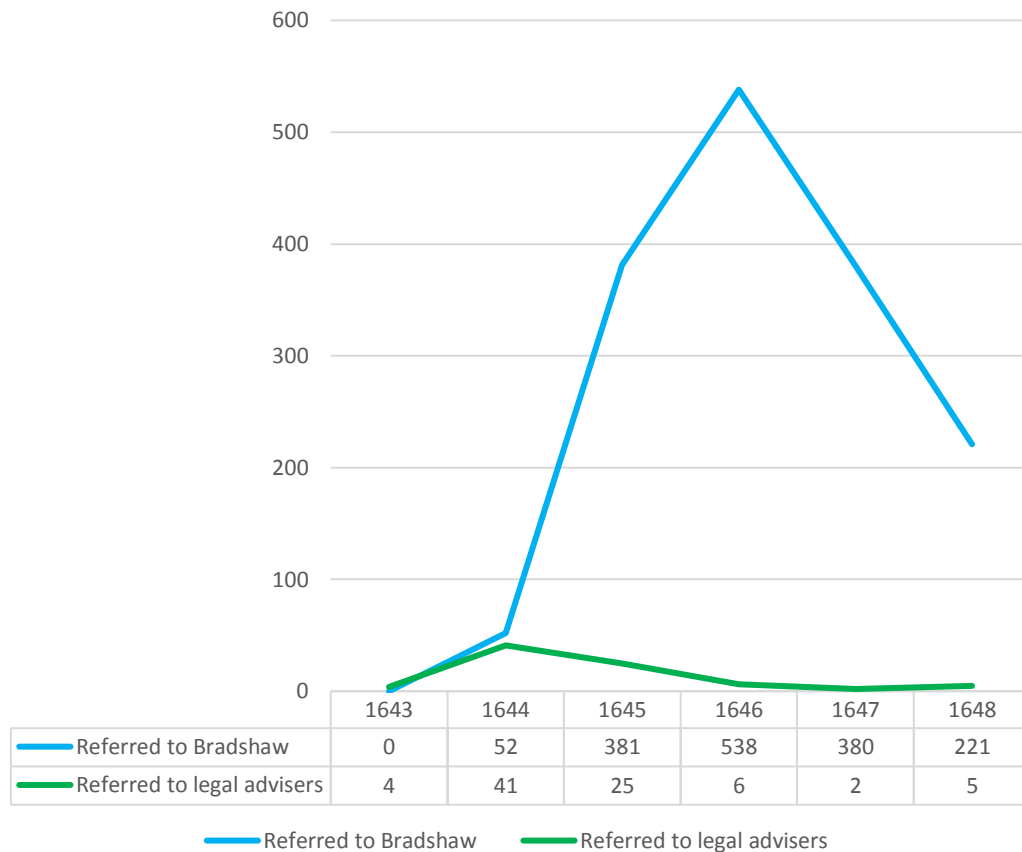


Figure 3.4: appellants referred to legal advisers, 1643-1648/9

The figures of Bradshaw’s cases can also be compared with the number of cases referred to the other legal advisers year by year. In spite of the significantly smaller figures, it is clear from this chart that Bradshaw was never the only legal adviser employed by the committee; sporadic cases were referred to the other advisers for the duration of the war. In addition to this, the figures of referred cases in 1644 are comparable; Bradshaw handled fifty-two cases to the legal advisers’ forty-one. However, from 1645 onwards the figures become drastically different and it is clear that cases were referred to Bradshaw almost exclusively.

It is unclear why the other legal advisers were retained, because the figures clearly demonstrate that Bradshaw had rendered their roles largely superfluous after October 1644. There is also no evidence to suggest that the central committee temporarily stopped referring cases to Bradshaw when he was engaged on other business. For example, he represented John Lilburne in the Star Chamber on 13<sup>th</sup> February 1645/6; in the six weeks before this date his name was attached to thirty-seven new cases. In November of that year, supported by his patron and kinsman Sir William Brereton, Bradshaw launched an unsuccessful attempt to secure a seat in

the House of Commons by standing for election in Newcastle-under-Lyme, where he had been a steward since 1641.<sup>115</sup> This disappointment did not cause any halt in committee business; in October he received twenty-five new cases, and forty-one in November.

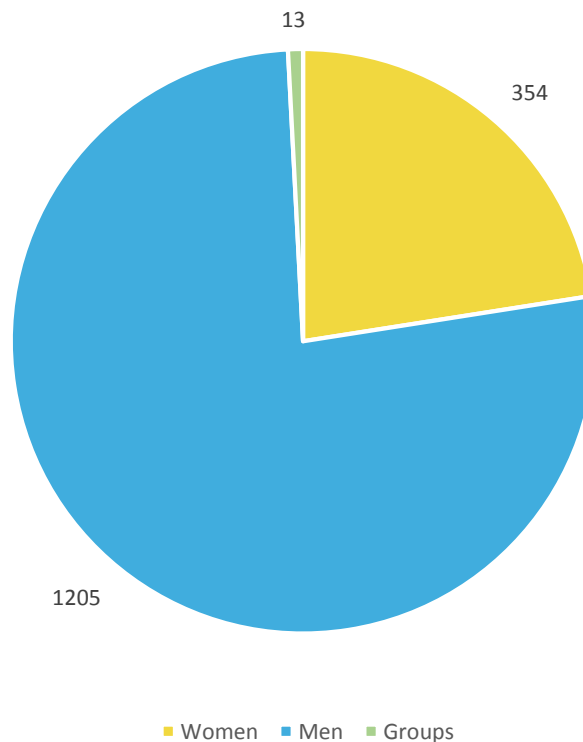


Figure 3.5: the identity of Bradshaw's clients, 1644-1648/9

The figure of Bradshaw's 1,572 appellants can be analysed to explore the gender, status, and occupation of the people referred to him. To begin with gender, 354 of his clients were women (22.5%), 1,205 were men (76.7%), and thirteen (0.8%) were collective petitions from groups; either unspecified children of delinquents petitioning together, groups of university scholars, or groups of ecclesiastical officers. It is clear from these statistics that Bradshaw was more likely to assist in cases concerning men, but this corresponds with the overall pattern within sequestration that men were more likely to be sequestered as delinquents because in general they were more likely to actively support the King or work against Parliament.

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<sup>115</sup> Kelsey, 'Bradshaw'.

Within the 354 appeals from women, 104 were from titled ladies (29.4% of the 354 women; 6.6% of the total referred to Bradshaw); they variously have the epithets of Dame, Lady, Viscountess, Countess, Dowager Viscountess, or Dowager Countess. 145 appeals (41% of the 354; 9.2% of the total) came from women referred to either as spinster, widow, or Mrs; the latter was the abbreviation of Mistress and not necessarily a reflection of a woman's marital status. The remaining 102 appeals (28.8% of the 354; 6.5% of the total) did not contain any title. However, twelve of the appellants were recorded as the daughters of titled men, which gave them the status of gentlewomen, even if it was not recorded.

The recorded titles in appeals from men are much more varied, but proportionally fewer male members of the aristocracy received Bradshaw's help than female members of the aristocracy. Of the 1,205 cases, only 180 (14.9% of the 1,205 men; 11.5% of the total referred to Bradshaw) held the various titles of either Sir, Lord, Viscount, Earl, Marquis, or Duke. In addition to this, seventy-four were identified as gentlemen (6.1% of the 1,205; 4.7% of the total), 169 as esquires (14% of the 1,205; 10.8% of the total), thirty-five as members of the military (2.9% of the 1,205; 2.2% of the total), and 596 (49.5% of the 1,205; 37.9% of the total) did not have any recorded title at all. The remaining 151 cases (12.5% of the 1,205; 9.6% of the total) represent a wide variety of occupations, including but not limited to apothecary, barber chirurgion, inn holder, clothier, mercer, doctors of physic or law, grocer, stationer, tailor, and yeoman.

The conclusion to be drawn from these figures is that titled gentry did not form the majority of appellants whose cases were referred to Bradshaw; combining the male and female figures, such cases represented only 18.1% of his sequestered clients. The remaining 81.9% held the status of gentleman, mistress, or lower, many of whom were unlikely to have had much or any involvement in legal proceedings before. This is somewhat surprising, because estates held by the gentry were more likely to include multiple complex transactions which would require a lawyer to establish the true owner. This small percentage could perhaps reflect the proportion of landed gentry in British society during the mid-17<sup>th</sup> century, compared with the rest of the population. The exact number of British peers during this period has been the subject of considerable debate, and no definitive figures have been presented due to disagreements about the definition of 'landed gentry'. However, Lawrence Stone has estimated that in 1640 there were approximately 1,400 barons and knights, 3,000

esquires, and 15,000 'armigerous gentry'.<sup>116</sup> As previously stated, the database only refers to those who appealed against their sequestration by petitioning the central committee, and therefore does not represent everyone who was sequestered during the course of the war. Nevertheless, the figures of Bradshaw's clients represent a much smaller proportion of the gentry at that time than might be expected. This demonstrates how sequestration was a policy which targeted and affected all levels of society, and it was not exclusive to the landed gentry.

Bradshaw was obviously the committee's favourite legal adviser, and their gratitude for his work can be seen in an entry in the order books from 6<sup>th</sup> March 1645/6;

Upon Consideration had by this Cotee of the great paines & good service done by John Bradshaw of Grayes Inn Esq to this Cotee & the plt in Mannageinge the causes of seqn here for the benefit of the publique & that hee hath laboured therein almost 2 yrs without any recompence. It is thought fit by this Cotee that he shall have allowed him for his paines & service aforesd 200l p ann from the tyme that hee under tooke the same wch was in or about July 1644 the same to be pd him by the Trers for seqn at Guildhall London halfe yearely & it is ordered that it be reported to the houses by Mr Sam Browne to desire their Confirmation thereof.<sup>117</sup>

The men present that day, making this decision, were Dudley North, Henry Pelham, Samuel Browne, Serjeant Wilde, John Selden, the Earl of Northumberland, and Lord Grey de Warke. Browne was instructed to inform the Houses of Parliament of the decision, but the Commons did not respond until 7<sup>th</sup> July;

Resolved, &c. That this House doth agree with the Committee of Lords and Commons for Sequestrations, That Mr. Bradshaw, who hath been employed at that Committee, and done very great Service to the Parliament, shall have the Allowance of Two hundred Pounds per Annum; out of the Sequestrations, for his great Pains and Labour therein.<sup>118</sup>

These two orders are very intriguing. The Committee stated that 'hee hath laboured therein almost 2 years without any recompence'; he appears to have worked without a salary. Whether he took a commission, or the petitioners chose to give him any money either as payment or as a token of gratitude, there is no evidence to show. He would also undoubtedly have had other sources of income from some of the other work he did, but to work for this committee for two years without pay is astonishing.

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<sup>116</sup> Lawrence Stone, *The causes of the English Revolution 1529-1642* (London: Routledge & Kegan Paul, 1972), p. 72.

<sup>117</sup> TNA SP 20/2, p. 225.

<sup>118</sup> HCJ, Vol 4, 7<sup>th</sup> July 1646, p. 606.

Following the order from the Commons he was given backdated pay, so would have received a lump sum of around £400, and from then on £100 twice a year, which works out as just under £4 per week.

Although Bradshaw's name was never listed amongst those present at committee meetings, there is sporadic evidence to suggest that he did attend at least a small number of them. There are entries which begin 'Upon the mo[t]ion of Mr Bradshaw...',<sup>119</sup> or 'Mr Bradshaw moved this Committee for ...' which strongly suggest that he was present during the meetings and had raised topics of debate. On 21<sup>st</sup> March 1645/6 the committee introduced some new rules concerning the structure of their meetings, and it was specifically recorded that 'Mr Bradshaw agreed this cleerely',<sup>120</sup> again suggesting that he was present. Occasionally specific days would be set aside for him to present the reports he had written,<sup>121</sup> and there is even one instance of his absence being noted; '... doe referr it to Mr Bradshaw (now absent) to certify the true state of the Case...'<sup>122</sup> However, it would be hasty to conclude that he was present at all of the meetings based on these few examples.

One concrete example of his attendance at a meeting came on 8<sup>th</sup> January 1646/7 when it was recorded that, 'Mr Bradshaw moved this Committee for their resolution touching the Coppyhould Estate of Delinquents vizt whether the Committees in the Countrey may graunt Coppyhould Estate for lives out of Delinquents Estates'. The committee initially stated that they 'thinke not fitt for the present to determine the sd Question', but added that lands should be let year to year at rack-rent, rather than for lives through copyhold.<sup>123</sup>

An additional advantage for Bradshaw was that the committee's clerk, Rice Vaughan, was also a lawyer at Gray's Inn and later had chambers in Holborn Court, the same building as Bradshaw.<sup>124</sup> After taking minutes at the meetings, Vaughan gathered up the relevant petitions that had been discussed each day and took everything back to Gray's Inn. He could then write up the order books properly at his leisure, and take any referred cases directly to Bradshaw's chambers. Bradshaw and his team would then work through them, and Bradshaw would add a note to one of the

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<sup>119</sup> Examples can be found in TNA SP 20/1, pp. 672, 685; SP 20/3, p. 84.

<sup>120</sup> TNA SP 20/1, p. 613.

<sup>121</sup> TNA SP 20/2, pp. 4, 495.

<sup>122</sup> TNA SP 20/1, p. 798.

<sup>123</sup> TNA SP 20/3, p. 84.

<sup>124</sup> Parish register of St Andrew, Holborn, digitised by [www.ancestry.co.uk](http://www.ancestry.co.uk).

original documents, often 'My Rept is Annexed'. The documents would then be sent back to Vaughan, and he would transport them back to the committee in Westminster.

### **My Report is Annexed**

Unfortunately the vast majority of the reports Bradshaw produced for the committee concerning sequestration cases have been lost; the survival rate is likely to be between 5% and 10%. However, those that do survive reveal a great deal about his work. There are forty-eight examples of either reports or notes written by Bradshaw in the case papers submitted by appellants. An additional twelve of the case files contain a reference to a report by Bradshaw, since lost. The documents all date from between July 1645 and November 1648, so they do not represent the entire period of his employment. There are further surviving petitions scattered throughout the files produced by the Committee for Compounding. However, those files are divided across 166 separate and badly indexed volumes, measuring an average of two to three inches in width. It is currently unknown how many of Bradshaw's reports survive in them, and would be an excellent project for further research. Only examples from the forty-eight reports in the sequestration case files will be used here. A full list of these cases can be found in Appendix B.

Excluding signatures, descriptions of documents, and addresses to the committee, Bradshaw wrote fourteen of the reports himself. They varied in length from one line to four paragraphs,<sup>125</sup> but were consistently shorter than the reports written by his clerks. He also used a shorthand dating system; for example, he wrote September as 7br, and October as 8br. Twenty-nine of the reports were written by his clerks; in eleven cases the only contribution to the document from Bradshaw was his signature and the date, but in eighteen reports there are numerous amendments and additions from him throughout the text. The final five reports are copies made by Rice Vaughan; the original pages signed by Bradshaw himself have not survived.

Bradshaw appeared to have at least two clerks working for him; the handwriting of the reports in SP 20/13/11 and SP 20/13/18 are noticeably different. A surprising element about the reports produced by Bradshaw's office is their appearance. Those written by Bradshaw himself are cleaner, but those produced by clerks are generally

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<sup>125</sup> TNA SP 20/10/16, f. 46r; SP 20/11/18, f. 91r.

blotched with ink, and often contain passages that have been scribbled out. The report produced for the case of the Hills daughters, discussed below, is a good example of this. It is odd that Bradshaw was willing to allow these to be submitted to the central committee, but perhaps the clerks' case load was too high during the 1640s to allow for tidy copies to be produced.

The earliest surviving report was produced by Bradshaw on 2<sup>nd</sup> July 1645, and it concerned Sir Francis Howard of Buckham in Surrey, a descendant of a junior branch of the Howards of Norfolk. The first reference to Sir Francis in the order books was on 19<sup>th</sup> March 1645, when a petition he had submitted jointly with Sir Thomas Cotton was discussed by the committee. The pair were petitioning on behalf of Bartholomew Fromand, who had been sequestered in Coventry. The central committee sent an order for the Coventry county committee 'to certify the grounds & causes of the Sequestration'.<sup>126</sup>

The county committee of Warwickshire produced the requested report on 23<sup>rd</sup> April. It revealed that Bartholomew Fromand Esq had died in possession of Horston Grange and other lands in Nuneaton, but as he had died without male issue the lands 'are Settled in Sr Francis Howard & others, For the terme of Fourescore & Nyneteene Yeares, after the Death of the sd Bartholmew'. The Warwickshire committee stated that the property had been sequestered because Fromond's widow was a Catholic. Fromand had, however, left one daughter, and it can be inferred from Howard's next petition that she had been placed in his household. He submitted it in late May, and it has survived intact in the case file;

Whereas yo[u]r pet[itio]ne[r] not long since delivered a peti[ti]on to this Hono[ur]able Com[m]ittee to be releived about lands under Sequestration in nuneaton and their was an order granted in Aprill last to the Com[m]ittee in Coventry to certifie under their hands the grounds and causes of the sequestration the w[hi]ch order was pr[e]sented to the Com[m]ittee there who have certified accordingly.

Yo[u]r pet[itio]ne[r]s humble prayer is that this Hono[ur]able Com[m]itte[e] will be pleased to cause the said certificate to be read before this Hono[ur]able Com[m]itte[e] that thereby your pet[itio]ne[r] who haveing the Child in tuition and nothing to maintaine itt may have relieffe.<sup>127</sup>

The corresponding entry in the order book for 27<sup>th</sup> May referred this petition to Mr Bradshaw 'to examine the Matter of his sd petition & certificate annexed and to

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<sup>126</sup> TNA SP 20/1, p. 601.

<sup>127</sup> TNA SP 20/11/35, ff. 130r-1r.

report the same to this Comittee'.<sup>128</sup> John Wilde consequently prepared a brief note informing Bradshaw, and forwarded the certificate from the Warwickshire county committee with it.<sup>129</sup>

A report was produced by Bradshaw's office on 2<sup>nd</sup> July, and contains two full pages of text.<sup>130</sup> He did not write the bulk of the report himself; it was written by one of his clerks, whose name is currently unknown. Even though Bradshaw did not write it, he read through the document very carefully before putting his name to it; he inserted five words or phrases in various places, and this is a common feature of his reports. His handwriting is very distinctive so there is never any difficulty identifying his amendments. The italicised passages in the quoted excerpt from the report below were some of the additions he made to this text. He signed and dated the report himself, and added a brief note concerning the sequestration at the end of the document. It is also possible that he underlined some key passages from the report, because the lines appear to be in a slightly different shade of ink from that used by the clerk. Bradshaw's ink has survived as a jet black, whereas the clerk's has faded to brown. However, it is equally possible that they were underlined by a member of the central committee after the report had been sent to them.

Bradshaw had obtained a copy of Bartholomew Fromond's will, and confirmed that if he died without male issue his request had been for £1,400 to be paid to his daughter Mary when she reached the age of eighteen, as well as £50 per year until then for her maintenance. He confirmed that she was 'of the age of Eight yeares or thereabout', and,

Soe as by the Tenor of this late deede the said Enfant is imediately intituled to the Lands in the later Indenture men[tion]ed *if the sequest[rati]on hindred if not* & ought to have 50l *p ann* out of the lande in the former Indenture men[tion]ed untill shee came to 18 yeares of age.

He ordered the money to be paid out of the two thirds of the Fromonds' property which had been sequestered, although added that the sequestration 'cannot be discharged without special order of the howses'. He also stated that the £1,400 must also be paid to Mary when she turned eighteen.

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<sup>128</sup> TNA SP 20/1, p. 760.

<sup>129</sup> TNA SP 20/11/35, ff. 129r-30r.

<sup>130</sup> Ibid, ff. 132r:v.



The central committee discussed Bradshaw's report on 13<sup>th</sup> August, and concluded 'that the estate Concerning the fifty pounds p Ann and the 1400l for Mary the Infant is allowed according to the report'. They also granted the arrears since the sequestration had taken place, and ordered that Bartholomew's estate should be inherited by his daughter 'if the sd Committee upon exa[minat]ion finde that the sd Bartholomew Fromonds estate was seqd for recusancy and not for Delinquency'.<sup>131</sup>

It seems appropriate that the first surviving example of Bradshaw's report should be from a case where he helped the guardian of an eight year old girl secure the maintenance money her father's will had provided for her. This was hardly the insolent monster he was later painted as, but rather a dispassionate lawyer ensuring that a child should not suffer because her parents happened to be Catholics. Bradshaw was able to help Mary largely because she had been removed from her mother's care. The 18<sup>th</sup> August 1643 ordinance had forbidden any Catholics from raising children in their households in an attempt to halt the spread of the denomination, but because Mary had been placed in the Howard household, which was presumably a Protestant one based on the acquiescence of the central committee, Bradshaw was able to order the money for her.

However, he was not so obliging to his next client, widow Anne Devereux. The first reference to her case was on 27<sup>th</sup> September 1644, when the central committee discussed a petition she had submitted, and fortunately the document has survived in the case file. She recounted the details of a financial transaction between Viscount Lumley and Sir William Courten, a merchant heavily involved in financing the colonisation of Barbados and the East India Company, who had died in 1636.<sup>132</sup> Lumley had garrisoned his Durham estate, Lumley Castle, for the Royalists early in the war, and served as the president of Prince Rupert's council of war when Bristol surrendered in 1645.<sup>133</sup> His estates were sequestered in 1643, but he compounded for his estate in 1646.<sup>134</sup>

Mrs Devereux claimed that she was entitled to an annuity of £100 per year during the life of Lord Lumley, and an additional sum of £350 in arrears because she had

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<sup>131</sup> TNA SP 20/1, p. 939.

<sup>132</sup> John C. Appleby, 'Courten, Sir William (c.1568–1636)' in *ODNB*.

<sup>133</sup> Andrew J. Hopper, 'Lumley, Elizabeth, Viscountess Lumley of Waterford (c.1578–1658)' in *ODNB*.

<sup>134</sup> Mary Anne Everett Green (Editor), *Calendar, Committee for Compounding: Part 2* (London: HM Stationery Office, 1890), pp. 914-41; hereafter Green, *Compounding: Part 2*.

not been paid since 1640 and feared that ‘she shalbe left without remedy’.<sup>135</sup> The corresponding entry in the order book reveals that the central committee ordered the Sussex county committee to ‘allow the pet[it]ione]rs demand or Certifie the state of the Case to this Committee’.<sup>136</sup> She petitioned again at the end of October, and revealed that the Sussex committee had refused to provide her with a certificate of entitlement because she had been unable to produce witnesses to confirm the validity of deeds she had produced concerning the annuity. She therefore ‘humbly desireth that the consideration of the validity of the sd deeds may be referred & upon a report there upon she may find such releif as may stand with the iustice of this hono[ura]ble Com[m]ittee’.<sup>137</sup> The central committee referred the deeds to John Lisle,<sup>138</sup> a legal adviser not previously mentioned in this thesis. Lisle had been educated at the Middle Temple, and was called to the bar in 1633. He became the MP for Winchester during the Long Parliament, and was ‘an energetic civil war parliamentarian’ who ‘took a leading role on county committees to fund the war effort’. He was appointed as a sequestrator on the Hampshire, Southampton, and Isle of Wight sequestration county committees through the 27<sup>th</sup> March 1643 ordinance, and his name appears on the surviving attendance lists of the central committee twenty-six times between that date and 3<sup>rd</sup> January 1648/9; his attendance spanned the entire duration of the committee’s existence, which indicates that he was one of the more dedicated members. He was one of Bradshaw’s legal assistants during the trial of Charles I and he fled to Europe at the Restoration of the Monarchy, and was murdered in Lausanne on 11<sup>th</sup> August 1664.<sup>139</sup>

Unfortunately any report Lisle produced concerning this case has not survived, but the entry in the order book on 29<sup>th</sup> November and subsequent order for the Sussex committee reveals that he did confirm the validity of Mrs Devereux’s deeds, and her claim to the annuity. The central committee ordered Sussex to pay her £100 per year plus the arrears since Midsummer 1640, or to grant her a proportional amount of land out of Lord Lumley’s estate.<sup>140</sup>

The next reference to the case came in June 1645, when Mrs Devereux submitted a third petition. In it she stated that ‘within few Dayes’ of receiving the 29<sup>th</sup> November

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<sup>135</sup> TNA SP 20/10/16, f. 39r.

<sup>136</sup> TNA SP 20/1, pp. 382-3.

<sup>137</sup> TNA SP 20/10/16, f. 40r.

<sup>138</sup> TNA SP 20/1, p. 429.

<sup>139</sup> Timothy Venning, ‘Lisle, John, appointed Lord Lisle under the protectorate (1609/10–1664)’ in *ODNB*.

<sup>140</sup> TNA SP 20/10/16, f. 41r; SP 20/1, p. 473.

order she presented it to the Sussex committee, but they ‘have not y[i]elded obedience whearby yo[u]r pet[it]ione[r] may receive any fru[it] thearof and after 6 Monthes in w[hi]ch time used Severall meanes to the said Committee for the allowance of yo[u]r Lo[r]dshipp[s] order’.<sup>141</sup> The central committee wrote to Sussex to order that ‘the petition ... bee obeyed wthout delay’ unless they could show good cause to the contrary within a week.<sup>142</sup>

The Sussex committee wrote a response on 1<sup>st</sup> July, and stated that although ‘we are most willing to submitt to all your Lordshipps Orders’, they were reluctant to grant Mrs Devereux the arrears since Midsummer 1640 because Lord Lumley’s land had only been under sequestration ‘one yeare, and halfe’. Consequently ‘we conceive there is little reason the commonwealth should pay more then they have received’. They also highlighted the difficulties they were encountering due to plundering raids by the Royalist forces, and argued that their supply of ready money had been greatly hindered. The letter was signed by William Cawley, George Oglander, Thomas Chase, and Stephen Humfrey.<sup>143</sup> The first three men had all been appointed to the Sussex committee on 27<sup>th</sup> March 1643; the turnover of county committee membership was high, so the fact that they were still working two years later indicates that they were staunch Parliamentarians.

The letter was received by the central committee on Friday 4<sup>th</sup> July, but they were uncertain how to proceed so referred it to Bradshaw and asked him to provide guidance by Monday.<sup>144</sup> John Wilde sent him the standard cover letter referring the case to him, and enclosed all of the relevant documents. Bradshaw wrote all of his comments himself, including one addition to Wilde’s original letter; he had omitted the words ‘to certifie’, and they were added in Bradshaw’s distinctive handwriting.

After reading through all of the evidence Bradshaw did not find it necessary to produce a detailed report, and he wrote one line; ‘The Certificate is annexed w[hi]ch p[re]sents the state of the Case’. In other words, he agreed with the Sussex committee that they should not have to pay the arrears. He signed this comment and dated it 5<sup>th</sup> July. It was then returned to the central committee, but they did not find his response satisfactory. On Monday 7<sup>th</sup> July he added a further fourteen lines of text, the bulk

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<sup>141</sup> TNA SP 20/10/16, f. 42r.

<sup>142</sup> TNA SP 20/1, p. 797.

<sup>143</sup> TNA SP 20/10/16, f. 44r.

<sup>144</sup> TNA SP 20/1, p. 841.

of which summarised all of the documents he had read about the case. He provided clear instructions for the committee, and agreed that the annuity of £100 per year should be provided to Mrs Devereux, but not the arrears; ‘So as there is an Arreare of 3 y[ea]rs & an half before [the sequestration], during w[hi]ch tyme the State had not the p[ro]fits: why then should they Answer for them’. Rice Vaughan’s signature can also be seen underneath Bradshaw’s expanded comments, which supports the theory that he was the go-between for Bradshaw and the committee.<sup>145</sup>

This case demonstrates that the central committee did not feel obliged to follow Bradshaw’s advice if their own debates led them to a different conclusion. On 16<sup>th</sup> July they declared that ‘upon debate of the whole Matter’ Mrs Devereux should be granted both the annuity and the arrears since 1640, but Sussex continued to refuse. On 15<sup>th</sup> August the central committee sent an order to summon George Oglander ‘or some other of the sd Committee’ to appear before them within a fortnight,<sup>146</sup> but instead of travelling to London four members of the committee – John Chapman, William Cawley, Stephen Humfrey, and George Oglander – wrote another letter, pleading sorrow that ‘our endeavours for the publike in discharge of our dutie are ... misinterpreted, our aymes looking uppon noe p[er]son, case or considera[tion] whatsoever, but in referrence to the good of the Commonwealth’. They repeated their previous statement that the arrears due to Mrs Devereux were not owed by Parliament but by Lumley himself, but stated that if Parliament could provide proof that Lumley was still living they would ‘order the payment of her arrers’. The letter closed with an entreaty ‘that we may be lookt on, as such whoe have adventured all for Parliament: and shall ever be ready to spend our dearest blood in their service’.<sup>147</sup> The central committee accepted this submission on 29<sup>th</sup> August, returned acknowledgement of the Sussex committee’s ‘faithfull service to the pliamt’, and ordered the money to be paid without further delay.<sup>148</sup>

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<sup>145</sup> TNA SP 20/10/16, f. 46r.

<sup>146</sup> TNA SP 20/1, pp. 866, 961.

<sup>147</sup> TNA SP 20/10/16, f. 47r.

<sup>148</sup> TNA SP 20/1, pp. 975-6. The case continued to be discussed in the following weeks; on 4<sup>th</sup> October the Sussex committee wrote to Westminster stating that due to a disturbance by the Clubmen they could only afford to pay Mrs Devereux £20 at that time, but would pay the remainder within 6 weeks. They presented this offer to her agent, William Christmas, who demanded the entire sum at once, and seized the money and goods of Lumley’s tenants who had been paying their rents to the committee. The central committee approved Christmas’ actions on 17<sup>th</sup> October and granted all future rents to Mrs Devereux, stating that she had suffered long delays and troubles while her case was being debated.

A case where the brevity of Bradshaw's comments was not challenged, and his recommendations agreed to, was that of Hugh Henn, the Page of Charles I's Bedchamber.<sup>149</sup> He was also appointed as a Keeper of the Queen's Gardens at Greenwich in 1639 jointly with his son Henry.<sup>150</sup> Brief references can be found to him in the journals of the House of Lords after the war began; on 1<sup>st</sup> April 1643 he and Howard Bickerstaffe were granted passes to travel to Oxford and back,<sup>151</sup> and on 2<sup>nd</sup> June the same year he was one of four of the King's servants living at Greenwich Palace who complained that 'they have not received any Means [wages] these Two Years,<sup>152</sup> whereby they are disabled to maintain themselves, and forced to sell and pawn their Household Goods'.<sup>153</sup>

Even though the central committee had agreed on 13<sup>th</sup> August 1643 that 'the Kings servant wch are with him beinge bound to their attendance by oath and doe not contribute horse Arems money plate or other thinge to the Warre, nor any in the warre, [are] not to be taken within the ordinance',<sup>154</sup> Henn found himself sequestered. He petitioned the central committee in October 1645 whilst a prisoner at Ely House, stating that he was 'bound by his place to attend his Matie', but never bore arms against the Parliament or swore any oath against them. He confirmed that he had travelled to Oxford after receiving permission from the House of Lords, and 'solely applied himselfe' to his attendance upon the King. He stated that the sequestration of his property in Greenwich and Surrey<sup>155</sup> had left him 'in a verry sad condition & his Children & Grandchildren like to be exposed to much Penury & want unless this hono[ura]ble Committee releve them'.<sup>156</sup>

Also included in the case file is 'A briefe in the behalfe of Hugh Henn his Maties servant'. This document contains three paragraphs and is essentially a summary of his petition. The first paragraph reiterated that he never bore arms nor contributed any material or financial assistance to the Royalist army. The second stated that although he was 'bound by his oath to attend [the King]', he 'did not nor would not

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<sup>149</sup> The Committee for Compounding also described him as the Page of the Back Stairs, but the sequestration documents all say Bedchamber.

<sup>150</sup> George H. Chettle, 'Appendix 1: Dates of important events', in *Survey of London Monograph 14, the Queen's House, Greenwich* (London: Guild & School of Handicraft, 1937), pp. 84-88.

<sup>151</sup> HLJ, Vol 5, 1<sup>st</sup> April 1643, p. 686.

<sup>152</sup> This was due to the King's enforced absence from London.

<sup>153</sup> HLJ, Vol 6, 2<sup>nd</sup> June 1643, p. 78.

<sup>154</sup> TNA SP 20/1, p. 41.

<sup>155</sup> Presumably Tandridge Hall; H. E. Malden, *A History of the County of Surrey: Volume 4* (London: HM Stationery Office, 1912), pp. 321-326.

<sup>156</sup> TNA SP 20/11/10, f. 62r.

goe ... into any part of the kinges quarters before he had an order of parliamt for his goeing to waite on the kinge'. The third concluded that 'he doeth conceaive he is not wthin any ordinance of delinquency, And therefore doe desire the estate sequestred may bee freed'.<sup>157</sup>

A third document in the case file is a certificate from the Surrey county committee confirming that,

... the sayd Hugh Henn's estate was sequestred for that he went into the Enemyes quarters, and attended his Maties p[er]son at Oxford, and from there goeing wth his Maty was taken a Prisoner at the late fight at Knaseby by the Parliaments forces under the command of Sr Thomas Ffairfax.<sup>158</sup>

On 24<sup>th</sup> October the central committee immediately referred the case to Bradshaw,<sup>159</sup> and he provided a very succinct reply two days later. His bemusement at Henn's claims is extremely obvious; his only comments on the case were, 'The pet[ition]er was taken p[ri]son[er] at Naseby fight & yet petitions to be dyscharged of his sequestr[ati]on'.<sup>160</sup> Bradshaw did not need to elaborate; his attendance on the King and his presence at Naseby were enough evidence that Henn was guilty of delinquency, in spite of the former leniency shown to the King's servants. This time the central committee followed Bradshaw's recommendation, and ordered that 'the seqn of his Estate shall stand'. However, they did grant his wife and children the fifth portion they were entitled to for their maintenance.<sup>161</sup> Hugh Henn remained a prisoner at Ely House until at least the end of April 1646, when he began the process of composition. His petition to the Committee at Goldsmiths' Hall repeated that he had never served in the King's army, and stated that he had grown 'very aged and infirm'. In July he took the Negative Oath and Covenant, and on 2<sup>nd</sup> September his fine was set at £160.<sup>162</sup>

One of the most significant of Bradshaw's cases was that of the Hills daughters. Dr John Hills was a wealthy landowner, rector of Fulbourn in Cambridgeshire, and Master of St Catherine's College, Cambridge.<sup>163</sup> He was married twice; first to

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<sup>157</sup> TNA SP 20/11/10, f. 63r.

<sup>158</sup> Ibid, f. 65r.

<sup>159</sup> TNA SP 20/1, p. 1063.

<sup>160</sup> TNA SP 20/11/10, f. 64r.

<sup>161</sup> TNA SP 20/2, p. 434.

<sup>162</sup> Green, *Compounding: Part 2*, pp. 1210-1269.

<sup>163</sup> A. F. Wareham and A. P. M. Wright, *A History of the County of Cambridge and the Isle of Ely: Volume 10, Cheveley, Flendish, Staine and Staploe Hundreds (North-Eastern Cambridgeshire)* (London: Victoria County History, 2002), pp. 150-156.

Blanche, with whom he had eight children. After Blanche's death in around 1616 he remarried to Anne and had another five children. The moral of this story is never trust a curate. Dr Thomas Wilson was employed as Dr Hills' curate at Fulbourn, and he took over as rector after Hills' death in 1626. He also immediately swooped in and married the rich widow, and the couple had a son named Thomas in 1628.

The three key players in this case were Dr Hills' daughters from his second marriage; Jane, Susan, and Mirabella. The first petition they submitted to the central committee was read and debated on 6<sup>th</sup> December 1644. The three ladies, then aged twenty-six, twenty-three, and twenty-one, informed the committee that the terms of their father's will had stipulated that they should each have received £400 when they reached the age of twenty-one as their portions. The money should be raised either through the rents and profits, or the sale, of lands he left in trust to his widow Anne. After her remarriage, all of the property was taken over by her second husband Dr Wilson. However, he was an unfortunate combination of being a fan of Laudian innovations, and chaplain to Charles I, so all of his property was sequestered at the beginning of 1644.

Jane would have been twenty-one in 1639, Susan in 1642, and Mirabella in 1644. The ladies stated in their petition that even before Wilson's sequestration none of them had received the money they were due, and that they were 'utterly deprived both of present subsistence & future advancements'.<sup>164</sup> It seems that their stepfather's sequestration was fortuitous. Wilson was clearly only too happy to keep his own pockets lined at their expense. Unfortunately for him, they now had a sympathetic committee to appeal to.

Serjeant Wilde sent an order to the county committees of Cambridgeshire and Lincolnshire asking them to provide any information they had about the case within three weeks,<sup>165</sup> and both committees appear to have been prompt because another petition from the ladies was discussed on 24<sup>th</sup> December. The main paragraph repeated the information about what had happened to the estates and money, and confirmed that the Cambridgeshire county committee had provided them with a certificate supporting their claim, but the final paragraph is of supreme interest. The ladies requested the committee to either remove the sequestration from their late

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<sup>164</sup> TNA SP 20/10/38, f. 100r.

<sup>165</sup> TNA SP 20/1, pp. 480-1.

father's lands, 'or that Mr Bradshaw may looke upon the said petition order & certificate & report to this Committee the state thereof'.<sup>166</sup> They specifically requested Bradshaw's help. He had only been employed by the committee as one of their regular legal advisers since October 1644, and by December word had reached these three ladies in rural Cambridgeshire of his reputation and willingness to help those in need. This makes the almost complete absence of references to Bradshaw's role in contemporary publications even more puzzling, because his work for the committee was not a secret.

After this there was an unexplained delay, and it wasn't until 6<sup>th</sup> March 1645/6 that a referral was finally made. Bradshaw and Richard Newdigate were instructed to 'agree upon the Case concerning the pe[titi]on of the sd daughters sett out by their fathers late will'. The committee also provided their mother, Mrs Wilson, with a fifth part of her husband's estate for maintenance.<sup>167</sup>

In spite of the length of time between their initial request for his assistance and the referral, the ladies' faith in Bradshaw was ultimately rewarded. In appearance the Hills report is typical of the reports produced by Bradshaw's office. This is another example of a report not being written by either Bradshaw or Newdigate; it was again the work of a clerk. There is also evidence that Bradshaw continued his practice of reading through the reports carefully before signing them; there are two small additions to the text in his handwriting. Bradshaw also wrote the description of the document which has been attached to the back of the report.

Before coming to any conclusions about the case, Bradshaw obtained a copy of Dr Hills' will, which is five pages long and extremely detailed. His clerk summarised all of the relevant passages on the first side of the report, and the shorter second side was confined to the events following Dr Hills' death, and the judgement reached by Bradshaw and Newdigate. They confirmed that the three daughters were entitled to £400 each, and ordered the county committees of Cambridgeshire and Lincolnshire to give them the money out of the sequestered estates.<sup>168</sup>

A similar case of the appellant specifically requesting Bradshaw's help can be seen in the file concerning Robert Harvey, an Alderman from Chester. His case first

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<sup>166</sup> TNA SP 20/10/38, f. 102r.

<sup>167</sup> TNA SP 20/2, p. 222.

<sup>168</sup> TNA SP 20/10/38, ff. 103r:v.



appeared in the order books on 12<sup>th</sup> March 1646/7, but the central committee merely referred his petition to the Cheshire county committee and asked them to provide further information.<sup>169</sup> The Harvey case file is one of the most detailed of all the files, and includes a copy of the questions issued to the witnesses the Cheshire committee subsequently examined. They asked them eight questions, including how long they had known Harvey, where he had been living since the war began, whether he was in the army, whether they knew if his house at Eastgate had been burned down because he refused to be Mayor of Chester or one of the King's commissioners of array, whether he had lost land in Ireland during the war, whether his wife was preserving the goods of any Parliamentarians, whether she had helped Parliamentarian prisoners held by the Royalists in Chester Castle, and whether Harvey had provided any money in support of Parliament.<sup>170</sup>

Also included in the file is an account of the witnesses' answers, which they gave during a hearing in the city of Chester on 5<sup>th</sup> May. The witnesses were forty-nine year old officer Richard Snead, thirty year old Sarah Ashton, wife of beer brewer Thomas Ashton, thirty-six year old Mary Walker, wife of cloth worker Thomas Walker, sixty-six year old Alderman Charles Walley, thirty-four year old ironmonger Sampson Shelley, forty year old Dorothy Shelley, thirty year old John Harefinch, sixty-two year old Alderman Richard Leicester, and forty-five year old ironmonger Peter Leigh. Three days later two more witnesses were examined; fifty year old John Malbon, and sixty-eight year old Alderman Christopher Blease. None of the witnesses implicated Harvey in their testimonies; they each provided varying levels of detail, but they were all consistent. Harvey had lived in Chester for at least thirty years and was well known to all witnesses. He had a house in Watergate Street, where he had continued to reside after the war began. This house was burned down by order of the Lords Byron and Cholmondley; after soldiers had failed to ignite it they paid a man named Holmes forty shillings to set it alight. Harvey had been voted Mayor by the corporation of Chester but refused to accept the post, and had spoken against the Royalist cause. He was known to have harboured the goods of fellow Parliamentarians in his house for the purposes of safe-keeping, and almost all witnesses confirmed that his wife had provided food to Parliamentarian soldiers in Chester Castle.<sup>171</sup>

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<sup>169</sup> TNA SP 20/3, p. 196.

<sup>170</sup> TNA SP 20/13/71, f. 238r.

<sup>171</sup> *Ibid*, ff. 228r, 236r:v, 237r:v.

On 17<sup>th</sup> May Bradshaw's cousin, possibly by marriage, wrote to him from Chester. Unfortunately he identified himself with only the initials P. W., but he began the letter 'Good Cosen' and ended by sending 'my best respts to you & my good cosen your wife'. The document was addressed to 'the much honoured John Bradshaw Esqr Cheife Justice of Chester at his chamber in Grayes Inne London';

Mr Alderm Harvey the bearer hereof, had his busyness of sequestran referred by the Cotee of Lo: & Comons to the sequestrators here to exam & certefy, wch they have done, wherein hee hath requested mee hereby to desyr your favor according to the Justice of his cause, wch Iye canne desyir because most of my bookes & writings & some other goods were by his Connivency deposedet in his wives custedy who safely kept them & truly delivred them agayne unto mee.<sup>172</sup>

Based on the description of 'the bearer hereof' it can be concluded that Harvey had travelled from Chester to Westminster to present the witness statements to the central committee. Bradshaw's additional position of Chief Justice of Chester would have meant that he was well known to the corporation of that city, and although the tone of the letter suggests that Harvey did not know him personally, it is clear that he knew Bradshaw's support would be beneficial for his case. Harvey submitted his evidence to the committee on 28<sup>th</sup> May, along with another petition requesting that 'it may be referred to Mr Bradshaw'.<sup>173</sup> The referral was made on 7<sup>th</sup> July,<sup>174</sup> but over six months passed before a hearing date was set. This is one of the many cases where Bradshaw's report has been lost, so it is unclear exactly what he recommended, but judging by the events of the hearing it can be concluded that he was sympathetic. On 2<sup>nd</sup> February, after 'heareinge of Councell on both sides' the committee decided that Harvey was not guilty of contributing to the Royalist cause and that he and his wife had done 'many services ... to the Parlts frends'. Unfortunately, during the hearing Harvey admitted that 'hee had taken some of the Kinges Oathes agt the plt' and consequently 'hee is within the ordnce for seqn', even though the Royalists had burned his house to the ground. In consideration of this the committee ordered 'that his case be presented to the Consideration of both houses as a fitt object fore their favour'. Serjeant Wilde was requested to present the case to the Commons, and Dudley North was the messenger to the Lords.<sup>175</sup>

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<sup>172</sup> TNA SP 20/13/71, f. 237r.

<sup>173</sup> Ibid, f. 233r.

<sup>174</sup> TNA SP 20/3, p. 337.

<sup>175</sup> TNA SP 20/4, p. 200.

On 22<sup>nd</sup> February the matter was presented to the Lords, and they agreed to recommend a ‘favourable Discharge’.<sup>176</sup> The House of Commons discussed his case on 17<sup>th</sup> March and do not appear to have offered any objections.<sup>177</sup> On 2<sup>nd</sup> August an order to discharge his sequestration was made, on condition that he pay one hundred marks to Parliamentarian Colonel Nicholas Devereux as part of a debt of over £5,000 that Harvey owed to him; after which he would be ‘absolutely discharged of any Delinquency wherewith he is charged; and of and from all Sequestrations, Fines, Payment, and Compositions, for and concerning the same’.<sup>178</sup> The House of Lords agreed to these terms on the 7<sup>th</sup> of that month.<sup>179</sup> However, a week later Devereux petitioned the committee to state that Harvey ‘refuses to pay’, and requested that he be ‘shortlie restrained under saffe custodie untill hee shall [pay]’.<sup>180</sup> The final reference to Harvey’s case in the order books came the following day, on 16<sup>th</sup> August, when the committee decided that the order to discharge his sequestration should be cancelled, and the money owed to Devereux would be paid using Harvey’s sequestered property instead.<sup>181</sup> He had destroyed his chances of being discharged by refusing to pay. There is no evidence that Bradshaw interceded in the case at all in 1648, but even if he had attempted to there was little he would have been able to do in the face of a blatant refusal to obey an order from Parliament.

In addition to cases from individual appellants, Bradshaw was also responsible for resolving some of the disputes or appeals from county committees. On 19<sup>th</sup> September 1645 it was recorded that he had produced a report upon the request of the Kent committee concerning delinquents in that county. Unfortunately this report has not survived so it is unclear exactly what the committee was requesting, but the central committee ‘doth agree in opinion wth the sd Report’.<sup>182</sup> In January 1645/6 he was asked to investigate a complaint made by Luke Voyce, one of the Cambridgeshire sequestrators, and a similar referral was made in April concerning the Huntingdonshire committee.<sup>183</sup> On 29<sup>th</sup> September of that year ongoing disputes between Isaac Floyd, a Bedfordshire sequestrator, and two men – Matthew Billing, a scrivener of Paternoster Row, and Edward Bowes of Bedfordshire – were referred to Bradshaw, and all three men were ‘required to attend Mr Bradsh’ so he could

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<sup>176</sup> HLJ, Vol 10, 22<sup>nd</sup> February 1647/8, p. 73.

<sup>177</sup> HCJ, Vol 5, 17<sup>th</sup> March 1647/8, p. 503.

<sup>178</sup> *Ibid*, 2<sup>nd</sup> August 1648, p. 658.

<sup>179</sup> HLJ, Vol 10, 7<sup>th</sup> August 1648, p. 422.

<sup>180</sup> TNA SP 20/13/71, f. 230r.

<sup>181</sup> TNA SP 20/5, p. 224.

<sup>182</sup> TNA SP 20/1, p. 1001.

<sup>183</sup> TNA SP 20/2, pp. 104, 267.

conduct a thorough examination.<sup>184</sup> Just over a week later he was asked to investigate a dispute between Sussex sequestrator Mr Boughton and the Committee of Accounts.<sup>185</sup> On 4<sup>th</sup> December 1646 Thomas Burton, one of the London sequestrators, was referred to Bradshaw,<sup>186</sup> as was North Riding Yorkshire sequestrator William Barrett, who appears to have been trying to establish his right to some land.<sup>187</sup>

The influence of Bradshaw's opinion amongst county committee members is visible in the surviving Bedfordshire papers. There are two examples of his name appearing in orders Sir William Boteler wrote for his sequestrators.<sup>188</sup> The first was written on 1<sup>st</sup> May 1647 concerning Sir George Blundell's discharge, and stated that the Bedfordshire committee had received a certificate from the central committee confirming there was insufficient evidence to continue the sequestration of his estate, and that this was corroborated 'alsoe by the Report of Mr Bradshawes thereupon'.<sup>189</sup> The second instance occurred five months later, on 6<sup>th</sup> October 1647, when Boteler produced an order for Captain Smith to pay Richard Conquest junior £30, which he had previously refused to do. Conquest had taken his complaint to the central committee, who ordered the payment on 9<sup>th</sup> July after reading 'sevrall Reports of Mr Bradshawe of the 7<sup>th</sup> of Aprill 1647 & of the 9<sup>th</sup> of July aforesayd'.<sup>190</sup> These references to his reports does not necessarily mean that those documents had been copied or forwarded to Bedfordshire. The central committee's practice was for an order signed by Serjeant Wilde to be sent to the county committee involved in each case, summarising their own investigation and providing instructions. This letter would have stated that Bradshaw had produced two reports and had decided that Conquest was entitled to the money he was claiming.<sup>191</sup> There is no evidence to suggest that the central committee forwarded all relevant documentation back to the county committees. It is more likely that Boteler used Bradshaw's name to add weight to his, and deter those who might otherwise challenge the decision.

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<sup>184</sup> TNA SP 20/2, pp. 315, 317.

<sup>185</sup> *Ibid*, p. 323.

<sup>186</sup> TNA SP 20/3, p. 8.

<sup>187</sup> *Ibid*, p. 15.

<sup>188</sup> Boteler was the de facto head of the Bedfordshire county committee.

<sup>189</sup> BARS TW973.

<sup>190</sup> BARS TW980.

<sup>191</sup> Corresponding references to Bradshaw's two reports in April and July 1647 can be found in TNA SP 20/3, pp. 245, 354.

There is also evidence that Bradshaw was investigating at least four of his peers at Gray's Inn. Francis Cowper noted the divided allegiances of Gray's Inn lawyers during the war;

When the Great Rebellion surrendered the loyalty of England, Gray's Inn stood a house divided against itself. If it gave the insurgent Parliament generals to command its armies in the field and a judge to doom the King to death, it gave the Royalist cause no less in courage and devotion, in council and in the field, and to Charles it gave the friend who stood beside him in Whitehall in the very shadow of the axe.<sup>192</sup>

On 18<sup>th</sup> June 1644 the House of Commons had issued an order for all MPs who were also members of the Inns of Court to meet with the Benchers of the inns 'to prepare an ordinance for the disposing of the Chambers in the Inns of Court belonging to such as are delinquents'. The revenues raised from the sale of their property should 'bee employed for the maintenance of the ministers and officers belonging to the severall Inns of Court', and the Benchers were also authorised to eject any lawyers they suspected of delinquency.<sup>193</sup>

Examples of delinquent lawyers specifically from Gray's Inn include Thomas Cooke and his wife Jane, who buried £100 worth of plate and then went to Oxford, Thomas Broome who likewise went to Oxford and was present at the city's surrender, Francis Lovelace who was described as 'very active against Parliament', and Mark Shaftoe, who was also the Recorder of Newcastle.<sup>194</sup> Shaftoe's case is something of an anomaly, and a potential reason for this is that Bradshaw knew him personally. The two were called to the Bar on the same day, 23<sup>rd</sup> April 1627, and were both also created Ancients on 24<sup>th</sup> November 1645. The papers preserved by the Committee for the Advance of Money reveal that Shaftoe had lived in the enemy's quarters at the beginning of the war, and had refused to commit to supporting Parliament. He was described as the 'chief adviser' of a plot against Parliament in Sunderland, and had resisted arrest. He was convicted of delinquency in 1645, but was not sequestered,<sup>195</sup> and his name never appeared in the central committee's order books. His appointment as an Ancient of Gray's Inn on 24<sup>th</sup> November 1645 was followed just under three weeks later with his payment of £20, a token 'to show his affection

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<sup>192</sup> Cowper, *Portrait of Gray's Inn*, p. 61.

<sup>193</sup> Fletcher, *Gray's Inn*, p. 350.

<sup>194</sup> Mary Anne Everett Green (Editor), *Calendar, Committee For the Advance of Money: Part 2* (London: HM Stationery Office, 1888), pp. 693-7, 740-42, 889-94; hereafter Green, *Advance of Money*.

<sup>195</sup> He was later briefly sequestered in 1651 but secured a discharge within two months.

to Parliament'.<sup>196</sup> It seems somewhat suspicious that a man who had been convicted of delinquency would secure the position of Ancient, so it must be speculated whether Bradshaw intervened and convinced the Board at Gray's Inn to overlook his friend's misdemeanours.

In other cases there is more tangible evidence of Bradshaw's involvement. William Ward was called to the Bar on 5<sup>th</sup> February 1616/7, to the Grand Company on 4<sup>th</sup> May 1632, and was elected as a Reader on 24<sup>th</sup> May 1639.<sup>197</sup> The first reference to his case in the order books was on 6<sup>th</sup> August 1645, when a petition he had submitted was referred straight to Bradshaw.<sup>198</sup> On 15<sup>th</sup> April he petitioned again, and a request for further information about why he was sequestered was sent to the Lincolnshire county committee. The following month it was ordered that his witnesses should be examined in Westminster 'viva voce' and that 'hee nor any for him see the Depositions taken in the Cause before the sd witnesses bee examined by this Cotee'. The implication is that they were afraid his legal knowledge would give him an advantage if he were able to see the documents before the hearing.

A date for the hearing took several months to be confirmed. On 12<sup>th</sup> August it was set for the following week, and Bradshaw was requested to 'p[er]use the depositions & Certificates in the meane tyme'. Whether the August hearing took place or not is unclear, because on 23<sup>rd</sup> February it was ordered that 'the Cause of Wm Ward of Grayes Inn esqr bee heard ... on Wednesday next', and Bradshaw was asked to 'bee ready'. A similar order was given again on 18<sup>th</sup> March, and finally on 9<sup>th</sup> April 1647 a decision was made. 'Upon reading of the Certificates & proofes' sent from the Lincolnshire county committee, and the examination 'of sevrall witnesses ... for his defense by Jo Br esqr' and 'heareing of councell on both sides' the central committee ordered that his sequestration should be discharged, and 'restitution bee made him of wt hath beene taken from him by force of the seqn'.<sup>199</sup> None of the surviving documents explain why Ward was sequestered, but it is clear from the final entry that Bradshaw was defending him and therefore must have been confident in his innocence.

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<sup>196</sup> Green, *Advance of Money*, pp. 649-67.

<sup>197</sup> Fletcher, *Gray's Inn*, pp. 224, 310, 334.

<sup>198</sup> TNA SP 20/1, p. 928.

<sup>199</sup> TNA SP 20/2, pp. 275, 320, 466; SP 20/3, pp. 146, 214, 240.

A second case concerning one of his Gray's Inn colleagues was that of Daniel Thelwall. The Pension Book of Gray's Inn only contains one specific reference to him, and recorded that he was published as a barrister on 17<sup>th</sup> June 1659.<sup>200</sup> The surname Thelwall was a common one in the book and there appears to have been a strong family presence at the Inn since the early 17<sup>th</sup> century. On 29<sup>th</sup> September 1645 Thelwall was given a hearing date for the following week, but on 7<sup>th</sup> November the date was again scheduled for the following week, with the request that 'Sr Henry Mildemay, one of the Members of the house of Comons service for the County of Essex bee then desired to be present'. On 10<sup>th</sup> December the central committee ordered the Essex county committee to certify the reason for his sequestration 'wth Convenient speed', and another hearing date was set for early February, with the proviso that 'if noe further cause be shewed by that tyme then the seqn to be dischardged'.<sup>201</sup>

An entry in the order book on 6<sup>th</sup> February 1645/6 reveals that a detailed hearing had finally taken place, and the accusations against Thelwall were entered in full. The Committee of Safety had sent a troop of horse to collect Thelwall from his home, but he 'broake away & went from his habitation in Essex into Flintsheire in Wales beeing then wthin the Enimies Quarters'. He claimed that he had been living in Mole with his sister, Mrs Edwards, since January 1642/3, and that the area had passed between Parliamentarian and Royalist control during that time. He was also accused of having 'spoken fowle words agt the parlt', although it was not possible to summon witnesses to testify to this because they were serving in Fairfax's army. A second hearing was set for nine weeks later to enable them to be contacted.<sup>202</sup>

On 24<sup>th</sup> April the evidence was examined again, but the only conclusion was that another hearing was necessary, and that in the meantime his sequestration should stand. However, no specific time frame was recorded and the next reference to the case was seven months later, on 24<sup>th</sup> November, when he was referred to Bradshaw. On 20<sup>th</sup> January the following year a hearing date was set, and 'Mr Br' was 'desired then to report' on the case.<sup>203</sup> However, a later report from the House of Commons reveals that 'no Witnesses were ever examined upon Oath' and the committee was not able to secure definitive proof against him. He successfully petitioned to

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<sup>200</sup> Fletcher, *Gray's Inn*, p. 429.

<sup>201</sup> TNA SP 20/1, pp. 1019, 1084; SP 20/2, pp. 44, 134.

<sup>202</sup> TNA SP 20/2, pp. 154-5.

<sup>203</sup> *Ibid*, pp. 294, 617; SP 20/3, p. 108.

compound for his estate, and his fine was set at £540. Finally, on 21<sup>st</sup> November 1646 an ordinance was passed in the House of Commons to discharge his sequestration.<sup>204</sup>

Francis Theobald was one of twenty-six men who were called to the Bar on 11<sup>th</sup> February 1645/6 and issued with the warning that ‘if heereafter it appeare that any of them have beene in any service against the Parliment ther call is voyd and they are not to bee sworne’. In the summer of 1648 he rejected an attempt to elect him as a Reader and was fined one hundred marks by the board.<sup>205</sup> His interactions with the central committee began on 2<sup>nd</sup> December 1646 when he petitioned about a debt he was owed, and the matter was referred to Bradshaw. On 12<sup>th</sup> May 1647 his report was presented, and he had concluded that Theobald should either be paid the full amount of money owed to him or be given a proportional amount of sequestered land until it was satisfied. Neither of these two entries in the order books stated the name of the debtor, but fortunately the Bedfordshire minutes reveal that it was Richard Conquest of Houghton Conquest.<sup>206</sup>

Theobald’s name appeared in the order books again the following year, but not in a positive light. Bradshaw had requested a discussion of his case after reading a petition from one of the Bedfordshire sequestrators, who stated that the county committee had ‘offred unto the said Mr Theobald the sume of 62l 10s’ as interest on the £200 he was owed by Richard Conquest. Theobald, however, ‘not only refused to accept of [it] but to the great preiudice of the state hath interrupted the Ten[an]ts in their poss[ess]ion by Collour of a lease of ejectm[en]t’. The central committee ordered Bedfordshire to ignore the ejection and ‘setle & quiet the sd Tents’, and told Theobald to either accept the £62 or appear before them to explain why he rejected it. A further hearing date was initially set for 27<sup>th</sup> June, but it was postponed until the middle of August. Finally, on the 18<sup>th</sup> of that month Theobald and the Bedfordshire committee were ordered to privately ‘agree if they can’.<sup>207</sup> There are no subsequent entries about him in the order books so it seems likely that they were able to reach a settlement. Unfortunately the Bedfordshire minutes do not survive for 1648 so any discussions about the case recorded there have been lost.

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<sup>204</sup> HCJ, Vol 6, 11<sup>th</sup> September 1648, p. 17; Vol 4, 21<sup>st</sup> November 1646, p. 727.

<sup>205</sup> Fletcher, *Gray’s Inn*, pp. 357, 368.

<sup>206</sup> TNA SP 20/3, pp. 4, 282, 284; BARS TW895, f. 17r.

<sup>207</sup> TNA SP 20/5, pp. 92-3, 138, 214, 241.



The final recorded instance in the order books of Bradshaw's involvement in a case concerning a fellow Gray's Inn lawyer began on 2<sup>nd</sup> December 1646, and it was by far the shortest of all of them. Bernard Lyford had been called to the Bar on 1<sup>st</sup> June 1641 but does not appear to have progressed higher up the hierarchy of Gray's Inn.<sup>208</sup> His first petition was immediately referred to Bradshaw, who was asked to report the state of the case 'as soone as hee may', but he did not submit his analysis until 2<sup>nd</sup> August 1647. His report revealed that this was also a case of debt concerning the Bedfordshire county committee, and once again recommended that Lyford either be paid the £310 he was owed or be given a proportional amount of land 'till hee bee satisfied according to Lawe'.<sup>209</sup> No further references to the case appear in the order books, so it can be assumed that, unlike Theobald, Lyford was willing to accept his money from the Bedfordshire county committee.

### **Legal Advisers during the Interregnum**

Cases were referred to Bradshaw for the final time on 3<sup>rd</sup> January 1649, which was also the final time the committee sat before the execution of Charles I. One week later, Bradshaw was appointed as Lord President of the Trial, and the rest is history. The sequestration committee sat for the final time on 18<sup>th</sup> March 1649, and shortly afterwards it was abolished. Its functions were absorbed by the Barons of the Exchequer Court of Appeals, and they relied on the Attorney General and William Steele for legal advice.

However, the Committee for Compounding retained separate counsel, and these lawyers largely imitated the way Bradshaw had dealt with cases. The role was split between two lawyers. The first was John Reading, a counsellor-at-law at the Inner Temple. He was appointed as legal counsel to the Committee for Compounding on 12<sup>th</sup> October 1647 with a salary of £5 per week.<sup>210</sup> The second lawyer was Peter Brereton of Gray's Inn. He had been called to the Bar on 24<sup>th</sup> June 1628, the same day as Richard Newdigate who has already been highlighted as working alongside Bradshaw. Brereton was called to the Grand Company at Gray's Inn on 24<sup>th</sup> November 1645.<sup>211</sup> He also had the good fortune to be Bradshaw's cousin; nepotism is a wonderful thing. Brereton was appointed as a legal counsel to the Committee for

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<sup>208</sup> Fletcher, *Gray's Inn*, p. 342.

<sup>209</sup> TNA SP 20/3, pp. 9, 607.

<sup>210</sup> Mary Anne Everett Green, *Calendar, Committee for Compounding: Part 1* (London: HM Stationery Office, 1889), pp. 71-3; hereafter Green, *Compounding: Part 1*.

<sup>211</sup> Fletcher, *Gray's Inn*, pp. 283, 354.

Compounding on 7<sup>th</sup> May 1650, and a note in the committee's files from March 1653 reveals he was receiving the same £5 per week salary as Reading.<sup>212</sup> Oddly both men received a higher salary for their work than Bradshaw had.

The two men were responsible for reading through sequestration appeals and producing reports about them, just as their predecessor had done. Indeed, many of Bradshaw's reports would have passed through the hands of the Committee for Compounding when delinquents tried to get their estates discharged, so it seems highly likely that Reading and Brereton used them as templates for their own documents.

Peter Brereton would have had the advantage by being at Gray's Inn. It seems probable that he knew what work his cousin was doing for the sequestration committee in the 1640s, and he probably helped him. In the 1650s Brereton was also able to take advantage of the presence of Rice Vaughan, and his continued guardianship of the central committee's order books. Brereton would have been able to consult either Vaughan or the books directly to research the background to the cases he was working on, a distinct advantage in such complicated legal matters.

Even after he became President of the Council of State, with an office in Whitehall, Bradshaw still kept an eye on the world of sequestration, and politicians and the people alike were still approaching him to ask for help. One example of this is a letter written by Oliver Cromwell on 25<sup>th</sup> November 1650, while he was on campaign in Edinburgh. He pleaded the case of Henry Roote, minister of Sowerby, about four miles south of Halifax in Yorkshire. Roote had been brought to Cromwell's attention 'by some honest men in the Army' who testified that he was 'a godly honest man & faithfull & dilligent in his calling'. However, 'having a congregated Church consisting of poore people', he had 'nothing but what they freely give him which is but a very small subsistance'. Cromwell asked Bradshaw to use his connections to procure financial support for the encouragement and livelihood of Mr Roote, and he closed with the sentence,

My Lord, I know the worke it selfe is motive enough to p[re]vaile with your Lo[rdshi]pp, yet give me leave to say that thereby you will further add to the many obliga[tions] laid upon, My Lord, your most humble servant, Oliver Cromwell.

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<sup>212</sup> Green, *Compounding: Part 1*, pp. 207-42, 631-4.

Bradshaw judged this letter to be important enough to forward on himself, rather than getting a clerk to write on his behalf, although it did take him a month and a half to do so. At the bottom of the page he wrote a note to the Committee for Compounding, who he described as his ‘worthy friends’. He’d decided that financial support for Mr Roote should be paid out of the sequestration coffers.

Gentlemen, I desire you to peruse this [letter] & to make use of your power entrusted to you by [Parliament] for settling some subsistence & an Enco[u]ragem[en]t on behalf of this Mr Roote who is a p[er]son well knowne to be verie deserving & such I am very Confydent you will have an Eye to in the management of the Trust comytted to you. I presume my Lord Deyncourts Estate will furnysh you for this occasion which I understand is not farre remote from the place where this honest Mynister resydes. I rest your assured friend to serve you, John Bradshaw.<sup>213</sup>

Bradshaw knew, or took the trouble to find out, which sequestered estate was nearby. It’s possible he had consulted Vaughan or Brereton at Gray’s Inn about this, or he may have deliberately kept himself informed about which cases were being dealt with. After dedicating four years of his life to sequestration, it isn’t surprising that his involvement didn’t stop, even though he was no longer officially affiliated with the process.

Bradshaw was still exerting his influence the following year, and wrote a letter to his ‘Cousen Peter Brereton Esq at Graies Inne’ on 9<sup>th</sup> July 1651. Mr Broom, one of the sequestrators in Shropshire, ‘is lately dead’, and Bradshaw recommended that Mr Mosely, ‘a person known to you and mee to bee a person very deserving and sufficient’ should be appointed in Broom’s place. At the bottom of the document a note was added from Brereton’s office for ‘A commission to be made for Mr Mosely’, so he was clearly following his cousin’s instructions.

Bradshaw’s continued involvement in sequestration cases during the Interregnum, and the significance of the contribution of Brereton and Reading, offers a rich avenue for further research. Their reports have survived in the Committee for Compounding’s papers in higher quantities than Bradshaw’s have, and those documents will be an invaluable source of information about the extent to which sequestration and composition policy during the Interregnum was based on legal

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<sup>213</sup> TNA SP 23/114, f. 223r.

precedent and advice, and to what extent the successive governments altered the legislation to suit their own needs.

John Bradshaw died at his Westminster home on 31<sup>st</sup> October 1659, aged 56. The Independent minister John Rowe preached his funeral service,<sup>214</sup> and his burial took place in Westminster Abbey, although Charles II decided to provide him with an alternative resting place in 1660. An account of his funeral was published in *Mercurius Politicus* in November 1659, and it revealed that the first three pallbearers were John Wilde, William Steele, and Richard Newdigate – his former colleagues from the Committee for Sequestration. The connections and friendships he made whilst working for the committee stayed with him until his final breath.

An hour was too narrow a compass of time, to comprise the Memorials of him, whose services for this Commonwealth are of themselves sufficient to make a compleat and noble History.<sup>215</sup>

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<sup>214</sup> Campbell and Corns, *John Milton*, p. 314.

<sup>215</sup> *Mercurius Politicus*, (London: 17<sup>th</sup>-24<sup>th</sup> November 1659 edition); EEBO Thomason 118:E:773[13], p. 907.

## Chapter 4 – The County Sequestration Committees

Gerald Aylmer noted that ‘Much of Parliament’s war effort was organised on a local, and more specifically on a county and regional basis ... composed of MPs and other local supporters to do particular work in particular localities’.<sup>1</sup> The seventy sequestration committees established through the 27<sup>th</sup> March 1643 ordinance follow this trend. Although the central committee was the main body and answered directly to Parliament, the remaining sixty-nine committees were county based, established to oversee and enforce sequestrations at a regional level. Initially a total of 753 Parliamentarians were appointed to sit on these committees; membership usually included MPs, deputy lieutenants, High Sheriffs, members of the local gentry, private gentleman and often wealthier tradesmen. They relied on local knowledge of delinquent families to decide who should be targeted. The list of 753 sequestrators is a fascinating document in its own right, and it contains the names of men who would soon become key supporters of the Parliamentary cause; in fact, twenty of the fifty-nine future regicides were appointed to county committees. Oliver Cromwell was a member of the Cambridge, Cambridgeshire, and Huntingdonshire committees, and as noted in Chapter 3 John Bradshaw was appointed as a member of the Cheshire committee. Over the years membership of the various committees fluctuated; some people rarely attended meetings, others became actively involved in the war effort elsewhere in the country, and new members were appointed by Parliament. Additionally, the creation of sub-committees in larger counties<sup>2</sup> meant that by the end of the war there were far more than sixty-nine county committees, but unfortunately the exact number is currently unclear because they are difficult to identify in the surviving records.

The functions of the central and county committees varied. The central committee was concerned with ensuring that the guidelines provided to the county committees were realistic and enforceable, but the majority of their business became the examination of appeals against sequestration submitted to them in their thousands from across the country. Closer attention has already been paid to the database of appellants in Chapter 2. The county committees were responsible for ensuring that

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<sup>1</sup> Aylmer, *State’s Servants*, p. 10.

<sup>2</sup> An exception to this is the county of Yorkshire, which was given three county committees for the North, East, and West Ridings in the March 1643 ordinance, in addition to separate committees covering the cities of York and Kingston upon Hull. However, as stated in Chapter 2, the central committee’s order books rarely specify which Riding appeals came from; they simply recorded them as Yorkshire.

sequestration raids took place, that property was sold, and that the revenues of estates were successfully collected for the Parliamentary war effort.

In April 1643, within days of the sequestration ordinance being passed, the central committee ordered the publication of a set of thirteen instructions for sequestrators. The first edition was printed on 11<sup>th</sup> April for Edward Husbands, and sold at his shop in the Middle Temple. It appears to have been available for general purchase and quickly sold out, as a second edition was printed on 19<sup>th</sup> June.<sup>3</sup> The text of the two editions does not vary at all, and the same typeface was used, but the banner decoration at the top of the first page was different. Knowledge of the process of sequestration would have been necessary not only for the county sequestrators, but also for those liable to be sequestered, and their lawyers. The sequestration ordinance itself was also displayed in every market place to ensure provincial residents were fully aware of the dangers they faced by supporting the King.

Edward Husbands was a stationer who was well known to Parliament, and he had been printing pamphlets on their instructions since 1642. Indeed, Early English Books Online contains over two hundred documents containing the words ‘Printed by Edward Husbands’ between 1642 and 1644. Evidence from the journals of the House of Commons suggests that the print run for the sequestration ordinance could have been multiple thousands of copies, which makes the second print run just over two months after the first even more significant. On 14<sup>th</sup> March 1644/5 Husbands was paid £12 for printing 2,000 copies of an ordinance to raise money for Fairfax’s army. On 30<sup>th</sup> August 1648 he was instructed to print six thousand copies of an ordinance against blasphemy and heresy, and was also granted £500 in payment of Parliament’s debt to him ‘for divers ordinances ... which the said Edward Husbands hath, by Order of the House of Commons, printed for the Publick Service of the Kingdom’.<sup>4</sup>

The county committees were instructed,

... to take and seize into their hands and custodies ... all the Money, Goods, Chattels, Debts, and personal Estate, ... Mannors, Lands, Tenements, and Hereditaments, Rents, Arrerages of Rents, Revenues, and profits of all and every the said Delinquents ... [and] to cause an appraisement thereof to be made by indifferent persons and a true Inventory thereof to be taken, and to

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<sup>3</sup> See EEBO Wing (2<sup>nd</sup> ed) / E1588 and E1588B.

<sup>4</sup> HCJ, Vol 4, 14<sup>th</sup> March 1644/5, p. 78; Vol 5, 30<sup>th</sup> August 1648, p. 692.

convey the same Goods into some safe place, or places within the County or elsewhere to be kept untill they may conveniently be sold at as great Rates as you can, with all convenient expedition.<sup>5</sup>

Catholics would forfeit two thirds of their property, but those convicted of delinquency would lose everything. After a sequestration raid had taken place the delinquent had ten days to lodge a formal appeal with either their county committee or the central committee. If they missed the ten day deadline the county committees were allowed to proceed with the sale of their property. Sales were usually by auction, and were held in the local market place as a deliberate act of humiliation.

This chapter will examine the county committees in some detail, and explore how they and their sequestrators functioned at a day to day level, as well as how a sequestration raid was actually carried out. It will also examine how involved Parliament and the central committee were in the governance of the county committees, particularly when disputes or allegations of corruption arose. This is demonstrated in the case study of Anthony Wither, a sequestrator from Westminster, in Chapter 5.

### **Historiography**

A considerable body of work has been done in recent years concerning the administration of local government during the English Civil War, with historians focussing on either a specific town or a specific county for their studies.

Cynthia Herrup has raised some extremely important points concerning the study of 17<sup>th</sup> century local government. Even though she focussed largely on the decades leading up to the Civil War, the questions she posed can be applied with equal importance to the 1640s. She began by noting that a ‘proliferation of county studies ... has altered our awareness of the importance of the world beyond Westminster and Whitehall’, but that this has simultaneously ‘confounded our understanding’ of the war by introducing economic and social, as well as political, factors. Herrup asked, ‘Did the heart of governance rest in Parliament, or can the Civil War best be comprehended by studying politics outside Westminster and by including the political lives of men other than the shire gentry?’. She argued that historians ‘need to look closely at the mechanisms of interaction between Westminster and the

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<sup>5</sup> TNA SP 20/1, pp. 2-4.

localities where aristocrats, gentry and men of lesser property routinely worked together to execute numerous tasks defined in the capital', describing this 'fluid functional partnership' as 'the system of governance in motion'.<sup>6</sup> This chapter will attempt to do exactly that, and will provide new information about interactions between central and local governments concerning sequestrations throughout the war. Enforcing sequestrations without the cooperation of county committees and local officials would have been impossible, so studying the communication between the groups is a vital element of understanding the policy as a whole.

In spite of his abandonment of a complete overview of sequestration, the policy has been alluded to by John Morrill. After summarising a printed debate which had taken place in the 1970s between C. B. Phillips, J. T. Cliffe, and Malcolm Wanklyn concerning the Yorkshire county committee and its undervaluation of delinquents' estates when they were in composition, Morrill concluded that 'There is nothing in my experience of the partiality, overburdened life and chaotic record-keeping of county committees to make me believe that the system would be well administered'. However, he acknowledged that the papers from Yorkshire cannot be taken as indicative of the entire country, and thus the 'issue is still open'.<sup>7</sup> Although inclusion of an in-depth comparison of the Bedfordshire and Lathe of St Augustine county committees was originally planned, it was not possible to include it here. However, continuing to develop that piece of research in future would provide a useful comparison to Morrill's claims about the Yorkshire committee.

Morrill also studied sequestration in Cheshire, which he described as 'The most complex and involved of all Parliament's attempts to raise money', and 'The general impression is one of conscientiousness marred by a lack of precision and over-all control'. He noted that the men appointed to the county committee through the 27<sup>th</sup> March 1643 ordinance were replaced a year later due to 'neglect shown by this first committee'. The new committee members were all 'officers or civilians linked with [Sir William] Brereton', but this administration was also replaced 'Within a few weeks', and local sequestration committees were set up in each hundred to oversee the policy.

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<sup>6</sup> Cynthia Herrup, 'The Counties and the Country: Some Thoughts on Seventeenth-Century Historiography' in *Social History*, Vol 8, No 2 (May 1983), pp. 169-81 (pp. 169-71); hereafter Herrup, 'The Counties and the Country'.

<sup>7</sup> John Morrill, *The Nature of the English Revolution*, 2<sup>nd</sup> edn (London: Longman Group UK Ltd, 1994), pp. 200-1.



Money raised through sequestration was described as ‘by far the most significant single form of revenue’, although he estimated that at least three-quarters of the money was ‘being disbursed at a hundredal or even manorial level’, with very little reaching the county treasurer and even less being returned to the Guildhall. According to the accounts of Job Murccot, a Cheshire sequestrator, £106,000 was raised through sequestration in Cheshire between 1643 and 1649, and Morrill described this estimate as ‘probably reliable’. Nevertheless, this money was insufficient to meet the needs of the county, and Morrill noted four payments totalling over £30,000 by Parliament to the county committee between March 1644 and September 1646. Composition fines paid by delinquents to the county committee mainly between April 1646 and July 1648 amounted to £84,336, but due to remittances for tax the amount collected was £61,293. Sequestered personal property was often ‘bought back either by the delinquents themselves or by friends acting on their behalf’, and he cited examples of real estate being leased to friends or relations of the sequestered landholders. The committee failed ‘to produce a level of profit from the estates to match that being made before the Civil War’, which Morrill attributed to the difficulty of leasing the estates to suitable tenants. He described the Cheshire sequestrators as ‘broadly sympathetic towards the interests of the deprived landowners’, but nevertheless ‘thorough in their attempts to raise money from delinquents’ estates’.<sup>8</sup>

Morrill also highlighted the ‘recognition of the vitality and ruthlessness of a large number of men from minor gentry and non-gentry backgrounds and these men found themselves taking an increasingly prominent part’ in ‘administrative and executive posts’. He stated that ‘it just is not true that most towns were Parliamentary’, and cautioned against assuming that towns would be ‘more radical than county communities’.<sup>9</sup> If this is correct, it means that the operation of county communities and the duties of their officers would have been all the more complex.

Alan M. Everitt’s widely praised study of the Kent county committees<sup>10</sup> led Clive Holmes to pronounce him ‘the progenitor and leading exponent of the concept of

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<sup>8</sup> John Morrill, *Cheshire 1630-1660: County Government and Society During the English Revolution* (Oxford: Oxford University Press, 1974), pp. 86-78, 99, 105-6, 111-17, 206; hereafter Morrill, *Cheshire*.

<sup>9</sup> Morrill, *Reactions*, pp. 12, 14.

<sup>10</sup> Alan M. Everitt, ‘The County Committee of Kent in the Civil War’ in *Occasional Papers*, No 9 (Leicester: University of Leicester, 1957); hereafter Everitt, ‘County Committee of Kent’.

the “county community” in seventeenth-century England’.<sup>11</sup> Everitt described county committees as ‘other “parliaments” in England’ during the years 1642 to 1650, but that ‘their views did not necessarily coincide with those of Westminster’. He stated that ‘there were few convinced parliamentarians in Kent’, and that the committee members ‘tended to think in terms of the county rather than the nation’.

Everitt broke the county committees down into three categories; the general committee, the sequestration committee, and the accounts committee. However, throughout the text he refers generally to ‘the committee’ and it is often unclear exactly which one he meant. He argued that Kent was split into ten ‘lathal bodies’<sup>12</sup> because the county was too large to be administered as a whole, but stated that there were ‘eleven lathal bodies’ to oversee sequestration. It is unclear where his evidence for this claim came from, and he did not provide a footnote with supporting references. A possible explanation for the figure of eleven was that he added the main Kent sequestration county committee to the pre-existing ten lathal district committees. The surviving evidence does suggest that the main Kent sequestration committee was supported by at least five sub-committees; those for Rochester, Canterbury, the Lathe of St Augustine, and the North and East divisions of Aylsford.<sup>13</sup> If more committees did exist, their papers have not survived.

An additional issue with his text is that he claimed there are ‘account books of the lathal sequestration committees’ in TNA SP 28/158.<sup>14</sup> The files in that series are all related to the finances of the county, primarily taxation. Brief and sporadic references to sequestration revenues can be found amongst the files,<sup>15</sup> and the only noteworthy item is one short account book of 1646 revenues produced by Mr Wolfe, a North Aylesford sequestrator, which was presented to the main Kent sequestration committee in January 1646/7.<sup>16</sup> Everitt’s implication that there is a large deposit of lathal sequestration account books is exaggerated. He also cited a list of ‘230

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<sup>11</sup> Clive Holmes, ‘The County Community in Stuart Historiography’ in *Journal of British Studies*, Vol 19, No 2 (Spring 1980), pp. 54-73 (p. 54); hereafter Holmes, ‘County Community’.

<sup>12</sup> These lathes were named in TNA SP 28/157/4, unfoliated document, ‘The accompt of Capt Richard Beale’; Scraye upper and lower, Sutton at Hone upper and lower, Shepway, Aylsford north, south, east, and west, St Augustine.

<sup>13</sup> The Rochester and Canterbury committees were established in the March 1643 ordinance; the Lathe of St Augustine papers are discussed at detail in this chapter; the North Division of Aylesford is referred to in TNA SP 28/158/4; the East Division of Aylesford is referred to in TNA SP 28/157/4.

<sup>14</sup> He also noted the documents in TNA SP 28/210B.

<sup>15</sup> An example of this is TNA SP 28/158/2, f. 469r.

<sup>16</sup> TNA SP 28/158/4, ff. 1r:28v.

compounders following the 1643 rebellion of Kent', which he stated was in SP 28/157, but this document could not be found.

Some of Everitt's claims concerning the implementation of sequestration can also be challenged. He stated that 'In effect the property of all delinquents was nationalized, without compensation, and all rents and profits were paid to the committee'. This does not take into account the fifth portion paid to the wives and children of delinquents as maintenance. He went on to argue that,

By ordinance "delinquents" included only papists and those attending or assisting the king, but the committee interpreted the latter category very broadly. There was little, indeed, in Kent which now lay outside their province, specifically or by implication, if they chose to exercise their powers to the full.

There are three points to argue against in this statement. The first was that the category of delinquent was restricted to those assisting the King. Chapters 1 and 2 have already demonstrated that the category of delinquent was deliberately expanded by Parliament to enable them to target as many people as possible. It was not a matter of interpretation; the legislation had been deliberately changed. The second point to question is his implication that targeting as many people as possible was a phenomenon exclusive to Kent. He does not refer to the central sequestration committee or the other county committees at all in his text. The third point, repeated from above, is that even though he argued that there were eleven sequestration committees in Kent, he appears to refer to them all under the blanket term of 'the committee' and does not distinguish between them.

Everitt also claimed that Parliament was 'uninfluenced by county rancours' and 'unaware of county problems', but the evidence of interaction between central and local committees in this chapter will present evidence to the contrary. He correctly noted, however, that membership of the main county committees, who oversaw matters such as taxation and billeting, overlapped with the membership of the sequestration county committees. He also estimated that the combined receipts from sequestration, composition, and sale raised approximately £350,000 in the county.<sup>17</sup>

D. H. Pennington and I. A. Roots' study of the Staffordshire county committee's surviving order book from 1643 to 1645 provides useful information about the

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<sup>17</sup>, Everitt, 'County Committee of Kent' pp. 7, 9-13, 19, 22, 35. .

implementation of the policy in that county. They noted that ‘the business of sequestration was one of the outstanding calls upon the attention of the Staffordshire Committee’, and ‘the money collected by the county Solicitors for Sequestrations was one of the Committee’s chief resources’; indeed, the committee’s treasurer noted in May 1645 that the sum raised to date had been £5,378. Pennington and Roots highlighted entries in the Staffordshire order book relating to the difficulties of collecting sequestered rents from tenants and noted that they ‘have see no evidence that this any more than other Staffordshire receipts found its way to Guildhall’, implying that sequestration money was distributed to support the military forces stationed within the county rather than being transferred to London as instructed in the ordinances. Sequestered estates were also a ‘special opportunity for acquiring supplies of many kinds’ for the maintenance of the army, particularly of harvestable crops, and iron and coal mines. The Staffordshire committee was described as willing to compound with local delinquents because ‘prominent delinquents were often the friends and kinsmen of parliamentarians’, and delinquents were willing to compound because ‘although they had to pay a price it was better than losing everything’. Pennington and Roots noted that the committee members were placed in a difficult position when it came to sequestration, because it was ‘one thing to assess and rate’ taxes, but ‘quite another to identify delinquents and to take over the entire running and revenues of their estates’, particularly when those being targeted were ‘friends, neighbours and kinsmen’. Nevertheless, they stated that ‘the Committee made a genuine attempt to secure what it thought to be in the interests of the County as a whole’, and there is little evidence in the order book that the committee members ‘individually or collectively were rapacious and vindictive’.<sup>18</sup>

David Underdown’s work on Somerset noted that the county committee’s ‘principal business’ during the Civil War was sequestration, and to enforce it they ‘employed a tribe of sequestration officials, of whom there were two or three in each hundred’. Underdown described sequestration and composition as ‘disasters for all but the most prosperous’, particularly when combined with wartime plunder ‘by friend and foe alike’, and he noted the necessity of selling land to pay composition fines. Most of the Somerset sequestrators ‘were men of some obscurity’ who had played little to no part in the administration of the county before the war. Underdown highlighted one particularly ruthless sequestrator, Edward Curll from Batcombe, who he

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<sup>18</sup> D. H. Pennington and I. A. Roots, *The Committee at Stafford 1643-1645* (Manchester: Manchester University Press, 1957), pp. xxxv-xl, xlv, xlv, lviii, lix.

accused of exploiting the estates under his control. While other sequestrators ‘tried to protect royalist friends or tenants’, Curll was unmoved and singlehandedly brought over £650 per year to the committee’s coffers. Curll continued his work as a sequestrator after the execution of Charles I, deliberately hunting those who had escaped sequestration during the war years, although Underdown noted that such convictions were often based on ‘very dubious evidence’. However, the abolition of the Somerset county committee in 1650 put a stop to his work.<sup>19</sup> The significance of Somerset as one of the counties producing the highest number of sequestration appeals in Figure 2.6 would make the county an important one for further study.

The revenue provided by sequestered estates in Sussex was described by Anthony Fletcher as ‘the means allowed by parliament to maintain the garrison of Chichester’, making the successful implementation of the policy essential for the stability of the county. Sussex, like Kent, was too large to be controlled by one committee. The main county committee was based in Lewes, but local committees across the county actively enforced sequestrations. Fletcher stated that the Lewes committee ‘delegated more responsibility to the local Committees than some of the other County Committees did’, and it particularly allowed ‘considerable discretion in sequestration business’. He also noted the role played by the Sussex MPs acting as go-betweens for the county committee and Parliament, describing them as ‘indefatigable in pushing forward parliamentary programmes’. The administration of sequestration in Sussex appears to have been badly organised, likely due to the necessity of sub-committees, but nevertheless in 1643 £9,500 was raised through sequestration in the Chichester area alone. However, the sale of property was ‘haphazard’ and undervalued, the sequestrators’ accounts were incomplete and inconsistent, and the main committee was ‘lenient to gentry involved in the royalist campaigns’. By 1650 the county was only producing £4,500 through sequestration revenues.

Fletcher speculated that many with Royalist sympathies in the county held back from actively supporting the monarch due to ‘Concern for the preservation of their estates’. Nevertheless, he noted the composition of eighty-one men, many of them clustered in the west of the county. Fletcher also noted that ‘it is undoubtedly the case that men were implicated on the flimsiest charges’, although did concede that it is difficult to determine how many men who retrospectively claimed they supported

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<sup>19</sup> David Underdown, *Somerset in the Civil War and Interregnum* (Great Britain: David & Charles (Holdings) Ltd, 1973), pp. 126-8, 159, 163-7. NB: Curll’s surname was recorded by Underdown with two ls; it is not a spelling error in this thesis.

the King under duress were telling the truth. Nevertheless, he believed that the sequestered Royalists and Catholics of Sussex were tenacious and financially resilient, and that ‘ultimately all of them’ were able to reclaim the land taken from them.<sup>20</sup>

R. C. Richardson highlighted the importance of towns in the governance of early modern England. He stated that they were ‘centres of administration and professional services’, and the presence of Assize and Quarter Sessions courts meant that there was a precedent of legal governance. The only difference caused by the Civil War was that ‘new administrative structures were imposed and new policies carried out’, but they relied on the pre-existing administrative centres and networks.<sup>21</sup> Ronald Hutton noted that county committees were not an exclusively Parliamentary phenomenon; the Royalist ‘war machine’ also relied on ‘a series of civilian county communities staffed by local gentry’, primarily for the purpose of ‘exploit[ing] the property of local Parliamentarians to meet the expenses of the war’.<sup>22</sup>

In his study of the government of York between 1640 and 1662 David Scott wrote that ‘Recruitment to high office came to be determined partly by partisan, national criteria, which in turn led to a tightening of the relationship between civic rulers and central government’, which is consistent with the patterns of appointment to county sequestration committees. Scott stated that, rather than demonstrably Royalist or Parliamentary sympathies, the driving force in York during the War was the Puritans, and they came to dominate civic politics. However, he did note instances of council members being removed from their posts for delinquency, and of the sequestration of clergy from their parishes, so there is evidence that the policy was being enforced.<sup>23</sup>

A. R. Warmington’s study of Gloucestershire revealed tensions between the sequestration committee and the main county committee, which had begun through resentment of ‘men of relatively low origin’ being appointed to positions of power, and which hindered the administration of the policy. The tension in Gloucestershire

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<sup>20</sup> Fletcher, *County Community*, pp. 278-9, 285-6, 325-7, 329-33; see p. 280 for a map plotting the compositions in Sussex.

<sup>21</sup> Richardson, *Town and Countryside*, pp. 5-9.

<sup>22</sup> Ronald Hutton, ‘The Royalist War Effort’ in Morrill (Editor), *Reactions*, pp. 51-66 (pp. 58-9). The introduction of the King’s own policy of sequestration was briefly explored in Young, *Implementation of Sequestration*, but no additional investigation into its administration will feature in this thesis.

<sup>23</sup> David Scott, ‘Politics and Government in York 1640-1662’ in Richardson (Editor), *Town and Countryside*, pp. 46-68 (pp. 47, 51, 54).

was exacerbated by disputes over accounts, and even the imprisonment of a sequestrator by the main committee for ‘his refusal to bring in his accounts for over a year or pay fines imposed for it’. Consequently, membership of the committees had a high turnover, with early members ‘falling by the wayside at an alarming rate’ by 1645. Warmington also considered the county sequestration committee ‘harsher than the parliamentary Sequestration Committee in deciding who was or was not a delinquent’, but noted that ‘as individuals, [committee members] often intervened to help a friend’. His analysis of sequestrators and the money raised through the policy was largely confined to the Interregnum years, but he noted that men appointed after the execution of Charles I ‘were certainly less likely to act for personal reasons’, although ‘We should not assume that the new commissioners were necessarily harsher’.<sup>24</sup>

Ann Hughes’ research on Coventry revealed that during the 17<sup>th</sup> century the town’s civic government was formed of ‘a distinctively and self-consciously urban and mercantile elite’, primarily drapers, dyers, and mercers. When war broke out in 1643 ‘the corporation as a whole sought, vainly, to offend neither side’, but ‘Amongst the broader population of the city, there was more support for Parliament’. Hughes stated that the town transformed ‘into a godly stronghold of zealous Parliamentarianism’, with regular sermons encouraging the citizens to fight ‘the Lord’s battles’. This zealotry was also present in its county committee, which she described as ‘militant and determined’, and unpopular with the Coventry corporation.<sup>25</sup>

Hughes’ work on Warwickshire more broadly addressed the issue of sequestration in that county. She noted that some Royalists ‘avoided sequestration and composition altogether through luck, repentance, influential relatives or bribery’, but nevertheless ‘a total of 90 out of the 288 county gentry gave some support to the king’, compared with forty-eight families who could be identified as actively Parliamentarian; the allegiance of the remaining families is unclear. However, she also emphasised the later claims of some Royalists ‘that they had helped the king only under pressure from a nearby royalist garrison or a powerful royalist leader’. Whether this was merely an attempt to mitigate their punishment, or whether there

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<sup>24</sup> A. R. Warmington, *Civil War, Interregnum and Restoration in Gloucestershire 1640-1672* (Suffolk: The Boydell Press, 1997), pp. 71-3, 83, 91-3, 106-13.

<sup>25</sup> Ann Hughes, ‘Coventry and the English Revolution’ in Richardson (Editor), *Town and Countyside*, pp. 69-99 (pp. 71-2, 78, 83).

was truth in it, will not be speculated upon here. Hughes studied the accounts created by Thomas Basnet, the Warwickshire committee's treasurer from 1643 onwards, as well as an order book kept by the committee between 1646 and 1649. Basnet's accounts record that £40,482 was raised through sequestrations between March 1643 and March 1650, with a further £18,000 collected by sequestrators between March 1650 and September 1652. She described the decisions made by the committee as 'scrupulously fair', and they had 'no desire to ruin their opponents'. Evidence from Basnet's accounts reveals that compositions were being arranged locally in Warwickshire in 1644 before the formal process had been established by Parliament, and 'By 1646-7 the vast majority of sequestered estates ... were let to the royalists themselves or their agents'. Hughes concluded that the committee's policy was to be 'harsh in the conviction of delinquents' during wartime, but 'more considerate in its leasing of estates'. She also noted that the revenue raised by sequestration was lower than expected, which led to allegations of fraud or undervaluation, but argued that the 'economic dislocation' of wartime and the difficulty of collecting sequestered rents from tenants 'were the real factors'.<sup>26</sup>

The overall sense in the existing historiography, therefore, is that county committees were generally fair in their enforcement of sequestrations. They did attempt to implement the policy at local level to raise money to support the Parliamentary campaign, but friendly feeling towards delinquents, often friends and family of the committee members themselves, led to some leniency when it came to leasing real estate or organising composition fines.

### **Committee Meetings**

The meeting places of county committees appears to have been left to their discretion. The varying detail in surviving documents from different committees makes it difficult to trace the locations of meetings, but those produced by the Bedfordshire and Lathe of St Augustine committees are a rich source. Although they both favoured holding their meetings in local inns, rather than in any pre-existing administrative buildings such as town halls or courts, a major difference between them was how mobile they were.

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<sup>26</sup> Ann Hughes, *Politics, Society and Civil War in Warwickshire, 1620-1660* (Cambridge: Cambridge University Press, 1987), pp. 159, 161-2, 172, 186, 191-3.



The Bedfordshire committee was based at the Swan Inn, which had been built on the edge of Bedford Castle's grounds on the north bank of the River Great Ouse. Apart from one anomalous meeting in Ampthill on 23<sup>rd</sup> July 1646, they rarely moved from their headquarters. They also had their post directed to the Swan, and presumably it would be held for them until their next meeting.<sup>27</sup> This implies a good relationship with the proprietor, no doubt aided by the ready availability of ale. The adjacent road was and remains the main route through the town. Bedford Castle was a 12<sup>th</sup> century structure which had largely fallen into ruin, but it was temporarily re-fortified when the Civil War broke out. Presumably the members of the committee would have been able to retreat up to the castle in the case of sudden attack. Indeed, when news reached them in May 1645 of the King's advance to Market Harborough, the committee members wrote to Newport Pagnell garrison asking whether 'they would spare some ammunition to the Mount at Bedford' in case the King advanced further.<sup>28</sup> Indeed, there is evidence that they were harassed, if not outright attacked, by Royalists; the first case they summarised in their account of 1643 and early 1644 sequestrations was that of Edward Russell Esq of Westbourne. After the valuation of the estate and the terms on which he held it, they wrote, 'This was all could be done that day in regard of the kings fforces surprised the Committee'.<sup>29</sup>

In comparison, the Lathe of St Augustine committee divided their time between a variety of locations covering most of east Kent, although there is a notable absence of meetings in the Isle of Thanet. Two of the locations for Lathe of St Augustine meetings were not recorded, but it is possible to trace sixty-five of them to specific towns or villages, and in some cases to specific buildings. The recorded locations can be seen mapped onto Figure 4.1 below, with minor exceptions; two locations are unknown, and four of the recorded meetings involved both representatives of the Lathe of St Augustine committee and the main Kent committee. As such meetings differ from the regular sub-committee meetings they do not feature in this map, which plots where the sub-committee met for their regular business.

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<sup>27</sup> BARS TW964, TW974, TW983.

<sup>28</sup> H. G. Tibbutt (Editor), *The Letter Books 1644-5 of Sir Samuel Luke, Parliamentary Governor of Newport Pagnell* (London: HM Stationery Office, 1963), pp. 548-9; hereafter Tibbutt, *Letter Books*.

<sup>29</sup> TNA SP 28/205/19, f. 3r.

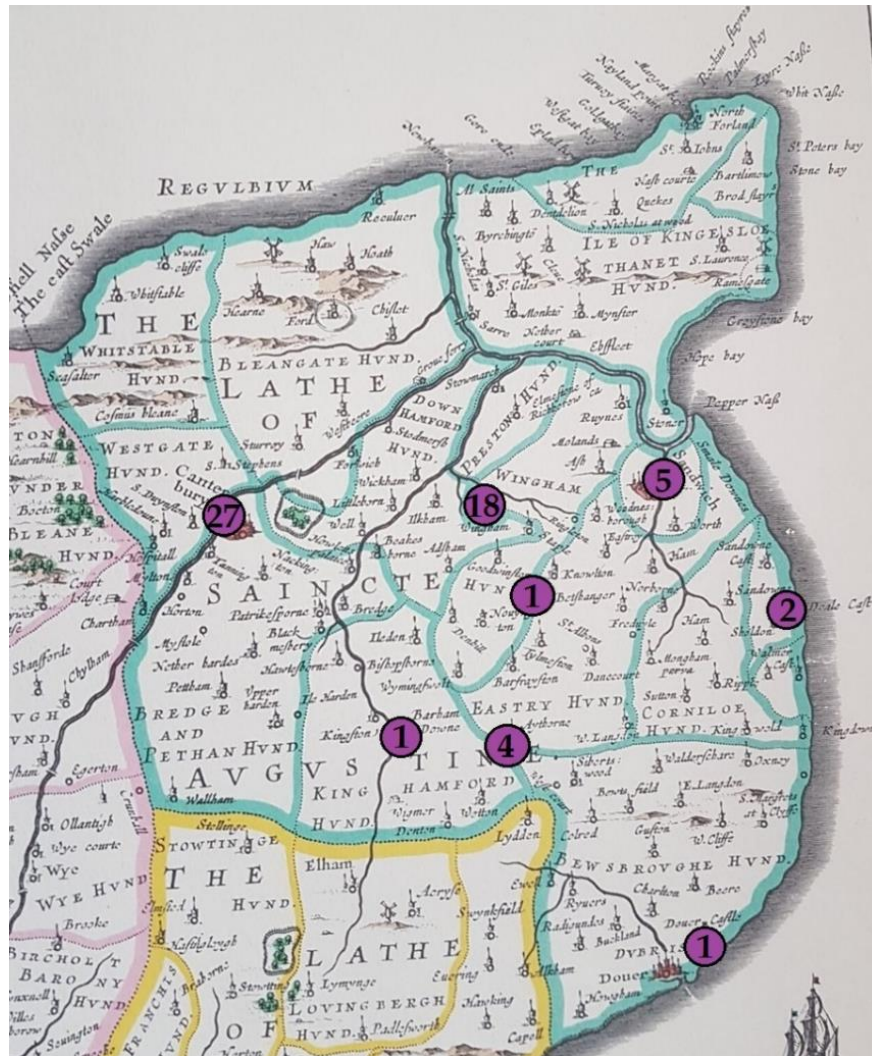


Figure 4.1: The locations of the Lathe of St Augustine committee meetings<sup>30</sup>

Canterbury was the most common place for the committee to gather, and twenty-seven of their meetings were held there. Their chosen location was the Chequer of Hope Inn, which stood on the junction between the High Street and Mercery Lane. It was built in 1392 to accommodate the pilgrims travelling to Canterbury to visit the relics of Thomas Becket. It was a large, square structure, three stories high, with a courtyard in the middle. Unfortunately most of the structure was destroyed during a fire in 1865, but a small portion of the corner leading down Mercery Lane is still standing. Today that surviving portion serves as a sweet shop and is a very popular destination for tourists, the 21<sup>st</sup> century pilgrims who still flock to Canterbury. This was a sensible choice of meeting place for the committee. The Inn stood at the heart

<sup>30</sup> This was created using Blaeu's 1648 map of Kent.

of the city, mere metres away from the Cathedral, and it would have been a well-known building, easy for travellers to find.

The committee's second most popular meeting place was the Red Lion Inn in Wingham, a building which is still extant. It stands on the junction of the High Street and the road leading to Canterbury, which was probably the main thoroughfare through the village. Again, this building would have been easy to find if witnesses unfamiliar with the village had been summoned to appear before the committee. Canterbury and Wingham were the locations of 69% of the meetings recorded in the committee's minutes, but it is possible to identify the locations of some of their less common meetings. Five were held at the Dolphin Inn in Sandwich. This building is also still standing, and can be found on Strand Street, which again was the road leading to Wingham and thence to Canterbury. Four meetings were held at the Fleur-de-Lis Inn in Eythorne, which is no longer standing, and unfortunately the exact location of the building is unclear. None of the other meeting locations mention a specific building, with the exception of Dover Castle, but based on the precedent of the four most popular ones it seems probable that the committee invariably chose to meet at an Inn.

### **A Sequestration Raid**

The county committees were provided with instructions from the central committee in mid-April 1643 to 'use your best care and diligence for the speedy execution of the Ordinance ... as being a matter of great necessity and importance, for the subsistence of the Army raised by the Parliament'. They were instructed to 'appoint some times and places of further meeting as shalbe most convenient', with the proviso that at least two members had to be present at each meeting.<sup>31</sup> The members of the committees did not necessarily undertake sequestration raids themselves, although the case study of Anthony Wither in Chapter 5 demonstrates that they could; they were instructed to appoint sequestrators, appraisers, and treasurers to carry out the day to day tasks. The committee members largely confined themselves

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<sup>31</sup> *Instrvctions agreed on by a committee of the Lords and Commons for the committee for sequestration of delinquents estates also an order of the Commons assembled in Parliament, concerning persons that shall come from Oxford or any part of the Kings army to London, without warrant from both Houses of Parliament, or from his Excellencie the Earle of Essex, shall be apprehended as spyes and proceeded against according to the rules of warre* (London: Edward Husbands, 1643); EEBO Wing (2nd ed.) / E1588A, pp. 2-5; hereafter Husbands, *Instrvctions agreed on*.

to holding meetings and assessing evidence presented against potential delinquents or Catholics. Such investigations were usually brief in nature.

The evidence presented against a supposed delinquent or recusant varied widely. Some were based on the irrefutable proof that a person had absented themselves from their home and actively served in the Royalist army; examples include the Earl of Southampton, trooper William Copping, and Colonel Robert Brandling.<sup>32</sup> However, hearsay was also considered sufficient evidence for a conviction of delinquency; the reality of the policy was that sequestrators would strike first, and it was the delinquent's responsibility to clear their name after their property had been confiscated, rather than the committee establishing their unequivocal guilt before raiding. They were assumed guilty until they could prove themselves innocent. A similar trend was identified by Rachel Weil in her study of informers during the reign of William III; she observed that widespread fear of treason within government meant that 'politicians were ready to believe' the accusations made against them.<sup>33</sup> The county sequestration committees utilised local knowledge of delinquent or recusant families to determine who should be sequestered, and a significant element of that was finding people who would be willing to testify against potential delinquents. Alternatively, anyone with information against another person could approach the committee to present their evidence. Such informants would be paid a percentage of the total amount raised during the raid on the property of the person they had implicated, and it was a potentially very lucrative enterprise if multiple delinquents could be reported.

David Roy Lidington's thesis on the enforcement of penal statutes at Elizabeth I's Court of the Exchequer highlighted the role played by informers. He revealed that 1,546 informers were responsible for commencing 18,760 penal actions between 1558 and 1576; this ranged from William Rysam 'with his 1,855 informations', and approximately 1,200 men 'who brought in no more than ten informations apiece'. One third of informers who can be traced to a specific location lived in London or Middlesex, but others were resident across the country, from Yorkshire to Devon. He distinguished between 'professional' informers who acted 'as the paid agent of other men, and had no personal interest in the case nor in its detection', and 'amateur' informers whose involvement in the lawsuits might 'represent the latest

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<sup>32</sup> TNA SP 20/1, pp. 92-3, 410; SP 20/2, p. 639.

<sup>33</sup> Rachel Weil, *A Plague of Informers: Conspiracy and Political Trust in William III's England* (USA: Yale University Press, 2013), p. 105; hereafter Weil, *Plague of Informers*.

stage in a personal quarrel, or a local political squabble', or an attempt to 'exploit every device, procedure and institution of the law to pursue their private objectives'. The scale of this is dramatically higher than informing against sequestrations, but knowledge that there was a precedent for widespread provision of information to a government body has useful connotations.<sup>34</sup>

Andrew Hopper's study of the 1663 Farnley Wood plot, when approximately one hundred former Parliamentary soldiers mustered to launch an insurrection against the Restoration government, noted that 'government spies and informers exaggerated and fabricated evidence against the plotters', and that lingering divisions caused by the Civil War were a direct cause. He noted that the prosecution relied on 'the testimony of informers who had actively persuaded men to become rebels', which he described as a Royalist ploy to 'draw out and punish their old civil war adversaries'.<sup>35</sup> It would be interesting to investigate whether there was any crossover between the sequestered Royalists in Yorkshire and the informers acting to implicate the Parliamentarians involved in this muster.

Mark Goldie and John Spurr highlighted the role played by informers in the suppression of illegal religious meetings in the parish of St Giles Cripplegate in the early 1680s, which formed part of a Tory 'systematic seizure from the Whigs of political control in the City of London'. As with the sequestration campaign's active persecution of local delinquents and recusants, there appears to have been a deliberate campaign to locate those in the St Giles community perceived to be guilty of religious dissent, although the outcome of the cases reported by informers varied greatly;

In the worst days of persecution, the early 1680s, arrests and forcible sequestrations by informers and constables became a common scene in the parish. Preacher Plant had goods seized from his wife's shop in Fore Street in 1682; a friendly neighbour redeemed the goods for £40. At an alehouse in Grub Street the informer, Mrs Hilton, blackmailed a Dissenter she had detected at a meeting, taking twelve shillings off him. In January 1684 a brazier, grocer, silk-stocking maker, and three labourers were arrested for conventicling in White Cross Street.<sup>36</sup>

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<sup>34</sup> David Roy Lidington, *The Enforcement of the Penal Statutes at the Court of Exchequer c.1558-c.1576* (PhD thesis; Sidney Sussex College, Cambridge, 1988), pp. 102-7, 113, 123-4, 126-7; hereafter Lidington, *Penal Statutes*.

<sup>35</sup> Andrew Hopper, 'The Farnley Wood Plot and the Memory of the Civil Wars in Yorkshire' in *The Historical Journal*, Vol 45, No 2 (June 2002), pp. 281-303 (p. 282).

<sup>36</sup> Mark Goldie and John Spurr, 'Politics and the Restoration Parish: Edward Fowler and the Struggle for St Giles Cripplegate' in *The English Historical Review*, Vol 109, No 432 (June 1994), pp. 572-96 (pp. 572, 579).

Sequestration in the 1640s provided the opportunity for individuals to seek financial gain by providing their local county committees with incriminating evidence against people in their communities, whether true or fictitious.<sup>37</sup> An example of this can be seen in the case of widow Sarah Cox, and the Chichester county committee received information against her from four people. Lidington argued that many of the informers in his study had ‘knowledge of the law and ... contacts with officials of the courts’,<sup>38</sup> but that cannot necessarily be the case here; the informers who testified against Mrs Cox were widow Alice Lewes, Sarah Coneley, whose sister Ann worked as Mrs Cox’s servant, Amey Prowting, and Richard Fleshmonger. They were explicitly described as ‘informants’, and all confirmed they knew Mrs Cox had travelled to Winchester at a time when Lord Hopton and his forces were stationed in the town, and she remained there between a fortnight and three weeks. Fleshmonger stated that the time period was ‘a little before the fight betwene Sr William Waller, and the Lord Hopton at Cherriton’, which places her journey in late February or early March of 1643/4. Absenting herself from Chichester and actively travelling into an area occupied by Royalist soldiers were sufficient grounds to sequester her on a charge of delinquency. However, on 5<sup>th</sup> March 1644/5 Mrs Cox petitioned the Chichester committee and argued that the evidence against her was ‘the misinformation of some persons not well affected to her’, and claimed that she had been delayed in Winchester because she had fallen ill, and ‘was constreynd to take phisick of doctor ffletcher, wch caused her stay there about a fortnight’. She had been forced to leave Chichester by the Governor, and her new lodging in Draughton had been ‘plundered of all such necessaries’ by ‘the violence of some rude souldiers’, and requested the committee to discharge her case because she had ‘donn nothing preiudiciall to the state’.<sup>39</sup>

The witnesses who testified against Sarah Cox were not professional informers; they were private individuals who believed the information they had would be beneficial to the committee. However, there is surviving evidence that professional or authorised informers were engaged in prosecuting sequestrations. George Cope, a gentleman of Middlesex, petitioned the central committee in December 1645 informing them that in May 1644 he ‘did discover to the Committee of Middlesex for sequestrations Judith Wrise of Halloway in the said countye Widdowe to be a

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<sup>37</sup> Young, *Implementation of Sequestration*, p. 44.

<sup>38</sup> Lidington, *Penal Statutes*, p. 153.

<sup>39</sup> TNA SP 20/10/24, ff. 83r:85v.

Delinquent', although he did not reveal the cause of her delinquency. Following an investigation into the matter the Middlesex county committee confirmed on 25<sup>th</sup> July that Mrs Wise should be sequestered. However, Cope's purpose in petitioning was to highlight the 'exstraordanarye service' he had undertaken in prosecuting Mrs Wise, and request that he should receive 'more then ordanarye' fees as recompense.<sup>40</sup>

A similar process was noted by John Miller in his study of dissenters in Restoration Norwich; the 1670 Conventicle Act 'imposed heavy fines on preachers and those who allowed their houses to be used for meetings and encouraged informers to provide the evidence for prosecutions by allowing them one-third of the fines'. However, due to local resistance to informers, one of whom was 'violently attacked by a large crowd' after giving evidence, the JPs attempted to limit the amount given to informers by insisting they share their money with those employed in the conviction of Presbyterians and Quakers.<sup>41</sup> Weil also highlighted the financial aspect of informing by quoting Captain Matthew Smith, an informer against Jacobites who wrote 'I doubt some who pretend to have done the nation great service would abate of their zeal, if they did not find it as necessary and advantageous to their own fortune'.<sup>42</sup>

The ordinances of Parliament only appointed men to the roles of committee members and sequestrators, as would be expected for the early modern period, but being an informer was a way for women to become actively involved in the process. On 1<sup>st</sup> September 1648 the House of Commons ordered the Committee for the Advance of Money to reimburse the expenses of eighteen people described as 'Discoverers' of concealed delinquents' estates. Fourteen of these were military officers, two men had no titles, and the remaining two were 'Widow Heepie' and 'Widow Wood'.<sup>43</sup> The implication is that these women were acceptably involved in actively travelling around and seeking out concealed property. No location was given for them, but it seems probable that they were in London. This must be pursued further in future research because it is a completely unexplored example of women's active participation in the Parliamentary regime.

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<sup>40</sup> TNA SP 20/10, f. 7.

<sup>41</sup> John Miller, 'Containing Division in Restoration Norwich' in *The English Historical Review*, Vol 121, No 493 (September 2006), pp. 1019-47 (pp. 1029-30).

<sup>42</sup> Weil, *Plague of Informers*, pp. 115-22; the quote appears on p. 120.

<sup>43</sup> HCJ, Vol 5, 1<sup>st</sup> September 1648, pp. 695-8.

John Morrill's work on Cheshire has demonstrated that this trend also extended into the Interregnum, and he noted that informers were actively sought and 'rewarded for discovering new delinquents or uncovering those who had compounded upon false declarations of the extent or value of their estates'. He stated that they 'acted on the flimsiest of evidence' and primarily targeted gentry and landowners.<sup>44</sup>

The injustice of hearsay being admitted as undisputed proof of delinquency was immortalised in the 1648 complaint written by an anonymous 'lover of his Country';

This is now our miserable condition, that we know not what we may call our own, or how to preserve those auncient Inheritances descended from our Predecessors: for it is in the power of a Knave to stile an Honest man and a Loyall Subject either Malignant or Delinquent; new termes in the Law, invented this blessed Parliament; and to informe this under-hand to a Committee, where himself dares not publicly appear to avow his information, or to be crosse interrogated concerning his accusation; and this is sufficient to turne a man out of all his Estate, expose his Wife and Children to beggary, and no way left to repaire this injurious proceeding, but by appealing to them that doe the wrong.<sup>45</sup>

Comparing the surviving documents from the Bedfordshire and Lathe of St Augustine county committees reveals some noteworthy differences in the accusations made against delinquents, and these appear to be influenced by geography. In Bedfordshire recusancy was a common cause of sequestration, and Henry Harry, Lady Farmer, Robert Huitt, Charles Umpton, Mrs Coleback, Lord Brudenell, Lady Mordant, James Richardson, Robert Jersay, and John Dobbs all lost 2/3 of their property due to their religion.<sup>46</sup> Edward Seares was the King's purveyor and 'a supposed delinqt', while Sir George Blundell was sequestered 'for his goeing to oxon [Oxfordshire] and abiding there and elsewhere in the kings Quarters contrary to the ordinance of pliamt', and Mr Watson was sequestered 'for going from his place of abode, & not returning wthin the time limited by the ordinance'.<sup>47</sup> The distance from Bedford to Oxford is approximately fifty miles, so it would have been a relatively straightforward journey for any local Royalists to undertake.

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<sup>44</sup> Morrill, *Cheshire*, pp. 207-8.

<sup>45</sup> Anonymous, *A brief discourse of the present miseries of the kingdome: declaring by what practises the people of England have been deluded, and seduced into slavery, and how they have been continued therein, and by what means they may shake off that bondage, they are now enthraled under* (1648); EEBO Thomason / E.467[24], p. 22; hereafter Anon, *A brief discourse*.

<sup>46</sup> TNA SP 28/205/19, ff. 3v, 5r, 7v, 11r, 11v; BARS TW895, f. 7r.

<sup>47</sup> TNA SP 28/205/19, f. 4v; BARS TW966, TW895, ff. 23v-24v.



The most detailed reason for seizure recorded in the Bedfordshire minutes was that of Thomas Cookson of Maulden. He appeared before the committee on 1<sup>st</sup> July 1646, and ‘confesseth that about 6 weekes or 2 monthes after Michas 1643 he went to Oxford wth an intent to study Physicke & was wth the Kings forces att Torcester, & staid in Oxford and the Kgs quarters about ten weekes; he sayth he never did beare Armes agst the Parliamt, & that he hath taken the Covenant’. Even though he readily confessed his sins, and had conformed to Parliament, the committee decided to sequester him anyway.<sup>48</sup>

The records for the Lathe of St Augustine contain more details about the delinquents sequestered in that part of the country. Tax evasion was a common problem, and men sequestered for refusing to pay include merchant Daniel Harvey, Thomas Parramore of the Isle of Thanet, Sir Matthew Minnes, and Joseph Roberts of Harbledown. Indeed, the latter of these men was extremely elaborate in his refusal; the evidence against him stated that he ‘did saye unto William Mereweather gen that hee would putt off his farme & would not occupy any Lande in regard hee would paye noe sesses to the Parliamt because the cause was uniuist in that they did fight against the King, & further sayth that hee hopeth to live the daye to make them pay treble for what sesses they had already received’. He also concealed his possessions to avoid being assessed at a high rate of tax.<sup>49</sup>

Men sequestered on the grounds of being in arms against the Parliament include Henry Harrison, Edward Chilton of Sandwich, Sir John Burlacy, Thomas Whittersley, Walter Den, and Mr Twine, a clerk of the King’s kitchen. Mr Bills received the double accusation of having ‘bene aydeing & assistinge in this unnaturall war & a parsonall Actor against the Parliamt’. In addition to this is a long list of the men involved in a plot against Dover Castle, which was thwarted in December 1644, namely Richard Master Esq, Sir Anthony Percival, Thomas Tooke, Edward Kemp, Thomas Turner, Mayor of Dover Mr Golden, John Gookin the younger, Mr Stookes, James Dimbyn of Langden, Captain Holeman, Mr Barrington, Humfrey Mantle, William Wade, John Beltin, Mr Tomkyn, William Chandler, and John Fowrde [Ford]; the latter eight men were all from Dover.<sup>50</sup>

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<sup>48</sup> BARS TW895, f. 19r.

<sup>49</sup> TNA SP 28/210B/13, pp. 1, 48.

<sup>50</sup> Ibid, pp. 1, 7, 10, 29, 37, 43, 57, 62; HCJ, Vol 3, 23<sup>rd</sup> December 1644, p. 733.

Other men did not actively participate in combat or insurrections, but did provide aid to the enemy by other means. William Steede, a lawyer, was ‘not only a notorious malignant agt the Parliamt but likewise did send Two men & horses ready furnished with Armes to the Rebels at Yalding agt the Parliamt’. In May 1644 John Eaton of Dover ‘did goe with a shipp laden with Ammunition & victual into Bristoe to the Parliamts enemies’. Similarly Thomas Stookes, also of Dover, ‘did sent at sevreal tymes by shipping p[ro]vision and malte to the Parliamts enemyes at Bristoe & other Partes’.<sup>51</sup> Presumably Bristoe refers to Bristol, which was a Royalist stronghold at this time and accessible by sea. This strongly indicates that Royalist sympathisers on the Kent coast were taking advantage of sea travel to provide material assistance to the King’s army, and that, even at county level, there was a determination to ensure that supplies were not readily accessible to the enemy; Westminster and the local Parliamentary authorities were united in their efforts.

Robert Mason, again of Dover, was convicted after sending his rent to his landlord John Crane, who was in arms at Oxford, rather than paying the money to Parliament.<sup>52</sup> This is precisely why sequestration was introduced in the first place; if Royalist landlords could not access the rent due to them from their tenants, the supply of money they could provide to the King would quickly run out.

Other charges include that of recusancy against Mr Crispe, brother of Sir Henry Crispe, and James Kelley of Dover. Stephen Huffam of Dover Castle was sequestered for ‘his Malignancy agt the parliamt;’ no other details were provided as to what he had done. William Kingsley, Archdeacon of Canterbury, and Sir John Fotherby were both sequestered after fleeing abroad without license. Finally, Thomas Prowde of Barton was accused of ‘giveing ill language agt the Parliamt & for threatning the worke men that were threshing in the Barne for the Parliamts service’.<sup>53</sup>

After a conviction the committee would issue an order for their sequestrators to seize and sequester the delinquent’s real and personal estates. At least one sequestrator, supported by two supposedly unbiased appraisers, would enter a delinquent’s home, by force if necessary, and decide what should be removed. The appraisers were instructed to create an inventory of all the goods taken, and estimate their value. Appraisal of property was not a new concept; amongst wealthier families it was

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<sup>51</sup> TNA SP 28/210B/13, pp. 2, 3, 26.

<sup>52</sup> *Ibid*, p. 35.

<sup>53</sup> *Ibid*, pp. 20, 35, 39, 40, 57.

common for a probate inventory to be created after a property owner's death, and Donald Spaeth has recently explored this in some detail.<sup>54</sup> The difference here was that the property owner was still very much alive.

Whether the appraisers carried out their work at the delinquent's home or after the property had been removed varied from case to case. For example, when Lady Wotton's property was sequestered at St Augustine's Abbey in Canterbury, nothing was removed from the Abbey site. Instead sequestrator John Cogan spent seven months at the Abbey every day, selling items piece by piece to the citizens of Canterbury who wanted to buy them.<sup>55</sup> A similar example can be seen in the case of Lady Elizabeth Mordaunt; her home in Westminster was seized by the committee there in the early days of the ordinance, and it was promptly provided to Sir Edward Bainton as a gift. On 24<sup>th</sup> May 1643 he obtained an order from the central committee to 'have custody of the ... goods', which had not been removed from the house yet.<sup>56</sup>

A more extreme case was that of the Earl of Northampton. In a letter to Pelham Moore on 4<sup>th</sup> November 1644 Sir Samuel Luke added the following postscript, which demonstrates that sequestrations and the sale of property were topics of open discussion;

I hear there are a great many goods of the Earl of Northampton's sent up to London from Northampton to be sold, hangings, linens and such things. See if you can get me a parcel of pure fine linen.<sup>57</sup>

The Earl of Northampton was sequestered early in the war due to his loyalty to Charles I, and the family's country seat of Castle Ashby in Northamptonshire is presumably where his property was being taken from. This removal to London was contrary to the established practice that sequestered items would be sold in the nearest marketplace. Selling items locally would be easier and cheaper for the sequestrators to arrange, but it resulted in the drawback of limited demand. The expense of transporting the Earl of Northampton's goods to London would have been more than reimbursed by the potential profit margin there compared with a Northampton market. The Earl's London home of Crosby House was one of the first properties to be sequestered when the ordinance was introduced, so it is possible that

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<sup>54</sup> Donald Spaeth, "Orderly made": re-appraising household inventories in seventeenth-century England' in *Social History*, Vol 41, No 4 (2016), pp. 417-35.

<sup>55</sup> TNA SP 28/210B/15, p. 32.

<sup>56</sup> TNA SP 20/1, p. 52.

<sup>57</sup> Tibbutt, *Letter Books*, p. 56.

a combined sale of some of his London and Northampton belongings had been scheduled.<sup>58</sup>

It is unclear whether a local sale had already taken place in Northampton. Newport Pagnell was less than fifteen miles away from Castle Ashby and less than twenty from Northampton, so presumably Luke would have been able to either travel to a sale himself or send a deputy if he wanted some of the Earl's items. The fact that he was forced to deputise Pelham Moore in London as his agent suggests that either there had been no local sale, or that the higher quality items had been deliberately reserved for the London market. Indeed, Luke was very specific that he wanted the Earl's 'pure fine linen'.

From the perspective of the delinquent and their family the process of a sequestration raid and the subsequent sale of property had the added drawback of creating a public spectacle. Raids taking place in remote country estates would have been less obvious to those living nearby, but raids in towns and villages would have drawn the attention of neighbours. The sequestrators banging on door demanding entry, the pleas of mercy given by the household inside, and the soldiers or porters carrying items into the street to be loaded onto waiting carts would have ensured that everyone in the surrounding houses knew what was happening. As the work of James A. Sharpe has demonstrated, 'the notions of reputation and honour were central to the relationship between the individual and the community', and this was 'of fundamental importance' to the 'early modern villager'; 'Privacy was an unfamiliar concept: people were always, in a certain sense, on show, and conduct was evaluated through neighbourly comment and gossip'.<sup>59</sup> The successful enforcement of sequestration raids indicates a comparatively high level of Parliamentary control in the local area, so a sequestration raid would have drastically damaged the individual's reputation in the community by highlighting them as an enemy, and likely also served as a deterrent for any neighbours considering supporting the Royalist cause.

However, there is an example in the surviving records from the London county committee of neighbours assisting a man falsely accused of delinquency. William Rogers was sequestered on 8<sup>th</sup> May 1643, and the collectors removed over £200

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<sup>58</sup> TNA SP 20/1, p. 71.

<sup>59</sup> Sharpe, *Early Modern England*, p. 95.

worth of goods and merchandise from his home and shop; unfortunately there is no indication of what his trade was. However, Rogers subsequently appeared before the committee ‘wth some neighbors and frends’ to explain under oath ‘that he was indeed in the Kings armie; but never in armes’. He stated that he had been there ‘only to gather up some debts due to him’ by Royalist soldiers. The neighbours who attended the meeting with him affirmed that they ‘verily believed’ his account, and this vote of confidence from those who knew him well was enough to secure him a full discharge from sequestration and the restitution of his property.<sup>60</sup>

Alexandra Shepard has noted the role played by moveable property as a factor in assessing household credit for the labouring and trade classes, and stated that ‘Moveable property functioned both as a store of wealth and as security for credit’.<sup>61</sup> There is no doubt that labourers and tradesmen were affected by sequestration, and the removal of property which could be used as surety for credit combined with the fact that the sequestrators deliberately removed items which would disrupt their working life must have created an extremely precarious financial position for many families. A nobleman could raise money using the credit of their name and status, but a labouring family could not. A potential way to explore this further would be to examine surviving parish relief records from the period and see whether there is any correlation between the families receiving aid and the families who had been sequestered.

Any goods removed from a delinquent’s house following a sequestration raid were supposed to be sold by the candle in the nearest market place. We have, therefore, a two-stage humiliation; first the act of removing the property, and second the opportunity for members of the community to purchase their neighbours’ property during an open and very public sale.

The records surviving from the London sequestration committee are detailed enough to recreate a raid from start to finish. A document listing all of the warrants issued out against delinquents in the City of London between 28<sup>th</sup> April 1643 and 25<sup>th</sup> March 1644 reveals that 707 raids took place in London alone in that eleven-month

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<sup>60</sup> TNA SP 20/6, p. 7.

<sup>61</sup> Alexandra Shepard, ‘Provision, household management and the moral authority of wives and mothers in early modern England’ in Michael J. Braddick and Phil Withington (Editors), *Popular Culture and Political Agency in Early Modern England and Ireland* (UK: Boydell Press, 2017), pp. 73-90 (p. 83).

period.<sup>62</sup> The document was divided into eight sections, including date, name of delinquent, name of sequestrator, parish or place, and whether the goods had been sold.<sup>63</sup> This corresponds with the information in the London committee's order book, although there are minor inconsistencies with some of the dates. The sequestrators worked in a range of ways; the most common was for one sequestrator to oversee a raid, but they could also act in pairs and occasionally in a group of three.

The records created by the London committee in 1643 are uniquely detailed and the locations of the raids can be plotted onto a map of the city, as seen in Figure 4.2. A total of 369 of the 707 raids (52.2%) had a location attached, either a parish, street, or occasionally specific building, and plotting these raids gives a completely different interpretation of the documents. No area of the city was immune, and a closer study of what these raids can reveal about loyalty to Parliament in Civil War London is planned.

A particularly striking feature displayed in this map is how clustered the raids were outside Newgate, the western edge of the city walls. In fact, they represent 132 of the mappable 369, which is 35.8%. The vast majority of these raids, including a rather staggering fifty-four at the Temple and twenty at Doctors' Commons, were attacking lawyers. This area of London was where they lived and worked. The raids elsewhere in the city were far less condensed, between one and eight per parish, so this was undoubtedly a deliberate move to attack any and all lawyers who refused to support the Parliamentary cause. Lawyers could be dangerous; they had the education and training to argue against civil war, even if they didn't actively support the King, so in order to keep control of London Parliament attacked anyone they perceived to be an enemy.

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<sup>62</sup> It seems likely that the number would have been slightly higher than this, because the bottom half of the final page has not survived.

<sup>63</sup> TNA SP 28/212, Part 3, pp. 326-342.

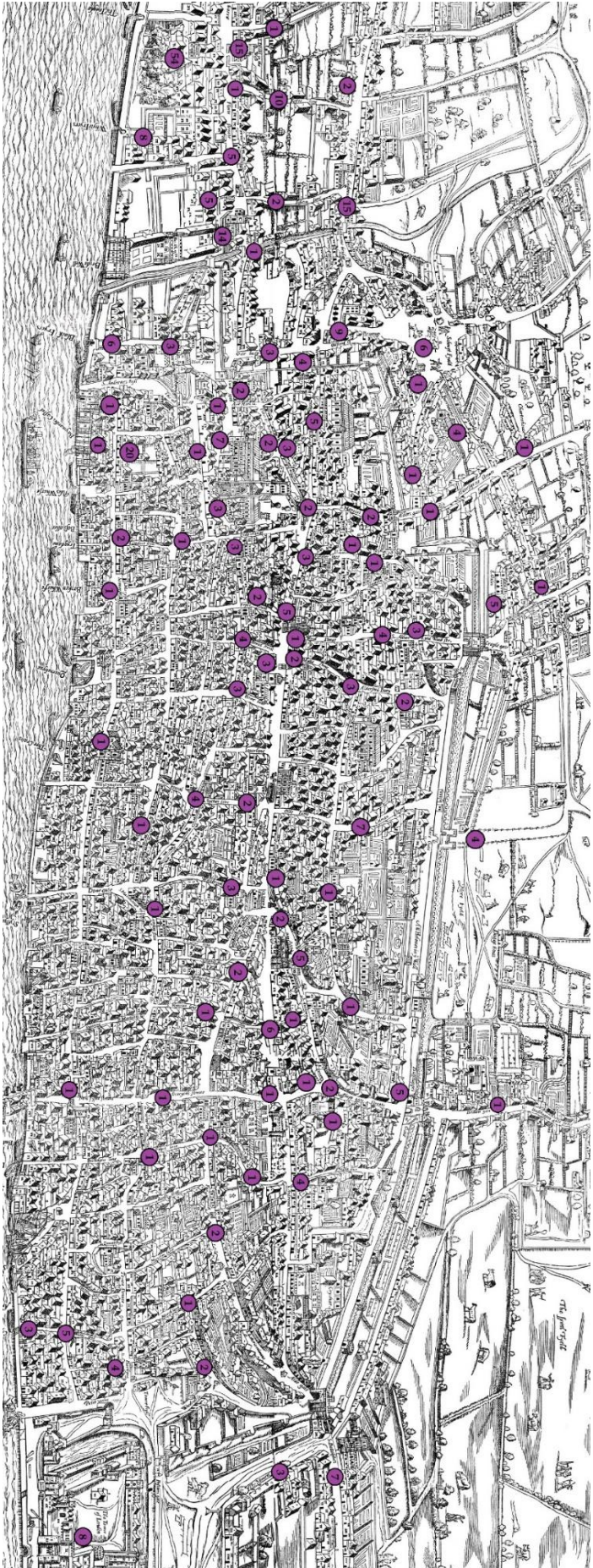


Figure 4.2: London sequestration raids carried out in 1643, plotted onto Ralph Agas' map.

One of the sequestrators appointed by the London committee was Alexander Maxton, who was involved in at least 163 raids; he carried out 159 on his own, and four as part of a pair. He was actually the first of the London sequestrators to begin raiding; he carried out all four sequestrations on 28<sup>th</sup> April, and the first three of the nine which took place the following day. His involvement accounts for 23.1% of all raids in that eleven month period.

Maxton clearly took his duties very seriously, and was enthusiastic about carrying out raids. However, he was also very particular about making sure he did not end up out of pocket. Ten invoices he submitted to the treasurer of the London committee in 1643 have survived, dating from 17<sup>th</sup> June, 13<sup>th</sup> and 26<sup>th</sup> July, 5<sup>th</sup>, 21<sup>st</sup> and 30<sup>th</sup> August, 23<sup>rd</sup> September, 7<sup>th</sup> October, 28<sup>th</sup> October, and 23<sup>rd</sup> November.<sup>64</sup> It is highly likely that he regularly submitted invoices chronicling the entire period of his employment, but these appear to be the only survivors. He often carried out multiple raids at the same location, and indeed he was responsible for forty-nine of the fifty-four raids which took place at the Temple.

Maxton's invoices fill in the gaps of the process of raiding. Each one refers to the hire of porters for carrying items from inside houses into the street and loading them onto carts, and of car men who transported the loaded carts to Camden House. It is not clear whether he used the same porters and car men for each raid, but it seems unlikely. He would not have known how many of each would be needed when he arrived at the properties, and it seems unlikely that they would have been kept on standby. Instead, it is more likely that he hired a team of local porters in each parish.

It also appears that he did not use the same craftsmen for tasks such as disassembling large pieces of furniture or breaking locks open. His invoices always refer to 'a smith' and 'a joyner', rather than *the* smith and *the* joiner, and never by their names, which would be the case if he had a permanent team working with him. Maxton hired joiners for many of his raids, invariably to disassemble four poster beds. Porters could move smaller pieces of furniture intact but larger items such as beds needed to be taken apart. For example, in late July or early August he paid one shilling and sixpence to a joiner 'for taking downe 3 bedsteds and a trundle bed and a greatt drawing table', belonging to Mr Rothwell. Similarly, at the end of August he paid

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<sup>64</sup> The documents are scattered in TNA SP 28/212, Parts 1 and 3. However, they are not foliated because they were added to the file in 1979, having previously been part of a file in the Exchequer papers.



four shillings and sixpence to a joiner 'for taking bedsteds copboards nests of boxes asunder and taking down hingings and such like'.

He also had absolutely no compunction about enforcing an instruction issued to sequestrators in the 18<sup>th</sup> August 1643 amendments, which gave them the power 'to break open all Locks, Bolts, Bars, Doores, or other strength whatsoever, where any ... Estates, moneys, or goods are or shall be'.<sup>65</sup> For example, in August he paid ten pence to a smith for 'opening 5 lockes at the temple in the chamber of John Adams'. In the same month he paid one shilling to a smith for breaking open the locks in Ely Palace, the London seat of the Bishop of Ely. In September he went a step further by paying a smith the same amount 'for breaking open John Longs strette dore at 23 Northgate and other doores within the house'. He also ensured that property left behind could not be accessed by the sequestered individual; for example, Long's house received a new padlock on the street door to prevent him regaining entry.

Camden House, referred to numerous times in Maxton's inventories, was the headquarters of the London county committee. It was located on the junction of Maiden Lane and Foster Lane in the City, close to St Paul's, and had been built by Sir James Pemberton in 1607. It was next door to Goldsmiths' Hall, the administrative base for the process of composition. The instructions given to sequestrators specified that the goods had to be stored in a safe place, but again they gave no specific directions about what type of property should be used.

Maxton was by no means the only sequestrator working for the London committee; indeed, the names of twenty-six other men can be found in the surviving records for 1643.<sup>66</sup> The implications of how much storage space would be needed if all these men brought the property they had sequestered back to Camden House are staggering. This is perhaps why the instructions also specified that sequestered property should be sold within ten days of seizure, because storing large quantities of items for several months would become increasingly difficult as more homes were raided.

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<sup>65</sup> Firth and Rait, *Acts and Ordinances*, pp. 254-60.

<sup>66</sup> Messrs Berry, Coleman, Browne, Burton, Ford, Mills, Proud, Carswell, Jeffries, Payne, Chandler, Collins, Wallis, Dring, Digby, Worley, Mullins, Edmonds, Horton, Marshall, Ives, Jarvis, Newman, Laurence, Owen, Vaughan, and Maxton; TNA SP 28/212, Part 1, ff. 273r-5r.

Exactly what happened when the goods had arrived at Camden House is unclear, but Maxton's inventories reveal that the porters he engaged to carry items out of houses also appear to have unloaded the property; for example, his 5<sup>th</sup> August bill reveals he paid three shillings 'to 3 porters for bringing the goods downe ... and for loading them and helping to unload them at Camden House'. Similarly, his 23<sup>rd</sup> September bill records a payment of twelve shillings to four porters 'for carying of 180 square paving stones through a long entrie from one yard to another and for loading them in carts afterwards and for bringing the other goods downe staires and for loading them and helping to unload some of them at Cambden house having spent a whole day'. The phrase 'helping to unload' which appears in both of these entries, suggests that there might also have been permanent porters based at Camden House, responsible for organising and storing the property being delivered.

There were certainly permanent clerks who were responsible for writing and issuing warrants to the sequestrators.<sup>67</sup> One of these clerks was Henry Linch, who described himself as 'Clark to the Committee'. Two expenses claims he submitted to the treasurers in October and December 1643 have survived, and they provide a glimpse into what the duties of a sequestration clerk were. His 21<sup>st</sup> October invoice referred to '500 warrants to seize delinquents estates', which required ten quires of paper at a cost of eleven shillings, along with '500 warrants to seize tennants & debtors to delinquents estates', which required another ten quires. In addition to this were '500 little warrants', which required five quires of paper costing six shillings, 'a quire of Royall paper to draw out the Accompts out of my book of entrances' costing one shilling and eight pence, '12 skins of Parchment to ingross Inventories' costing nine shillings, as well as ink and pens costing two shillings. One other item on the list was for twelve quires of paper costing thirteen shillings, 'For 500 bills to be published in the Churches [in] London'. This is very intriguing, because it suggests that notices about a person's sequestration might have been placed in their local parish church.

Linch's invoice from 21<sup>st</sup> December does not give as much detail about what each item was used for, but is still useful for understanding what his work involved. He spent eight pence on quills, £1 and twelve shillings on forty-eight 'skins' of parchment, three pence on half a pint of ink, as well as two shillings for 'Going severall tymes by water to Westm about the Accompts', and eight pence 'For a man to cary the bag thither'.

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<sup>67</sup> These documents can all be found in TNA SP 28/212, Part 1, unfoliated documents.

In addition to the permanent clerks, there is also evidence of temporary clerks who were hired ad-hoc for short periods of time. Joseph Bellingham was hired by the central committee at least twice in December 1643 and early January 1643/4. He issued invoices to one of the committee's treasurers stating how long he had worked for the committee, as well as the amount he was owed. He stated in the first of his two invoices that 'I was employed by the Committee of sequestration London to Register the Inventories of the seizure of the states of Delinquents on Munday the 4<sup>th</sup> day of December 1643 which untill Sunday the 24 day of the saide December is three weekes'. His salary was fifteen shillings per week, and he was consequently claiming £2 and five shillings for this period of work. He then submitted another invoice on Saturday 13<sup>th</sup> January 'for writeinge Nyne dayes at Cambden howse being Regestringe of Inventories Vizt from the 24<sup>th</sup> day of December last untill ffriday the fifth of January instant'. He was owed twenty-two shillings and sixpence for this piece of work. Another clerk who was working at the same time as Bellingham was William Andrews, who submitted an invoice on 23<sup>rd</sup> December 1643 'for writing ... donne by me att Cambden house for the Comittee of Sequestations viz for three weekes & foure daies comenceing from the 28<sup>th</sup> daie of November 1643 and ending the 23<sup>rd</sup> daie of December 1643'. He also received a salary of fifteen shillings per week.

These documents are intriguing and present two possibilities; either the workload of the permanent clerks was higher than anticipated, compelling the committee to hire people to help them, or that men were hired to do specific pieces of work. For example, based on Bellingham's invoices it appears that he was employed solely to 'Register the Inventories' which were submitted by the sequestrators. The parchment bought by Henry Linch in both October and December 1643 was at least partially used 'to ingrosse Inventories', and indeed his October invoice lists '12 skins of Parchment to ingross Inventories' on one line, and 'penss for the wryters thereof' on the next.

It seems highly possible that these inventories were being collected together and entered into dedicated files, which would be consistent with the surviving order books and inventoried lists of books. Presumably these files have since been lost or destroyed, which would explain why so few inventories have survived amongst the committee's papers, considering that one was made for every single sequestration case.

As previously mentioned, there were also permanent treasurers, William Pitchford and William Vaughan. They are referred to in the majority of entries in the London committee's account book, and their duties appear to have overlapped. They both dealt with reimbursing the sequestrators for any expenses they incurred during raids, and also provided them with their salaries. They both kept account books, which were later used for reference by the committee when working out how many deductibles had come out of each sum of money. For example, the entry referring to Sir William Savill's sequestration reveals that they paid a combined amount of three shillings and ten pence to Maxton in early May for 'his sallary & charges as p[er] Mr William Pitchfords booke & Mr Vaughans'. This left a profit of £4, sixteen shillings, and two pence from this particular raid.<sup>68</sup> Pitchford's signature also appears on the invoices submitted by Joseph Bellingham and William Andrews.

### **Interactions between the Central and County Committees**

Ann Hughes' analysis of local allegiance during the Civil War argued that the 'framework of intimate integration and interaction between the center and the localities' and the opportunity for disputes to be referred to the Houses was a key reason for the Parliamentary victory.<sup>69</sup> The interactions between the central and county sequestration committees can be grouped into four main categories; case referrals, administration instructions and appointments, complaints, and investigations. All four will be explored in this section.

#### **Case referrals**

The most common example of interactions between central and county committees were case referrals. The April 1643 instructions stipulated that 'where you finde any doubt concerning any person, whether he be comprehended within the said Ordinance, you are to certifie the same to the Committee of Lords and Commons for this service, and in the meantime to secure the Estates of such persons, untill you shall receive further Directions'. The final paragraph reiterated that,

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<sup>68</sup> TNA SP 20/6, p. 9.

<sup>69</sup> Ann Hughes, 'The King, the Parliament, and the Localities during the English Civil War' in *Journal of British Studies*, Vol 24, No 2 (April 1985), pp. 236-63.

In all other particulars concerning this businesse, you are to be guided and directed by the sayd Ordinance, wherein you shall conceive any doubt, you are to certifie the same to the Committee of Lords and Commons for this service, whereupon you shall receive such further direction in that behalfe, as shall be fit.<sup>70</sup>

In practice, this would require the members of the county committee to write a letter to the central committee, enclosing all the evidence they had concerning a particular case. Debates would then take place, and a response sent back providing them with further instructions. There is an example of this transcribed in the House of Lords journal. On 25<sup>th</sup> June 1647 the sequestration committee for the West Riding of Yorkshire wrote to the central committee, opening,

Whereas, by the Instructions for Sequestrations of Delinquents Estates, we are directed, That wherein we shall conceive any Doubt, we are to certify the same to the Committee of Lords and Commons for that Service, to the End we may thereupon receive further Direction in that Behalf.

Their confusion had arisen in the case of Colonel Robert Brandling, who had initially served in the King's army under the Earl of Newcastle, but who transferred to the Parliamentarian army after his submission to the Earls of Leven and Manchester, and Lord Fairfax on 23<sup>rd</sup> July 1644. The West Riding committee queried 'Whether the Estate Real and Personal, which the said Colonel hath ... ought to be sequestered, only by reason of his Delinquency before his said Reception into the Parliament's Service?' Ultimately it was decided that his sequestration should 'be fully and clearly taken off and discharged'.<sup>71</sup>

In a county with only one main committee, raising a query with the central committee would be a straightforward process; a letter and the necessary evidence could be dispatched immediately. However, Kent is something of an anomaly because of the presence of multiple sub-committees. This means that the standard guidelines for interactions between county and central committees would not quite work, and there was an additional step to follow.

None of the entries in the Lathe of St Augustine minutes mention a direct referral to Westminster. However, on 7<sup>th</sup> June 1644 the committee, which on that day consisted merely of John Boys of Trapham and Lambert Godfrey, referred a dispute between

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<sup>70</sup> Husbands, *Instrvctions agreed on*, p. 6.

<sup>71</sup> HLJ, Vol 9, 26<sup>th</sup> October 1647, p. 498; 3<sup>rd</sup> November 1647, p. 511; HCJ, Vol 5, 4<sup>th</sup> November 1647, p. 350.

Ralfe Steede and William Burvill of Dover concerning the rents of the parsonage of Little Mungham ‘to Sir Edward Boys & such others of the Committee for Sequestration as hee shall thinke fitt to Call to his assistance’. This was a referral to the main Kent sequestration county committee; Sir Edward Boys had been appointed as a member in the March 1643 ordinance. Another referral took place on 3<sup>rd</sup> July 1646, when Thomas Cullin’s case was ‘referred to the Committee of Maidston’.<sup>72</sup>

It also worked the same way for referrals coming from the central committee. In the order books there are eighty-two referrals to the Kent county committee, but never to lathal committees. Upon receipt, the Kent committee would disperse the referrals to the relevant sub-committee. For example, on 29<sup>th</sup> May 1646 the Lathe of St Augustine committee discussed the case of Lady Wilford, which had been ‘referred unto us by the said Committee [at Maidstone]’ three days earlier.<sup>73</sup>

The database of appellants reveals that 40.4% of the appeals (1,562 of the total 3,865) were immediately referred back to the relevant county committee with a request that they would ‘certify the state of the case’, or in other words provide an explanation why the individual had been sequestered, within a certain time frame; usually between two and six weeks, depending on the county committee’s proximity to Westminster. 412 of these cases were later referred on to a legal adviser. By combining the referrals to legal advisers and to county committees, it is clear that 52.6% of all appeals presented to the central committee were immediately referred out for further examination. This strongly suggests that the decisions the committee reached were not arbitrary; they were based on careful consideration of as much evidence as could be procured, or the advice of qualified lawyers.

A sub-category within case referrals occurred when representatives from the counties travelled to London. The most common reason for them to do so was to attend hearings in the Painted Chamber, but the central committee took advantage of their temporary presence to refer new cases. On 1<sup>st</sup> January 1643/4 the petition of John Machell was referred to Henry Pelham and ‘such of the Comittee of Yorkeshyre as are now in London’. On 19<sup>th</sup> March of that year representatives from the Gloucestershire, Lincolnshire, and Yorkshire committees were ‘now in towne’, and the Yorkshire committee was again in town on 17<sup>th</sup> December 1645.<sup>74</sup>

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<sup>72</sup> TNA SP 28/210B/13, pp. 8, 68.

<sup>73</sup> *Ibid.*, p. 67.

<sup>74</sup> TNA SP 20/1, pp. 509, 598-9, 604; SP 20/2, p. 60.

A later example can be found in a letter written by Isaac Floyd, one of the Bedfordshire sequestrators, to Sir William Boteler. It was dated 24<sup>th</sup> February 1649/50, which places it just over a year after the establishment of the republic, and the abolition of the central sequestration committee. Floyd had travelled to London to present Bedfordshire's accounts to the Committee for Compounding at Goldsmiths' Hall, but in spite of attending the committee two days in a row he had not been heard because representatives from other county committees were also there and business had overrun. However, he stated that 'I intend to be with them every day until I know what will satisfy them'. He informed Boteler that three new commissioners had been appointed to the committee, and that the instructions they had received differed from previous years, 'the nature of which I shall acquaint you as soon as I can inform myself'. Floyd warned that 'If the new Commissioners will be as forward as I believe they will, then we must expect but little rest from Goldsmiths' Hall'. He advised Boteler to make sure Bedfordshire's accounts were organised and copied as quickly as possible, because incomplete or imperfect records would not be accepted by the new committee.<sup>75</sup> This demonstrates how the new republican regime still considered sequestration and composition as important policies; this would be a rich topic for future research.

#### **Administration Instructions and Appointments**

In the months following the March 1643 sequestration ordinance the central committee issued a series of further instructions to the county committees. For example, on 10<sup>th</sup> June they reminded all sequestrators and treasurers to 'take special care' to send an account of the revenues raised through sequestration to Parliament every fortnight, 'soe it may be knowne from time to time what moneys are ready for the supply of the Army', and an order on 5<sup>th</sup> April 1644 authorising county committees to let or sell lands to friends of sequestered delinquents.<sup>76</sup>

In the summer of 1643 the central committee worked closely with the House of Commons to amend the March 1643 ordinance after complaints were received by Parliament about unlawful sequestration raids targeting the wrong people. On 13<sup>th</sup> August a summarised version of the amendments were entered into the committee's

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<sup>75</sup> BARS TW999.

<sup>76</sup> TNA SP 20/1, pp. 72, 248-9.

order book, and they were passed by the Houses of Parliament five days later.<sup>77</sup> They covered issues including convicted and conformed papists, children of Catholics, university colleges, debts, and the preservation of timber.<sup>78</sup> These instructions were an early summarised version of the amended sequestration ordinance which would be passed by the Houses of Parliament five days later. The Commons ordered the publication of the ordinance on 19<sup>th</sup> August, and two days later it was ready for distribution to the county committees.<sup>79</sup> Evidence supporting its distribution can be seen in a categorised and itemised summary of sequestration legislation written in 1644 by Sir William Boteler, apparently for his own reference; the August amendments feature alongside the initial March guidelines.<sup>80</sup>

There were no instructions concerning the process of appointing new county committee members, and in reality the committees appear to have had almost full control of who their colleagues should be. There is also no evidence in the central committee's order books or the journals of either of the Houses that each individual appointment had to be approved first, although sporadic orders do survive relating to appointments. For example, on 10<sup>th</sup> March 1647/8 the Lords provided the Commons with the names of twelve gentlemen they considered suitable additions for the Lancashire county committee.<sup>81</sup>

However, the central committee still retained the right to appoint men as local sequestrators.. Between 3<sup>rd</sup> January 1643/4 and 15<sup>th</sup> November 1648 there were eighteen entries in the order books concerning the appointment of new men in counties including Wiltshire, Rutland, Leicester, Essex, Devon, Southampton, Durham, Cumbria, Brecknock, Berkshire, Westmorland, Montgomeryshire, and Exeter.<sup>82</sup> Three examples of copies of appointments which were entered into the order books can be found in Appendix C. They were sent to the newly appointed men, and outlined their duties and responsibilities to the state. These men were not being appointed as members of the county committees; all three were described as either solicitors or agents for sequestrations within the counties, words used interchangeably with sequestrator. This indicates that they would be responsible for

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<sup>77</sup> Firth and Rait, *Acts and Ordinances*, pp. 254-60.

<sup>78</sup> TNA SP 20/1, pp. 37-41.

<sup>79</sup> *An ordinance of explanation and further enlargement of a former ordinance made by the Lords and Commons in Parliament for sequestration of delinquents estates: with an oath for renouncing of popery* (London: Lawrence Blaikelocke, 1643); EEBO Wing / E1794A.

<sup>80</sup> BARS TW899.

<sup>81</sup> HLJ, Vol 10, 10<sup>th</sup> March 1647/8, p. 107.

<sup>82</sup> TNA SP 20/1, pp. 516, 536, 624, 658, 1033; TNA SP 20/2, pp. 98, 242, 307, 362, 491, 523, 561, 572; TNA SP 20/3, pp. 27, 256, 290; TNA SP 20/5, pp. 82, 327.



overseeing the raids on property, as well as subsequently managing sequestered estates, and selling moveable goods.

The first order was created on 1<sup>st</sup> January 1643/4, but was not copied into the order book until two days later. It reveals that an allegation had been made against Edward Downes, a Wiltshire sequestrator. He was accused of having a ‘debaist & disorderly demeanour’, with ‘unfittnes & incapability’ for continuing in his role.<sup>83</sup> Sequestrators had only existed for nine months, so it is reassuring that the central committee took complaints against them seriously. Although there are no other references to Downes in the order books, it is clear from the text of this document that sufficient investigation into his character and work must have taken place before this order was made. The emphasis of this order was very much focussed on the necessity of having reliable sequestrators, because ‘without an active obedience of such pson to see the sd ordinances put in execution [sequestration] must consequently be retarded and many psons comprehended within the sd ordinances and their estates remaine undiscovered and unsequestred’.

Downes was removed from his role, and Henry Twogood was appointed in his place. Twogood was described as ‘an able active & trusty man’ and they were ‘very well satisfyd’ that he would ‘very much augm[en]t the p[ro]ffitt & further the service [of sequestration] for the benefitt of the state’. He was authorised to call upon the trained bands in Wiltshire for assistance if he needed it, ‘where, and as often as you shall have occasion to use them’. The order was signed by nine members of the central committee; the Earls of Pembroke, Salisbury, and Denbigh, Lord North, Serjeant Wilde, Sir Nathaniel Barnardiston, William Ashurst, Henry Pelham, and William Ellis.<sup>84</sup>

The second appointment order was made just over one year later, on 7<sup>th</sup> January 1645/6. It was sent to John Wolridge of Petersfield in Hampshire. He does not appear to have been replacing anyone else, but was merely being appointed as an additional sequestrator. He was requested to cover the areas of Basingstoke and

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<sup>83</sup> Downes’ case becomes more significant when viewed alongside that of Anthony Wither, explored in Chapter 5. Wither, a sequestrator from Westminster, faced a long investigation for charges of corruption, but was permitted to remain in his role as a sequestrator while that investigation was being carried out by the two Houses of Parliament; he was not suspended or replaced. The topic of local investigations into unsuitable sequestrators would be an interesting one to pursue, to see whether other local committees were more prompt in their dismissals than Westminster was with Wither.

<sup>84</sup> TNA SP 20/1, pp. 515-6.

Kingsclere, which indicates that Hampshire had also been split into multiple districts. However, whether there were also sub-committees in that county is unclear. Wolridge was asked ‘to doe & execute all & evry thing & things’ stipulated in the sequestration ordinances, in addition to becoming the steward of courts baron on sequestered property within his area. He was also authorised to appoint deputies to act in his place if necessary. Only five members of the central committee signed this order; the Earl of Denbigh, Sir John Trevor, Lord North, William Ellis, and Sir Nathaniel Barnardiston, so there was some overlap with the nine men who had signed the previous order.<sup>85</sup>

The third appointment order transcribed in Appendix C was dated 2<sup>nd</sup> June 1648, and was addressed to Thomas French. He was also being appointed as a sequestrator in Wiltshire, so may well have been a colleague of Henry Twogood. French was instructed ‘to use your best care & diligence to finde out and discovr all Papists & Delinqts in the County aforesaid not yet discovered’, and sequester them as soon as possible. He was also instructed not to suspend or discharge any sequestrations without an order from the Houses of Parliament, the central committee, or the compounding committee. The central committee reiterated the instruction previously provided to sequestrators that ‘if any doubts doe arise or any neglect bee in Execution thereof you are to certify the same to this Co that you may receive further direction therein’.<sup>86</sup> This demonstrates that, even in the later stages of the war, the central committee was still eager to ensure that they were aware of all problems. They still didn’t want sequestrators to make decisions if there was any doubt in the cases, and insisted that they still receive a full account of the matter. This is completely contrary to Alan M. Everitt’s claim that the central committee was ‘unaware of county problems’.<sup>87</sup>

### **Complaints**

An extensive category of interaction is complaints raised by the county committees. A regular example of this is the matter of safety. The first sequestrator to raise the issue was Mr Ghest from the Surrey committee, who wrote to the central committee in May 1643 requesting ‘to have a guard to goe with him ... to Croydon for seyzing

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<sup>85</sup> TNA SP 20/2, p. 98.

<sup>86</sup> TNA SP 20/5, p. 82.

<sup>87</sup> Everitt, ‘County Committee of Kent’, p. 19.

the ArchBps estates' because he had received 'some threates by ill affected persons'.<sup>88</sup> A Royalist pamphlet also reported the supposed death of 'Master Sellors', described as a 'busie Sequestrator', who the author claimed had met an unfortunate end in Wirksworth in Derbyshire on 25<sup>th</sup> February 1644/5 when his work was interrupted by Colonel Roger Molineaux and his cavalry.<sup>89</sup>

In November 1644 Clement Rogers, a sequestrator from Gloucester, appealed to the committee after he had been arrested in that city. The committee agreed that he 'ought to have protection' and ordered his immediate release. A similar case was presented in March the following year, when John Lawrenson and John Brash were both imprisoned at Warrington garrison whilst undertaking sequestration business in Cheshire. Again, the committee ordered that they 'be forthwith sett att Liberty'.<sup>90</sup> These punishments are consistent with the edicts issued by Charles I stating that anyone working to assist the Parliamentarian cause should be arrested and tried for treason.<sup>91</sup>

The most common complaint raised by the counties was that of payment, and the geographical range of the petitions summarised here demonstrate that this was a widespread problem. The instructions of April 1643 stated that every sequestrator 'is to have for his charges and pains therein, sixpence in every pound', and the collectors who gathered the rents due from delinquents' estates would receive threepence in the pound. The wages of anyone else employed in the business, such as craftsmen for dismantling furniture, should be decided by the county committees.<sup>92</sup> On 9<sup>th</sup> April 1644 the sequestrators of the Lathe of St Augustine complained that 'they could not live on the ffees allowed by the Ordinance' and threatened to resign unless they were given a minimum wage of £16 per year, and a further twelve pence in the pound for property they sequestered.<sup>93</sup> In October the same year John Base of Suffolk complained that the sequestration ordinance did not contain any guidance about reimbursing sequestrators who had to travel from the

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<sup>88</sup> TNA SP 20/1, p. 27.

<sup>89</sup> Sir George Wharton, *Englands Iliads in a nut-shell. Or, A briefe chronologie of the battails, sieges, conflicts, and other most remarkable passages from the beginning of this rebellion, to the 25. Of March, 1645* (Oxford, 1645); EEBO Thomason / E.1182[3], p. 23.

<sup>90</sup> TNA SP 20/1, pp. 461, 625.

<sup>91</sup> Charles I, *By the King. A proclamation prohibiting the assessing collecting or paying any weekly taxes, and seizing or sequestring the rents or estates of our good subjects, by colour of any orders or pretended ordinances of one or both Houses of Parliament* (Oxford: Leonard Lichfield, 1643); EEBO Wing / C2690, p. 1.

<sup>92</sup> Husbands, *Instructions agreed on*, pp. 5-6.

<sup>93</sup> TNA SP 28/210B/13, p. 22.

counties to report to the central committee.<sup>94</sup> In August 1645 this matter was also brought up by the Huntingdonshire committee, who requested ‘some allowance ... bee granted them for their paynes & travaile’. However, the central committee were unsympathetic to this petition and they ordered that anyone ‘who cannot or shall not execute [the ordinance] without allowance from the Commonwealth for their paynes therein in these times of publique necessitie may forbear the service’.<sup>95</sup> They did consider the fees of Michael Baker worth paying, although not out of their own revenues. In August 1646 Baker, a messenger working for the House of Lords, was sent to Leicester to summon three of that committee’s members to Westminster. However, the Leicester committee ‘doe refuse to pay the sd Mr Baker his ffees due to him for his charge & paines in his Journey to the towne of Leics’, and the committee ordered them to pay the money owed out of the money raised through sequestration in that county.<sup>96</sup>

December 1647 saw the first of two petitions submitted by the Worcester committee. Six of their sequestrators, namely Thomas Cookes, William Moore, Thomas Young, Edmund Young, John Gyles, and William Collins, complained that their ‘faithfull service ... done for the pliamt’ had been ‘with the hazard of their lives & losse of their Estates & their continuall paines & travell in the service of the Parlt’. The loss of their own estates meant that their financial resources had been ‘exhausted’, and they had therefore appointed themselves a salary of five shillings for each day they worked. The Committee of Accompts believed this was too much money, and the sequestrators claimed they had been molested and troubled ‘with much harshnesse & extremity to their Exceeding great discouragement’. The central committee sided with the sequestrators, and ordered that the Committee of Accompts ‘forbear to molest or trouble the said Petrs for the sd allowance’.<sup>97</sup> However, in April the sequestrators petitioned again and complained that the ‘p[er]secu[ti]on’ had continued in spite of the previous order, so the committee repeated once more ‘that the said Co may not bee molested or trouble for the cause aforesaid’.<sup>98</sup>

The final example of a payment complaint in the central committee’s order book was dated 23<sup>rd</sup> June 1648. Job Marcott, a sequestrator from Chester, complained that the Cheshire county committee were refusing to pay his ‘ffees and allowances’. He

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<sup>94</sup> TNA SP 20/1, p. 425.

<sup>95</sup> *Ibid.*, p. 937.

<sup>96</sup> TNA SP 20/2, p. 479.

<sup>97</sup> TNA SP 20/4, pp. 65-6.

<sup>98</sup> TNA SP 20/5, p. 52.

argued that he had performed ‘dilligent & faithfull service’ and taken ‘great paines ... in the states behalfe’. The central committee therefore ordered a prompt payment of his arrears out of the sequestration monies of Cheshire.<sup>99</sup>

### Investigations

The allegation of corruption was regularly levelled against sequestrators of all ranks, from the members of the county committees to members of the Houses. Such a widespread accusation must have had truth in it; the opportunity to increase their own wealth and property by taking possession of sequestered items was too tempting to resist. The anonymous ‘lover of his Country’ wrote about the challenges of launching a sequestration appeal with sequestrators, arguing that the delinquent would not receive justice because the officers commonly divided confiscated estates between them for their own gain;

... you may expect equall justice, when your Judges have equally divided your Estate amongst them: For Informers they share with Sequestrators, Sequestrators they share with Committee-men, and Committee-men they share with the Members of the House, who are their great Masters that protect them against all complaints in the House of Commons; & thus the honest Country-man, who knew no offence in maintaning his Allegiance which he was bred in, and had sworn unto his King; is taught by suffering to conforme to what he understands not, nor his rulers declare not, the inscrutable unlimitable Priviledges of Parliament: from offending whereof he is no sooner cleared by submitting to a large Fine, but that he is presently subject again to the like mischief, if he obeyes the Law of the Land, or the malice of his neighbour prosecutes him. Rebels and Traytors shall be protected to rob and plunder by Ordinance of Parliament, and honest men and Loyall Subjects shall be ruined and destroyed for adhering to the Established Religion and the known Lawes.

I will appeal to every honest Country-man, whether he were not in a much better condition when he was unacquainted with the termes of Plunder, Free-quarter, and Contribution, when he understood not the iniquity of a Sequestrator or a Committee, but upon occasion of any injury done him, had immediate recourse to the next neighbour, the Justice of Peace, where he complained, and had redresse according to a known Law.<sup>100</sup>

The accusation that members of the Houses of Parliament and of the county committees were taking sequestered property into their own hands was an extremely common one, and it is reflected in the surviving official documents. Indeed, the House of Commons officially sanctioned gifts of property on 25<sup>th</sup> April 1643 when

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<sup>99</sup> TNA SP 20/5, p. 141.

<sup>100</sup> Anon, *A brief discourse*, p. 23.

they ordered that ‘whatsoever Persons shall suffer for their Service to the Parliament, shall have Satisfaction and Reparation made unto them out of the Estates of Delinquents’.<sup>101</sup>

This section primarily focusses on the gifts recorded in the central committee’s order books, but examples from other county committees will be brought in as well. The order books record that seventeen members of the House of Commons,<sup>102</sup> ten members of the House of Lords, two army officers, two unidentifiable people,<sup>103</sup> Keeper of the Queen’s Court Thomas Parker, and a group of the House of Lords’ ushers benefitted from gifts of property. The Houses of Parliament also created orders for members to receive reparation from plunder through sequestered property; a selection of these will be highlighted as examples.

From the Royalist perspective, these Parliamentarian administrators were seeking to line their own pockets. On the other hand, the market for large estates was more restricted in wartime than in peace, so if Parliament couldn’t sell the estates it made sense to lease them to their own supporters who could be trusted and who would consistently pay the rent to support the war campaign.

Intriguingly the bequests made by the central sequestration committee were limited to the first years of the war; the first recorded gift of an estate was made on 24<sup>th</sup> May 1643, and the last on 16<sup>th</sup> December 1646. The central committee does not appear to have granted estates between 1647 and 1649; if they did make any gifts, they were done privately and were not entered into the order books. An explanation for the sudden cessation can be found in an order from the House of Commons on 8<sup>th</sup> December 1646 that,

... no Committee man, Sequestrator, Collector or other Officer employed in the Sequestrations in the several respective Counties, shall by himself, or any other in trust for him, or to his use, take to Farm or Rent, any Lands or Estates sequestred, or to be sequestred in the said several Counties where he is a Committee man, Sequestrator, Collector or other Officer employed in the Sequestrations as aforesaid.<sup>104</sup>

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<sup>101</sup> HCJ, Vol 3, 25<sup>th</sup> April 1643, p. 59.

<sup>102</sup> This figure includes 16 MPs, and also Lady Haselrig, wife of Sir Arthur Haselrig, who received the Earl of Thanet’s house in Aldersgate Street for her own use.

<sup>103</sup> Mr Boughton, and a minister named Mr White.

<sup>104</sup> House of Commons, *Several votes of the Commons assembled in Parliament concerning delinquents* (London: Edward Husband, 1646); EEBO Wing / E2732, p. 6.

Although this order did not explicitly forbid sequestrators to hold property in counties where they were not officials, the closeness of these dates indicates that the order did cause the central committee to stop bestowing estates. Arguably the members of the Houses and of the central committee had the jurisdiction of the entire country, so theoretically this order would have applied to them. The final 16<sup>th</sup> December bequest, which was made to Sir John Corbet, appears to have slipped under the wire, though the explicit statement in the order books stated that it was reparation for losses Corbet had sustained through Royalist plunder.

However, sporadic gifts of sequestered property did continue, if they had the sanction of both Houses. One of the most extensive gifts was made to Oliver Cromwell in March 1647/8, in gratitude for his ‘great and faithful Services’ as Lieutenant-General of the Horse. He was given a total of twenty-nine manors in the counties of Hampshire, Gloucestershire, Monmouthshire, and Glamorganshire, which had been sequestered from the Earl of Worcester and his sons. The House of Lords estimated that these properties were worth £2,500 per annum.<sup>105</sup>

From the central committee’s perspective there appeared to be a difference between reparation for losses suffered due to Royalist plunder, and the standard bestowal of estates. There was a clear sense that MPs and peers should be reimbursed for losses they had sustained, because their loyalty to Parliament was the direct cause of those losses. This did not, of course, take into account the plunder of civilians by Royalist soldiers, but it would have been far too complicated for the committees to attempt to implement a like-for-like retribution policy across the country. Reimbursing MPs was enough. The central committee’s order books record seven examples of money or land gifted in this manner.

James Fiennes, whose case is discussed in greater detail below, was given the Duke of Richmond’s house in Charing Cross because his Oxfordshire home had been plundered. Philip, Lord Wharton, received the Earl of Newport’s house, gardens, and orchards in Westminster in ‘considera[tion] had of his beinge plundered in Yorkshire and his house & lands possest by the Marquesse of Newcastle & his Army’. The MP Edmund Prideaux ‘hath bin plundered of all his estate in the Countie of Devon and his wife & children driven from thence’, so he was given ‘such proportion or value of furniture, househould stuffe & goods of malign[an]ts’ as restitution. Sir

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<sup>105</sup> HCJ, Vol 5, 7<sup>th</sup> March 1647/8, p. 482; HLJ, Vol 10, 9<sup>th</sup> March 1647/8, pp. 104-5.

Thomas Myddleton's 'estate to a great value hath bin taken from him by the K[ing]'s forces, and himself, his Lady & family left destitute of house & meanes', so the committee awarded him Sir Edward Harbert's house on the Strand. Henry, Earl of Stamford, had also experienced his 'whole estate to a greate value ... taken from him by the Kings forces', so the committee provided him with a house and goods in Westminster, although the entry did not specify whose house it was. John Rolle MP received 'repara[ti]on out of the estate of Sr John Harrison' in Hertfordshire 'with all convenient speede', which indicates that he too had been plundered. The final example in the order books was that of Sir John Corbet, who received William Stafford Esq's property in Milton in Buckinghamshire 'for the repara[ti]on of his losses & damadges sustained by the K[ing]'s forces'.<sup>106</sup>

However, there seems no doubt that some peers – and it was mainly peers – were actively seeking to collect sequestered estates to improve their own fortunes. The order books provide the names of four men who appear to be guilty of this charge. James Fiennes, MP for Oxfordshire and the eldest son and heir of Lord Saye and Sele, acquired the Duke of Richmond's house in Charing Cross on 12<sup>th</sup> June 1643 upon 'consideration ... of his beinge plundered, & his house & lands in the Countrie [Oxfordshire] possest by the K[ing]'s forces'.<sup>107</sup> It is worth noting that the very next entry in the committee's order book that same day noted that his father, Lord Saye and Sele, had received a similar order to possess Lord Cottingham's house, gardens, and orchards at Hanworth in Surrey 'for his releivm[en]t'.<sup>108</sup> That was the only estate gifted to Saye and Sele, but just over a fortnight later James Fiennes also received Wallingford House in Whitehall, which would later become the meeting place of plotters seeking to overthrow Richard Cromwell in 1659. In March 1645 Fiennes raised a complaint with the central committee, stating that the Westminster county committee had mistakenly given the property to William Lenthall, speaker of the Commons, for an annual rent of £70. On 2<sup>nd</sup> April, when the committee debated the matter, they confirmed that 'the sayd Mr Ffynes shall continue the possession of the sayd house according [to] the former order of this Committee'. The order also noted that Fiennes had offered to pay the £70 per annum rent that Lenthall had agreed to, and on 2<sup>nd</sup> May another order confirmed that the charge would only be backdated

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<sup>106</sup> TNA SP 20/1, pp. 76, 101, 108-9, 163, 210-1, 376; SP 20/3, p. 29.

<sup>107</sup> TNA SP 20/3, p. 76.

<sup>108</sup> Ibid, p. 77.



to 25<sup>th</sup> March; this strongly indicates that he had held the property free of charge for almost two years.<sup>109</sup>

Fiennes was not a member of the central committee, but his father, Lord Saye and Sele, was; he was recorded as attending seventeen meetings between 10<sup>th</sup> June 1643 and 3<sup>rd</sup> June 1646. The question must be raised whether nepotism was involved with the bestowal of property upon Fiennes. Saye and Sele was present at the committee meeting on 12<sup>th</sup> June 1643 when both men received property, and this is the only case in the order books of a father and son both taking advantage of the ready availability of sequestered houses.

The second peer who gained possession of more than one sequestered estate was Philip Herbert, Earl of Pembroke, who has already been highlighted as the fourth most consistent attender at central committee meetings. On 6<sup>th</sup> March 1643/4 the committee wrote to the county committee on the Isle of Wight, recommending Pembroke as the tenant for ‘the mannor of Asp in new Church’; presumably this refers to Aspe in Newchurch, on the east side of the island. Pembroke stated that he was ‘not desyreing to have any Tenant dispossessed but onely that he may be Tenant of what is out of Lease’.<sup>110</sup> Aspe Manor had been sold to the Bishop of Rochester in 1640, and his property was among the first to be sequestered when the ordinance was introduced.<sup>111</sup>

Three months later, on 7<sup>th</sup> June, Pembroke’s name appeared in the order books again, this time as the recipient of the Duke of Richmond’s Kent estate of Cobham Park. Pembroke had specifically requested this property, because the order book noted that it was ‘upon the desire of the Earle of Pembroke to be tenant thereof’. The Kent county committee had indicated that they were willing to grant the request, and the central committee recommended the transaction on the proviso that Pembroke paid the rent and maintained the ‘well orderinge and keepinge of the house & premises’. A week later Pembroke was ‘admitted Ten[an]t o the said house & Parke together with the said outlands adjoyninge’ for a rent of £100 per annum. The two committees were eager to dispose of Cobham Park because ‘the keeping of the said House & parke was a Charge & burden to the Comonwealth & yeilded noe p[ro]fitt for the same’.<sup>112</sup>

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<sup>109</sup> TNA SP 20/1, pp. 624-5, 693.

<sup>110</sup> Ibid, pp. 221, 302.

<sup>111</sup> The first reference to his property in the committee’s order books was on 10<sup>th</sup> May 1643; indeed, he was the thirty-eighth individual to be discussed.

<sup>112</sup> TNA SP 20/1, pp. 318, 322, 325, 532.

Letting it to Pembroke, an extremely wealthy landowner in his own right before the war, was the easiest solution to ensure the estate would be maintained with little financial difficulty.

The third peer collecting sequestered estates was Charles West, 5<sup>th</sup> Baron de la Warr. He obtained three properties between November 1644 and April 1646, a feat made even more remarkable by the fact that he was only years old in 1644. He had inherited the Barony in 1628 at the tender age of two, upon the premature death of his twenty-four year old father Henry West, 4<sup>th</sup> Baron. The de la Warrs appear to have encountered sequestration at a low level in January 1642/3, because on the 27<sup>th</sup> of that month his mother obtained an order of protection from the House of Lords, stating that ‘her Person and House [are] to be free from Molestation and Plundering’, but far from losing his property, Lord de la Warr was determined to increase it.<sup>113</sup>

On 22<sup>nd</sup> November 1644 the central committee granted him the estate of Apps Court in Surrey, which had been sequestered from Francis Leigh, 1<sup>st</sup> Earl of Chichester.<sup>114</sup> Just over a year later, on 21<sup>st</sup> January 1646, de la Warr was also given property at Flanchford near Reigate, which had previously been held by Sir Thomas Bludder. The entry in the order book records that a ‘mo[ti]on [was] made to this Committee on the behalfe’ of de la Warr, which shows that he had not made the request himself. It suggests that either he had enlisted the assistance of one of the committee members, or possibly that he had sent an emissary to raise the subject during the meeting in the Painted Chamber.<sup>115</sup> The final piece of property de la Warr received from the central committee came on 10<sup>th</sup> April 1646, when he was given custody of the forest of Hinkley in Hampshire and all profits associated with it.<sup>116</sup>

The final peer enjoying more than one sequestered estate was Henry Grey, Earl of Kent. He was a member of the central committee, and his presence was recorded at sixteen meetings between 25<sup>th</sup> March 1644 and 30<sup>th</sup> January 1647. He also acted as Speaker in the House of Lords during the war, a post he held when he was granted the sequestered property. In the spring of 1645 he actively sought to gain possession of Thorndon Park in Essex, formerly the property of William Petre, 4<sup>th</sup> Baron Petre.

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<sup>113</sup> HLJ, Vol 5, 27<sup>th</sup> January 1642/3, p. 574.

<sup>114</sup> TNA SP 20/1, p. 469.

<sup>115</sup> TNA SP 20/2, pp. 117-8.

<sup>116</sup> Ibid, p. 271.

It was necessary to take the physical structure of Thorndon Park into Parliamentary hands because it was being used as a Royalist meeting place; the House of Commons had received reports that ‘the sayd howse hath bin Inhabited and much frequented wth papist & ill affected psones to the danger of the County’.<sup>117</sup>

With the exception of Fiennes’ initial period of tenancy, the orders granting houses to MPs and peers were explicit about the importance of the new tenants paying rent for the properties to Parliament. They appear to have been treated the same way as all other tenants who suddenly found themselves with Parliamentary landlords; the entries stipulate that the rent amount would be set and collected by the relevant county committee. The gifts of estates were not gratuitous, therefore; it suited Parliament for the tenants to be allies, and the promise of regular income from the estates would assist with the ever-increasing costs of waging war.

An alternative charge of corruption levelled against sequestrators was that they helped secure the discharge of their friends and relations. While this was certainly true, the Bedfordshire committee papers provide an example of a sequestrator’s family member who was subjected to the same investigation and rules as every other delinquent they encountered.

Sir William Boteler had a brother named Francis, who he affectionately referred to as Frank. When the war began the brothers took different sides; while Sir William devoted himself to Parliamentary administration in Bedfordshire, Frank became a Major in the King’s army, but by the end of 1645 he expressed a desire to leave active service. On 11<sup>th</sup> December 1645 he wrote to his ‘Assurd Loving Brother’ from Oxford and requested ‘that I may have Liberty to Come into the Country [Bedfordshire] for A wille, and Soe to Passe ffor Flaunders’. The implication is that he wished to go into self-imposed exile. He desired ‘A speedy Answer’ from his brother, and had instructed his messenger to wait and receive a response. Frank knew that if he was caught travelling into Bedfordshire without permission he would be apprehended, regardless of who his brother was. It is also important to note that he was not seeking immunity or discharge from any accusation of delinquency which could be levied upon him; he merely asked to be given permission to travel

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<sup>117</sup> TNA SP 20/1, p. 694.

and leave the country. He closed his letter with ‘my true Respects to your selfe my good Lady and all my Freinds’.<sup>118</sup>

However, Sir William was not able to grant his request. He wrote back to Frank on 16<sup>th</sup> December and kept a copy of his letter for his own records – potentially also to safeguard himself against accusations that he was aiding the enemy. He told Frank that he was about to travel to London and ‘cannot returne you an absolute answer’, but ‘shall not faile to use my endeavours to effect your desires’. He also cautioned his brother against travelling until he heard from him again. Before sending his letter Sir William showed it to Sir Thomas Alston and Francis Banister, two of his committee colleagues, to ensure that his actions were known and approved of.<sup>119</sup>

When he reached London Sir William sought the assistance of Sir Oliver Luke, another committee colleague who was based in Westminster, and requested him to place Frank’s case before the Speaker of the Commons, who ‘heretofor had power to graunt passes’. Sir Oliver attempted to do so, but after a conversation with Lenthall he reported to Sir William that ‘I fear this may prove a matter of some tyme before it is settled’. After speaking with other friends Sir Oliver considered the best course of action would be for Frank to fully surrender himself to Parliament. He recommended Sir William to ‘send him to me’, and promised that ‘I will carrye him alonge through the bisyness’. He promised to procure a travel pass for Frank in the meantime if he could, but warned that the Royalist ‘must resolv to take the Covenannt and Oath or els then there is nothinge to be done’. Sir Oliver added a scribbled postscript at the side of the letter; ‘lett him staye at your house as lytall as may be and in that tyme converse nethr wth papyst nor Malygnanttt’.<sup>120</sup> It is clear from this that Sir Oliver also considered the danger to Sir William’s position if it was known that he was harbouring his brother. The warning not to let Frank speak to ‘papyst nor Malygnanttt’ also suggests there was some distrust as to his motives for travelling, and the ever-present danger of Royalist plots and uprisings was too great to be overlooked. However, if Frank was willing to travel to London, submit himself to Parliament, and swear the Oath and Covenant Sir Oliver was willing to help him.

This case is very significant and tells us a great deal about Sir William Boteler’s character. He didn’t just give his brother the pass, which his position and authority

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<sup>118</sup> BARS TW935.

<sup>119</sup> BARS TW936.

<sup>120</sup> BARS TW937.

would have enabled him to do; he involved other members of the Bedfordshire county committee, and ensured that permission was requested from the House of Commons. In other words, he followed the rules. This case also shows that other members of the Bedfordshire committee were willing to help their friends, even though they were on different sides, but again not to the point of breaking the rules imposed by Parliament.

## Chapter 5: The State hath been much wronged and damnified: A Case Study of Anthony Wither

The case of Anthony Wither<sup>1</sup> demonstrates how the highest echelons of Parliament were involved in the day to day running of sequestration. Allegations about the corruption of sequestrators were widespread, but the surviving evidence indicates that Wither was among the worst of them, and certainly the one investigated in the most detail. Reports about his case were heard at numerous levels of the administrative hierarchy; the Westminster county committee, the central sequestration committee, the House of Commons, and the House of Lords. It also proves that accusations of misdemeanour on the part of sequestrators were taken very seriously and investigated to the fullest possible extent. A conclusion to be reached here is that a stricter vetting process would probably have been wise when Parliament was appointing their sequestrators in 1643. Corrupt officials brought Parliament into disrepute and would have been easy ammunition for disgruntled Royalists to exploit. However, in Parliament's defence the ordinance of March 1643 appointed 753 sequestrators, so from a logistical point of view undertaking a background check on every person would not have been possible.

Anthony Wither has been forgotten, but in the early 17<sup>th</sup> century he was a well-known figure in Whitehall. He was born in approximately 1585 and had at least two brothers, Richard and William. On 16<sup>th</sup> May 1635, at the age of forty-nine, he was married to forty-one year old Anne Cox, the widow of William Cox, a draper of the parish of St Olave's, Southwark.<sup>2</sup> The wedding took place at the church of St Martin in the Fields, and the couple soon took up residence in Covent Garden. He purchased a large house in Queen Street, measuring 40ft by 200ft, from William Newton in 1637.<sup>3</sup> The couple had no children, and Anne predeceased him, although her exact date of death is unknown. Anthony Wither died in 1654 at the approximate age of sixty-nine.

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<sup>1</sup> The spelling of his surname appears variously as either Wither or Withers. For the sake of consistency the former will be used, because that was the spelling used most commonly by the Committee for Sequestrations in their order books, and he used this spelling when writing his will in 1654.

<sup>2</sup> LMA MS 10091/17.

<sup>3</sup> W. Edward Riley and Laurence Gomme (Editors). *Survey of London*, Vol 5 (London: London County Council, 1914), pp. 59-83.

The first visible trace of his rise to prominence was on 1<sup>st</sup> June 1619, when he petitioned to be admitted as a Freeman of the East India Company in Persia.<sup>4</sup> The Company was based in Gombroon, which is now Bandar Abbas.<sup>5</sup> His admission was confirmed on 9<sup>th</sup> September of that year after he paid a fee of £50.<sup>6</sup> He appears to have been involved in the trade of cloth. However, the Governors of the Company soon grew to repent this decision because it became clear that Wither was a disruptive individual. In April 1622 it was noted in the Court Minutes that ‘Withers, a brother of the Company ... has made several complaints about the last General Court and the conduct of the committees’.<sup>7</sup> He was still complaining in May 1625, when it was recorded that,

... the Lords utterly disliked the complaint of Anthony Wither against the Company about the Persian trade, being a mere invective and scandal, and no way pertinent to the business of the Persian trade, and commanded same to be delivered to the Company, which after being read and debated the Court found to be a notorious and false scandal against Mr. Governor and the Committees, and considered the best way to maintain their own credit, and punish Wither; upon which a committee was appointed to take some pains in drawing up an Answer to the same. Not only Wither himself was at the Council table, but by his means 26 gentlemen and citizens, who Wither hoped would have seconded him in his malicious purpose, but it proved otherwise, for many averred that they were altogether ignorant of Wither's intent.<sup>8</sup>

This was the first of many occasions in Wither's career that such a charge of disruption and scandal was brought against him. He was not deterred by this reprimand, and continued in his campaign to blacken the name of the Governors. In December 1625 he drew up a document concerning the lack of advancement in Persian trade, as well as ‘the defects and faultiness of the laws and proceedings’ of the Committee. The Governors promptly dismissed this as a scandalous complaint, and accused Wither of ‘grossly contradicting himself, and of aiming at nothing more than by way of slander and practise to change the present Government of the East India Company, not for any zeal he has to the Persian trade, but hoping by this pretence to obtain some good employment for himself with his adherents’. They wrote to the Privy Council appealing ‘for relief against Wither’, whose ‘seditious

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<sup>4</sup> W. Noel Sainsbury (Editor), *Calendar of State Papers, Colonial, East Indies, China and Japan*, Vol 3 (London: HM Stationery Office, 1870), pp. 276-82; hereafter Sainsbury, *State Papers East Indies*.

<sup>5</sup> See Peter Good, ‘The East India Company in the Persian Gulf: 1700-1750, The View from Bandar Abbas’ (PhD thesis; University of Essex, 2018).

<sup>6</sup> Sainsbury, *State Papers East Indies*, Vol 3, pp. 327-41.

<sup>7</sup> *Ibid*, Vol 4, pp. 30-6.

<sup>8</sup> *Ibid*, Vol 6, pp. 63-73.

practices in other great affairs against the common good is not unknown'.<sup>9</sup> This was an ominous and very perceptive summary of his character.

Nevertheless, Wither was not expelled from the Company. From the summer of 1626 until the early months of 1627 he was engaged in a debt dispute with a man called Mahomet, the son of a Persian merchant, who Wither claimed owed him £40 for cloth. The Company was unconvinced by Wither's testimony and decided that it was 'no way safe to part with any money to Mr Withers'.<sup>10</sup>

In December 1628 he was once again investigated by the Governors for his role in a disturbance. He and three other men had been authorised to undertake a stock assessment in the Auditor's office, but quickly overstepped their authority;

... there by a commanding and inforcing manner required a sight of the Bantam letter, which when they had got into their hands commanded Mr. Hanson to leave the room, and, shutting him out, did not only read that letter and what others they pleased, but took extracts and copies thereof, from which the Company may see how unfit it is to have such ill affected persons to be adventurers with them in this new stock, for if this course be suffered they shall no sooner resolve upon anything or have advice from their factors but it will be divulged to the Hollanders.<sup>11</sup>

On 19<sup>th</sup> January 1628/9 Wither and his comrades 'were at a general meeting of the Adventurers for Persia forbidden any further auditing of the accounts till the next General Court'. The Court met on 13<sup>th</sup> March, and 'remembered the wrongs and injuries done them' by Wither and one other man in particular, Mr Mynn. The Court resolved 'to advise with counsel', and consider whether they could launch an action in the Star Chamber against the two men to 'receive a just recompense for the intolerable wrongs and scandals cast upon the Court by the said persons'. Wither appears to have been expelled from the Company that day, and his interests in stock were sold to Philip Burlamachi for £1,000.<sup>12</sup>

Wither returned to England and settled in London, apparently avoiding any action by the Star Chamber. In spite of the Privy Council's former knowledge of his actions and character, in 1630 he was able to procure an appointment from Charles I as a commissioner investigating the execution of cloth-making statutes in

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<sup>9</sup> Sainsbury, *State Papers East Indies*, Vol 6, pp. 122-37.

<sup>10</sup> *Ibid*, pp. 300-10.

<sup>11</sup> *Ibid*, pp. 570-601.

<sup>12</sup> *Ibid*, pp. 602-18, 635-47, 692-9.



Gloucestershire, Wiltshire, Oxfordshire and Somerset.<sup>13</sup> His previously knowledge of the cloth trade from his time in Bandar Abbas was undoubtedly a contributing factor to this appointment.

Unfortunately, he was as unpopular in this role as he had been in the East India Company. He faced extreme resentment from both local administrators and cloth makers;<sup>14</sup> indeed, the latter group were so incensed that they attempted to drown him in the spring of 1632 by throwing him into the River Avon. This incident prompted Wither to begin an action in the Star Chamber himself. He complained of facing ‘divers oppositions, & combinations’, and the court described this as a business ‘of a high nature’ which ‘greatly importeth the honor, and service of his Matie and State’.<sup>15</sup>

In spite of this danger he continued his work, and submitted a report into the state of cloth making to Whitehall in July.<sup>16</sup> The following year he wrote to Secretary Windebank from Bromham in Wiltshire to complain that ‘this Country will ... become shortly to hott for me’ and requested that ‘there may be some proceeding obtained against’ Sir Edward Baynton and ‘the other delinquents’, who had ‘conspired & practised my death, & have since confessed the same divers times’.<sup>17</sup>

He came into dispute with Sir Francis Seymour, a Justice of the Peace in Salisbury, in 1634. Wither accused Seymour of having hindered his business, but Seymour and his fellow Justices retaliated by submitting evidence against Wither instead. Edward Downes, a Salisbury cloth maker, produced a signed and witnessed statement on 28<sup>th</sup> March 1634 in which he accused Wither of confiscating cloth from him and refusing to return it, which was a ‘greate losse’ to his business, and also related an incident where Wither described Sir Francis Seymour as ‘the most malitious man’.<sup>18</sup> Similar claims of seized cloth were also made by Henry Ackenbach<sup>19</sup> and John Poole; the latter argued that ‘verie many poore people in the Countie where he liveth have their whole libelihood from your pet[itioner]s employment’, and that they ‘for want of worke are readie to perish ffor that Mr Anthony Wither ... did ... seize and take

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<sup>13</sup> TNA SP 16/174, f. 128r.

<sup>14</sup> Elizabeth Crittall (Editor), ‘Textile Industries since 1550’ in *A History of the County of Wiltshire*, Vol 4 (London: Victoria County History, 1959), pp. 148-182; hereafter Crittall, ‘Textile Industries’.

<sup>15</sup> TNA SP 16/216, f. 54r.

<sup>16</sup> TNA SP 16/221, ff. 68r:68v.

<sup>17</sup> TNA SP 16/242, f. 74r.

<sup>18</sup> TNA SP 16/267, ff. 48r:48v.

<sup>19</sup> TNA SP 16/274, f. 29r.

into his Custodie' a large quantity of cloth, which he refused to return. The Privy Council deemed Wither's actions severe enough to incarcerate him in the Fleet Prison. He was released in November after acknowledging in writing that the charges against him had been just, and pleading that he was 'heartely sorry' for his words against Seymour.<sup>20</sup>

His disgrace was a fleeting one, however. In 1638 he petitioned the King concerning his present role as a Commissioner for Clothing, which he described as 'a most difficult & dangerous service' and which had placed his life at peril. He had been recommended for the role at least two years earlier by the Company of Merchant Adventurers, who had also influenced his appointment in 1630. This position required him to travel to Hamburg to inspect and regulate the manufacture of cloth, and either the Merchant Adventurers or the King were to pay his expenses and guarantee his safety. However, consistent with every other incident of his career to date, Wither reported that the Merchant Adventurers had 'thrust him out of his place', refused to pay his expenses, and appointed another Commissioner in his stead. Wither claimed that the only reason they gave for his dismissal was that the new Commissioner was willing to work for a lower salary. He petitioned the King asking him to overrule this decision and allow him to continue his 'dilligent & faithfull service as hitherto hee hath done'. The King appears to have been sympathetic, because there are fleeting references to Wither as an active commissioner in January 1639/40.<sup>21</sup>

In spite of his claims of loyalty to the crown, there are hints that he was sympathetic to the Parliamentarian, rather than monarchical, cause during Charles I's personal rule. In August 1637 he had been examined by the Attorney General and Solicitor General after being found in possession of William Prynne's subversive 'Remonstrance concerning the shipping money', which the authorities were at pains to suppress.<sup>22</sup>

Wither's first appointment during the Civil War occurred on 3<sup>rd</sup> March 1642/3, when he was added to the Committee for the City and Liberty of Westminster charged with gathering the weekly assessment for the maintenance of the army.<sup>23</sup>

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<sup>20</sup> TNA SP 16/277, f. 183r ; SP 16/307, f. 108r; Critall, 'Textile Industries', pp. 148-182.

<sup>21</sup> TNA SP 16/407, f. 169r ; SP 16/443, ff. 22r, 24r.

<sup>22</sup> LPL MS 1030, ff. 133r:134v.

<sup>23</sup> HLJ, Vol 5, 3<sup>rd</sup> March 1642/3, pp. 632-636.

Later that month he was one of the 753 sequestrators appointed through the ordinance of 27<sup>th</sup> March 1643.<sup>24</sup> He and fourteen other men formed the Westminster sequestration committee, which was based at the Savoy Palace. His colleagues were Sir Robert Pye, Sir William Ashton, Sir John Corbet, John Glyn, John Trenchard, William Wheeler, John Brigham, George Beverhasset, William Barns, Josias Fendall, William Bell, Steven Higgins, and Messrs Tuckey and Colchester. Four of these men – namely Sir Robert Pye, Sir John Corbett, John Glyn, and John Trenchard – also had varying levels of involvement with the central sequestration committee, although none attended meetings with any regularity. Five other gentlemen were added to the committee at a later date; namely Sir Gregory Norton, Humfrey Edwards, William Jones, Edward Martyn, and John Biscoe.<sup>25</sup> The Westminster committee were not as active as their London counterparts, who were based at Camden House, perhaps due to their smaller geographical jurisdiction. Nevertheless, a report drawn up at the end of 1643 reveals that they had been able to raise £7,750, eight shillings, and one penny through the sale of goods sequestered from 111 raids on the property of one hundred delinquents and papists, including Sir Thomas Stafford, Inigo Jones, and the Earls of Newport, Portland, and Holland.<sup>26</sup>

Wither appears to have embraced his role as a sequestrator with considerable enthusiasm, but unsurprisingly the evidence suggests that he did not always follow the law. On 14<sup>th</sup> June 1643 the House of Lords complained that ‘one Mr Withers is carrying away the Goods of the Earl of Portland’ from his Westminster home, and instructed that the goods ‘shall not be removed out of his House, until the Pleasure of this House be further known’. Sean Kelsey has described the Earl of Portland as one of the ‘royalist “peace lords”’ who had remained in Parliament after the outbreak of war to argue on behalf of the crown. Portland was implicated in Waller’s Plot in 1643, and was imprisoned for seven weeks. He was released on bail in July, and almost immediately fled to Charles I’s court at Oxford, where he remained until the town’s surrender in 1646.<sup>27</sup> He was certainly within the scope of the sequestration ordinance, and indeed appears in the central committee’s order books in December 1643 requesting maintenance for his children.<sup>28</sup> He later successfully compounded, and his property was discharged in 1647.

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<sup>24</sup> Firth and Rait, *Acts and Ordinances*, pp. 106–117.

<sup>25</sup> TNA SP 28/212, f. 90r.

<sup>26</sup> *Ibid.*, ff. 123r–127r.

<sup>27</sup> Sean Kelsey, ‘Weston, Jerome, second earl of Portland (1605–1663)’ in *ODNB*.

<sup>28</sup> TNA SP 20/1, p. 142B.

In this case Wither appears to have begun seizing the Earl's goods precipitously, and the Lords ordered 'that the said Anthony Withers shall be brought before the Lords in Parliament presently' to explain his actions.<sup>29</sup> Unfortunately there is no reference to his appearance in the subsequent entries, but a mere three weeks later he committed a similar offence. On 4<sup>th</sup> July the Lords reported that Wither and Josias Fendall, one of his committee colleagues, had entered the Countess of Leicester's house 'to take away the Goods out of her House, under Pretence that they are the Goods of the Lord Spencer's'. Wither and Fendall were ordered not to 'meddle with any Goods of the Countess of Leycester's', and were summoned to appear before the Lords the following day to defend their actions.<sup>30</sup> The Lords asked 'by what Directions and Authority they inventoried the Goods of the Earl of Leycester', who was a loyal Parliamentarian, and the two men answered 'That it was according to the Authority given them by the Ordinance of Parliament', referring to the 27<sup>th</sup> March ordinance. The Lords were not satisfied with this answer, and pressed them to explain 'by what Rule they judge who are Delinquents, and who are not'. In reply Wither and Fendall pointed out that the ordinance left the decision about who to sequester at the discretion of the sequestrators. The Earl of Manchester, who was Speaker that day, rebuked the two men, and commanded them 'not to molest the Family of the Earl of Leycester', who was 'no Way within the Ordinance of Sequestrations', nor to 'do any Prejudice to his Goods'. Manchester concluded with the warning that disobeying this instruction would be 'upon their Peril'.

The Lords were very concerned by this incident, and 'conceived that there hath been many Abuses in the Execution of the Ordinance of Sequestrations, there being but little Benefit coming to the Parliament, and great Scandal by the undue Execution thereof'. They dispatched Sir Edward Leech and Mr Page to the House of Commons with the message that the 'Honour of both Houses of Parliament' had been prejudiced through 'the undue Execution of the Ordinance for Sequestrations'.<sup>31</sup> John Pym spoke at greater length with the messengers, and reported back to the Commons that 'the Lords finding Miscarriages and Misbehaviours in those that are employed for sequestring Men's Estates' and 'do desire that the Committee of Lords and Commons for Sequestrations, may meet this Afternoon, to consider of and provide Remedies against those Miscarriages'.<sup>32</sup> Members of the Committee present in the Commons

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<sup>29</sup> HLJ, Vol 6, 14<sup>th</sup> June 1643, p. 95.

<sup>30</sup> *Ibid.*, 4<sup>th</sup> July 1643, p. 119.

<sup>31</sup> *Ibid.*, 5<sup>th</sup> July 1643, pp. 120-1.

<sup>32</sup> HCJ, Vol 3, 5<sup>th</sup> July 1643, p. 156.

at that moment returned the message that they could not meet that afternoon, but would do so as soon as possible. There is a single entry recorded in the committee's order book for the following day, 6<sup>th</sup> July, so it seems probable that the meeting took place then instead. However, there are no references to this matter in the book.<sup>33</sup>

Although Wither and Fendall were not mentioned by name in these messages passed between the Houses, the charges of miscarriage of duty and misbehaviour that had endangered the honour of Parliament are staggering in their severity. This incident led to the hasty passage of an amended sequestration ordinance, which was read and agreed to in the Commons on 8<sup>th</sup> July, although the Lords deliberated and finally returned their acceptance on 17<sup>th</sup> August. This amended ordinance contained an extensive and detailed list of 'Who shall be reputed Delinquents', ensuring that sequestrators did not commit further errors.<sup>34</sup>

In spite of his reprimand from the House of Lords Wither continued in his role as a Westminster sequestrator. However, Parliament does appear to have kept an eye on him and placed certain restrictions on his actions. His name appears in the journals of both Houses again on 16<sup>th</sup> September. The Earl of Pembroke's housekeeper informed the Lords that 'one Mr Withers hath broken open some doors at Whitehall, to search the House'. Whitehall, of course, was a Royal residence. In principal the Lords agreed that the palace should be searched and delinquents' property removed, but they wanted an assurance that the King's property would not be 'meddled with', and they did not trust Wither to act alone. They sent Serjeants Glanville and Fynch to the Commons suggesting that 'the King's House at Whitehall may be searched by a Lord and Two of the House of Commons', rather than just a sequestrator.<sup>35</sup> The Commons agreed, and appointed John Gurdon and John Trenchard as their representatives for the search. Both men were members of the central sequestration committee, and as already noted, Trenchard was one of Wither's colleagues on the Westminster committee. Four days later the Commons added William Wheeler to their delegation.<sup>36</sup>

The following day, on 21<sup>st</sup> September, the Commons produced an order that 'the Sixty-four Pounds Fifteen Shillings and Nine Pence, or thereabouts, and the Books,

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<sup>33</sup> TNA SP 20/1, p. 82.

<sup>34</sup> See Chapter 6, Young, *Implementation of Sequestration*.

<sup>35</sup> HLJ, Vol 6, 16<sup>th</sup> September 1643, p. 217.

<sup>36</sup> HCJ, Vol 3, 16<sup>th</sup> September 1643, pp. 243-244; 20<sup>th</sup> September 1643, p. 248.

Papers, and Debentures, seized in the Cofferer's Lodgings at Whitehall, belonging to Sir Hen. Vane; shall be forthwith restored to Sir Hen. Vane', which indicates that the raids on the palace had begun. Interestingly, this order was directed to Wither, who was 'required to deliver the same accordingly'.<sup>37</sup> Although Sir Henry Vane had enjoyed a close relationship with the King in the late 1630s and served as his Secretary of State, the war with Scotland caused him to re-evaluate his position and at the outbreak of war he was a confirmed Parliamentarian.<sup>38</sup> This, combined with his past misdemeanours and future evidence presented below, suggests that Wither had once again confiscated property in error. A document written by a member of the Westminster county committee on 10<sup>th</sup> July 1644 also places Wither at the Whitehall raids; this will be discussed in greater detail below.

In November 1643 Wither was still trusted enough to be the recipient of an order from the Committee for Safety, with signatories including John Pym, Denzil Holles, and the Earl of Manchester. The order was addressed directly 'To Mr Anthony Wither or any whom it may concerne', and instructed him to provide £100 to Sir Gilbert Gerard 'for the pressing and urgent service of the State' out of the money raised by the sale of a silver cistern confiscated from Sir Richard Hubbart.<sup>39</sup>

However, by December 1643 Wither's repeated misdemeanours prompted the central committee to open a formal investigation into his work. On 6<sup>th</sup> December his colleague John Trenchard delivered him a copy of his charge, and he was instructed to submit a written defence to the committee by the 14<sup>th</sup> of that month.<sup>40</sup> A hearing date of 16<sup>th</sup> December was initially set, but his name does not appear again until 5<sup>th</sup> January 1643/4, when Mr Trenchard was instructed to approach the House of Commons for an order to proceed in the case.<sup>41</sup> Five days later Wither had withdrawn £20 from the sequestration money at the Savoy to pay Dr Temple, a minister who had been preaching at Covent Garden.<sup>42</sup>

Instead of allowing the central committee to proceed, the Commons appears to have taken over the investigation altogether. On 15<sup>th</sup> March a committee of nineteen MPs was instructed to meet in the Star Chamber at 3pm 'to consider of ... the

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<sup>37</sup> HCJ, Vol 3, 21<sup>st</sup> September 1643, p. 249.

<sup>38</sup> R. Malcolm Smuts, 'Vane, Sir Henry (1589–1655)' in *ODNB*.

<sup>39</sup> TNA SP 28/212, f. 208r:208v

<sup>40</sup> TNA SP 20/1, p. 149.

<sup>41</sup> *Ibid*, p. 168.

<sup>42</sup> TNA SP 28/212, f. 237r.

Informations given into this House, concerning Mr Anth. Wither's Misdemeanors in the Matter of Sequestrations, and the abusive Words he gave to a Member of this House at a Committee, and other Words that might reflect upon whole Committees of the House, and upon the House itself'.<sup>43</sup> On 23<sup>rd</sup> March a further order was given that this committee should join with the Committee for Examinations to fully investigate 'the Informations and Complaints against Mr Anth. Withers'.<sup>44</sup>

Unfortunately, any papers produced by the Committee for Examinations in this matter appear to have been lost. However, there are two full reports and one partial report preserved amongst the papers of the Westminster county committee which can throw light on the investigation. One of the reports is dated 10<sup>th</sup> July 1644 and the other two are undated, but it seems highly probable that they were all composed within a short time of each other. All three are damning indictments about his character and actions. They can be read in Appendix D.

The 10<sup>th</sup> July document contains 'A p[ar]ticular charge of sevrall misdemeanors committed by Anthony Wither gent one of the Committee for Sequestrations in Westm[inster] in the ordering & disposing of sequestred estates contrary to the trust reposed in him by the sevrall ordinances of sequestrations in that behalfe'. The primary charge against Wither was that he had stolen 'divers goods ... of good value' which had been brought into the Westminster committee's office at the Savoy 'before they [had] been Inventoried or apprayed', and had them 'carried home to his owne house and taken them to his owne use and never brought the same to accompt nor allowed the State any thing for the same'. Consequently, 'the State hath been much wronged and dampnified, and himselfe much profited'.

The primary charge was that he had obstructed the sale of sequestered goods 'by taking many of the principall goods as soone as they were brought into the office unto his owne use much whereof are not paid for ... thearby to enrich himselfe and pleasure his friends'. Potential buyers at the sales of property then became disgruntled 'when they perceaved the best goods to be disposed of before hand' and many 'refus[ed] to buy' anything at all after realising this. The accusations contained

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<sup>43</sup> '. Whitelock, . . Barrington, . . Maynard, . . Gourdon, . . Grimston, . . Harley, . . Bainton, . . Bamfield, . . Rous, . . Wilde, . . Prideaux, . . Stevens, . . Hooby, . . Hodges, . . Wentworth, . . Pye, . . *Recorder*, . . Wheler, . . Irby, . . Herbert ? H CJ, Vol 3, 15<sup>th</sup> March 1643/4, p. 429.

<sup>44</sup> *Ibid*, 23<sup>rd</sup> March 1643/4, p. 435; The Committees for Sequestrations and Examinations frequently worked in conjunction during the war, and would share information to enable the speedy and efficient persecution of delinquents. For more on this see Epstein, 'Committee for Examinations'.

in the three reports are staggering. They present an extremely negative image of Anthony Wither's character, morals, and behaviour. They argue that he regularly stole sequestered property from the Savoy without paying for it, that he forced appraisers to value items at a lower price than they should have, and that he accepted bribes from delinquents to allow them to regain their property. However, it must be noted that he was by no means the only sequestrator to face the final of these charges.

In spite of all these accusations Wither still enjoyed a position of power. On 23<sup>rd</sup> May 1644 he received a payment of £61, one shilling, and eight pence from John Jackson, the Westminster committee's treasurer, and a further order was made for him to receive £120 in June 1645. He was also active as a Justice of the Peace at the Westminster sessions court in 1644 and 1645.<sup>45</sup> In February 1645 the House of Lords appointed him as a Westminster representative in ordinances to raise money for the New Model Army and the Scottish army,<sup>46</sup> and January 1645/6 saw him named as one of the Governors of the precinct of Covent Garden.<sup>47</sup>

The fragmented report is the most significant in terms of the central committee's investigation into his actions. The case concerning Mr Holborn is the only charge against him which features prominently in subsequent orders and reports. The exact date is unclear, but at some point in the autumn of 1644 Anthony Wither was declared a delinquent by the Westminster county committee, and his property was sequestered. He petitioned the central committee in early October requesting a hearing, and the committee ordered Westminster to submit all evidence they had within a fortnight.<sup>48</sup> However, no immediate action appears to have been taken, and indeed Wither appears to have continued in his role as a sequestrator in spite of his own sequestration. He had not learned his lesson, however, and the evidence against him continued to accumulate.

On 23<sup>rd</sup> November his name was brought before the House of Lords again when he was summoned to explain why he had sequestered the property of Alexander Thayne, Gentleman Usher of the Black Rod.<sup>49</sup> The patience of the House of Commons finally ran out in August 1645, when they ordered 'That the Examination of the

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<sup>45</sup> TNA SP 28/212, f. 113v ; SP 46/104, f. 28r ; LMA WJ/SP/1644/004; WJ/SP/1645/005.

<sup>46</sup> HLJ, Vol 7, 17<sup>th</sup> February 1645, pp. 201-209 and 21<sup>st</sup> February 1645, pp. 219-230.

<sup>47</sup> *An ordinance of the Lords and Commons assembled in Parliament for making the Covent-Garden Church parochiall* (London: William Beesley, 1646); EEBO Wing (2<sup>nd</sup> ed.) / E1896, p. 4.

<sup>48</sup> TNA SP 20/1, p. 1030.

<sup>49</sup> HLJ, Vol 7, 23<sup>rd</sup> November 1644, p. 71.



Misdemeanours of Mr Withers and Mr Fendall', who had previously been chastised along with Wither over the seizure of the Earl of Leicester's property, 'touching a Postscript set to a Certificate made by the Committee of Westminster, in the Business of Mr Eyton's Sequestration'.<sup>50</sup> It is possible that this is a transcription error, and that the original journal refers to Mr Layton's sequestration; Layton is a name featured in one of the itemised examples from the longer of the two undated reports produced by the Westminster committee. If so, this refers to Wither's exchange of his musket worth fifteen shillings for one confiscated from Layton worth £4. It is equally possible that there was another report which has since been lost. Either way, this entry from the Commons confirms that the reports created by the Westminster committee were now in the possession of Parliament, and this marks the beginning of the serious investigation into his actions.

Less than a fortnight later the Commons produced an order 'That the Committee to which the Examinations of the Miscarriages of Mr Withers, in the Committees of Westminster, was referred, do meet, and receive any Informations concerning any Misdemeanors of any other Persons that are appointed to be Committees'.<sup>51</sup> Parliament had decided to broaden the scope of their investigation to ensure that none of their other sequestrators had been committing similar repeated offences.

By the end of October 1645 Wither had petitioned the central committee requesting a copy of the charges against him. An order was dispatched to Westminster to this effect, along with a request for them to submit all of their evidence to the central committee within a week; this echoed the order from October the previous year. This time the matter did proceed, and on 7<sup>th</sup> November Wither and representatives from the Westminster committee both attended a hearing before the central committee. The committee was authorised to cross examine Wither and his servant, whose name was unfortunately omitted, as well as any other witnesses they could produce; Wither was also given permission to cross examine witnesses himself.<sup>52</sup> It is possible that the servant was the same servant referred to in the fragmented report; Wither had supposedly 'placed a servant of his owne amongst the Clerkes of the Office', who was 'altogether insufficient for the place'.

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<sup>50</sup> HCJ, Vol 4, 16<sup>th</sup> August 1645, p. 244.

<sup>51</sup> *Ibid*, 27<sup>th</sup> August 1645, p. 255.

<sup>52</sup> TNA SP 20/1, pp. 1071, 1088.

On 21<sup>st</sup> November the central committee produced another order instructing the Westminster committee to re-examine Wither's servant within a week. A date of 28<sup>th</sup> November was set for the final hearing of the case, but this was postponed first until 17<sup>th</sup> December, and then until 2<sup>nd</sup> January.<sup>53</sup>

In the meantime Wither petitioned the central committee directly, with the somewhat impertinent observation that his salary was still due, and the Westminster committee were understandably refusing to pay. He noted that they had 'sequestred & sould all his goods', but his wife had been granted the fifth portion she was entitled to as maintenance. However, the committee claimed that Wither owed them money, which is consistent with the accusations that he stole sequestered property without paying for it, and they threatened to confiscate his wife's house and turn the family out of doors. Wither claimed that his 'poor fortune being this ruined in his service of the Commonwealth' was due to 'his ignorance or error', and pleaded that 'his poore wife and family may not be made vagabonds & be utterly destroyed by the extream severety of the Committee who thus p[er]secute him'.<sup>54</sup> He and his wife did not have any children together, but she was a widow so may have had children from her first marriage. Wither also enjoyed a close relationship with the children of his brother Richard; they were the principal beneficiaries of his will, so it possible that at least one of them was being brought up in his household.

Wither was being disingenuous in pleading ignorance or error in his petition. As a sequestrator appointed at the beginning of the process he would have received detailed printed instructions explaining how to carry out his duties. He had been reprimanded multiple times by both Houses of Parliament, who would undoubtedly have reiterated to him how to amend his behaviour. Nevertheless, he continued to act contrary to the sequestration ordinances, and to the discredit of Parliament. When assessing his actions combined with his previous dismissals from various roles, it is more reasonable to conclude that he was simply a corrupt man seeking to increase his own fortune and standing.

At the final hearing on 2<sup>nd</sup> January 1645/6 the central committee evidently dismissed his claim that he was being persecuted by Westminster, and after hearing the evidence on both sides confirmed that 'he is within the ordinance for

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<sup>53</sup> TNA SP 20/2, pp. 1, 43, 90.

<sup>54</sup> TNA SP 46/104, f. 30r.

Sequestrations and therefore it is ordered That his estate be forthwith sequestred according to the ordinance'.<sup>55</sup>

Wither's response to the committee's decision was to launch an appeal. He submitted a new petition, in which he introduced the topic of Mr Holborn's sequestration, which was previously highlighted in the fragmented report. Wither noted that the primary charge against him was 'his p[er]mitting a s[e]rvant of Mr Holborn to take goods of her M[aster] that your petitioner was trusted with out of his howse in June 1643 which was pressed by the Councell against the petitioner to be in aid and assistance to the Enemy'. Wither argued that 'at the tyme the said goods were removed by Mr Holbourns servant he was then a member of the howse of Commons and continued soe seaven months after', and that therefore he had not been formally recognised as a delinquent by Parliament and was free to take his own property. Wither also claimed that the Westminster committee had produced evidence at the hearing that he had not seen before, and so had been unable to fully defend himself. He requested a rehearing of his case, confident 'of the justice of his hon[oura]ble Committee as well to acquit the innocent as condempe the guiltie'.<sup>56</sup>

This petition was discussed by the central committee on 9<sup>th</sup> January, but they were unsure how to proceed. They postponed further discussion until the 23<sup>rd</sup> of that month, but placed a stay on the sale of Wither's goods in the meantime. On the 23<sup>rd</sup> they finally confirmed that they 'doe not thinke fitt to rehear the petitioners case but doe thinke fitt and order that it be reported to both Houses that they may take such consideration of him & his service to the P[ar]liam[en]t as in their wisdomes shall be thought fitt'.<sup>57</sup>

The committee submitted a double-sided report to Parliament, which miraculously has survived. It has been reproduced in its entirety in Appendix E. The report contains a timeline of Wither's misdemeanours, as well as the action taken against him and explanations of which ordinances he had violated. The report reveals that the central committee had been 'inclined to releive him', but had eventually decided against it because 'it was very rare for that Committee to admit a rehearing'.<sup>58</sup> Parliament apparently had no such inclination to relieve Wither, and they did not

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<sup>55</sup> TNA SP 20/2, p. 94.

<sup>56</sup> TNA SP 46/104, f. 31r.

<sup>57</sup> TNA SP 20/2, pp. 106, 125; SP 46/104, f. 32r.

<sup>58</sup> TNA SP 46/104, ff. 33r:33v.

produce any orders for his relief. In March the central committee referred to the case again, and instructed Westminster 'to deale with the petitioner as they doe with other men'.<sup>59</sup>

Instead of receiving any relief from Parliament, in the summer of 1646 Wither was arrested and imprisoned for debt by the Committee of Accompts. He once again petitioned the central committee for help, and they asked the Committee of Accompts to explain the imprisonment. In August and September two petitions from Wither were referred to John Bradshaw for judgement, but unfortunately the reports he produced have not survived. On 19<sup>th</sup> August the central committee decided to recommend that Wither receive the £120 he had asked for in December 1645, which he claimed was his unpaid salary from Westminster, and which would allow him to pay his bail. However, for some reason this matter was not reported to Parliament until 19<sup>th</sup> March the following year, so he remained incarcerated.<sup>60</sup>

By December 1646 the central committee realised that Parliament had not responded to their report and suggestion that Wither be relieved, and so on 18<sup>th</sup> December they appointed either the Earl of Denbigh or Lord North to take the report to the House of Lords 'for their favour in respect of many services [Wither] had done for the state'. The Earl of Denbigh duly presented the case to the Lords on 8<sup>th</sup> January 1646/7, and put the question 'Whether an Ordinance shall be brought in, for taking off the Sequestration of the said Anthony Withers'. Unfortunately for him, 'It was Resolved in the Negative'. They did, however, agree to let him have the £120 for his bail in March.<sup>61</sup>

Wither remained undeterred in his relentless attempts to get his sequestration discharged, and in May 1647 the central committee summoned six men to attend a hearing the following Friday afternoon to gather further testimonies. The men were Westminster treasurer John Jackson, Roger Wilford, Humfrey Seale, Anthony Wootton, John Frampton, and Nicholas Danvile. In July Wither reiterated his desire 'to have his cause formerly heard by this Committee reheard'. John Bradshaw's name again appeared in the records, and he was instructed 'to consider whether there bee any new matter or cause permitted by the said Mr Withers for a rehearing & to

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<sup>59</sup> TNA SP 20/2, p. 249.

<sup>60</sup> *Ibid*, pp. 378, 446, 468, 557; HLJ, Vol 9, 19<sup>th</sup> March 1646/7, p. 87.

<sup>61</sup> TNA SP 20/3, p. 43B; HLJ, Vol 8, 8<sup>th</sup> January 1646/7, p. 652; Vol 9, 19<sup>th</sup> March 1646/7, p. 87.

report the same to this Committee on Wednesday next come seavenight'.<sup>62</sup> This is the final entry relating to Wither in the central committee's order books, so it can be assumed that Bradshaw concluded the sequestration should stand without rehearing. Recognising that Bradshaw's word was final, Wither temporarily admitted defeat.

Aside from a complaint in May 1648 that the Earl of Chesterfield was 'rearing of a Building' in Covent Garden which he considered 'very prejudicial to his Habitation',<sup>63</sup> he spent the rest of the war and the first year of the Commonwealth living relatively quietly. Following the dissolution of the Committee for Sequestrations in 1649 Wither's case was absorbed by the successor Barons of the Exchequer Court of Appeals. On 14<sup>th</sup> February 1649/50 he again attempted to have his case discharged, but they refused to act without approval from Parliament. On 4<sup>th</sup> March 1649/50 he approached the Committee for Compounding, who agreed to temporarily suspend his sequestration. However, on 31<sup>st</sup> January 1650/51 a further order was produced for the sale of his goods.<sup>64</sup> The penultimate reference to his case in the House of Commons was on 20<sup>th</sup> February 1651/2, when the question was put whether to refer his case to the Committee for Compounding and 'clear and restore him to his former Capacity', but it was rejected.<sup>65</sup> However, on 3<sup>rd</sup> June 1652 the Commons agreed that 'the Consideration of the Case of Mr Anthony Withers, of Covent-Garden, be referred to the Commissioners for compounding, to hear and determine the same'. On 2<sup>nd</sup> October 1651 he was finally discharged from sequestration.<sup>66</sup>

The case of Anthony Wither is extremely important. It raises the very serious question of why Parliament chose to appoint a man with such a bad reputation to a position of power in 1643. Potential answers to this question are the fact that he was wealthy, which also begs the question of whether bribery was involved; he was vaguely Parliamentarian in his leanings, in spite of his previous work for Charles I; he also had friends in high places, and enjoyed the patronage of the Earl of Bedford before the war began. His role as a cloth commissioner had given him experience of raiding property and dealing with local authorities, invaluable knowledge for a

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<sup>62</sup> TNA SP 20/3, pp. 292A, 355.

<sup>63</sup> HLJ, Vol 10, 25<sup>th</sup> May 1648, p. 282.

<sup>64</sup> Mary Anne Everett Green (Editor), *Calendar, Committee for Compounding: Part 3* (London: HM Stationery Office, 1891), pp. 2204-2236; hereafter Green, *Compounding: Part 3*.

<sup>65</sup> HCJ, Vol 7, 20<sup>th</sup> February 1651/2, p. 95.

<sup>66</sup> *Ibid*, 3<sup>rd</sup> June 1652, p. 139; Green, *Compounding: Part 3*, pp. 2204-2236.

sequestrator. However, his previous employment had demonstrated that he had a problem with authority, was manipulative and conceited, had stolen property from innocent people, and had been imprisoned for slander. There is too much surviving evidence against him for Parliament to plead ignorance about his character and past. Wither was an opportunist who had tried to make money by the sale of stolen sequestered property, and line his own purse instead of that of the state. He was not above accepting bribes, and if the Westminster committee's reports are to be believed, he sought to exercise undue power over his colleagues to advance his own career. Nevertheless, the central committee treated Wither suspiciously leniently, and in the later years of the 1640s they did their best to have his sequestration discharged. Their motives for doing this are unclear. It seems with hindsight that they should have dismissed Wither when the first accusations were made against him, rather than allowing him to continue as a sequestrator until 1645.

## Conclusion

This thesis has sought to shed light on an unexplored aspect of the infrastructure of English Civil War government at national and local level. The new database of sequestration appellants is a groundbreaking resource for understanding how warfare affected far more people than just the soldiers, and it adds to our knowledge of how the contest between crown and parliament was fought away from the battlefields. The database has revealed the statistics of sequestration appeals for the first time, and has provided an absolute minimum number of appellants. This information is invaluable, and plotting it onto visual media, such as the maps in Chapter 2, brings the process to life in a way that looking at the data in the Excel spreadsheet simply cannot do. If we can learn this much about the early modern state only using the central committee's five order books, of less than 3,000 pages, the possibilities held by the Committee for Compounding's 269 volumes, containing tens if not hundreds of thousands of pages, is immense.

Arguably the most significant piece of research to come out of this thesis, in terms of challenging the existing historiography, is that relating to John Bradshaw. Scholars to date have been unable to answer the question of why his name was put forward as Lord President of Charles I's trial, and indeed most texts have claimed that his appointment was anomalous because he was an unknown lawyer who had contributed very little to the Parliamentary campaign during the 1640s. The evidence presented in Chapter 3 about his contribution to sequestration cases during the English Civil War demonstrates that he was not a man who was 'not much known in Westminster Hall'. He was not a man who had 'played hitherto no noticeable part in the affairs of the nation' with 'little eminence at the Bar'. He was not a man who deserved the insults of 'knavish lawyer', 'disreputable little attorney', or 'a lawyer of the second rank'.

Surely this answers the question of why he was appointed as Lord President. The central sequestration committee oversaw one of the most vital Parliamentary wartime policies, and Bradshaw was the single most important individual involved in its machinery. His work demonstrated to the leading politicians who were members of the committee, and to both Houses of Parliament, that he was a trustworthy and reliable man, capable of reaching impartial decisions based on the legal knowledge he had, rather than provide judgements which invariably favoured Parliament. He was a good and honest man who was dedicated to his work and

unfailing in his duty. Although he was not the first choice for Lord President he was accepted because his reputation in Westminster Hall was far greater than has hitherto been assumed.

Nevertheless, his involvement with sequestration still begs the question of how an honest man who took such trouble to ensure that the cases he dealt with received the correct legal judgement was willing to accept the role of Lord President of a trial to kill a King, without any precedent in English history. There is no indication in his surviving sequestration reports that he was vehemently anti-monarchical, or indeed even vehemently pro-Parliamentarian. He was certainly sympathetic to the Parliamentarian cause and had witnessed opposition to Charles I as a student, but there is an extreme difference between supporting the Parliament through legal work, and condemning the King to death.<sup>1</sup> Unfortunately the scarcity of documentary evidence about Bradshaw's life means that this will probably remain unsolved; the seizure of his chambers at Gray's Inn in 1660 on the orders of the newly restored King undoubtedly meant that all of the surviving material attributed to him was condemned to fiery destruction.

The Act of Indemnity and Oblivion introduced by Charles II specified that the deceased Oliver Cromwell, Henry Ireton, John Bradshaw, and Thomas Pride would all be posthumously attainted for their roles in the execution of Charles I, and that their 'Lands, Tenements, Goods, Chattels, Rights, Trusts, and other the[ir] Hereditaments' would be secured for the crown. After spending so many years of his career working with sequestration cases, Bradshaw himself was sequestered.<sup>2</sup> His death the previous year meant that he escaped a public and painful execution, but although Charles II was unable to exact revenge upon his body he and his supporters completely destroyed Bradshaw's reputation. It is time to look beyond the royalist invective about John Bradshaw, the monster, and become re-acquainted with John Bradshaw, the lawyer.

The most vital next step in the study of sequestration is to expand the database by introducing three new datasets; the surviving records created by county

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<sup>1</sup> My thanks are due to Lawrence Newport for a very stimulating conversation about this matter in the Institute of Education's bar, without which I wouldn't have stopped to ponder it.

<sup>2</sup> *Anno regni Caroli II, regis Angliae, Scotiae, Franciae, & Hiberniae, duodecimo at the Parliament begun at Westminster, the five and twentieth day of April Anno Dom. 1660, in the twelfth year of the reign of our most gracious sovereign lord Charles, by the grace of God, of England, Scotland, France, and Ireland King, defender of the faith, &c.* (London, 1660); EEBO Wing (2<sup>nd</sup> ed) / E1144, p. 10.



committees;<sup>3</sup> the records of the Barons of the Exchequer Court of Appeals, which succeeded the central sequestration committee after the execution of Charles I in 1649 and also produced order books; and crucially the extensive surviving records created by the Committee for Compounding, which continued to function until the Restoration in 1660. Whereas the petitions to the central committee broadly speaking were either appealing against the fact of the sequestration and protesting innocence, or were appeals from dependents for maintenance money, the records from the Committee for Compounding deal with delinquents who acknowledged that they were guilty in Parliament's eyes, and who surrendered themselves in order to regain their property. There was not much overlap between the two groups, so merging the records will provide a much fuller and clearer picture of the extent of sequestration between 1643 and 1660.

Expanding the database will also enable the compilation of local histories of sequestration, both at town and county level. This will serve the dual purpose of expanding our knowledge of the civilian cost of the Civil War, and also provide new and specific information about exactly where the active supporters of both Charles I and Charles II were from. This in turn will provide new conclusions about the spread of news, and of the attitudes of certain areas of the country towards monarchy.

This thesis is the beginning of an immensely complex and invaluable social and political study, not the end of one.

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<sup>3</sup> County committee papers have only survived sporadically and with varying levels of information, so it would not be possible to find detailed lists for each location providing names of everyone who was targeted, but exploring surviving orders and letters should provide additional names.

## Appendix A – Central committee members’ attendance

Central committee members who attended between ten and forty times

Name	Age at first attendance	First attendance	Last attendance	Total	% of attendance lists
William Ellis	34	27th March 1643	18th August 1648	35	29.2%
John Gurdon	47	27th March 1643	22nd November 1648	32	26.7%
Robert Nicholas	48	5th April 1644	18th August 1648	32	26.7%
Basil Feilding, 2 <sup>nd</sup> Earl of Denbigh	35	19th May 1643	19th April 1648	29	24.2%
John Lisle	33	27th March 1643	3rd January 1649	26	21.2%
Sir Nathaniel Barnardiston	54/55	27th March 1643	15th November 1648	26	21.2%
Sir John Trevor	46/47	27th March 1643	23rd August 1648	25	20.8%
Algernon Percy, 10 <sup>th</sup> Earl of Northumberland	40	12th June 1643	1st January 1647	23	19.2%
William Cecil, 2 <sup>nd</sup> Earl of Salisbury	52	27th October 1643	22nd April 1646	22	18.3%
Sir Thomas Middleton	56/57	27th March 1643	10th November 1648	17	14.2%
William Fiennes, 1 <sup>st</sup> Viscount Saye and Sele	61	10th June 1643	3rd June 1646	17	14.2%
Edward Montagu, 2 <sup>nd</sup> Earl of Manchester	43	7th May 1645	22nd November 1648	17	14.2%
Sir Gilbert Gerard	57	27th March 1643	6th September 1648	16	13.3%
Henry Grey, 10 <sup>th</sup> Earl of Kent	49/50	25th March 1644	30th January 1647	16	13.3%
Edward Howard, 1 <sup>st</sup> Baron of Escrick	Unknown	6th October 1643	6th September 1648	15	12.5%
William Ashurst	Unknown	27th March 1643	22nd November 1648	15	12.5%
Sir William Masham	52	23rd December 1644	6th September 1648	15	12.5%
John Trenchard	56/57	27th March 1643	14th June 1648	14	11.7%
William Grey, 1 <sup>st</sup> Baron Grey de Warke	51	31st May 1644	18th March 1647	13	10.8%

Edmund Prideaux	42	27th March 1643	11th August 1648	11	9.2%
Sir Thomas Woodhouse	Unknown	27th March 1643	15th May 1646	11	9.2%
Robert Rich, 2 <sup>nd</sup> Earl of Warwick	58	5th February 1645	30th January 1647	10	8.3%

Central committee members who attended fewer than ten times

Name	Age at first attendance	First attendance	Last attendance	Total	% of attendance lists
Sir Peter Wentworth	53	27th March 1643	9th August 1648	8	6.6%
Robert Devereux, 3 <sup>rd</sup> Earl of Essex	54	11th March 1645	3rd June 1646	8	6.6%
Philip Wharton, 4 <sup>th</sup> Baron Wharton	30	6th October 1643	23rd September 1646	6	5%
Denis Bond	54	27th March 1643	12th June 1643	5	4.2%
John Glynne	39	27th March 1643	17th December 1645	4	3.3%
Gilbert Millington	45	6th October 1643	26th April 1644	4	3.3%
Denzil Holles	43	18th September 1643	31st May 1644	4	3.3%
Oliver St John, 1 <sup>st</sup> Earl of Bolingbroke	61	21st November 1645	9th January 1646	3	2.5%
Sir Thomas Barrington, 2 <sup>nd</sup> Baronet	57	27th March 1643	21st June 1644	3	2.5%
Henry Rich, 1 <sup>st</sup> Earl of Holland	53	19th May 1643	12th June 1643	3	2.5%
Francis Willoughby, 5 <sup>th</sup> Baron Willoughby	41	29th April 1645	12th September 1645	3	2.5%
Mr Scott	Unknown	10th May 1648	3rd January 1649	3	2.5%
John Manners, 8 <sup>th</sup> Earl of Rutland	40	12th February 1645	19th September 1645	2	1.7%
Oliver St John, Solicitor General	45	27th March 1643	1st January 1647	2	1.7%
William Monson, 1 <sup>st</sup> Viscount Monson	Unknown	4th October 1643	27th June 1645	2	1.7%

Philip Sidney, Lord Lisle	24	11th October 1643	29th April 1645	2	1.7%
Sir Peter Temple, 2 <sup>nd</sup> Baronet	51	25th March 1644	5th April 1644	2	1.7%
Sir Thomas Dacres	56	5th April 1644	24th July 1644	2	1.7%
Sir Benjamin Rudyard	71	5th April 1644	31st May 1644	2	1.7%
Henry Grey, 1 <sup>st</sup> Earl of Stamford	45	24th January 1645	15th August 1645	2	1.7%
Edward Herbert, 1 <sup>st</sup> Baron Herbert	61	5th February 1645	11th March 1645	2	1.7%
Edward Montagu, 2 <sup>nd</sup> Baron Montagu	28	11th March 1645	3rd June 1646	2	1.7%
Earl of Elgin	46	12th September 1645	6th October 1645	2	1.7%
Lord Hayward	Unknown	12th November 1645	22nd April 1646	2	1.7%
Theophilus Clinton, 4 <sup>th</sup> Earl of Lincoln	45	21st January 1646	3rd June 1646	2	1.7%
Nicholas Love	40	3rd January 1649 C	16th March 1649	2	1.7%
Cornelius Holland	42	27th March 1643	27th March 1643	1	0.8%
John Pym	58	27th March 1643	27th March 1643	1	0.8%
Sir Martin Lister	40	4th October 1643	4th October 1643	1	0.8%
Sir Henry Vane	54	11th October 1643	11th October 1643	1	0.8%
Sir Robert Pye	58	27th October 1643	27th October 1643	1	0.8%
Miles Corbett	49	1st November 1643	1st November 1643	1	0.8%
John White	53	5th April 1644	5th April 1644	1	0.8%
Sir William Lytton	57	5th April 1644	5th April 1644	1	0.8%
John Goodwin	40	5th April 1644	5th April 1644	1	0.8%
Captain Skinner	Unknown	24th July 1644	24th July 1644	1	0.8%
John Maynard	40	26th July 1644	26th July 1644	1	0.8%
Sir Robert Stone	Unknown	14th May 1645	14th May 1645	1	0.8%
Thomas Grey, Lord Grey of Groby	22	16th May 1645	16th May 1645	1	0.8%
James Cranfield, 2 <sup>nd</sup>	23	21st November 1645	21st November 1645	1	0.8%

Earl of Middlesex					
Mr Say	Unknown	3rd January 1649	3rd January 1649	1	0.8%
Major Salloway	Unknown	3rd January 1649	3rd January 1649	1	0.8%

In addition to these members were fifteen men who were appointed to the committee in 1643 by either the House of Commons or House of Lords, but whose names never appeared on the attendance lists. They were Henry Marten, Mr Whittacre, Mr Blakiston, Mr Rigby, Mr Cage, Sir Henry Vane junior, Sir Arthur Haselrig, Mr Nicoll, Mr Washhall, Sir John Corbett, Sir Henry Ludlow, Sir John Dryden, Sir William Strickland, Mr Long, and Lord Newnham. As attendance lists do not exist for every committee meeting it cannot be assumed that they never attended; they merely do not appear in the lists we have.

There were also four gentlemen recorded as present at meetings with the added note that they were 'not of the Cotee'; Mr Gormiston attended on 23<sup>rd</sup> January 1645/6, and Messrs Bosevile, Boughton, and Grimstone all attended a week later on 30<sup>th</sup> January. They have been omitted from the list above.

Appendix B – John Bradshaw’s surviving reports in sequestration case files

Reference	Name of appellant	Status	Location	Date of 1 <sup>st</sup> JB report
SP 20/11/35	Francis Howard	Sir	Surrey	02.07.1645
SP 20/10/16	Anne Devereux	Widow	Sussex	05.07.1645
SP 20/11/19	Anthony Hinton	Esq	Yorkshire	06.08.1645
SP 20/11/24	Elizabeth Dent	Widow	Northumberland	16.08.1645
SP 20/11/22	John Trevor	Sir	Buckinghamshire	19.09.1645
SP 20/11/10	Hugh Henn	Page of the King’s bedchamber	Surrey	26.09.1645
SP 20/11/18	Joan Hatcher	Widow	Suffolk	12.01.1645/6
SP 20/10/38	Jane, Susan and Mirabella Hills	Spinsters	Cambridgeshire	06.03.1645/6
SP 20/12/38	Henry Delves	Esq		10.06.1646
SP 20/12/44	John Heath	Scrivener		17.06.1646
SP 20/12/41	Margaret Houghton	Dame	Lancashire	04.08.1646
SP 20/11/15	Richard Houghton	Sir, Baronet	Bedfordshire	12.08.1646
SP 20/12/25	Henry Hastings	Esq	Dorset	16.08.1646
SP 20/12/49	Christopher Downley			24.08.1646
SP 20/12/51	William Helwys	Sir	Yorkshire	05.09.1646
SP 20/12/13	Elizabeth Coventry	Lady		01.10.1646
SP 20/10/59	Basil Denbigh	Earl of		02.10.1646
SP 20/12/54	George Hening	Clothier	Worcestershire	05.10.1646
SP 20/12/22	Margaret Heath	Dame	Kent	07.10.1646
SP 20/12/31	Robert Coytmor			12.10.1646
SP 20/11/27	John Pointz			15.10.1646
SP 20/12/43	Christopher Collier	Gentleman	Staffordshire	23.10.1646
SP 20/12/6	Anne Wilmot	Viscountess		07.12.1646
SP 20/12/2	Ellen Hogton		Lancashire	07.01.1646/7
SP 20/12/3	Edward Hilton	Gentleman	Norfolk	12.01.1646/7
SP 20/12/14	Thomas Hassall		Hertfordshire	17.02.1646/7
SP 20/12/17	William Heycross		Hampshire	08.03.1646/7
SP 20/12/10	Richard Birkenhead		Kent	16.03.1646/7
SP 20/11/25	John Cooke	Gentleman		28.05.1647
SP 20/13/16	Anthony Trethewey		Middlesex	04.06.1647
SP 20/13/18	Elizabeth Doughty	Widow		04.06.1647
SP 20/13/29	Katherine and Anne Arundel	Spinsters	Wiltshire	14.07.1647
SP 20/13/67	Mark Cottle	Gentleman	London	16.07.1647
SP 20/10/22	William Osborne	Salter	London	21.07.1647
SP 20/10/47	Andrew and Matthew Kenrick			30.08.1647
SP 20/13/11	Robert Ducy	Esq	Worcestershire	05.11.1647
SP 20/13/8*	Ellen Byron	Widow	Lancashire	16.11.1647
SP 20/13/21	Eleanor Bird	Widow	Westminster	13.12.1647
SP 20/13/68	Atherton Heaton	Gentleman	Lancashire	16.02.1647/8
SP 20/13/51	Gregory Cole	Esq		24.02.1647/8
SP 20/13/49	Francis Coventry	Esq		25.02.1647/8
SP 20/13/52	Hugh and John Ducy		Gloucestershire	01.03.1647/8

SP 20/12/20	Sybil Harvey	Widow		04.03.1647/8
SP 20/12/57	Walter Compton		Worcestershire	04.03.1647/8
SP 20/13/26	Katherine and Mary Hening	Spinsters		04.03.1647/8
SP 20/13/54	William Duke	Esq		02.06.1648
SP 20/12/33	Griffin Divall		Lincolnshire	03.09.1648
SP 20/13/24	Mary Cooke	Widow		16.11.1648

**Appendix C - Three notices of appointment issued to individual ‘Sollicitor[s] or Agent[s] for Sequestrations’ by the central committee**

1<sup>st</sup> January 1643/4 (entered into the book on 3<sup>rd</sup> January 1643/4)

Whereas information & prooffe hath byn made to us the Comittee of Lords & Comons for sequestration of the debaist & disorderly demeanour & likewise of the unfittnes & incapability of Edward Downes formly appointed by us the sd Comittee Sollicitor or Agent for Sequestrations for the County of Wiltes, Wee the sd Comittee of Lo & Comons appointed for the orderinge & furthering of that service (by vertue of sevrall ordinances of both Houses of Parliamt made for the seizing & sequestringe the estaets of certaine kinds of notorious Delinqts & Papists) doe hereby annul frustrate & make voide the Commission or other authority derived from the sd Comittee to the sd Edwd Downes, And whereas wee the sd Comittee are very well satisfyd That Henery Twoogood gent is an able active & trusty man for the discoveringe & conventinge the psnos & estates of the sevrall kinds of Delinqts & Papists mentioned in the sd ordinances of Parliamt and may very much augmt the pffitt & further the service for the benefitt of the state wch without an active obedience of such pson to see the sd ordinances put in execution must consequently be retarded and many psons comprehended within the sd ordinances and their estates remaine undiscovered and unsequestred By vertue therefore of the sd ordinances wee the sd Comittee of Lords and Comons appointed for the orderinge & furtheringe of the sd service doe hereby appointe & constitute in his stead you the sd Henery Twogood to see the sd sevrall ordinances for the future strictly put in execution in manner & forme as in & by the same ordinances are regarded in the sd County of Wilts & from tyme to tyme to give us an account of the whole pceedings therein and to take further directions from us for the pceedinges thereupon as wee shall thinke fitt & soe cause to give you concerninge the same all wch wee expect & require you to see carefully performed, And for the better execution of the sd service wee doe further hereby give you power to require the Trayned Bands or any other forces under command of the Parliamt Constables & all other officers and psons within the sd County to be aydinge & assisting to you upon, where, and as often as you shall have occasion to use them or any of them for the furtherance of the service whoe are hereby enjoyned to yeild obedience unto you upon sight hereof att their perills Given under our hands this first day of Janaury 1644

To Henery Twoogood gent appointed Sollicitor or Agent for Sequestrations in the County of Wiltes in the place of Edwd Downes formerly appointed Sollicitor or Agent for the sd County.

Pembroke-Mont	Salisbury	B Denbigh	Du North	Jo Wylde
Nath Barnardiston	W Ashurst	Hen Pelham	William Ellis <sup>1</sup>	

7<sup>th</sup> January 1645/6

Whereas sevrall ordinances have bin made by both houses of plt for the seizing & seqtring of the estates both reall & psonall of all Delinqts & of 2 pts in 3 to be devided of the estates both reall & psonall of all Papists for the use of the Comonwealth as in the sd sevrall ordinances is Contained & expressed wee the Comittee of Lords & Comons for the seqns according to the said ordinances doe nominate & appointe John Wolridge of Peetersfeild in the County of Southton esq to be Sollicitor for all the sequestrations wthin the Devisions of Basingstoke & Kingscleare in the sd County of Southton & doe hereby appointe & authorize the said John Wolridge by himselfe his Agents & Deputies to see the said ordinances for seqns put in execution & to doe &

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<sup>1</sup> TNA SP 20/1, pp. 515-6.



execute all & evry thing & things as Solicitor for the Sequestrations in the sd Devisions of Basingstoke & Kingscleere according to the Contents of the sd ordinances of pliamnt in that Case made & pvided & wee doe alsoe in & by these presents make Constitute & appointe the sd John Wolridge by himselfe or by his Sufficent deputy or deputies to be Steward of all the [Lordships] Cots Baron & Customary Cots of all Delinqts & Papists exepting onely the Mannors & Landd of the Deane & Chapter wthin the sd Devision or belonging to their or any of their Mannors or Lops wthin the sevrall devisions aforesd. Given under our hands dated the 7<sup>th</sup> day of Januar A Dom 1645

R Denbigh    Jo Trevor    Wm Ellys    Du North  
Nath Barnardiston<sup>2</sup>

2<sup>nd</sup> June 1648

According to the Commission you have recd to bee Solicitor to the Cot of Parliamt in the County of Wilts you are to use your best care & diligence to finde out and discover all Papists & Delinqts in the County aforesaid not yet discovered & pceeded agst according to the ordinces of Parlt on that behalfe pvided & pdse [produce?] them to the Committee in the County aforesd & faithfully psecute herein on the states behalfe accordinge to the ordnces of Parlt for Seqns Alsoe that none of them bee suspended or discharged from the Seqns of their Estates without an order from both houses or the Comittees of Lords & Comons for Seqns or of compositions at Goldsmithes hall. You are to see that delinqts lands or estates reall bee let at such yearely vallue as the same are worth to bee set & to take care that true Inventories bee made of their psonall Estates & that the most of them bee made to the states advantage &c accordinge to the true intent of the ordinces in that behalfe. You are to see that the said ordinces touchinge Seqns bee duely put in Execution & if any doubts doe arise or any neglect bee in Execution thereof you are to certify the same to this Co that you may receive further direction therein & for the purpose aforesayd you are to bee made acquainted with the bookes Paps Informations, bargaines, contracts, certificates, Receits, Asignations & discharges, concerning the Premises for the better furtherance of the sd service & give an acct thereof unto this Co as often as you shall bee hereunto required. You are to receive your due ffees and allowances for your service appointed by the ordnce from the Trer or Trers to the Committee in the County aforesaid out of such Moneyes as have beene or shall bee rayسد & recd to the use of the state in that County since the date of yor Comn.

To Mr Tho Ffrench gentl Soll to the Co of Parlt for Seqns in Com Wilts.<sup>3</sup>

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<sup>2</sup> TNA SP 20/2, p. 98.

<sup>3</sup> TNA SP 20/5, p. 82.

## Appendix D - The accusations made against Anthony Wither, 1644

### Document 1:

1. There were divers Oak boards of good value which were seized as the goods of Serjeant Frannces a delinquent and intended to have been Inventoried and apprayed & sold for the use of the use of the State but before they could be put into such a condition he sent the same away to his owne house, and never brought them to accompt nor allowed any thing for the same to the use of the State.
2. There were divers pcells of Seacoles of good value at the Suke of Richmonds stables in St Martins Lane which were seized as the goods of one Bradoap a delinwuent and were intended to be Inventoried apprayed & sold as aforesaid but before they could be put into such a condition he gave the same to Sir Richard Greenville who gave him 2 qter of oates for the same the which he took to his owne use, & never brought the same to accompt nor allowed any thing for the same to the use of the State.
3. There were a great pcell of wheat straw at the same stables which were seized as the goods of the said Duke a delinquent which were intended to be Inventoried apprayed & sold as aforesaid, but before they could be put into such a condition he gave pcell of it to Sir Richard Greenville, And the residue thereof being about two loads he caused to be sent away for his owne use and never brought the same to Inventory or allowed any thing for the same to the use of the State.
4. There were divers goods of good value which were seized as the goods of Mr Penruddock a delinquent and the Lady Bartue his wife which were intended to be Inventoried & apprayed & sold as aforesaid but before they could be put into such a condition, he caused divers pcells of them to be carried home to his owne house & never brought them to accompt nor allowed any thing for the same to the use of the State.
5. Item there were 4 peeces of tapistrey handings which were seized as the goods of Sir Thomas Stafford a delinquent taken at Whitehall which were suitable soe apprayed together the which apprayement he caused to be altred & made the appraysors to apprayse one of the same peeces by it self at a lesser value then the same were apprayed at before and afterward took it away at the value it was apprayed at and left the other 3 peeces behind by reason whereof the said 3 peeces being soe dismembered could not be sold for soe great an advance as they might have been in case th'other peece had not been soe taken from them.
6. There were 3 picktures sett in rich gilded frames which were seized as the goods of Sir William Killigrew a delinquent & Inventoried togeather for which there were iiil prefered, and afterwards he caused the 3 frames to be taken off from the picktures & to be apprayed for his owne use at a small value by reason whereof the said picktures could be sold but for xviiis vid it being as much as then they were esteemed to be worth without the frames.
7. There were divers goods of great value seized as one Mr Wilmots goods a delinquent which were afterwards discharged by the said Mr Wither without any order or consent of any of the Committee for the doeing whereof the said Mr Wilmot gave him a mare which he accepted of & thereby the State was defrauded of the said goods.
8. That the said Mr Wither being of an ambitious proud & turbulent spiritt & ayming at his owne private ends carries such a sway and doth soe over awe all the officers & most of the Committee at all sittings except it be when some of the Committee who are Parliament men are [illegible] that what he wills

noe man dare deny nor oppose him and by that meanes workes his owne ends & doth what he l[ikes] both for his owne & others advantage whome he pleaseth to favour and to the disadvantage of such as he pleaseth not to favour as may appeare by many pticulers and for that end procures the Committee to sitt uppon forenoones to put the State to unnecessary charges for dynners when none of the Parliament men can be there.

9. When goods are apprayseed and fitt for sale he will not let the Collectors sell the goods to such psons and for such prizes for the good of the State as they would not let any psons buy but such as he pleaseth and if he have a mind to any goods for himselfe or his frends he will take them away at the prizes they are apprayseed at whether the Collectors will or noe & will not suffer them to be sold at the best advantage for the State as he hath done in many pticulers.<sup>4</sup>

Document 2:

1. By the quantitie of goods bought by him being more then will furnish 3 such houses as that wherein he dwelleth though himselfe never lost any goods by plundering.
  2. By the contention that hath rysen about the haveing of goods in that office, occasioned by the power he assumed to take unto himselfe what goods he thought fitt though taken from others after sale, Peticulerly from two members of the house such as they had bought & contracted for.
  3. By the p[ro]ceed of the moneys made since he hath been questioned being much more then formerly hath been made in the like tyme though lesse quantitie of goods & not soe with in value have since come in.
  4. Mr Blake haveing bought a pickture for 6s & paid for it was taken away from his by his appointm[en]t & sent to his house – he paying but 3s 2d for the same.
- 
1. He hath directed the Apprayors to appraise the goods at halfe the value they were worth to be sould in these tymes, alledging that if he weare to buy 100l worth he would look to make 20l thereof in regard of the distractions of the tymes.
  2. He were usually psent himselfe when any choice goods were brought in, & such as he liked he would set apart from thother before they were apprayseed, to thend they might appraise them at such rates as they might be fitt for his owne buying.
  3. That whereas the Apprayors were ordered to appraise all the goods that were seized when they were brought into the office, though they had given some estimate of them before, Mr Wither when he had accepted of 8 peeces of hangings very rich of Mr Mountagues at the price of 36l as they were valued when they were bought to the office, he finding them afterwards to be estimated at 32l in the house where they were, grew angrey with one of the apprayers & called him knave for that he had cozened him of 4l, and turned him out of his place for the same, though afterwards he offering the same handings to Mr Spence an upholster to sell might had had 60l for them but would not sell them under 70l.
  4. A sattin gowne petticote & wascote being apprayseed on purpose for Mr Withers his buying at 3l he was much discontented for apprayeing it soe deare & said they did it on purpose to rayse him.

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<sup>4</sup> TNA SP 28/212, ff. 99r:100v.

5. All the goods he bought himselfe he took alwayes at the lowest rate they were valued at, & would never give any advance for himselfe or his frends as others did.  
Yet to give some Colour thereof he did sometymes cause them to be valued lower & then would sometymes give the true valuation as an advance.
6. He did cause the Appraysors to alter the appraysment and did sometymes alter the appraysment himselfe and by that meanes got goods at what rate he pleased namely 2 [illegible] skinnes for 20s which were then well worth 20l.
7. He changed worsor goods of his owne for better which he found there, namely a musket of Mr Laytons worth 4l for one of his worth 15s.
8. Armes that he seized some he converted to his owne use as Mr Edward Bussells Armor supposed to be worth 20l.
9. He did take out pcells of ware which were necessarily to be sould together & soo spoyled the sale of th'other as namely making choice of one peece of hangings of Sir Thomas Staffords it was valued for him at a lower rate then the rest which by that meanes are hundred in the sale and this was done since his being questioned And whereas a scarlet coat & suite was valued at 3l 10s he caused the coat being unworne to be valued at 30s & because the suite worne out was thought to be deare at 40s ten shillings was abated to accomodate his bargaine.

Examples 10 and 11 were crossed out, but are still legible;

10. He hath taken divers goods unpraysed & before they were lawfully sequestred as Coles & wood from Mr [blank] before the 10 dayes were expired allowed by the ordinance to plead thereto.
11. He hath fetched away goods from the Earle of [blank] children by his owne power when the Committee had ordered them to remayne there for their owne use.<sup>5</sup>

### Document 3:

The first page of this fragmented report has been lost, and it is unclear whether another page followed on from it. The only surviving page contains two additional charges against him;

Thirdly he hath holpen to convey goods of a delinquent from heare to Oxford as Mr Holbornes goods, whereof some are yet in his owne house, others he hath disposed of abroad in others' names to conceale the same as namely under the name of Mrs Floyd divers goods belonging to the Lady Dudley & her husband: And hath pured a passe for her servants to goe thither.

Fowerthly, he hath placed a servant of his owne amongst the Clerkes of the Office allowing him 15s p week being more then any of the rest have, yet altogether insufficient for the place, one Mr Lacy an able Clerk being put out to let him in, this man informes what choice goods come in & doth carry home some small portable goods as his M[aste]r likes or makes choice of who says he doth expect his man should be asmuch respected as himselfe.<sup>6</sup>

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<sup>5</sup> TNA SP 28/212, ff. 98r:98v and 101r.

<sup>6</sup> TNA SP 28/212, folio unclear.

## Appendix E - The report submitted by the central committee to Parliament in January 1645/6 concerning Anthony Wither

The Committee of Westminster sequestered the estate of Mr Anthony Wither a Member of that Committee who appealed to the Committee of Lords and Commons and after proofes made on both sides which were certified the cause was heard upon the proofes and thereupon the case appeared to be that Mr Robert Holbourne a Member of the howse of Commons being possessed of a lease of a howse in Covent Garden well furnished with howsholdstufte in June 1642 went away and left the key of his howse and goods with Mr Wither a ffreind and near Neighbour in Covent Garden who tooke some of the goods to his owne howse and lett the howse with some of the goods to an other member of the howse of Commons at a rent after Mr Holbourne was at Oxford with the King in October 1642 his wife was at Bath then the Parliaments Quarters and writ a letter to Antony Wither to London giving him thanks for a letter writ to her husband concerning the Pliaments intentions towards him after Mr Robert Holbourne in Dec 1642 writes a letter from Oxford to Antony Wither giving him thanks for his kindnes and takes notice of his wives letter from Bath and of a letter writt by Antony Wither to him which was not received.

31th of March 1643 The first ordinance of sequestration was made that whosoever hath or shall give any aid or assistance against the Pliament shall be a delinquent & sequestred.

Antony Wither about June 1643 declared he would not have any goods of Mr Holbourns but he would through them out of doores rather than endanger himselfe. June 1643 Mrs Floyd a servant of Mr Holbourns come to Antony Wither from Oxford for her Master's goods hath the key from Mr Wither and removes some to sevrall places in London others to the howse of Mr Robert Holbourne.

August 1643 The 2<sup>nd</sup> ordinance of sequestration was made wherein is the clause against concealment of delinquents goods under the penaltie of forfeiting the treble vallue.

October 1643 The order against letters & intelligence was made upon hearing 2 January last the opinion of the Committee of Lords and Commons was that Mr Wither was within the ordinance of sequestration and thereupon it was ordered that his estate be sequestred but upon debate thereof some members of the Committee were not satisfied.

After Mr Wither petitioned That Committee of Lords and Commons for a rehearing and offered some reasons that Mr Holbourne was not putt out of the howse till the 22th of January 1643 which was after the tyme of Mr Wither consented that Mrs Floyd should have the goods whereby he alledged that those goods at that tyme were Mr Holbourns and that what he did was to deliver the goods he was trusted with for his use that trusted him there being noe restraint upon them and Mr Wither further offered testimony that all those goods though they were removed by Mrs Floyd yet after the estate of Mr Holbourne was sequestred the same were seized and disposed of to the Pliamts use.

And concerning writeing of the letters he offered to make it appear that it was before restraint and that the same were sent to the Lady Holbourne when she was at Bath which then was not the Kings Garrison or Quarters & desired his former service might be taken into consideration and desired to stand or fall by the Justice of the Committee upon a rehearing but confessed that his confidence of his innocency made him not soe provident as he might have benn before the first hearing to have produced the order of the 22th of January 1643 nor prove that all the goods came to the Pliaments use.

Upon the whole matter the Committee was of opinion his case was very considerable & inclined to releive him but because it was very rare for that Committee to admit a rehearing it was the opinion of the Committee that his case be reported to both

Howese that they may take such consideration of him and his service to the Pliament as in their wisdomes should be thought fitt & give their opinion whether upon the whole matter he ought to be sequestred or discharged & have restitution of the vallue of the estate seized & disposed of by force of the sequestration.<sup>7</sup>

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<sup>7</sup> TNA SP 46/104, ff. 33r:33v.

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